

TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT

IN THE MATTER OF:	:	TRANSCRIPT
	:	
CASE: ZB-24-06	:	OF
PUBLIC SERVICE ELECTRIC AND	:	
GAS COMPANY	:	REMOTE PROCEEDINGS
35 Mount Pleasant Avenue	:	
Block 155; Lots 26.01	:	
	:	X

Thursday, September 19, 2024
Zoom Remote Hearing
Commencing at 8:00 p.m.

BOARD MEMBERS PRESENT:

PHILIP D. NEUER, Chairman
BRENT DRAPER SCOTT
MICHAEL DANNEMILLER, (Alt)
MARK SUSSMAN

ALSO PRESENT:

DIANA CHANDLER, Board Secretary
JOHN HESS, Board Consulting Engineer
GEORGE WHEATLE WILLIAMS, Town Planner
JOSEPH FAGAN, Meeting Moderator

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1 A P P E A R A N C E S:

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3 SAVO, SCHALK, CORSINI, WARNER, GILLESPIE,
4 O'GRODNICK & FISHER, P.A.
5 BY: STEVEN WARNER, ESQUIRE
6 Attorneys for the Board

7

8 CHIESA, SHAHINIAN & GIAN TOMASI, PC
9 BY: ERICA ANTONYA PARLAVECCHIO, ESQUIRE
10 and JENNIFER M. PORTER, ESQUIRE
11 Attorneys for the Applicant

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14 KEVIN MALANGA, ESQUIRE, Pro Se

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I N D E X

WITNESS PAGE SWORN

JOHN FUTEY

By Ms. Parlavecchio 5

By the Board..... 9

By Mr. Malanga..... 41

NOREEN MERAINER

By Ms. Porter..... 69

By the Board..... 96

By Mr. Malanga..... 108

E X H I B I T S

EXHIBIT DESCRIPTION PAGE

A-8 through A-12 Photographs of existing
PSE&G substation fences 88A-13 Photograph of East
Rutherford substation 117

PUBLIC MEMBER COMMENTS:

Micaela Bennett.....page 52/115

Sally Malanga.....page 59

Joyce Rudin.....page 61

1 CHAIRMAN NEUER: The application which we
2 have on our agenda for this evening is ZB-24-06, Public
3 Service Electric and Gas Company for property at 325
4 Mount Pleasant Avenue.

5 Ms. Parlavecchio, you're taking over this
6 evening to start the application, is that correct?

7 MS. PARLAVECCHIO: Yes, that's correct. So
8 I'll start with the opening and get through most of the
9 direct and then whenever Jen Porter arrives back here
10 she will take over for me.

11 CHAIRMAN NEUER: Okay. So please place
12 your appearance on the record.

13 MS. PARLAVECCHIO: Sure. Erica Antonya
14 Parlavecchio with CSG Law on behalf of the Applicant,
15 PSE&G.

16 CHAIRMAN NEUER: And I again missed the
17 last couple of hours of the meeting but I did listen to
18 the audio tape and so certified. And as I looked
19 through my notes taken when I was going through the
20 audio, we finished the testimony, cross-examination,
21 and public examination of Mr. Briones. We finished Mr.
22 Michael Blake, Professional Civil Engineer. We
23 finished Mr. John Copa, Electrical Engineer. And we
24 had the direct testimony of Mr. Futey, F-u-t-e-y,
25 Landscape Architect. His direct examination was

1 concluded and we started the Board examination. The
2 only Board member who didn't get to move forward with
3 questioning was Mr. Schwarzbaum.

4 So let's go with the remaining members of
5 the Board starting with Mr. Dannemiller. Do you have
6 any questions for the landscape architect?

7 BOARD MEMBER DANNEMILLER: I have no
8 questions for the landscape architect.

9 CHAIRMAN NEUER: Thank you, sir. Mr.
10 Scott?

11 BOARD MEMBER SCOTT: Yes, I have some
12 questions, Mr. Chairperson.

13 CHAIRMAN NEUER: I'm sorry, we have to have
14 -- even though he was sworn last week, Mr. Warner,
15 would you be so kind -- Mr. Futey, turn on your video?
16 And there is Ms. Porter.

17 MR. WARNER: Mr. Futey, if you could raise
18 your right hand, please? Do you swear to God or affirm
19 that the testimony you're about to give is the truth,
20 the whole truth, and nothing but the truth?

21 THE WITNESS: I do.

22 MR. WARNER: Thank you.

23 J O H N F U T E Y, having been duly
24 sworn, testifies as follows:

25 MS. PARLAVECCHIO: And Mr. Chairperson, if

1 you would like I can provide a brief opening statement
2 or if you want to just go and start with John Futey
3 it's up to you.

4 CHAIRMAN NEUER: It's your case. If you
5 would like to make a brief opening statement I'll
6 certainly honor that request.

7 MS. PARLAVECCHIO: Sure. I'll just be
8 really brief just to refresh everyone's memory and for
9 those who were not at the last meeting. So we were
10 last here on September 12th. As you have noted we had
11 finished direct examination of Mr. John Futey, and
12 today we will obviously hope to finish that.

13 We had presented our civil engineer,
14 Michael Blake, who had provided testimony about the
15 site plan, as well as the existing and proposed
16 conditions on the site. In addition to that he
17 provided some detail about the stormwater management
18 upgrades that are being proposed on the site due to
19 NJDEP requirements as well as green infrastructure
20 regulations.

21 Our next witness at our last meeting was
22 John Copa who discussed the electrical engineering
23 aspects of the 26kV replacement, the lighting proposed
24 on the site, as well as the additional lightning mass
25 that we will be providing. And Mr. Copa discussed the

1 underground work that's being proposed, and as a result
2 of that underground work and some other siting of
3 equipment why we couldn't move switchgear equipment to
4 other locations on the site.

5 And Mr. Futey as we noted started
6 testifying with respect to the proposed landscape plan.
7 He provided some very specific detail about different
8 trees on the site and why those trees need to be
9 removed, whether it be from improvements on the site,
10 underground equipment, or stormwater improvements.

11 My hope for tonight is after we finish with
12 the Board questions for Mr. Futey and the public
13 questions that we will then have Noreen Merainer who
14 will testify in her capacity as a Professional Planner.
15 And as a lot of questions have come up about the
16 details about the proposed fence replacement, she will
17 be able to discuss those as well as the material.

18 And as a brief update at our last meeting
19 Jen Porter indicated in a response to some questions
20 about pillars in the new fence, because initially we
21 hadn't proposed to add pillars. PSE&G is willing to
22 add pillars along the Mount Pleasant Avenue and
23 Prospect Avenue frontages as part of the fence
24 replacement. The hope is that the pillars will be
25 spaced approximately 30 feet apart so that the fence

1 kind of has the look and the feel of what is existing
2 today. And so in conjunction with that adding pillars
3 will make the fence slightly taller than the 8 feet we
4 had initially sought the variance for. So I guess to
5 clarify the variance we're seeking, we will have the
6 fence with pillars be no taller than 9 feet.

7 And Ms. Merainer in addition to her
8 testimony about the materials of the fence can kind of
9 walk the Board a little bit through what those pillars
10 might look like and show some samples of other fences
11 that have been used so that you can get a feel for what
12 the new fence will look like with these pillars.

13 So that kind of concludes my opening, and
14 if the Board doesn't have any questions for me Mr.
15 Futey can resume answering Board questions.

16 CHAIRMAN NEUER: Before we go into that I
17 need to place on the record the fact that I did attend
18 at the Municipal Building to inspect the fence. I was
19 there this morning. I spent about 20 minutes looking
20 at it, making sure I didn't cut my hand on the ugly one
21 that they're not using. And I will in part base any
22 decision I make on that inspection of the exemplar of
23 the fence.

24 I understand that none of my fellow Board
25 members took advantage of that opportunity. They have

1 time to do it because we're not going to finish
2 tonight. So I would recommend that if you have any
3 questions, concerns regarding the fence you take a look
4 at it. It's painless. Ms. Parlavecchio, please
5 continue.

6 MS. PARLAVECCHIO: Sure. So I have nothing
7 further as part of my opening. I understand Mr.
8 Dannemiller has no questions for Mr. Futey but
9 obviously other Board members have the opportunity to
10 questions.

11 CHAIRMAN NEUER: Mr. Scott was about to
12 start. Mr. Scott the floor is yours.

13 BOARD MEMBER SCOTT: Thank you. Let me say
14 that I have visited the site two weeks ago, or maybe
15 even three weeks ago when this matter first came to us,
16 walked around the facility, looked at the trees --

17 CHAIRMAN NEUER: Mr. Scott, could I ask you
18 to increase your volume just a bit, please?

19 BOARD MEMBER SCOTT: Speak up? How's that?

20 CHAIRMAN NEUER: That's better.

21 BOARD MEMBER SCOTT: Okay. That's probably
22 what's going on. What I said was I want to put it on
23 the record that I also visited the site several weeks
24 ago when this matter first came to the Board to look it
25 over and to walk around, glean whatever information and

1 understanding I could from it.

2 Okay. Mr. Futey, was preserving trees
3 considered in the planning process for this site?

4 THE WITNESS: It was, in relation to the
5 construction, the proposed construction, and the impact
6 that they would have on the existing vegetation.

7 BOARD MEMBER SCOTT: What type of impact?
8 Could you be a little bit specific about that?

9 THE WITNESS: Well, in terms of, for
10 example, we have the bioretention basins going in, the
11 footprint of those, and also the grading that would be
12 required to fit those on-site.

13 BOARD MEMBER SCOTT: An did you find that
14 any of the existing trees would interfere with that?

15 THE WITNESS: Yes. And that's reflected on
16 the tree removal plan.

17 BOARD MEMBER SCOTT: Thank you. Are you
18 aware that the West Orange Tree Ordinance in its
19 findings and purpose states that a 2023 study was
20 commissioned by the Township of West Orange and found
21 that the tree canopy was dramatically declining?

22 THE WITNESS: I did see that.

23 BOARD MEMBER SCOTT: You did see that? And
24 did that have any effect on your preparation to save
25 trees or protect trees in your plan?

1 THE WITNESS: Well, yes. We are in
2 accordance with the Ordinance in terms of our tree
3 protection, as has been verified by Mr. Kipp, the town
4 Forester. And the limit of disturbance is really held
5 to the new construction improvements. Trees are only
6 removed within that disturbance.

7 BOARD MEMBER SCOTT: Thank you. Can you
8 tell us how many years will it take for trees that you
9 intend to plant to reach the height and breast of the
10 canopy that exists presently?

11 THE WITNESS: Probably 40 to 50 years to
12 reach maturity. That's a pretty standard growth rate.

13 BOARD MEMBER SCOTT: Forty to 50 years?

14 THE WITNESS: Yes, correct. We're talking
15 about heights as they are now probably in the 50- to
16 60-foot range.

17 Q. Yes, okay. There's a provision on page
18 eight of the June 2024 Tree Ordinance under prohibition
19 Items number 12, no person shall remove trees if it
20 would constitute a significant change in the screening
21 between existing or proposed structures on rows and/or
22 adjacent to lots.

23 CHAIRMAN NEUER: I'm sorry. Which
24 paragraph are you reading from, Mr. Scott?

25 BOARD MEMBER SCOTT: That is the June 2024

1 Tree Ordinance under prohibition Item number 12.

2 CHAIRMAN NEUER: Thank you.

3 BOARD MEMBER SCOTT: Can you address at
4 that, Mr. Futey?

5 THE WITNESS: Well, as I mentioned, the
6 tree removal that we do have is really in direct
7 relation to the proposed work to facilitate the
8 improvements to the yard.

9 BOARD MEMBER SCOTT: As you know, a number
10 of West Orange residents have objected to a lot of the
11 tree removal. Do you find that they presented
12 evidence, their testimony, and I believe others will
13 this evening. Are you saying that all of those are not
14 relevant or that they just don't matter?

15 THE WITNESS: I'm not saying that they
16 don't matter, but I am saying that we are in compliance
17 with the new Tree Ordinance that was adopted in June of
18 this year. And that was after we were in compliance
19 with the original tree ordinance at the time of our
20 application.

21 I would also point out within the ordinance
22 that there is an exemption under that section. It's
23 actually Section "D" regarding public utilities and the
24 need for permits, but we're going through the
25 permitting process. We do have a review from Walt

1 Kipp, the Town Forester, who is the ultimate surveyor
2 of the Ordinance verifying our compliance with the new
3 ordinance in terms of the counts, in terms of the
4 species.

5 BOARD MEMBER SCOTT: Thank you. Would it
6 be fair to say that if you cut the trees that you
7 propose to cut along the fence, the fence line on
8 Prospect Avenue and Mount Pleasant, it would remove the
9 screening that we were just discussing?

10 THE WITNESS: It will remove some of the
11 trees. A lot of the ones on Prospect Avenue have
12 already been removed. And that was at the direction of
13 the previous Forester, Ron Carr, who approached PSE&G
14 directly because they were posing a hazard. Limbs were
15 falling on the road. That was taken under advisement.
16 Those trees have been removed, so the safety hazard has
17 been taken care of. A lot of those trees on that
18 frontage have already been removed. We're not
19 proposing on removing many more. The only reason would
20 be, again, for the health of the trees only, not for
21 the tree replacement.

22 As you go on to Mount Pleasant we are
23 proposing, we're moving trees around the entry area for
24 the realignment of the road and the bioretention basins
25 and the fence installation. So there's a lot of work

1 that's happening there. Trying to save anything there
2 I think would be detrimental to any of the trees there
3 and probably shorten their life, so we're going back
4 with new plants that can then establish in that
5 location, and they're mostly evergreen trees.

6 And that's one of the other things with the
7 new plan that we're going back with. We're being much
8 more intentional about the planting and the screening.
9 We are proposing a number of evergreen tree species
10 which do not exist on the site now. Right now, and I'm
11 sure as you saw when you visited the site, it's
12 primarily deciduous trees from the fence line all the
13 way back to the station. So in the wintertime, for
14 example, deciduous trees lose their leaves. The view
15 into that station you have the branches and everything
16 but you can see all the way through. What our plan
17 does is actually we have a zone more or less in the
18 middle of our planting along Prospect Avenue in
19 particular with those evergreen species. So we'll
20 maintain the I'll call it the visual capacity that you
21 get from what's there today with the deciduous trees
22 but we're going to have an actual evergreen barrier
23 behind that now. Now that we can be a lot more
24 intentional with what we're going back with.

25 CHAIRMAN NEUER: Mr. Scott, excuse me just

1 one moment. Ms. Parlavecchio, do you have a Court
2 Reporter tonight? I didn't see the Court Reporter from
3 the last meeting on the screen.

4 MS. PARLAVECCHIO: I believe it is Iris.

5 THE COURT REPORTER: Yes, it is, Mr.
6 Chairman. Iris LaRosa.

7 CHAIRMAN NEUER: Thank you. Mr. Warner,
8 would you administer the oath to Ms. LaRosa?

9 (Whereupon, Mr. Warner administers the oath
10 to the Court Reporter.)

11 I R I S L a R O S A, the Certified
12 Shorthand Reporter is duly sworn.

13 CHAIRMAN NEUER: Thank you, both. Back to
14 you, Mr. Scott.

15 BOARD MEMBER SCOTT: Thank you. Mr. Futey,
16 you mentioned that some of the trees were being taken
17 up in order to accommodate a new road or --

18 THE WITNESS: Road alignment. The
19 realignment of the entry off of Mount Pleasant.

20 BOARD MEMBER SCOTT: And in order to do
21 that you will be taking down more trees?

22 THE WITNESS: Well, the ones that are
23 accounted for at the -- closest to the corner of Mount
24 Pleasant and Prospect. And again, there's bioretention
25 basins there's, there's the road realignment, and

1 there's also the replacement of the fence that's
2 happening there. So there's a lot of work that's
3 happening there, construction access, for example. So
4 most of those trees in that zone in particular are
5 coming down.

6 BOARD MEMBER SCOTT: And about how many
7 trees will that be?

8 THE WITNESS: I have in that exact location
9 probably nine trees.

10 BOARD MEMBER SCOTT: And those are healthy
11 trees?

12 THE WITNESS: Those are viable trees per
13 the ordinance, yes.

14 BOARD MEMBER SCOTT: And do you know how
15 old those trees are?

16 THE WITNESS: I would estimate again we're
17 talking in the 40- to 50-year area.

18 BOARD MEMBER SCOTT: So to replace them
19 would take literally the life-span of pretty much all
20 of us here?

21 THE WITNESS: Yes, 40 -- for us a little
22 bit longer, but yes.

23 BOARD MEMBER SCOTT: Okay. That's what I
24 mean. Have you considered moving the road just a
25 little bit further in a different direction in order to

1 save those trees?

2 THE WITNESS: That's really outside my
3 purview. That's really more of an engineering
4 decision.

5 BOARD MEMBER SCOTT: That's an engineering
6 decision?

7 THE WITNESS: Correct.

8 BOARD MEMBER SCOTT: Very well. Thank you.
9 How tall are the existing trees that you plan to cut
10 down that are located along Prospect and Mount Pleasant
11 Avenue?

12 THE WITNESS: Again, we're talking about
13 before -- I'd say 50 feet on average. Fifty, 60 feet
14 probably.

15 BOARD MEMBER SCOTT: And how many years
16 would it take for the new trees to provide screening
17 equal to the existing trees?

18 THE WITNESS: Well, that's I guess a little
19 bit of an interesting question. Because we have the
20 evergreen trees going in I would expect a pretty decent
21 screen with those within probably ten years they'll be
22 reaching an appreciable height. So you'll have that
23 visual barrier from the roadway looking into the
24 station. And they'll grow together as well, which is
25 the intent. We plant them so that the foliage

1 essentially touches, so you'll get that wall of green.

2 BOARD MEMBER SCOTT: And in ten years about
3 approximately how many feet would that be?

4 THE WITNESS: Depends on the species, but I
5 would say you're getting a good 10 feet worth of
6 growth.

7 BOARD MEMBER SCOTT: And presently they're
8 15 feet you were saying; is that right?

9 THE WITNESS: Fifty. The existing, but
10 they're about 50 feet but they're also deciduous trees.
11 So again, deciduous as you know, foliage that's on the
12 trees it provides pretty excellent screening. However,
13 in the colder seasons, in the winter, dropping of
14 leaves. And as you can see on the site you can see all
15 the way through to the station.

16 BOARD MEMBER SCOTT: Has it ever been a
17 problem with that with the trees being bare in the fall
18 months?

19 THE WITNESS: No. I'm just saying in terms
20 of a visual looking into the site.

21 BOARD MEMBER SCOTT: Mr. Futey, have you
22 designed landscaping for PSE&G in the past, and if so
23 how many times?

24 THE WITNESS: I have. I mean, in terms of
25 the stations I'm involved in I would estimate seven or

1 so.

2 BOARD MEMBER SCOTT: And of those projects
3 did they require cutting down trees 40 feet or more in
4 diameter?

5 THE WITNESS: I'm sorry. Can you repeat
6 that? The audio cut out a little bit.

7 BOARD MEMBER SCOTT: I'm sorry. Of those
8 times when you designed projects for PSE&G did it
9 require cutting down trees of 40 inches in diameter?

10 THE WITNESS: I don't know about 40 inches
11 but we've had some mature trees that we've had to take
12 down, sure.

13 BOARD MEMBER SCOTT: So they will be
14 smaller than 40?

15 THE WITNESS: Right. In the upwards of,
16 though. I mean, we've had I'd say trees of a similar
17 age span in some of those projects.

18 BOARD MEMBER SCOTT: Okay. Was it because
19 they were the communities that know, or what reason --
20 if you had trees were there trees that were of that
21 size but you didn't take down?

22 THE WITNESS: Only if it was outside the
23 scope of the work, the limit of disturbance. We're
24 very conservative when we analyze these sites, so we're
25 not going to go out and indiscriminately recommend

1 trees come down. But if we do see the nature of the
2 work, the proposed plan based on engineering
3 requirements that as I mentioned if there's an
4 improvement, there's grading in relation to that
5 improvement that might detrimentally impact the health
6 of that tree within a short span or even a long span we
7 will recommend that it does get taken down.

8 We also should mention that as part of our
9 process, our design process we work hand-in-hand with
10 PSE&G vegetation management within their internal team.
11 They are beholden to additional authorities that have
12 jurisdiction over these sites. So there are Federal
13 requirements, there are state of New Jersey Board of
14 Public Utility requirements that effectively -- it's
15 based on industry standards. There's an ANSI standard,
16 ANSI standing for the American National Standards
17 Institute. They follow that in terms of the evaluation
18 of trees. Basically anything that's proposed by us or
19 anything that's existing on-site they look at that
20 tree, they look at the species. They look at the
21 proposed, or I should say the habit of the tree, the
22 life-span of the tree, its proximity to their
23 equipment, and based on that it also impacts what can
24 and cannot exist around that equipment.

25 Obviously, reliability is of utmost

1 importance. So having trees mature or otherwise
2 directly next to power utilities can be problematic in
3 time. So they have those standards that they rely on
4 as they are beholden to additional regulation.

5 BOARD MEMBER SCOTT: Of course. Thank you.
6 And we're discussing critical infrastructure and we all
7 need that infrastructure, so I understand --

8 CHAIRMAN NEUER: Mr. Scott --

9 BOARD MEMBER SCOTT: Yes?

10 CHAIRMAN NEUER: A little louder.

11 BOARD MEMBER SCOTT: Oh, thank you.

12 Unfortunately I don't have a standing mic in front of
13 me, but can you hear me now?

14 CHAIRMAN NEUER: Better.

15 BOARD MEMBER SCOTT: Okay. What I was
16 saying was, yes, this is critical infrastructure, Mr.
17 Futey, and we understand that it has to be kept safe.

18 To your knowledge has there been any
19 reports that the trees that exist on that site
20 presently on the substation have caused problems that
21 are dangerous?

22 THE WITNESS: I'm not aware of any.

23 BOARD MEMBER SCOTT: Thank you. So the
24 fact that they're there has not caused a problem to
25 date. I believe the last time it was testified that

1 that station has been there for 90 years or more?

2 THE WITNESS: Well, I can't really speak to
3 the whole history of the station. I have been
4 contracted really only for this application. So I can
5 really only speak to my involvement of it. And to my
6 knowledge and what the project team has informed me of
7 I don't know of any issues.

8 BOARD MEMBER SCOTT: Thank you. And when
9 it comes to cooling and shade -- and maybe this is not
10 a question for you. It may be for someone else but you
11 can answer it. Does -- this is a power station and we
12 have been getting warmer, as we all know due to climate
13 change. We've had a couple of hundred-degree days this
14 year. Does the shade protect in covering these
15 substations? Does that provide any type of assistance,
16 help to the substation itself? Is it beneficial?

17 THE WITNESS: For the substation I can't
18 really speak to the electrical equipment and the impact
19 it might have. I can tell you just based on the
20 placement of the trees in relation to the electrical
21 equipment we're talking -- the trees are primarily on
22 the south, pretty far away from the equipment, and the
23 east on Prospect Avenue. So they're not really
24 providing any shade of the electrical equipment today.
25 That would -- because the sun really when it's at its

1 warmest is going to be at the south and the southwest
2 is when you get your afternoon sun. That's really when
3 it's coming across Mount Pleasant Avenue and you're
4 really not getting any shade onto the equipment.

5 BOARD MEMBER SCOTT: Thank you. You said
6 that you have personally not worked on any projects
7 with PSE&G that cut down trees that were larger than 40
8 diameter; is that right?

9 THE WITNESS: Trees have been removed on
10 the projects that I've been on. In terms of 40 inches
11 or not I think we've been probably pretty close but I
12 can't speak to that exact number.

13 BOARD MEMBER SCOTT: Would you say it's
14 common practice for PSE&G to cut down trees that are 40
15 inches in diameter?

16 THE WITNESS: Only if it conflicts with the
17 proposed work.

18 BOARD MEMBER SCOTT: As Mr. Neuer and
19 myself said, we both visited the site. Can I ask how
20 many times you've visited the site, Mr. Futey?

21 THE WITNESS: I have not. Members of my
22 team have.

23 BOARD MEMBER SCOTT: Do you know how many
24 times they visited the site?

25 THE WITNESS: It was a number of times. I

1 don't have the exact number.

2 BOARD MEMBER SCOTT: Do you know what time
3 of year it was that they visited the site?

4 THE WITNESS: The first time -- I believe
5 it was fall that I know of. There were a couple of
6 visits I know but I don't have the exact dates.

7 BOARD MEMBER SCOTT: So if it was in the
8 fall it's possible that the trees were already bare?

9 THE WITNESS: I don't believe so. No.
10 They evaluated it based on what they saw. And you can
11 also tell the health of a tree without all the leaves
12 on the branches. You can tell by the amount of dead
13 wood on it. You can tell if they're suffering or not.

14 BOARD MEMBER SCOTT: And did you perform a
15 health check on all of the trees or your team?

16 THE WITNESS: I worked with my team in
17 terms of evaluating the plant.

18 BOARD MEMBER SCOTT: And your results were?

19 THE WITNESS: They're reflected in the tree
20 removal plan.

21 BOARD MEMBER SCOTT: Were you instructed,
22 and if so by whom, to create the 8-foot tall perimeter
23 fence?

24 THE WITNESS: No. That's not in my scope
25 of this project.

1 BOARD MEMBER SCOTT: I see. That was not
2 you. That was someone else?

3 THE WITNESS: Correct.

4 BOARD MEMBER SCOTT: Would that be the
5 engineer?

6 THE WITNESS: Yes. It's an engineering
7 item.

8 BOARD MEMBER SCOTT: Thank you. And did
9 you inform anyone that the construction of the new
10 perimeter fence would necessitate the cutting down of
11 the trees on the perimeter itself?

12 THE WITNESS: There was a conversation. We
13 do have the demo, the demolition of the existing
14 pillars and the installation of the new fence. So
15 there's construction activity all the way around the
16 site along those two frontages. So obviously we were
17 concerned about proximity to existing trees. As I
18 mentioned, the majority of those have already been
19 removed because they were problematic as the previous
20 Forster had identified.

21 As with the remaining trees we actually --
22 we've kept a number of them along those frontages where
23 the fence line is.

24 BOARD MEMBER SCOTT: Now, the fence that
25 we're discussing that's the outer fence. There is a

1 second fence, a chain-link fence that actually
2 surrounds the substation; is that correct?

3 THE WITNESS: I believe so, but that's in
4 the rear and likely the west side of the station and
5 that's far away from where the work area is.

6 BOARD MEMBER SCOTT: Okay. What is the
7 necessity for the two fences, more importantly what is
8 the necessity for the chain-link fence?

9 THE WITNESS: That's more of a PSE&G
10 question than for me.

11 BOARD MEMBER SCOTT: Okay. With regard to
12 construction of the new fence what steps did PSE&G take
13 to preserve the trees to the greatest extent possible
14 according to the town's Ordinance? Can you go a little
15 bit into detail on that?

16 THE WITNESS: I mean, that's a little bit
17 of an ongoing conversation. It really has to do with
18 the placement of the new -- the demolition like I
19 mentioned of the existing pillars and where the new
20 pillars will be placed.

21 BOARD MEMBER SCOTT: Could you explain the
22 simulation illustration that was presented to us
23 regarding the perimeter of the fence? How old are the
24 trees meant to be in the simulation illustration?

25 THE WITNESS: The new trees in those

1 simulations were approximately ten years old maybe.

2 Again, it's a photo simulation. It gives you an idea.

3 BOARD MEMBER SCOTT: And how tall are they?

4 THE WITNESS: I don't know which one you're
5 talking about. I mean, in terms of those evergreens
6 they're probably spiking into the 15- 20-foot range.

7 BOARD MEMBER SCOTT: So they're pretty
8 small compared to what's under this proposal?

9 THE WITNESS: Well, they're commensurate
10 with what you would expect at that age. Again, due to
11 the species being evergreen you get the benefit of the
12 foliage all year-round.

13 BOARD MEMBER SCOTT: And that's important?

14 THE WITNESS: I believe so in terms of the
15 intentional with the new planting and being able to
16 screen the substation from the public rights-of-way.

17 BOARD MEMBER SCOTT: Basically, the
18 evergreens are by design -- I want to make sure you
19 guys can hear me -- by design meant to screen the
20 facility, the substation completely from public view?

21 THE WITNESS: As much as possible. I don't
22 know about completely. There will be I'm sure angles
23 where you will be able to see in, but as much as
24 possible the idea is to provide a screening, a visual
25 screening of the infrastructure.

1 BOARD MEMBER SCOTT: Is it fair to say that
2 the corner of Mount Pleasant Avenue and Prospect Avenue
3 will not be nearly as green as depicted in the
4 rendering for many years?

5 THE WITNESS: I think it will be similar.
6 We are coming back with additional new plantings in
7 that area. Again, it will take time for them to grow
8 in, absolutely, but there is foliage that will be in
9 that area.

10 BOARD MEMBER SCOTT: Okay. It will take
11 time, but the illustration basically showed it grown at
12 fruition, which is at full height, which can be a
13 little deceptive. Would you agree with that?

14 THE WITNESS: Well, no. I wouldn't say
15 it's full height. I will say it's in progress of
16 growing. It's in the midst of it. If you're in that
17 ten-year range and you've still got 30, 40 years to go
18 to get full height --

19 BOARD MEMBER SCOTT: Can you identify the
20 trees that are on the site?

21 THE WITNESS: I'm sorry. I missed the
22 first part.

23 BOARD MEMBER SCOTT: Can you identify the
24 London Plane Trees that are on the site?

25 THE WITNESS: If you'd like I can pull up

1 the plan.

2 BOARD MEMBER SCOTT: Yes, sure.

3 THE WITNESS: Let me share my screen.

4 BOARD MEMBER SCOTT: Your sharing screen is
5 gone.

6 MS. PARLAVECCHIO: Mr. Futey, just for the
7 record, can you identify this drawing? Is this what
8 was previously submitted to the Board?

9 THE WITNESS: Yes. This is part of the
10 application. This is drawing TR-01. It has a date of
11 8/11/2024. In terms of London Planes, I am aware of
12 4135 that is a London Plane. There are a number of
13 them around. I don't have them broken out. Obviously
14 there is a tree schedule that has them.

15 BOARD MEMBER SCOTT: Do you know the
16 diameter of those trees, the London Planes?

17 THE WITNESS: Offhand I do not. They're
18 listed on the schedule.

19 BOARD MEMBER SCOTT: Do you have an
20 estimate of the ages of those trees?

21 THE WITNESS: Again, that would probably be
22 in the 40 year, 50 year area.

23 BOARD MEMBER SCOTT: Staying with the
24 illustration that you have can you tell us why
25 specifically the London trees are slated to be cut

1 down?

2 THE WITNESS: Well, depends on where they
3 are. Again, it's the nature of the --

4 BOARD MEMBER SCOTT: For instance, the one
5 that you were able to identify. Why --

6 CHAIRMAN NEUER: Mr. Scott, let him finish
7 his answer, please.

8 BOARD MEMBER SCOTT: Thank you.

9 THE WITNESS: This one in particular has to
10 do with underground utilities. There's going to be
11 some trenching going along here. I believe it's an
12 underground load bank, and there's going to be a
13 manhole to access that. That's going to be very, very
14 close to that tree.

15 BOARD MEMBER SCOTT: Okay. And on this
16 plan can you identify the Little Leaf Linden Trees on
17 the site?

18 THE WITNESS: Again, I'd have to reference
19 the numbers on here. They're in the schedule that was
20 provided with this package.

21 BOARD MEMBER SCOTT: My questioning would
22 be along the same lines. How old are those trees and
23 why are they being cut down?

24 THE WITNESS: I'm going to say on the
25 whole, on average most of the trees -- and especially I

1 would say on the Prospect Avenue side of the site we're
2 talking about that 40- to 50 years. It looks like
3 based on historical aerials this was likely left to go
4 fallow at that point in time.

5 The trees that get down here we do have
6 some larger diameter trees I'm aware of. I know this
7 one is a Little Leaf Linden. I know that's a larger
8 diameter tree. It's within the electrified footprint
9 of the station.

10 I do know that there's a tree -- I believe
11 there's a London Plane right here I believe is the one.
12 Also, of a pretty substantial diameter it's also in the
13 electrified part of the station based on the proposed
14 plan, and I am aware of -- like that London Plane Tree
15 actually that I pointed out that's a fairly sizable
16 tree as well.

17 BOARD MEMBER SCOTT: Okay. If we can stay
18 on the map, I just have two more of these.

19 CHAIRMAN NEUER: Mr. Scott, louder, please.

20 BOARD MEMBER SCOTT: Yes. Thank you, Mr.
21 Neuer. I have two more of these. Can you identify the
22 Horse Chestnut Tree?

23 THE WITNESS: The Horse Chestnut Tree? I
24 need a number.

25 BOARD MEMBER SCOTT: Horse Chestnut Trees.

1 Pardon me.

2 THE WITNESS: Same thing. They're
3 identified on the schedule.

4 BOARD MEMBER SCOTT: Yes, but can you
5 identify them on this map for us as to where they are?

6 THE WITNESS: I believe there's a grouping
7 down by this fire retention basin.

8 BOARD MEMBER SCOTT: And what about the
9 Norway Spruce along Prospect Avenue?

10 THE WITNESS: Norway Spruce I believe are
11 along the fence line.

12 BOARD MEMBER SCOTT: And why are
13 specifically the Horse Chestnut and the Norway Spruce
14 being slated to be cut down?

15 THE WITNESS: It would be due to the
16 improvements. Anything as I mentioned around the
17 bioretention basin, the installation of that and the
18 grading required to place that, that would cause the
19 removal because it would be detrimental to the root
20 zone. And anything up here it would either be fence
21 and pillar related, or really health related only at
22 this point. A lot of the ones that had issues have
23 already been removed.

24 BOARD MEMBER SCOTT: You're saying
25 specifically the Norway Spruce that would be cut down

1 to accommodate the fence, the new fence?

2 THE WITNESS: Yes. It depends on the
3 number, you know, which tag, which designation we were
4 talking about.

5 BOARD MEMBER SCOTT: Are you familiar with
6 the New Jersey Big Tree List?

7 THE WITNESS: I am.

8 BOARD MEMBER SCOTT: So were the Norway
9 Spruce and the Chestnut, would they qualify as heritage
10 trees?

11 THE WITNESS: I don't believe they have the
12 EBH that was commensurate with that.

13 BOARD MEMBER SCOTT: You don't think so but
14 you're not certain?

15 THE WITNESS: We did take a look at that
16 and they were not from my knowledge a part of -- it's
17 commensurate trees that were on the list.

18 BOARD MEMBER SCOTT: Mr. Futey did -- I'll
19 speak up here. I'm sorry. Mr. Futey, did you have any
20 discussions with Mr. Blake, the engineer, about
21 preserving trees at the locations of the stormwater
22 detention basins?

23 THE WITNESS: Well, we received input from
24 Mr. Blake, Burns and McDonnell, regarding the nature of
25 the improvement, grading required to place those

1 improvements, and that's what this plan is based off
2 of.

3 BOARD MEMBER SCOTT: I'm sorry. So you had
4 discussions and with regards to preserving trees what
5 did you come up with?

6 THE WITNESS: Well, that's again reflected
7 in the tree removal plan. We kept it as tight as we
8 thought was realistic for the successful planting in
9 keeping -- in time that we keep the existing trees that
10 are remaining and that they will have a long life-span,
11 and also for the proposed trees as well. You know,
12 that's the goal here to have a successful landscape
13 over time.

14 BOARD MEMBER SCOTT: Was it ever considered
15 to put the detention basins elsewhere? I know that you
16 testified already -- or actually the attorney testified
17 that you were in compliance with state law but that you
18 could get a variance from this Board. Was that ever
19 considered to ask for a variance from the Board?
20 Because where you're locating the detention basins does
21 require the taking down of some pretty large trees?

22 THE WITNESS: That's really outside --

23 CHAIRMAN NEUER: Mr. Scott, the Board does
24 not have the power to grant a variance from a state law
25 or requirement. We can only grant variances from the

1 provisions of our Ordinance.

2 BOARD MEMBER SCOTT: Thank you. I'll come
3 back to that one.

4 Mr. Futey, have you ever designed a
5 landscape project where underground stormwater
6 detention tanks were utilized?

7 THE WITNESS: Detention tanks?

8 BOARD MEMBER SCOTT: Yes.

9 THE WITNESS: I have but they've generally
10 been in parking lots.

11 BOARD MEMBER SCOTT: Not at substations?

12 THE WITNESS: No. Not in the projects I've
13 been involved in.

14 BOARD MEMBER SCOTT: Did you ever ask Mr.
15 Blake if it were possible to build underground
16 stormwater detention tanks to enable preserving the
17 trees on the site?

18 THE WITNESS: I did not.

19 BOARD MEMBER SCOTT: Is that commensurate
20 with trying to design a project to save as many trees
21 as possible?

22 THE WITNESS: Well, that again gets into
23 more technical engineering issues with the site in
24 terms of the area that's required by other regulations.
25 So again, the improvements proposed by Burns and

1 McDonnell they provide it to us, we'll have a dialogue
2 back and forth about what trees would be impacted, but
3 those bioretention basins were part of that stormwater
4 design.

5 BOARD MEMBER SCOTT: So it was just never a
6 discussion with you and Mr. Blake that detention tanks
7 could be utilized for this project?

8 THE WITNESS: Not specifically, no.

9 BOARD MEMBER SCOTT: But that would save
10 more trees if it were?

11 THE WITNESS: That really depends on
12 placement. I don't know how that would work. I don't
13 have the engineering on that.

14 BOARD MEMBER SCOTT: To your knowledge is
15 there any state or ordinance that requires an 8-foot
16 tall fence around this facility or facilities like it?

17 THE WITNESS: Well, again, the fence is not
18 in my scope for this project. My understanding of the
19 reasoning is more security based.

20 BOARD MEMBER SCOTT: I understand. Thank
21 you for that, Mr. Futey. Okay. You say you didn't
22 visit the site so I can't ask you that question. Okay.

23 Are there any sections of the wrought iron
24 -- apologies. I'm coming back to the fence and that's
25 not you. My apologies.

1 Finally, is the deterioration a result of
2 PSE&G not properly maintaining -- nope, that goes back
3 to the fence again. My apologies.

4 Thank you Mr. Futey. You have answered my
5 questions.

6 THE WITNESS: Thank you.

7 CHAIRMAN NEUER: Mr. Futey, could you take
8 down your screen share for the moment?

9 THE WITNESS: Of course.

10 CHAIRMAN NEUER: In case someone else might
11 want to see it.

12 Mr. Sussman, questions for the witness
13 based on his testimony?

14 BOARD MEMBER SUSSMAN: No questions for
15 this witness, Mr. Chairman.

16 CHAIRMAN NEUER: Thank you very much.
17 Before I go to our professionals, Mr. Futey, are you
18 familiar with a company called Dutchman Industries?

19 THE WITNESS: I am not.

20 CHAIRMAN NEUER: Are you familiar with
21 companies that manufacture equipment which can be used
22 to relocate trees from one place to another?

23 THE WITNESS: Not specifically.

24 CHAIRMAN NEUER: So in your experience you
25 haven't instead of cutting down a tree, relocated it?

1 THE WITNESS: Typically no.

2 CHAIRMAN NEUER: Do you know whether or not
3 public service has purchased equipment that would
4 enable it to relocate trees rather than removing them?

5 THE WITNESS: I'm not aware of that.

6 CHAIRMAN NEUER: So they didn't make you
7 familiar with any of that?

8 THE WITNESS: No.

9 CHAIRMAN NEUER: Mr. Williams, questions
10 for the witness based on his testimony?

11 MR. WILLIAMS: Thank you, Mr. Chairman.
12 Good evening and welcome back Mr. Futey. Just a point
13 of clarification, and I brought this up during the
14 prior hearing. There are, I believe, two non-municipal
15 standards to which PSE&G must comply. I've heard you
16 mention ANSI but I don't remember whether that was
17 Federal or state, and I didn't hear the second one.

18 THE WITNESS: ANSI is a national standard
19 that really -- those standard are actually, they allow
20 PSE&G to be compliant with the Federal and state
21 regulations.

22 The Federal one that I'm aware of, that is
23 -- the acronym is NERC, N-E-R-C. That is the North
24 American Electric Reliability Corporation. And then
25 the other one is New Jersey Board of Public Utilities.

1 CHAIRMAN NEUER: Just for the record for
2 our Reporter, ANSI is A-N-S-I, all capitals, no
3 periods, no spaces. Please continue, Mr. Williams.

4 MR. WILLIAMS: That was it. Thank you, Mr.
5 Chairman. Thank you, Mr. Futey.

6 CHAIRMAN NEUER: You're welcome. Mr. Hess?

7 MR. HESS: Thank you, Mr. Chairman. Mr.
8 Futey, just one question. I just want to confirm that
9 all the vegetation, trees, shrubs, whatever that's
10 being planted are native species to the area which is a
11 requirement in the Ordinance?

12 THE WITNESS: They're not all native. They
13 are commercially available. They are perfectly viable
14 for the site. And we do also have confirmation from
15 Mr. Kipp in his review letter that the species were
16 acceptable.

17 MR. HESS: Okay. Thank you very much.

18 CHAIRMAN NEUER: For the record, Mr. Futey,
19 then is your testimony, and based upon the letter we
20 received from Mr. Kipp, that the Township Forester has
21 agreed that your plan complies with the new Tree
22 Ordinance?

23 THE WITNESS: Correct.

24 CHAIRMAN NEUER: Okay. Now's the time to
25 open it up to questioning for members of the public.

1 Members of the public, this is your opportunity to ask
2 questions. You will have the opportunity to make
3 statements, present testimony and witnesses at a later
4 point in these hearings, but for this period of time
5 you're permitted to ask questions based upon the
6 testimony.

7 If you wish to be recognized by our
8 moderator kindly raise your hand so that you may
9 present your questions.

10 MR. FAGAN: Mr. Chairperson, before I go
11 Mr. Malanga has his hand raised.

12 CHAIRMAN NEUER: Let's bring Mr. Malanga
13 up. There you are. Mr. Malanga, just as a reminder, I
14 allowed you into the panel based upon the history you
15 have before the Board where you pay a great deal of
16 respect to our rules and regulations and you are
17 usually well prepared to ask questions in an orderly
18 fashion. And although I personally have granted you
19 more than three-minute based upon my reading of the
20 last hearing when you and Mr. Schwarzbaum went back and
21 forth a little bit, I will continue to afford you that
22 right. But it's not an unlimited right. You can't
23 filibuster. We'll start with three minutes and see how
24 well you do.

25 Again, let me simply remind our moderator

1 that the clock runs only while the question is being
2 answered, not during the questioning itself.

3 MR. MALANGA: Good evening, Mr. Chairman.
4 Thank you for that. Members of the Board, good
5 evening. Mr. Flutie (sic), good evening.

6 THE WITNESS: Good evening.

7 MR. MALANGA: Futey, I'm sorry. I'm
8 thinking of the football player. Are you a licensed
9 tree expert?

10 THE WITNESS: No. I'm a licensed landscape
11 architect.

12 MR. MALANGA: Are you a licensed Arborist?

13 THE WITNESS: No.

14 MR. MALANGA: So by virtue of what
15 credential do you opine on the health of trees?

16 THE WITNESS: It is based on our
17 observations of the trees. We work very closely with
18 Arborists. We bring that information back to the
19 project team and there are vegetation experts within
20 PSE&G specifically that evaluate the plan.

21 MR. MALANGA: And you never met any of
22 those experts at this site; is that correct?

23 THE WITNESS: That's correct.

24 MR. MALANGA: Did you prepare a written
25 report as to health of the trees on the site?

1 THE WITNESS: We have a letter of the
2 review provided by PSE&G. And I'd also like to note
3 that as a condition of Mr. Kipps's review letter the
4 Township will be involved with the site from here on
5 out. So for example, the trees that are slated to be
6 removed they'll be tagged in the field. Mr. Kipp's
7 office will review and inspect that tag out. He will
8 also be involved during the removal activities
9 themselves and he will be inspecting the tree
10 protection. So the Township will have representation
11 on-site moving forward.

12 MR. MALANGA: Is there any place on the
13 tree removal plan that you signed that indicates the
14 health of the trees that are set forth?

15 THE WITNESS: Yeah. We have a hatch over
16 the trees that were deemed to be in poor health and
17 were designated separately.

18 MR. MALANGA: So all the trees that do not
19 have hatching over their numbered circles are in good
20 health?

21 THE WITNESS: Yes. They're considered to
22 be viable.

23 MR. MALANGA: All right. So let's talk
24 about number 4084, a London Plane Tree, 30-inch
25 diameter. Is that tree in good health?

1 THE WITNESS: Forty-eighty-four. According
2 to our records, yes, that is a viable free.

3 MR. MALANGA: What is the age of that tree?

4 THE WITNESS: I don't have an exact age,
5 but I would estimate all the trees in that area that's
6 in the 40- to 50-year area.

7 MR. MALANGA: Forty to fifty years. Have
8 you ever heard of a tree growth factor?

9 THE WITNESS: Tree growth factor? I have.

10 MR. MALANGA: So to your knowledge, not
11 without looking up anything on the Internet.

12 THE WITNESS: No. I'm not looking up
13 anything.

14 MR. MALANGA: Do you know what a tree
15 growth factor is?

16 THE WITNESS: I believe it's just the rate
17 of its growth for the tree is my understanding.

18 MR. MALANGA: Are you aware that there is a
19 numerical value that is placed on various species of
20 trees as their growth factor?

21 THE WITNESS: I haven't used such a
22 numerical factor.

23 MR. MALANGA: I'm sorry. Say that again,
24 sir?

25 THE WITNESS: I have not used such a

1 numerical factor, no.

2 MR. MALANGA: So if I were to tell you that
3 the tree growth factor for an Oak Tree, for example, is
4 four, and that one multiplies four by the diameter in
5 inches to obtain the age, would that surprise you?

6 THE WITNESS: I can see that being
7 plausible.

8 MS. PARLAVECCHIO: Respectfully, Mr.
9 Chairman, I'm a little bit unclear as to what the
10 relevance of this discussion is. Mr. Futey has
11 indicated the approximate age of the trees based on his
12 knowledge. Mr. Malanga is not a landscape architect.
13 He's not a licensed arborist. I'm just a little
14 unclear of what the relevance of this discussion is.

15 CHAIRMAN NEUER: Mr. Malanga, please turn
16 your video back on.

17 MR. MALANGA: Oh, I'm sorry.

18 CHAIRMAN NEUER: You accidentally
19 disconnected it.

20 MR. MALANGA: That keeps happening. I'm
21 sorry.

22 CHAIRMAN NEUER: That's all right. Ms.
23 Parlavecchio, I'll give him a little bit of leeway.
24 You've presented Mr. Futey as an expert, and he did
25 offer some testimony regarding heights and ages of

1 trees. I will let it go a little further.

2 MR. MALANGA: So if I were to tell you that
3 the tree growth factor for a London Plane Tree is four,
4 and that one multiplies that number by the diameter in
5 inches to obtain tree number 4084 and age of 120 years,
6 would that surprise you?

7 THE WITNESS: Well, there's more to it than
8 that. I mean, it's probably a good rule of thumb, but
9 obviously there are a number of factors that would go
10 into the growth rate, the size of the tree over time,
11 drought, soil conditions, et cetera. So that might be
12 a good rule of thumb, but I don't think it's absolute.

13 MR. MALANGA: But you're not using that
14 rule of thumb. You're saying that all the trees on
15 this site are 40- to 50-years old?

16 THE WITNESS: I'm saying the majority of it
17 based on the sizes that we're seeing. And I said
18 that's specifically for the area around Prospect
19 Avenue.

20 MR. MALANGA: All right. Mr. Futey, for
21 London Plane Tree number 4135, 46-inch diameter.

22 THE WITNESS: Yes.

23 MR. MALANGA: You're saying the age of this
24 tree is 40 to 50 years?

25 THE WITNESS: No, that's likely longer.

1 That's one of the larger trees on the site.

2 MR. MALANGA: All right. And that's
3 scheduled to be cut down, isn't it?

4 THE WITNESS: It is due to underground
5 utility work.

6 MR. MALANGA: And what is the age of that
7 tree since it's older than 40 to 50 years, what would
8 you estimate that tree to be?

9 THE WITNESS: That could be upwards of 100
10 years, maybe when the station was first constructed
11 here, that was possible.

12 MR. MALANGA: How about London Plane Tree
13 number 4203, 58 inches in diameter. What would you
14 estimate the age of that one to be?

15 THE WITNESS: That's probably in that same
16 range, 80 to a hundred years.

17 MR. MALANGA: So if we're again reverting
18 to the tree growth factor of four times 58 inches, what
19 do we get as an age for that tree, sir?

20 THE WITNESS: It will be -- I don't have my
21 calculator in front of me, but yeah --

22 MR. MALANGA: It's over 220 years old,
23 right, close to 250 years old?

24 MS. PARLAVECCHIO: Mr. Chairman --

25 CHAIRMAN NEUER: Mr. Malanga, you're going

1 a little far afield. First of all, we don't have any
2 information on what you've described as a tree growth
3 factor. You're not an expert. You're asking questions
4 but you've gone a little far afield. The witness has
5 already testified with regard to his belief as to the
6 age of the trees based upon the type of tree and the
7 height. So please let's move on to something else.

8 MR. MALANGA: Yes, Mr. Chairman, I will do
9 so.

10 CHAIRMAN NEUER: Thank you.

11 MR. MALANGA: Mr. Futey, there was a
12 question by Mr. Scott with regard to a Norway Spruce
13 along Prospect Avenue. And that as a 40-inch diameter
14 Norway Spruce. And that was on your plan, your plan
15 dated May of this year and that was scheduled to be cut
16 down; is that right?

17 THE WITNESS: Do you have a number for that
18 one, a tag number?

19 MR. MALANGA: Let me find a number for you,
20 sir.

21 CHAIRMAN NEUER: Mr. Fahey, you can take
22 the clock down now.

23 MR. MALANGA: Number 4251.

24 THE WITNESS: Trying to locate that on the
25 plan. Yes, I see that one, yes. Actually, 4251 is

1 slated to stay.

2 MR. MALANGA: Okay. Well, that's on -- and
3 what is the date of the plan that you are looking at
4 that indicates that tree is scheduled to stay?

5 THE WITNESS: That would be the most
6 current one as part of the application that was
7 submitted for this hearing.

8 MR. MALANGA: Because I'm looking at your
9 plan dated May 9th, 2024 --

10 CHAIRMAN NEUER: Mr. Malanga, let him
11 answer your question.

12 MR. MALANGA: Yes, sir.

13 CHAIRMAN NEUER: What is the date of the
14 plan he's using?

15 THE WITNESS: The revised date on it is
16 8/11/2024.

17 MR. MALANGA: So what is the reason for the
18 change in the plan for that tree between the time of
19 your plan dated May 9th, 2024, to the most recent plan
20 that was submitted?

21 THE WITNESS: We considered -- again, the
22 first round we were very, very conservative about what
23 would come out. We did go back and look at it and its
24 proximity to the fence. The other trees that are along
25 that fence line we believe we can put enough tree

1 protection around there that we will be able to
2 maintain it.

3 MR. MALANGA: All right. So if that is the
4 case that you believe -- and the location of this tree
5 it is right next to the fence? Is it fair to say it is
6 touching the fence?

7 THE WITNESS: I don't know that it's
8 touching the fence, necessarily, but yes, it is in
9 close proximity.

10 MR. MALANGA: The logic that allowed that
11 tree to receive a reprieve from being cut down would
12 that not also hold for the other trees along Prospect
13 Avenue that are being cut down for the fence?

14 THE WITNESS: Well, those are primarily
15 being kept as of this new plan.

16 MR. MALANGA: How about tree number 4136?

17 THE WITNESS: I'm looking for it on the
18 plan right now.

19 MR. MALANGA: It's right near the
20 intersection of Prospect Avenue and Mount Pleasant
21 Avenue.

22 THE WITNESS: Yes, I do see it. Yes, that
23 is slated for removal.

24 MR. MALANGA: How about tree number 4159?

25 THE WITNESS: Fifty-nine?

1 Forty-one-fifty-nine is also slated for removal. We
2 have the fence there. We also have an underground
3 utility that's going to be going in that location.

4 MR. MALANGA: Forty-one-sixty?

5 THE WITNESS: Forty-one-sixty is in poor
6 health.

7 MR. MALANGA: How do you know that?

8 THE WITNESS: That's based on observations
9 on the field.

10 MR. MALANGA: Is that located on the plan?

11 THE WITNESS: Yes. There's a hatch on that
12 one.

13 MR. MALANGA: Well, I'm looking at a plan,
14 it's not hatched.

15 THE WITNESS: Am I looking at the wrong
16 one? You said 4159, correct?

17 MR. MALANGA: Forty-one-fifty-nine and
18 4160.

19 THE WITNESS: And 4160 -- yes, 4159 is
20 being demolished. Yes, 4160 does have a hatch.

21 MR. MALANGA: Well, not the version I have.

22 CHAIRMAN NEUER: Mr. Malanga,
23 unfortunately, and I'm very surprised, you're using the
24 earlier plan. You need to refer to the August plan,
25 which is the plan that's before the Board now.

1 MR. MALANGA: Understood, Mr. Chairman.

2 CHAIRMAN NEUER: And that's attached to the
3 agenda, and it was available since August 12th.

4 MR. MALANGA: That's funny. I took this
5 off the website subsequent to August 12th.

6 MS. PARLAVECCHIO: Respectfully, Mr.
7 Chairman, we've indicated he can look at that plan. If
8 he's referring to the wrong plan, as you just
9 indicated, there's a link to it on the agenda. This
10 plan has been submitted for a significant amount of
11 time now. This plan is made available to the public.

12 CHAIRMAN NEUER: We've had that discussion
13 with Mr. Malanga. If you're not going to be using the
14 more current plan, Mr. Malanga, please go on to a
15 different line of questioning. You're well past the
16 three minutes and I need you to be more focused.

17 MR. MALANGA: All right. Let's talk about
18 -- let's see, tree 4204 and 4203. Those are the two
19 London Plane Trees that we mentioned previously.

20 THE WITNESS: Yes.

21 MR. MALANGA: Did you or anyone from your
22 organization have any conservations with respect to
23 attempting to preserve these trees that are 44 inches
24 and 58 inches respectively?

25 THE WITNESS: We did not. Those are within

1 the electrified perimeter that we're talking about with
2 the nature of the improvements. So again, referring to
3 the ANSI standard that I had mentioned, referring to
4 Federal and state regulations for vegetation management
5 near the electrified equipment those were cited to be
6 removed accordingly.

7 MR. MALANGA: I have no other questions.
8 Thank you, Mr. Futey.

9 THE WITNESS: Thank you.

10 CHAIRMAN NEUER: Thank you, Mr. Malanga.

11 Mr. Fagan, hands up?

12 MR. FAGAN: Yes, Mr. Chairperson. A parent
13 of Robeson Bennett, welcome to the meeting. Please
14 state your name and address for the record.

15 MS. BENNETT: I'm so sorry. I don't know
16 why I didn't change the Zoom name, but my name is
17 Micaela Bennett and I live at Old Indian Road.

18 CHAIRMAN NEUER: The exact address, please.

19 MS. BENNETT: Oh, I'm sorry. 35 Old Indian
20 Road.

21 CHAIRMAN NEUER: Thank you.

22 MS. BENNETT: So Mr. Chairman, I only have
23 a couple of questions for Mr. Futey.

24 CHAIRMAN NEUER: That's wonderful to hear.

25 MS. BENNETT: Mr. Futey, is it customary in

1 your practice to not visit the site that you're going
2 to render expert testimony about?

3 THE WITNESS: It is. Like I said, members
4 of my team have been out to the site. So I've been
5 responsible for the plan, overseeing the plan, and
6 responsible for it moving forward as well.

7 MS. BENNETT: Have you seen photographs of
8 the site?

9 THE WITNESS: Yes.

10 MS. BENNETT: And specifically the trees in
11 question?

12 THE WITNESS: Yes, I reviewed those.

13 MS. BENNETT: So your estimates of age of
14 trees is related to photographs and conferring with --

15 THE WITNESS: And reports.

16 MS. BENNETT: -- conferring with members of
17 your team?

18 THE WITNESS: Correct.

19 MS. BENNETT: Okay. Thank you. In your
20 opinion would you benefit from -- in your opinion would
21 you benefit from an actual review of the site yourself?

22 THE WITNESS: I don't believe it is
23 necessary. Like I said, team members have been out
24 there. I actually have confirmation they've been out
25 there three times in three different season. Again,

1 based on their input, their reports, and the
2 photographs I have a very good handle, I believe, on
3 the site.

4 MS. BENNETT: Thank you. So I'm not
5 familiar with your area of expertise so I apologize if
6 my questions are not as well stated but -- so a
7 landscape architect, are you responsible personally for
8 the design of the plan of the landscaping at this
9 location?

10 THE WITNESS: Yes. The proposed plan and
11 really specifically in providing a plan that is in
12 conformance with the Township Ordinance, which we have
13 done here.

14 MS. BENNETT: Is it -- does your profession
15 also require you to exceed what an ordinance requires
16 if it's a safer plan or a better plan based on what
17 your profession requires?

18 THE WITNESS: Well, we're always beholden
19 to -- as a licensed professional beholden to provide a
20 safe plan without a doubt. And also specifically meet
21 the requirements of the ordinance.

22 MS. BENNETT: But just a slightly different
23 question, and I'll ask it directly related to this
24 plan. So in your profession does your profession have
25 a heightened requirement to preserve trees in the event

1 that you could design the landscape in a way to
2 preserve trees?

3 THE WITNESS: I wouldn't say it was a
4 heightened requirement; it is a requirement. And as I
5 mentioned, this site in particular we have a number of
6 requirements. We have Federal authorities that have
7 jurisdiction over the site. Federal, state authorities
8 that have jurisdiction over the site, as well as the
9 municipal jurisdiction in the form of the ordinance
10 which we are meeting.

11 And preserving trees is absolutely a part
12 of that, so are the needs of the project itself. So
13 it's trying to find a balance as best as possible and
14 meet the requirements of the town.

15 MS. BENNETT: Understood. Did you confer
16 with the PSE&G Forester?

17 THE WITNESS: Their vegetation management
18 team, they do have foresters -- not foresters but
19 actually arborists on their staff.

20 MS. BENNETT: They also have a forester,
21 correct?

22 THE WITNESS: Forester/Arborist. I don't
23 know that forester is the actual designation, but I
24 know they're arborists.

25 MS. BENNETT: Okay. Only because I've had

1 the recent opportunity to meet the PSE&G Forester I
2 know they have a Forester, and I'm surprised that the
3 Forester hasn't --

4 MS. PARLAVECCHIO: Mr. Chairperson, I'm
5 unclear what the relevance is. Mr. Futey's indicated
6 multiple times that he may have had discussions with
7 the vegetation management at PSE&G. Whether or not he
8 had a specific discussion with what Ms. Bennett refers
9 to as the PSE&G Forester I'm not sure how that has any
10 relevance to this discussion.

11 CHAIRMAN NEUER: It is relevant and I'll
12 allow it. Please continue.

13 MS. BENNETT: Thank you, Mr. Neuer. So in
14 the -- again, I apologize. I'm probably going to
15 inartfully state this, but in the hierarchy of
16 vegetation or tree specialists, is an arborist more
17 expert than a forester?

18 THE WITNESS: I don't know that I can pass
19 judgment on the rankings between them.

20 MS. BENNETT: Okay. So in the event -- so
21 would you confer with an arborist or a forester about
22 the age of a tree?

23 THE WITNESS: Really either.

24 MS. BENNETT: Would there ever be a time
25 where you'd prefer a forester to confer with over an

1 arborist?

2 THE WITNESS: I would consider them both.
3 Based on their credentials and experience I'd consider
4 them to be experts. And as I mentioned, as much as the
5 town forester who will be involved on this site
6 intimately moving forward. So I would expect those
7 discussions to continue.

8 MS. BENNETT: Would you want to know from
9 the PSE&G Forester if he felt specific trees on this
10 site should be preserved?

11 THE WITNESS: As I mentioned we work with
12 the vegetation management team to do that. I can't
13 speak directly to a specific forester. There are lots
14 of employees with PSE&G, and I've been speaking with
15 members of that team.

16 MS. BENNETT: As I understand from the
17 PSE&G Forester there's one Forester.

18 THE WITNESS: That's possible.

19 MS. BENNETT: So I --

20 CHAIRMAN NEUER: Let's go onto something
21 else, please, Ms. Bennett. He's told you who he's
22 spoken with and not and you're coming to the end of
23 your available time, so please move onto something
24 else.

25 MS. BENNETT: Thank you, Mr. Neuer.

1 Understood. So I think I just have one additional
2 question, Mr. Futey, and I appreciate your time and the
3 Board's time.

4 In your opinion is there a way to save more
5 trees?

6 THE WITNESS: I don't believe that there
7 are based on the nature of the improvements. We've
8 taken a very conservative look at this, but I don't
9 believe that based on the electrical equipment, like I
10 said, the grading that's required, I think we are -- we
11 have a solid plan.

12 MS. BENNETT: Thank you very much.

13 CHAIRMAN NEUER: Thank you, Ms. Bennett.
14 And Ms. Bennett, for your edification I've made it
15 clear on many occasions as Chairperson of this Board
16 that where an expert does not personally visit the site
17 it has a negative impact on his or her credibility. So
18 don't think that because Mr. Futey has not been to the
19 site it is a free pass. Any other hands up, Mr. Fagan?

20 MR. FAGAN: Yes, Mr. Chairperson. Sally
21 Malanga, welcome to the meeting. Please state your
22 name and address for the record.

23 CHAIRMAN NEUER: Ms. Malanga?

24 MR. FAGAN: She seems to have disappeared
25 from the screen.

1 CHAIRMAN NEUER: Well, I see a phone
2 number.

3 MR. FAGAN: She's back. Sally Malanga,
4 welcome to the meeting. Please state your name and
5 address for the record.

6 MS. MALANGA: Thank you. Sally Malanga,
7 Ridge Road. Mr. Futey, I've been listening --

8 CHAIRMAN NEUER: Ms. Malanga, the exact
9 address, not just Ridge Road.

10 MS. MALANGA: 57 Ridge Road. I've been
11 listening very carefully to the testimony and really
12 appreciate what you've laid out in terms of the tree
13 planting, lots of natives and so on. So you clearly
14 know your trees in the sense of what should be put in
15 in a modern replanting. But the public's really
16 concerned about 12 very large trees ranging from
17 30 inches to 58 inches that Kevin had brought up and
18 Mr. Scott had brought up, and I'm just wondering if you
19 are willing to look at those trees and go back to your
20 engineer and make an extra effort to preserve them for
21 their historical status and the fact that the public
22 really cares about these trees and is concerned about
23 them? And just --

24 CHAIRMAN NEUER: Ms. Malanga, let me remind
25 you that you're questioning on behalf of yourself. You

1 don't represent anyone else. You don't represent any
2 organization, and you certainly don't represent the
3 public. You represent Sally Malanga. Kindly ask your
4 question in that vain.

5 MS. MALANGA: Thank you. In consultation
6 with my friends these are the 12 trees that we care
7 about and that we are asking if you'd be willing to
8 back and take another look. If it requires moving a
9 road a few feet just to save the 58-inch London Plane,
10 for example, or making the detention basins
11 underground. There seems to be alternatives that have
12 not been discussed. That is my question to you, Mr.
13 Futey?

14 THE WITNESS: Like I say, I stated in
15 previous answers, these are all engineering related. I
16 can't really speak to the viability of those, but I
17 absolutely appreciate what you're trying to do and
18 appreciate what the public desires. No one is
19 indiscriminately trying to remove anything, but we are
20 also trying to obviously improve the station and meet
21 the requirements for the town in terms of the ordinance
22 which we do, in addition to meeting Federal and state
23 regulations.

24 So there's a lot that's going into this. I
25 do appreciate what you're doing absolutely without a

1 doubt, but I can't really speak to the engineering
2 behind it and how that all lays out and what will be
3 involved in that.

4 CHAIRMAN NEUER: Anything else, Ms.
5 Malanga?

6 MS. MALANGA: No, just my request stands if
7 he would consider revisiting. Thank you.

8 CHAIRMAN NEUER: Mr. Fagan, hands up?

9 MR. FAGAN: Yes, Mr. Chairperson. Joyce
10 Rudin, welcome to the meeting. Please state your name
11 and address for the record.

12 MS. RUDIN: Hi. Good evening. This is
13 Joyce Rudin, 38 Woodland Avenue. Mr. Futey, you have
14 repeatedly stated that you are in compliance with our
15 township's tree ordinance and that you're meeting all
16 of the requirements. Are you familiar with point
17 number six in the prohibitions which does not allow
18 work to be done -- I will read it specifically,
19 "perform street, curb, and sidewalk construction or
20 repairs unless utilizing methods that protect the roots
21 and trunk of a tree, such as manual excavation,
22 reducing the curb, curbing sidewalks surrounding tree,
23 and modifying driveway aprons to accommodate trees.
24 Are you familiar with that clause?

25 THE WITNESS: Yeah. I've read the

1 ordinance, yes.

2 CHAIRMAN NEUER: Ms. Rudin, you've depicted
3 that as something that Mr. Futey has said, but have you
4 reviewed the report from our Township Forester who's
5 responsible for enforcing the Tree Ordinance dated
6 September 6, 2024. In paragraph four he says, "I've
7 reviewed the landscape plan and it's in accordance with
8 the new Tree Ordinance."

9 MS. RUDIN: Right. And I'm objecting with
10 some of that statement.

11 CHAIRMAN NEUER: Well, when your turn comes
12 you can object all you want, but as far as the
13 questioning you mischaracterized it so please ask
14 another question.

15 MS. RUDIN: No. This has to do with the
16 excavation in order to modify the driveway that
17 according to our ordinance that it does not permit a
18 driveway to be enlarged or modified if it will affect
19 the tree roots. And I have repeated -- I have heard
20 you say many times that you are in accordance with the
21 ordinance, but modifying the driveway in this way would
22 you say that that affects the roots or root system of
23 the trees that are existing?

24 THE WITNESS: It does. It's the alignment
25 of the driveway, but also as I mentioned previously in

1 that zone in particular we also have bioretention
2 basins going in as an addition to the fence work. So
3 there's a lot of work happening in that area.

4 MS. RUDIN: But are there trees that will
5 be affected simply because you are modifying the
6 driveway?

7 THE WITNESS: Actually, based on the tree
8 removal plan, the alignment of the driveway, no, not
9 specifically. There are some trees in the interior
10 circulation path that are impacted, certainly, but they
11 get close to the electrified equipment inside that
12 electrical perimeter.

13 MS. RUDIN: But there are trees -- I've
14 been to the site myself and I have walked it with the
15 forester, and there are clearly trees in the apron of
16 the driveway that you are attempting to expand that
17 would not be endangered if the road was not going to be
18 altered.

19 CHAIRMAN NEUER: You need to ask a question
20 and not make statements.

21 MS. RUDIN: Are there trees that are
22 endangered just simply because the road is being
23 altered?

24 THE WITNESS: There are trees that are
25 endangered based on the interior circulation that I

1 have on the tree inventory.

2 MS. RUDIN: So your testimony is that none
3 of the trees on the outside perimeter which I saw with
4 the forester that seem to be on the map for cutting
5 down that they are going to be staying?

6 THE WITNESS: If it's within the alignment
7 of the new driveway they will not be staying, but
8 they're also not survey trees, I guess. I'm not
9 exactly sure what you're referring to.

10 MS. RUDIN: How is this in accordance with
11 our ordinance if they will be removed to modify simply
12 the driveway.

13 MS. PARLAVECCHIO: Mr. Chairperson --

14 CHAIRMAN NEUER: Ms. Rudin -- I'm dealing
15 with it.

16 MS. PARLAVECCHIO: Sorry.

17 CHAIRMAN NEUER: Ms. Rudin, he's already
18 testified that there are no trees coming out solely
19 because of the alignment of the driveway. Please go on
20 to something else.

21 MS. RUDIN: You testified that you are
22 putting in trees that will create a wall-like barrier
23 that are not deciduous trees. Can you tell us exactly
24 what the name of those trees are? You mentioned -- are
25 you referring to Thuja Green Giants?

1 THE WITNESS: No. We have a mix of trees,
2 and actually if I can share my screen I can show you
3 will plant list.

4 CHAIRMAN NEUER: Please do.

5 MR. FAGAN: I have to remove the clock, Mr.
6 Chairperson.

7 CHAIRMAN NEUER: That's okay. You can put
8 it back up after we're finished with the shared screen.

9 THE WITNESS: Here's the evergreen with
10 plant material up here. So we have a Holly, we have an
11 Eastern Redcedar, Norway Spruces, Black Hills Spruce,
12 we have Serbian Spruce, and Eastern White Pine. And
13 the idea is to get a mix of species. We don't want
14 them monoculture. We're not trying to put an absolute
15 wall of one species because that's not a good idea. If
16 an event comes it wipes them all out. So we're trying
17 to get some visual interest and we're also trying to
18 think of the future health of the site.

19 MS. RUDIN: Okay. I appreciate that. I do
20 not think --

21 CHAIRMAN NEUER: You can take your screen
22 down, Mr. Futey.

23 MS. RUDIN: Just one last question. I do
24 appreciate that you are considering native trees, but
25 our Ordinance also requires organic non-pesticide

1 trees. Will the trees that you will be putting in meet
2 the requirement of both the size that they are native
3 and that they are organic and non-pesticide?

4 THE WITNESS: We can put that into our
5 planting notes, but this is going to be nursery stock.
6 There's nothing exotic that we're proposing. And
7 they're mostly native. There are a few that are
8 introduced, but introduced species could be hanging
9 around for 200 years. And again, we have the
10 confirmation of those species from actually the Board
11 Engineers and also from Mr. Kipp as well in his letter.

12 MS. RUDIN: Can you guarantee us that they
13 will be organic and non-pesticide according to the
14 Ordinance?

15 THE WITNESS: I think we will meet that,
16 yes.

17 MS. RUDIN: Terrific. Okay. Thank you so
18 much.

19 CHAIRMAN NEUER: Mr. Fagan, any other hands
20 coming up?

21 MR. FAGAN: Mr. Chairperson, there are no
22 other hands raised. If any member of the public would
23 care to ask questions at this time this is your last
24 call. Otherwise Mr. Chairman, we'll close public
25 comment.

1 CHAIRMAN NEUER: Thank you.

2 MR. FAGAN: Mr. Chairperson, there are no
3 other hands raised.

4 CHAIRMAN NEUER: Thank you. Then the
5 questioning is closed. Ms. Parlavecchio, do you have
6 any redirect?

7 MS. PARLAVECCHIO: No.

8 CHAIRMAN NEUER: It's 9:22. So rather than
9 interrupt a witness let's take our break now. We'll
10 make it eight minutes. Everybody please come back at
11 9:30. We are in a brief recess. Everybody turn off
12 your cameras and microphones.

13 (Whereupon, a recess is taken at 9:23 p.m.)

14 CHAIRMAN NEUER: As the regular crowd
15 shuffles back in. It is 9:30. I'm waiting for the
16 rest of the Board to come back on for a quorum. So far
17 it's Mr. Dannemiller and me.

18 Ms. Parlavecchio, will you be continuing
19 or is Ms. Porter coming back on?

20 MS. PARLAVECCHIO: No. Jen just signed on
21 so I will turn off my video and I will go on mute.

22 CHAIRMAN NEUER: Oh, there's Ms. Porter.
23 Welcome back. Thank you, Ms. Parlavecchio, for filling
24 in.

25 MS. PARLAVECCHIO: You're welcome. Thank

1 you, Mr. Chairperson. And Jen, you're still on mute.

2 MS. PORTER: Good evening, Mr. Chairman.

3 Thank you.

4 CHAIRMAN NEUER: Okay. It's 9:32 and the
5 record will reflect that the four Board members who
6 comprise our quorum are all present on the screen. Mr.
7 Warner, may we proceed? You need to put your
8 microphone on, though.

9 MR. WARNER: Absolutely, Mr. Chairman.

10 CHAIRMAN NEUER: Okay. Thank you. Ms.
11 Porter?

12 MS. PORTER: Yes.

13 CHAIRMAN NEUER: The floor is yours.

14 MS. PORTER: Thank you, Mr. Chairman. We
15 would next like to call Ms. Merainer who will be
16 testifying as our professional planner. She is also a
17 very long employee of PSE&G but will be speaking in her
18 capacity and with respect to her credentials as a
19 professional planner. If she could please state her
20 name and address for the record to be sworn?

21 MS. MERAINER: My name is Noreen Merainer,
22 N-o-r-e-e-n, last name Merainer, M-e-r-a-i-n-e-r.

23 CHAIRMAN NEUER: Mr. Warner, your
24 microphone.

25 MR. WARNER: Do you swear to God or affirm

1 that the testimony you're about to give is the truth,
2 the whole truth, and nothing but the truth?

3 MS. MERAINER: Absolutely.

4 MR. WARNER: Thank you. Back to you, Mr.
5 Chairman.

6 CHAIRMAN NEUER: Thank you, Mr. Warner.
7 Ms. Porter, witness with you.

8 MR. PORTER: Great. Thank you.

9 N O R E E N M E R A I N E R, having been
10 duly sworn, testifies as follows:

11 EXAMINATION BY MS. PORTER:

12 Q. Ms. Merainer, if you could please state
13 where you are employed?

14 A. I'm a Licensed Professional Planner in the
15 state of New Jersey. Here is my license. I'm employed
16 by Public Service Electric and Gas Company. The
17 address of the company is 4000 Hadley Road, South
18 Plainfield, New Jersey 07080. My title is licensing
19 project manager and I'm responsible for environmental
20 and land use planning and permitting for company
21 facilities. I've been employed by PSE&G for 26 years.
22 Prior to employment with PSE&G I was employed as an
23 environmental planner with an environmental engineering
24 and consulting firm. And for seven of those ten years
25 I consulted directly for PSE&G.

1 Q. Thank you. And how long have you been a
2 licensed planner in the state of New Jersey?

3 A. Since the '90s.

4 Q. And you previously mentioned your license
5 is current. If you could just for the record just
6 state your educational and professional background?

7 A. Certainly. I have a Bachelor's from Clarke
8 University. A Master's Marine Affairs from University
9 of Rhode Island, which is actually resource management.
10 I also have an MBA from Excelsior College, and I have
11 certification as a Project Management Professional.

12 Q. Thank you. And what specifically has been
13 your role in connection with this application?

14 CHAIRMAN NEUER: I'm sorry, Ms. Porter,
15 those are credentials, right?

16 MS. PORTER: Yes. I was going to ask if
17 she has ever testified before a Board as well for one
18 last question.

19 CHAIRMAN NEUER: You can do that.

20 MS. PORTER: Great.

21 Q. Ms. Merainer, have you ever testified
22 previously before a Board?

23 A. I have. I have testified in front of
24 dozens of Boards. I've also testified before state
25 agencies such as the New Jersey Sports and Exposition

1 Authority, Delaware and Raritan Canal Commission, and
2 also NJDEP. I last testified, and this was only this
3 year, in front of the Board of Adjustment of the
4 Township of Teaneck, the Board of Adjustment for the
5 City of Clifton, and Planning Board for the City of
6 Bayonne.

7 MS. PORTER: Thank you. At this point, I
8 would request that the Board designate Ms. Merainer as
9 an expert in the field of professional planning.

10 CHAIRMAN NEUER: Any members of the Board
11 with questions as to credentials? Seeing none, Ms.
12 Merainer, it's a pleasure to welcome you as an expert
13 professional planner. Ms. Porter, please continue.

14 MS. PORTER: Great. Thank you.

15 Q. Ms. Merainer, if you could begin by stating
16 your specific role with respect to this application?

17 CHAIRMAN NEUER: I think she may be frozen.

18 MS. PORTER: Yeah.

19 CHAIRMAN NEUER: Oh, she moved.

20 THE WITNESS: I apologize. I'm sitting in
21 our offices and this is the kind of Internet we get.

22 CHAIRMAN NEUER: Welcome to the club.

23 THE WITNESS: I blame Optimum. I'm sorry.
24 I Unfortunately missed the last minute.

25 CHAIRMAN NEUER: Please restate your

1 question, Ms. Porter.

2 MS. PORTER: Yes.

3 Q. Ms. Merainer, what has your role been with
4 respect to this application?

5 A. I was responsible for supervising the
6 preparation of the Land Use application. I will also
7 be responsible for all the environmental and land use
8 permits, that includes county planning,
9 Hudson/Essex/Passaic Soil Conservation District, NJDOT,
10 Municipal permits, as well as this site plan.

11 Q. So in connection with your role regarding
12 the preparation of the application you are fully
13 familiar with the application of PSE&G that's in front
14 of the Board this evening?

15 A. I am.

16 Q. And are you familiar with the Township of
17 West Orange Development Regulations Ordinance and
18 Master Plan?

19 A. I am.

20 Q. Great. Thank you. If you could begin by
21 talking about specifically the existing zoning as it
22 relates to this specific site?

23 A. As you know, the facility is located at 325
24 Mount Pleasant Avenue. It's at the corner of Mount
25 Pleasant Avenue and Prospect Avenue. It's in the

1 Office Research Zone. This is for the main substation.
2 We have a transmission line that veers off from the
3 station, and this is towards the northwest, that is not
4 part of this application but it is on the property.
5 That zone is the Planned Unit Residential Development
6 or PURD and R-5 Single-Family Residential.

7 I'll explain what land uses are near us.
8 To the north is offices or rather are offices and
9 retail businesses. Mount Pleasant Avenue and golf
10 course is to the south. To the east is Prospect Avenue
11 and commercial businesses. Also included are some
12 residential homes, medical offices, and a cellular
13 facility. There's also a radio tower that broadcasts
14 hip hop music. And finally to the west are office and
15 medical.

16 Q. Thank you, Ms. Merainer. If you could now
17 move in to describing the nature of the relief that's
18 being sought from this Board?

19 A. We are asking for some submission items and
20 waiver items. These were mentioned in Mr. John Hess'
21 comment letter. If you'd like I'm happy to go through
22 them or I'll go right to the meat of what we're asking
23 for.

24 MS. PORTER: Does the Board care to have
25 Ms. Merainer go through the submission waivers, or

1 simply discuss the specific variance relief that's
2 being sought from this Board?

3 CHAIRMAN NEUER: To have a complete record
4 we need to go through the waivers.

5 MS. PORTER: That's fine.

6 THE WITNESS: The submission items. The
7 first is that we have signature blocks for Board
8 members and professionals. That is on our site plan.
9 However, I admit it's confusing because we have the
10 survey before the site plan, but the site plan does
11 have the signature blocks. That is item number eight.

12 Item number 20, the request was that all
13 property information be on the survey. It is. Also, I
14 included the Deed from the property from 1928.

15 Item number 24, we were asked what are the
16 required permits for this application.

17 CHAIRMAN NEUER: I'm sorry. You mean
18 number 23.

19 THE WITNESS: Yes. Excuse me. The other
20 permits I need, NJDEP, water, Bureau of Water
21 Allocation. That is for construction dewatering. A
22 second permit would be NJDOT Minor Access Permit. That
23 is because as Mike Blake explained we will be
24 reconfiguring our entrance onto Mount Pleasant Avenue.
25 You all know that's state Highway 10, therefore I must

1 go to NJDOT for a Minor Access Permit.

2 A third permit is Hudson/Essex/Passaic Soil
3 Conservation District.

4 A fourth one would be Essex County Planning
5 Board because we front on Prospect Avenue which is a
6 county road. We're here tonight for municipal site
7 plan and I will also seek construction permits.

8 The other submission item is for site
9 triangles. This will be from our reconfigured entrance
10 on Mount Pleasant Avenue, and those will be included on
11 the NJDOT application that we will be submitting.

12 Finally, a submission of --

13 CHAIRMAN NEUER: I'm sorry. With respect
14 to the site triangles is there a reason it would not be
15 on the site plan drawings submitted to this Board?

16 THE WITNESS: We have not yet submitted an
17 application to NJDOT. When that is done we will
18 upgrade these plans accordingly.

19 CHAIRMAN NEUER: The reason you can't do
20 site triangles now? Unless you want a delay on your
21 approvals.

22 THE WITNESS: Understood. That's why we're
23 asking for a waiver, because this will be included in
24 the NJDOT application. And I will provide some
25 testimony in a few minutes regarding the traffic that

1 we have at this station.

2 CHAIRMAN NEUER: Mr. Hess, do you have any
3 issues on A, B, C, and D that were just testified to?

4 MR. HESS: One thing I'd like to note is
5 regarding the signature block is that should also be on
6 the Burns McDonnell plans because those are part of
7 this application and they show some of the improvements
8 that are proposed.

9 THE WITNESS: If I might ask for
10 clarification, would you want them on every drawing?

11 MR. HESS: No. The cover sheet.

12 CHAIRMAN NEUER: The cover sheet.

13 THE WITNESS: Okay.

14 CHAIRMAN NEUER: That's what gets signed.

15 And let me just remind you, that if there's an
16 approval, because that's the only way it gets signed,
17 before I sign any plan all of the conditions have to be
18 printed on the cover of the final sheets.

19 THE WITNESS: Thank you for that. I
20 appreciate it. Finally, we had asked for a waiver from
21 submitting an Environmental Impact Statement, but
22 subsequently, I did provide environmental information
23 before last -- 10 days before the last meeting, last
24 Thursday. I don't know if a submission waiver is still
25 needed for that since we did provide information.

1 CHAIRMAN NEUER: Well, it's not just
2 information. You consulted with the planner as I
3 instructed, and you and he or somebody from your office
4 and Mr. Williams' office?

5 THE WITNESS: No, it was me.

6 CHAIRMAN NEUER: And Mr. Williams wasn't
7 present, I think it was Mr. DeLine, agreed on the
8 contents of an Environmental Impact Statement, which is
9 what was submitted to us from your office.

10 THE WITNESS: From me.

11 CHAIRMAN NEUER: Okay. And that's the
12 document dated August 29, 2024. So we consider that to
13 be an Environmental Impact Statement; correct Mr.
14 Wells?

15 MR. WILLIAMS: That is correct, Mr.
16 Chairman.

17 CHAIRMAN NEUER:

18 THE WITNESS: If you'll excuse me for a
19 moment. I have to stand up so the lights in the office
20 go back on. We also are asking for some waiver items.
21 We are asking for a waiver from item number 12, that is
22 regarding standard sheet size. We gave you slightly
23 larger engineering drawings because we understand that
24 this is a complicated project with a lot of details.

25 For item number 31 you wished for contours

1 200 feet beyond the property. It should be recognized
2 that we do border two roadways.

3 For Item number 46 we asked for a waiver
4 for not providing solid waste management. That is
5 because the 26kV yard is not manned. Technicians take
6 trash with them and go back to our electric division
7 headquarters. We also asked for a waiver regarding
8 vehicular and pedestrian circulation patterns. That is
9 because we are not changing our patterns and the public
10 is not permitted inside. This is solely for PSE&G
11 employees and contractors.

12 And finally, the last item was item was
13 Item number 50 for a parking plan. Again, that is
14 because the station is unmanned and we already have
15 sufficient parking on-site.

16 CHAIRMAN NEUER: Mr. Hess, based on the
17 testimony what is your position with respect to the
18 waiver request set forth in B-2 of your report?

19 MR. HESS: I have no objection to the
20 request.

21 CHAIRMAN NEUER: Then let the record
22 reflect that the waivers are granted.

23 THE WITNESS: Thank you. I'm sorry to take
24 the time to go through it but it is necessary.

25 CHAIRMAN NEUER: Please continue.

1 THE WITNESS: Now to the meat of my
2 testimony. We are asking for three major variances.
3 First, we're asking for a D-2 Variance. This is a use
4 variance for an expansion of a pre-existing legal
5 nonconforming use. We're asking this in accordance
6 with N.J.S.A. 40:55D-70(d)(2). That is because public
7 utilities are not permitted by right or conditional use
8 in the OR Zone. Therefore, we are requesting relief
9 for expansion of public utility use.

10 The second variance we're asking for is a
11 D-6 Variance. This is a height variance for height of
12 lightning mast of 70 feet high when 35 feet is
13 permitted. This was already explained by Michael Blake
14 and John Copa as to what was needed for lightning mast.

15 I should also explain that we do have
16 various other equipment such as bus supports and
17 lightning finials that are over 35 feet, therefore, we
18 need a variance. We're proposing six new lightning
19 masts at 70 feet and therefore I need a height variance
20 because the principal structure exceeds the maximum
21 permitted height in the district by more than 10 feet
22 or 10 percent. However, it should be noted by this
23 Board that PSE&G has repeatedly come back every time we
24 are doing station improvements. I was able to find
25 records going back to 1988, these are digital records,

1 that we have been before this Board many times. And
2 every time it is for expansion of a nonconforming use,
3 the public utility. Also, for a structure taller than
4 35 feet. And we've often come before this Board for
5 fence height variances and setback requirements.

6 I should mention that in terms of height we
7 do have 14 existing 70-foot high lightning mast. We
8 have an H frame. It's shaped like an H, hence why we
9 call it an H frame. And that's 73.5 feet. And we have
10 a radio microwave tower that is 188 feet. That was
11 installed to support our 862 megahertz system which is
12 what we used to contact our crews via radio. I
13 personally was part of that application and was as a
14 young planner without a license at the hearing for that
15 in 1992.

16 So now I'll go through some of the bulk
17 variances --

18 CHAIRMAN NEUER: Oh, you have to stand up
19 again because you're frozen. Maybe I won't pay my
20 PSE&G bill this month. I'll get their attention. I
21 think it was only 120 last month.

22 MR. PORTER: Noreen, you are frozen again,
23 until just now.

24 THE WITNESS: I know. I have to keep
25 plugging in the connection.

1 CHAIRMAN NEUER: Okay. So you were about
2 to start talking to us about bulk variances. Please
3 do.

4 THE WITNESS: We are asking for five bulk
5 variances. The first bulk variance is for insufficient
6 front and side-yard setback. We are proposing to put
7 our switchgear at 77.9 feet from Mount Pleasant Avenue.
8 The ordinance requires 100 feet.

9 The second variance is for exceedance of
10 maximum permitted lot coverage. The permitted lot
11 coverage is 30 percent. However, the existing lot
12 coverage is 41 percent. Obviously, that exceeds the
13 permitted coverage, and that was approved back in 2017.
14 We are requesting an increase to 49 percent.

15 Michael Blake our civil engineer already
16 explained that PSE&G has compensated for any increased
17 stormwater runoff with bioretention basins.

18 The third variance we are asking for is a
19 decorative 8-foot high metal fence to replace the
20 6-foot wrought iron and brick pillar fence. This fence
21 is along the frontages of Mount Pleasant Avenue and
22 Prospect Avenue.

23 The Ordinance only permits 6-foot high
24 fences. PSE&G follows the National Electric Safety
25 Code requirements, which is an industry standard that

1 requires 7-foot high fencing. It does not dictate what
2 type of fence. It just dictates that there be a fence.
3 However, PSE&G has a slightly more protective stricter
4 standard of 8 feet. And we have been using that for a
5 decade or two at this point. Right now that 6-foot
6 height fence does not meet industry standards, much
7 less PSE&G standards.

8 I should mention there are other parts of
9 the site where PSE&G has put 8-foot high fence, and
10 that has been approved by this Board. I will give you
11 a number of details about the fence, but in your
12 application packages you do have the fence brochure.
13 This is in the ZBA compiled application page 94.

14 So why do we need this new fence?

15 CHAIRMAN NEUER: I'm sorry. Ms. Merainer,
16 there was some testimony earlier tonight about using
17 the brick pillars which requires the height of the
18 fence to be 9 feet.

19 THE WITNESS: Yes. I will explain why.

20 The fence --

21 CHAIRMAN NEUER: I just want to know
22 whether or not that's -- I want to know whether to ask
23 your Counsel to amend the application so that the
24 request for the height of the fence is 9 feet.

25 MR. PORTER: Yes, Mr. Neuer, we would

1 respectfully request that our application be amended to
2 reflect the 9 feet based on the earlier discussion by
3 my colleague, Ms. Parlavecchio, that for the
4 installation of the brick pillars we're seeking that
5 additional height.

6 CHAIRMAN NEUER: Okay. That seems to be a
7 minor amendment and it's approved. The application is
8 amended. Please continue, Ms. Merainer.

9 THE WITNESS: There are reasons we are
10 asking for a more robust fence. You have seen the
11 fence. We've provided the brochure. The fence we are
12 proposing meets National Electric Safety Code and PSE&G
13 standards. It is stronger due to the steel material
14 and supporting concrete foundations. Some of you have
15 already looked at the fence that's existing. You saw
16 the condition of the pillars. You saw the condition of
17 the wrought iron. Wrought iron was widely used in the
18 early 1900s but now there are better modern
19 equivalents. The fence we are proposing has the slats
20 -- actually fence manufacturers call those the pails.
21 The pails are the vertical sections. The fence we are
22 proposing has slats that are three-and-one-quarter-inch
23 wide. That is to make it less able to be climbed. The
24 concern is someone putting their foot between the slats
25 and managing to get over the fence. Right now the

1 wrought iron fence has 4-inch slats. The fence we are
2 proposing is more protective with
3 three-and-one-quarter-inch slats.

4 Also, the fence we are proposing is
5 corrosion resistant. That is because it is steel and
6 it is powder coated in the factory. Therefore, it
7 requires much less maintenance like painting.

8 Finally, it meets the industry standards.
9 So I know that you'll have more questions about that
10 but our reasoning is we need a more robust fence that
11 protects the public and also protects our station.

12 I'll just segue to the fourth variance I'm
13 asking for. Again, this is a bulk variance. The town
14 allows temporary use of construction days. If a
15 construction trailer is not used for a period of 30
16 days it must be removed. It's been explained by
17 Miguel, our project manager, that the construction will
18 occur four to four and a half years. So there will be
19 times when it doesn't look like there's construction on
20 the site or the construction trailers don't look to be
21 occupied, but we have not finished construction. So we
22 are asking for a variance if needed to allow the
23 construction trailers to remain.

24 And finally, I'm asking for a bulk variance
25 for any pre-existing non-conformities that exist on the

1 site. One non-conformity could be the distance between
2 buildings. Please note that the buildings are placed
3 for electric functionality. This is obviously not a
4 commercial shopping mall or anything where you have
5 buildings placed next to each other for different
6 needs. The buildings here are often closer together
7 for electric needs.

8 So that concludes the five variances that
9 we're looking for. Now I'd like to --

10 CHAIRMAN NEUER: Ms. Porter, it's going to
11 be very difficult for a Board to grant a variance that
12 says plus everything else that's wrong with the site.

13 MR. PORTER: Correct. So --

14 CHAIRMAN NEUER: We really do need a list
15 of what Ms. Merainer is talking about.

16 MR. PORTER: Yes. So these are
17 pre-existing non-conformities. So we're essentially
18 seeking a continuation, but to the extent that the
19 Board would like a specific list of what those are they
20 are identified on the plan but we can certainly provide
21 that.

22 CHAIRMAN NEUER: That would be very
23 helpful. Thank you.

24 THE WITNESS: Just to reiterate, I believe
25 the only one would be the distance between buildings.

1 If you'll allow me, I'd like to share my screen for a
2 moment and I'd like to show you some photos of what we
3 have done in other cases. What you are looking at
4 right now is one of our --

5 CHAIRMAN NEUER: We're looking at a blank
6 screen.

7 MR. PORTER: It's not up yet.

8 THE WITNESS: How is it not sharing?

9 CHAIRMAN NEUER: There it is.

10 THE WITNESS: Okay. What you are looking
11 at right now is one of our stations in Jersey City.
12 You can see that we have the brick pillars. The brick
13 pillars have little caps on them. That fence is a
14 8-foot high fence. That is the Impasse Gaunlet style
15 that is our standard for fences. However, as you know
16 we are using stronghold. But this give you an idea
17 what the fence and pillars look like.

18 The reason we're asking for 9 feet is
19 because I need a little cap on top of that pillar. We
20 don't know exactly how big that little cap will be.
21 That's why I'm asking for more than 8 feet, not to
22 exceed 9 feet.

23 Now I'm showing you another station in
24 Jersey City. This is our Garfield Avenue Substation.
25 And you can see the fence and you can see the pillar.

1 Now I'm showing you yet another version of
2 the fence. What we intend to do is match the proposed
3 pillars to the brick that currently exists on the
4 building at West Orange. We tried to match the two.
5 In this case you're looking at more of a brown tone.
6 We intend to use more of a red tone that will match the
7 building.

8 So this is a site in Jersey City, and you
9 can see the substation is opposite a high-priced
10 residential building. You can see that these pillars
11 look to be more like 9-feet high. I am just showing
12 this as an example of the sort of thing that we've done
13 before. That's why we are asking for the fence,
14 specifically the pillar and the pillar cap to be more
15 than 8 feet. We recognize that your ordinance is only
16 6 feet. And this is a substation in Plainfield, New
17 Jersey. This is where you can see the fence.

18 So I will stop sharing. This was merely to
19 give you an idea of the sort of fences that we have
20 done. We have about 50 stations with such fences in
21 our service territory.

22 CHAIRMAN NEUER: You need to pan back.

23 MR. PORTER: Your camera, it's blurry and
24 it's not on your face.

25 CHAIRMAN NEUER: There you go.

1 THE WITNESS: Sorry.

2 MR. WARNER: Mr. Chairman, I apologize for
3 interrupting but do we wish to mark those pictures as
4 Exhibits A-8 through A-12?

5 CHAIRMAN NEUER: I was getting to that.
6 Okay. Ms. Merainer, do you know who took the pictures?

7 THE WITNESS: Yes, I did.

8 CHAIRMAN NEUER: Do you know what dates
9 they were taken?

10 THE WITNESS: Yes. In fact, I will be
11 sending an e-mail to Ms. Chandler and each file is
12 listed with the date the photo was taken.

13 CHAIRMAN NEUER: And do they fairly depict
14 the conditions on that location on the dates that the
15 pictures were taken?

16 THE WITNESS: They do.

17 CHAIRMAN NEUER: Then as Mr. Warner had
18 subjected, Ms. Chandler, those are Exhibits A-8 through
19 12 for Identification.

20 (Exhibits A-8 through A-12, photographs,
21 are received and marked.)

22 THE WITNESS: And Ms. Chandler, I will be
23 emailing these to you.

24 MS. CHANDLER: Thank you.

25 CHAIRMAN NEUER: Diana, they can be put on

1 to the agenda as Exhibits for Identification. Please
2 continue.

3 THE WITNESS: Thank you. There are reasons
4 that this Board can approve this application, and there
5 are three specific reasons. The first, this is an
6 inherently beneficial use. The second, there are
7 special planning reasons that are advanced by this
8 application. And the third reason is that we are
9 providing upgraded reliability and aesthetic
10 improvements.

11 So I'll just go back a little bit.
12 Inherently beneficial use. This is an inherently
13 beneficial use that promotes the general welfare.
14 Reliable electricity is essential and critical to our
15 modern way of living. I'd also like to say that proper
16 cable connections are too but I'll stick with
17 electricity.

18 This station supplies service to thousands
19 of customers in West Orange and in surrounding areas,
20 and we've been providing that service since 1928. As
21 customers, the Board expects PSE&G to provide safe and
22 reliable equipment -- excuse me, reliable service with
23 modern equipment. You do not expect us to be using
24 equipment from the 1920s.

25 This Board previously determined that the

1 station is an inherently beneficial use and the station
2 is particularly well-suited for public utilities. I
3 included a Resolution from 2007 in your application
4 packages. I also included a Resolution from 2017. And
5 I explained previously that I was able to find partial
6 or full records that PSE&G as been requesting relief
7 for expansion of a nonconforming use and height
8 variances for at least 35 years.

9 The second reason the Board can approve
10 this application is because special planning reasons
11 are advanced by the project. The special reasons are
12 the purposes in the Municipal Land Use Law and the
13 Township Zoning Ordinance. The special reasons are
14 first, the specific purposes of the municipal Land Use
15 Law that are promoted are promoting the public health,
16 safety, and general welfare of the community and
17 benefiting the public.

18 Also, we are offering a reduction in
19 potential outages which obviously advances safety from
20 and during natural disasters. And finally we are
21 promoting energy resources in the state. Purposes in
22 the West Orange Ordinance that are advanced are first,
23 helping to guide and regulate the orderly growth,
24 development, and redevelopment of the Township in
25 accordance with a comprehensive plan and with long-term

1 objectives, interest, and welfare of the public. This
2 is specifically provision of reliable service. We've
3 been doing this since 1928 and I intend that we will
4 continue another hundred years, even though many of us
5 may not be there to see it.

6 The second purpose in the West Orange
7 Zoning Ordinance that is advanced is promoting in the
8 public interest the utilization of land for its most
9 appropriate purpose. Again, the station has been used
10 since 1928. That is 96 years of service at this
11 location.

12 And finally, the purpose of the Municipal
13 Ordinance that we advance is encouraging coordination
14 of the various public and private procedures and
15 activities shaping land development with a view of
16 lessening the cost of such development into the more
17 efficient use of land. It makes sense to utilize the
18 land at the substation to its most practical extent.
19 We put the station there for the long-term and we plan
20 for the long term and we are using the station to its
21 maximum extent practical.

22 The third reason that the Board can approve
23 these variances is because the upgrades provide
24 electric reliability and aesthetic benefits explained
25 by Miguel, our project manager, Mike Blake, and John

1 Futey.

2 The improvements in my opinion will not
3 adversely affect the health, safety, or welfare of
4 existing residents, the surrounding area, or alter the
5 character of the neighborhood. We understand that
6 trees will be removed. That is why we have proposed a
7 planting plan that is found by the Township Forester to
8 be in compliance. We are not changing the character of
9 the neighborhood by introducing a new type of use. We
10 were probably the first use in the neighborhood and we
11 are continuing that use. The requested zoning
12 deviations are related to beneficial improvements;
13 namely, the provision of safe and reliable electricity.

14 The improvements will have a de minimus
15 impact on things like site grading, drainage, and
16 lighting. Again, we recognize the trees that must be
17 taken down for this application, but we'll continue to
18 be an unmanned facility that generates minimal traffic.
19 I believe it was stated before but I will say it again,
20 typically during operation the station has minimal
21 traffic consisting of one or two technicians coming by
22 once a week or every two weeks. They come by in a
23 light duty truck or a minivan. They pull into the
24 station using a card reader and they park in the
25 station. When they are finished they leave the

1 station.

2 The facility will remain a public utility
3 that serves the public and advances the general
4 welfare. We satisfy the positive criteria because the
5 upgrades are for an inherently beneficial use and the
6 benefits are for greater electric reliability. The
7 property's particularly suited for public utilities due
8 to its history and longevity of use.

9 The 26kV switchgear and ancillary equipment
10 will cause visual impact, we acknowledge that.
11 Therefore we have done our best to try to retain as
12 many trees on the property. However, there will be an
13 impact. I believe that this impact is outweighed by
14 the provision of safe and reliable electricity. We are
15 proposing improvements that are similar to what we
16 already have at the station.

17 The lightning mast. There are already
18 lightning masts at the station. So I believe that the
19 improvements will be seen as an intensification of the
20 use. The station aesthetics will be improved by a
21 modern fence. This is a modern equivalent to the fence
22 that exists. And we will -- and the most important
23 thing is that it complies with modern security
24 standards.

25 John Futey, our landscape architect, has

1 explained that the tree plantings will be a mix of
2 deciduous and evergreen trees. They will be more
3 sustainable, coordinated, and attractive than much of
4 the random landscaping that exists.

5 Station security will be enhanced
6 particularly due to the new station fence and the
7 landscaping. The negative criteria is satisfied
8 because the upgrades don't substantially impair the
9 intent or purpose of the Master Plan and the
10 development regulations. Safe, reliable, and
11 sufficient electric energy is needed to support all the
12 objectives of the Municipal Land Use Law and the
13 Township's Planning documents. There are no adverse
14 public safety or health impacts, and there's no
15 substantial public welfare or fiscal impacts. In my
16 opinion the benefits outweigh any deviations of the
17 Zoning Ordinance, and on balance the benefits outweigh
18 any detriment.

19 I'd just like to go through some of the
20 performance standards. I've already explained traffic.
21 The station's unmanned. We will not be increasing
22 traffic. There is no impact to township water, sewer,
23 community facilities or schools. There will be no
24 creation of dust or negative air emissions upon
25 operation. No odor, no industrial waste discharged

1 from equipment. There are no wetlands, floodplains or
2 water courses on the property, therefore, there will be
3 no impact to that. And for stormwater we are creating
4 bioretention basins and we will capture all of our
5 stormwater.

6 Therefore, its my opinion as a Professional
7 Planner that the variances to upgrade the West Orange
8 switching station can be granted because there's no
9 detriment to the public good and no impairment to the
10 intent or purpose of the Township's Zoning Ordinance,
11 development regulations, and Master Plan. Thank you
12 for listening. I'm happy to entertain any questions
13 you have.

14 CHAIRMAN NEUER: Ms. Porter?

15 MR. PORTER: You called me? Yes.

16 CHAIRMAN NEUER: Anything further from this
17 witness?

18 MR. PORTER: No, Mr. Chairman. We would
19 make this witness available to questions from the Board
20 and the public.

21 CHAIRMAN NEUER: Thank you so much. Let's
22 work in reverse order this time. Mr. Sussman,
23 questions for the witness?

24 BOARD MEMBER SUSSMAN: I have no questions
25 at this time, Mr. Chairman.

1 CHAIRMAN NEUER: Thank so you much. Mr.
2 Scott?

3 BOARD MEMBER SCOTT: Yes, can you hear me?

4 CHAIRMAN NEUER: Now we can.

5 BOARD MEMBER SCOTT: Great. All right.

6 This is as much for the Chair as for the witness. I
7 don't understand why we don't have an Environmental
8 Impact Statement as opposed to an information piece.
9 And that is a requirement, the impact statement is a
10 requirement. What I've heard from Ms. Noreen is a lot
11 of her opinion, but I prefer studies. And that is a
12 part of what is supposed to be presented and how
13 exactly do you get a variance from presenting the
14 documentation that you are required to present?

15 MR. PORTER: Mr. Chairman, I believe for
16 the record just to clarify that an Environmental Impact
17 Statement memorandum was provided that was in
18 accordance with the requirements of the Ordinance which
19 state that in connection with the application the
20 applicant shall meet with the Planner to discuss the
21 parameters in which the environmental impact shall be
22 addressed. That was specifically done in this
23 instance. The applicant had originally requested a
24 waiver. However, based upon feedback that we received
25 from the Board at the first meeting we had that

1 specific discussion with the Board's Acting Planner,
2 and they directed specifically the scope of what was to
3 be provided and that was provided by PSE&G. So
4 therefore we have fulfilled the requirement for an
5 Environmental Impact Statement. No waiver or relief
6 from this Board is needed in that respect.

7 CHAIRMAN NEUER: Thank you. I agree with
8 Ms. Porter's analysis. If you would direct your
9 attention to section 25-13.2 of our Ordinance, Subpart
10 B, and it says "A pre-application conference shall be
11 held with the Planning Director to determine the
12 content of the Environmental Impact Statement." That
13 was done. The applicant met with Nishuane Associates.
14 They agreed on what the content would be of the
15 Environmental Impact Statement for this project and
16 such a statement was submitted. Labeling it
17 Environmental Impact Statement is exalting form over
18 substance. The substance of what we received in this
19 submission from the Applicant satisfied the Planner who
20 ruled that it was in accordance with their meeting, and
21 as a Board we are obligated to accept it.

22 BOARD MEMBER SCOTT: Thank you for that
23 clarification.

24 CHAIRMAN NEUER: You're certainly welcome.
25 Now, do you have questions for the witness?

1 BOARD MEMBER SCOTT: Yes. As -- in your
2 position as a Planner can you discuss the -- or was it
3 discussed at all the possibility of using detention
4 tanks as opposed to the ponds?

5 CHAIRMAN NEUER: Mr. Scott, the witness did
6 not testify as to any engineering matters.

7 BOARD MEMBER SCOTT: But no, not to
8 engineering, am I incorrect at that that is part of the
9 job to oversee the whole project?

10 THE WITNESS: May I answer?

11 CHAIRMAN NEUER: If you have an answer to
12 that Ms. Merainer, please do.

13 MR. PORTER: You can answer in your
14 capacity as the permitting manager for the project, if
15 you have familiarity and only to the best of your
16 knowledge.

17 THE WITNESS: I can tell you that we have
18 used underground facilities at some of our stations.
19 It was -- I had been informed that that was no longer
20 allowed by NJDEP. Therefore, I must rely on
21 engineering expertise for this.

22 BOARD MEMBER SCOTT: Thank you. I'm
23 looking at -- professionally speaking I'm a researcher
24 and I'm actually looking at a study from 2022 on --

25 CHAIRMAN NEUER: You're starting to fade

1 again, Mr. Scott. A little louder, please.

2 BOARD MEMBER SCOTT: Okay. You got me now?
3 I'll get as close as I can.

4 CHAIRMAN NEUER: Much better.

5 BOARD MEMBER SCOTT: Great. I'm a
6 researcher by profession, and I'm looking at research
7 that points out that -- and this is written by the
8 National Library of Medicine, that infrastructure of
9 the kind that I believe you're proposing the fence that
10 you're proposing, infrastructure of that kind when it
11 looks restrictive or overly --

12 CHAIRMAN NEUER: You faded, Mr. Scott. We
13 didn't hear you.

14 THE WITNESS: Yes. I just got a flash that
15 my Internet connection is not stable. I hope that
16 substation is working.

17 CHAIRMAN NEUER: I hope it wasn't referring
18 to you.

19 BOARD MEMBER SCOTT: Maybe. You never
20 know. I'm looking at research that shows that the
21 appearance of infrastructure is very important not just
22 for beautification purposes of a community, because
23 what you might refer to as infrastructure such as tall
24 fences you're asking for above 8 feet maybe, 8 and a
25 half to 9 feet, very tall fences, fences that look like

1 prison -- like someone's in prison invites vandalism
2 and public destruction.

3 Has that ever been taken into consideration
4 in respect to this project? That what you're offering
5 in the way of the fence at 9 feet, maybe 8 and a half
6 feet from what you just showed us from Jersey City
7 which is a municipality of 300,000 people, whereas this
8 is a municipality of 50,000 people that that type of
9 infrastructure, according to the studies that I've
10 read, invites destruction and vandalism.

11 CHAIRMAN NEUER: Are you familiar with such
12 studies, Ms. Merainer?

13 THE WITNESS: I am not. The style of fence
14 is dictated by our corporate security department. So I
15 am not aware that the style of fence dictates -- excuse
16 me. I'm not familiar with the studies that Board
17 member Scott is referring to.

18 BOARD MEMBER SCOTT: Okay. I just wanted
19 to be clear on that particular variance. I'll leave it
20 at that. Thank you.

21 CHAIRMAN NEUER: Thank you, Mr. Scott. Mr.
22 Dannemiller?

23 BOARD MEMBER DANNEMILLER: Thank you for a
24 very thorough presentation. I have no further
25 questions for this witness.

1 CHAIRMAN NEUER: And just one point I would
2 like to make to you Ms. Merainer, respectfully. Public
3 service standards are not binding on this Board, which
4 is why I'm glad you gave a more factual explanation
5 with regard to what it is that you were trying to
6 accomplish. I didn't want it to drift into the area of
7 a net opinion, because when somebody tells me that
8 that's my company policy it's not necessarily this
9 Board's policy. So you might want to refrain from
10 doing that in the future.

11 And just so the record is clear, is the
12 height of the entire fence 9 feet or is it just the
13 pillars?

14 THE WITNESS: It is just the pillars. The
15 reason we're asking for more than 8 feet is the fence
16 will be 8 feet but the pillar has a cap on it, and
17 that's what I'm trying to include.

18 CHAIRMAN NEUER: So it is clear that the
19 black slats going up and down without that hook at the
20 top that you showed us from Jersey City which will not
21 be there, that's 8 feet. And the supporting pillars in
22 between the brick with the cap on top is what goes up
23 to 9 feet?

24 THE WITNESS: I don't even think it will go
25 up to 9 feet.

1 CHAIRMAN NEUER: But that's what you're
2 asking for?

3 THE WITNESS: That's what we're asking for.

4 CHAIRMAN NEUER: But it the pillars, not
5 the --

6 THE WITNESS: Exactly.

7 CHAIRMAN NEUER: Slats?

8 THE WITNESS: It is the pillars and the
9 little decorative cap.

10 CHAIRMAN NEUER: Those are my only
11 questions. Mr. Williams, questions for the witness?

12 MR. WILLIAMS: Yes. Thank you, Mr.
13 Chairman. Good evening, Ms. Merainer. How are you
14 this evening?

15 THE WITNESS: Very well. Your question?

16 MR. WILLIAMS: I will also thank you for a
17 thorough testimony. I have mostly points of
18 clarification. Let me get back to my notes. Bear with
19 me one second. So you mentioned the purposes of zoning
20 that would be advanced, but could you just give us the
21 sections, please?

22 CHAIRMAN NEUER: You mean the sections from
23 the statute?

24 MR. WILLIAMS: That's correct. Thank you,
25 Mr. Chairman.

1 THE WITNESS: The sections from the
2 Municipal Land Use Ordinance or the West Orange
3 Ordinance?

4 MR. WILLIAMS: Correct.

5 CHAIRMAN NEUER: The Municipal Land Use
6 Statute?

7 THE WITNESS: Okay. Yes. I do have those
8 written down if you'll just bear with me for a second.

9 MR. WILLIAMS: Certainly. And this is just
10 for the record.

11 THE WITNESS: N.J.S.A.40:55D-2(a), 2(b),
12 and D-2.

13 MR. WILLIAMS: Wait. I'm sorry. So
14 purpose of zoning (a) is the very generic first purpose
15 of zoning.

16 THE WITNESS: It is.

17 MR. WILLIAMS: And purpose (b) is?

18 THE WITNESS: This is -- we're seeing an
19 advance in safety.

20 MR. WILLIAMS: Thank you. And then the
21 last one was?

22 THE WITNESS: Promoting energy resources,
23 D-2. I have my Cox book here, which I'm sure is also
24 on your desk.

25 MR. WILLIAMS: Yes.

1 CHAIRMAN NEUER: We call it the drill book.

2 THE WITNESS: And Mr. Miller's as well, Mr.
3 Warner's desk. So I'm sure you have all of this.

4 MR. WILLIAMS: We do. Thank you. I'm just
5 clarifying that for the record. You mentioned that you
6 included the at least one of the past Resolutions for
7 an application for this site. In your opinion are the
8 proofs today similar to the proofs in the past for the
9 D-2 Variance?

10 THE WITNESS: They are. And D-6.

11 MR. WILLIAMS: Thank you. Member Scott
12 asked about the chain-link fence. And I think we were
13 hoping you could respond to that question about not the
14 new fences being proposed but the chain-link fence.

15 THE WITNESS: The chain-link fence is
16 located on the western-most entrance by -- along Mount
17 Pleasant Avenue. That is the entrance to our 230kV
18 yard. And 8-foot high fencing was put up to protect
19 those assets.

20 Actually, what we are proposing is to
21 replace that chain-link and barbed wire with decorative
22 fencing. That is shown on our plans.

23 MR. WILLIAMS: Thank you. Bear with me.
24 You and Ms. Porter mentioned that there are at least
25 one other pre-existing nonconformity. Does the

1 proposed development exacerbate that or any other
2 pre-existing nonconformity in your opinion?

3 THE WITNESS: No, it does not.

4 MR. WILLIAMS: Thank you.

5 THE WITNESS: Actually, specifically we are
6 getting rid of a brick shed. So if that is considered
7 a building, and if that is considered the
8 nonconformity, that shed will be removed. It is brick.

9 MR. WILLIAMS: Thank you.

10 THE WITNESS: And that is on the site plan
11 that is presented.

12 MR. WILLIAMS: Okay. Thank you.

13 THE WITNESS: Two meetings ago.

14 MR. WILLIAMS: Okay. I'm fairly
15 comfortable that I heard and noted correctly the proofs
16 for the D-2, which is the expansion of a nonconforming
17 use, and you spoke about the use being inherently
18 beneficial. You went through the first and second
19 prong of the negative criteria. Of course, you
20 mentioned the purposes of zoning.

21 For the D-6 Variance could you just provide
22 a bit of context about the standards for this Board's
23 review of a D-6 Variance?

24 THE WITNESS: I believe it would be
25 essentially equivalent to what I already testified

1 about. Again, it's a height variance and it's height
2 of structures that are exactly the same as to what we
3 already have, specifically, the lightning masts.

4 It could even be argued that the lightning
5 mast is not the principal structure but is an accessory
6 structure, but then we are getting into the weeds of
7 planning law.

8 MR. WILLIAMS: Let me ask it a different
9 way. In your opinion is the standard for the Board's
10 review of the D-6 different than that of a D-2? And if
11 so, how, in your opinion?

12 THE WITNESS: In my opinion in this
13 particular case the D-2 and the D-6 go together, and I
14 have addressed the proofs needed for that.

15 MR. WILLIAMS: And in your opinion can the
16 site accommodate the extra height that's being
17 requested?

18 THE WITNESS: Yes. We are mostly asking
19 for lightning mast. It was discussed last week by John
20 Copa, our electric engineer, what the lightning masts
21 are for.

22 MR. WILLIAMS: Thank you, and I'm almost
23 done. I think I have one more question and that is,
24 you provided the recitation of the bulk and area
25 deviations, and I think I heard you address them but I

1 wasn't sure if you gave context for those. In other
2 words, was it a C-1 standard you were applying or a
3 C-2?

4 THE WITNESS: For the bulk variance for
5 setback that would be a C-1, but I'm essentially
6 arguing a C-2.

7 MR. WILLIAMS: And your argument is that
8 the tradeoffs, the benefits outweigh the detriments?

9 THE WITNESS: Yes.

10 MR. WILLIAMS: Did I hear that --

11 THE WITNESS: Yes.

12 MR. WILLIAMS: And then lot coverage, the
13 proof there was --

14 THE WITNESS: Was also the benefits
15 outweigh the detriments.

16 MR. WILLIAMS: And that's based on in part
17 the civil engineering testimony?

18 THE WITNESS: Yes, it is.

19 MR. WILLIAMS: Thank you, Mr. Chairman. I
20 think that concludes my questions for now.

21 CHAIRMAN NEUER: Thank you so much, Mr.
22 Williams, for being so well prepared. Mr. Hess?

23 MR. HESS: Thank you, Mr. Chairman. I have
24 no questions of this witness.

25 CHAIRMAN NEUER: Thank you so very much.

1 Now is the time for members of the public
2 to pose questions to the witness based upon the
3 testimony that she has presented this evening. Mr.
4 Fagan, do we have any hands up?

5 MR. FAGAN: Yes, Mr. Chairperson. Before I
6 go to members of the public we have Kevin Malanga with
7 his hand raised.

8 CHAIRMAN NEUER: Welcome back, Mr. Malanga.

9 MR. MALANGA: Thank you, Mr. Chairman. Ms.
10 Merainer, good evening.

11 THE WITNESS: Good evening, Mr. Malanga.

12 MR. MALANGA: You refer to the fence as a
13 decorative fence.

14 THE WITNESS: Yes.

15 MR. MALANGA: So it is not a security
16 fence?

17 THE WITNESS: It is. That is the
18 decorative version of what we use.

19 MR. MALANGA: It was indicated at the very
20 beginning of this hearing that the piers or the
21 columns, the brick piers or the columns were going to
22 have a distance of 30 feet between them as proposed by
23 PSE&G. Is that your understanding?

24 THE WITNESS: Yes. We are proposing that
25 because this station is rather unique among our 300

1 plus substations. This one has landscaping that exists
2 and that will be replaced. Most of the photos I showed
3 you are actually of city areas where we have used the
4 decorative fence with 20-foot brick spacing to provide
5 something decorative to look at.

6 In this case we believe that with the trees
7 and the new fence which is 8-feet high we think 30 feet
8 between pillars will be sufficient. We have tried
9 10-foot spacing, we find that to be too busy, too
10 distracting.

11 MR. MALANGA: What is the present distance
12 between the brick piers?

13 THE WITNESS: Twenty.

14 MR. MALANGA: And why would you not use
15 20 feet for this site?

16 THE WITNESS: Because of the existence of
17 copious trees and even more trees that we will be
18 replacing.

19 One concern we have is that installing the
20 brick pillars may cause additional trees to be removed.
21 We do not want that. In fact, we propose that we work
22 out the engineering details with the Board
23 professionals. What we do not want is during
24 construction we attempt to install a pier and find out
25 -- or a pillar and find out that there is something

1 that prevents it.

2 MR. MALANGA: Is there any reason why you
3 could not use the existing footings for the piers?

4 THE WITNESS: Yes, there is.

5 MR. MALANGA: What is that?

6 THE WITNESS: I have had extensive
7 conversations with our engineering department, this is
8 PSE&G Engineering. We believe that this fence dates
9 back to 1928. I apologize that we have no one in the
10 company who has first-hand knowledge of this anymore;
11 nor do we have retirees with first-hand knowledge, but
12 the drawings we have found shows this fence from 1928
13 and the piers which we checked in the field do conform
14 to the drawing from 1928.

15 We cannot validate the suitability of the
16 existing piers; nor can we validate the foundations for
17 the existing wrought-iron fence.

18 MR. MALANGA: Did you visit the site?

19 THE WITNESS: Absolutely.

20 MR. MALANGA: Did you see any piers that
21 were not plumb; that is, straight up and down,
22 vertical?

23 THE WITNESS: I apologize that I am not an
24 engineer and cannot tell you if they are plumb or not.
25 We believe it is better not to rely on construction

1 from 96 years ago.

2 MR. MALANGA: You said you need -- that is
3 PSE&G needs a more robust fence. Why is that?

4 THE WITNESS: That is because you yourself
5 have probably read in the news that utility substations
6 may or may not be targets. We need the most robust
7 fence we can get. That's why we have updated our
8 standards over the many years. And this I can speak to
9 due to my longevity as a PSE&G employee. In the '80s
10 and '90s it appears we were mostly using chain-link
11 with barbed wire. Then we were mostly using chained
12 link. We have evolved to using this decorative fence.

13 MR. MALANGA: And when did you evolve to
14 using the decorative fence?

15 THE WITNESS: In the 2010s. That is when
16 we started using this fence. And I have projects from
17 that era where we have used this decorative fence.

18 MR. MALANGA: Do you have any information
19 as to incidents of trespassing or vandalism or acts of
20 terrorism at this site?

21 THE WITNESS: I do not but I may not be
22 privy to that information. If you are able to walk
23 along the sidewalk with this fence you perhaps have
24 noticed that there are sections that perhaps don't look
25 the most secure.

1 Also, some of the spokes or pickets on the
2 top appear to be twisted. That could have been through
3 human activity. It could also have been from a tree
4 limb falling on it. But I personally cannot say if
5 there have been human trespass.

6 MR. MALANGA: How long has the standard of
7 the National Electric Safety Code suggesting 7-foot
8 tall fences been in effect?

9 THE WITNESS: I am not an expert on this.
10 I know this has been PSE&G's basic standard. We
11 believe that stations in our territory need a more
12 robust 8-foot high standard.

13 MR. MALANGA: For how long has the 8-foot
14 tall, chain-link fence been in place at the site?

15 THE WITNESS: I believe that it was
16 installed either in 2007 or 2014.

17 May I ask, are you referring to the chain
18 link and barbed wire that's at the western entrance to
19 the station?

20 MR. MALANGA: I'm referring to any
21 chain-link fence that's 8-feet tall at the site.

22 THE WITNESS: I do not know exactly, but I
23 can tell you that our Resolutions do allow for 8-foot
24 high fencing. And the Resolutions are in the
25 application package.

1 MR. MALANGA: You mean the Resolutions of
2 approval for this site?

3 THE WITNESS: Yes.

4 MR. MALANGA: All right. Does this
5 chain-link fence encircle the existing equipment at the
6 site?

7 THE WITNESS: To my knowledge it encircles
8 the 230kV yard.

9 MR. MALANGA: Would it not be possible to
10 use a similar approach and use a chain-link fence on
11 the interior of this site to encircle the proposed
12 equipment?

13 CHAIRMAN NEUER: I don't understand the
14 question.

15 MR. MALANGA: I'll try to rephrase that,
16 Mr. Chairman. Would it not be possible to encircle the
17 proposed equipment by a chain-link fence so the
18 fence -- the new chain-link fence would be on the
19 interior of the site, not on the perimeter of the site,
20 and maintain a lower fence on the perimeter?

21 THE WITNESS: I apologize that I cannot
22 answer as I am not a security expert.

23 MR. PORTER: And objection. That would
24 call for a specific design and engineering information,
25 to which this witness does not have personal knowledge

1 or expertise.

2 MR. MALANGA: You indicate that the
3 proposed use and the construction necessary for the
4 proposed use would not alter the character of the
5 neighborhood; is that right?

6 THE WITNESS: It will not alter the
7 character of the neighborhood in terms of the
8 longstanding public utility use. We are endeavoring to
9 provide you with a fence that is a modern equivalent of
10 the existing fence and we are providing trees in
11 accordance with a landscape ordinance.

12 MR. MALANGA: Did you hear the testimony of
13 Mr. Futey?

14 THE WITNESS: I did.

15 MR. MALANGA: Did you hear him say it would
16 take at least 10 years before the plantings develop any
17 semblance of maturity?

18 THE WITNESS: I did.

19 MR. MALANGA: You did?

20 THE WITNESS: I did.

21 MR. MALANGA: So for a period of 10 years
22 will it alter the character of the site?

23 THE WITNESS: I believe the compelling
24 reason is electric reliability and we are doing our
25 best to mitigate this. So I do not believe that it

1 would measurable alter the character of the
2 neighborhood.

3 MR. MALANGA: So cutting down trees and
4 other vegetation along the perimeter of the site, and
5 having it take ten years for it to regrow will not
6 alter the character of the site, is that what you --

7 MS. PORTER: I object.

8 CHAIRMAN NEUER: Mr. Malanga, asked and
9 answered. Let's go on to something else, please.

10 MR. MALANGA: I have no other questions.
11 Thank you, Mr. Chairman. Thank you Ms. Merainer.

12 CHAIRMAN NEUER: You have 10 seconds left.

13 MR. MALANGA: I'm sorry, Mr. Chairman. I'm
14 going to have to yield that to someone else.

15 CHAIRMAN NEUER: Okay. Good clock
16 management, Kevin.

17 Mr. Fagan, any other hands going up?

18 MR. FAGAN: Yes, Mr. Chairperson. Micaela
19 Bennett welcome back to the meeting. Please state your
20 name and address for the record.

21 MS. BENNETT: Thank you, Mr. Fagan. My
22 name is Micaela Bennett and I live at 35 Old Indian
23 Road.

24 I just -- is it possible to share your
25 exhibits again? Is it possible to share the

1 photographs?

2 THE WITNESS: I will endeavor to do so.

3 I'm just going to pull down my screen a little bit so I
4 can press the share button.

5 MR. FAGAN: Mr. Chairperson, would it be
6 possible for you to keep the clock being I do not have
7 it on screen?

8 CHAIRMAN NEUER: Yes, I have one going.
9 Thank you, Mr. Fagan.

10 MS. BENNETT: Thank you.

11 CHAIRMAN NEUER: Okay. Ms. Bennett,
12 there's the first picture.

13 MS. BENNETT: Yes, the first. Would you
14 mind just slowly sharing each of them?

15 THE WITNESS: Yes. I'll go back to the
16 beginning.

17 MS. BENNETT: Thank you.

18 THE WITNESS: Okay. This one I had meant
19 to show. This is perhaps a -- this might be A-13. I
20 had meant to show this first. This is our East
21 Rutherford substation. Is there a specific thing
22 you're looking for?

23 MS. BENNETT: Actually, if you leave that
24 one that's actually perfect. I don't know that that
25 was shared previously so I'm not sure if it's a part of

1 the exhibits. So --

2 THE WITNESS: I apologize. I had meant to
3 do that and inadvertently skipped this one.

4 MR. PORTER: Mr. Warner, we would request
5 that this be marked as Exhibit A-13. And Ms. Merainer,
6 was this photograph also taken by you?

7 THE WITNESS: Yes.

8 (Exhibit A-13 is received and marked.)

9 MR. PORTER: And which specific substation
10 does this represent?

11 THE WITNESS: East Rutherford. I included
12 this so you can see the pillars at the entranceway.
13 This also has trees lining the substation.

14 MS. BENNETT: Right. And that's why I
15 asked if you would just keep this one up. Because I
16 think this depicts what Mr. Malanga was referencing.
17 The positioning of fencing so as to preserve trees by
18 positioning the fencing inside of trees.

19 So I had originally asked for you to return
20 to the exhibits because I didn't recollect if any of
21 the exhibits had shown any landscaping or any trees,
22 and I was hoping that I was wrong.

23 So my question to you is this. With your
24 knowledge of each of these substations, do any of the
25 pictures that you've shared depict how you envision the

1 landscaping of this site? The proposed, you know, the
2 application, the site of the application, or are they
3 all more urban?

4 THE WITNESS: These are generally more
5 urban or suburban. I had already explained that West
6 Orange switching station is rather unique due to its
7 size and existing --

8 MS. BENNETT: I agree with you that it's
9 rather unique. It's also quite park-like. And you've
10 been there, yes?

11 MR. PORTER: Objection.

12 THE WITNESS: I have, inside and out.

13 MS. BENNETT: Yes. So I pass it every day,
14 multiple times a day and it's beautiful. And so is
15 there any way -- I know I need to ask a question, Mr.
16 Neuer. I'm sorry. But is there any way that this
17 application could consider the placement of the fence
18 so as to preserve the perimeter trees that are not
19 in -- not jeopardizing the substation but jeopardizing
20 your new fence?

21 Is there a way to put your security
22 fencing, which I completely understand why you need it
23 and you need it at industry standards, but is there a
24 way to position your fencing so as to be closer to the
25 equipment and further away from the trees so you can

1 preserve trees?

2 THE WITNESS: I do not know if that is
3 possible. We cannot move the fence towards the
4 roadways because that is not our property.

5 MS. BENNETT: Understood. And I wouldn't
6 want you to move it closer to the roadway. I'm
7 wondering if you could move it deeper into your
8 property to preserve trees?

9 THE WITNESS: That would have to be
10 evaluated by PSE&G if we can even do that. Our concern
11 would be that there are sections of the property that
12 we could not protect.

13 MS. BENNETT: The park-like sections,
14 right, not the equipment sections?

15 THE WITNESS: That is still part of our
16 property.

17 MR. PORTER: Mr. Neuer, I object. This is
18 again calling for questions with respect to the design
19 of the site, which are engineering-specific questions.
20 She is testifying as the Planner.

21 MS. BENNETT: But the planner wouldn't --
22 she just said you she doesn't know --

23 CHAIRMAN NEUER: One second, Ms. Bennett.

24 MS. BENNETT: Oh, I'm sorry. I thought I
25 could respond.

1 CHAIRMAN NEUER: That's okay. Let me
2 respectfully point out to you that your premise may be
3 flawed in that you believe that simply moving the fence
4 into the property is going to save trees and that would
5 require a great deal of study by the engineers as well
6 as the landscape architect, and all of that is beyond
7 the scope of this witness' testimony. So respectfully
8 please go on to something else and you're running a bit
9 out of time.

10 MS. BENNETT: I'm sorry. Okay. So I'm
11 sorry for taking so much time with this, but would you
12 go to the other images? Are there any trees in any of
13 the other images, and if so would you just share those
14 images?

15 THE WITNESS: Yes, I will. This is our
16 Fairmount substation. This was constructed just a few
17 years ago. We tried something different in this case.
18 What we did is we pulled our fence back into the
19 station so we could have a wide swath of landscaping.
20 We thought that -- this was an experiment.

21 Now, of course, this is not quite what you
22 have at West Orange. The landscape buffer is not as
23 wide. It is unfortunate that we have found that
24 neighbors have not necessarily respected the landscape
25 buffer and seem to think it is a trash receptacle.

1 When we have fencing that is protecting the
2 landscaping we can ensure that it is not damaged by the
3 public. You can see that we have a number of trees.
4 These are red bud trees, and we tried to choose
5 sustainable landscaping for the rest of it.
6 Unfortunately, our idea of pulling the fence back did
7 not work out as we expected in this station. I
8 acknowledge this is a city and it is not West Orange.

9 CHAIRMAN NEUER: Ms. Bennett, I'll give you
10 one more question.

11 MS. BENNETT: Okay. Well, I hope that I
12 can just ask this as one question. Hopefully it won't
13 be run-on.

14 So is this the only other -- is this the
15 only other image that depicts a tree? And is it -- my
16 recollection was that there are deciduous trees that
17 are being removed, and there are evergreen trees that
18 are replacing. And I think that you opined that it
19 would not change the --

20 THE WITNESS: The essential character.

21 MS. BENNETT: Correct.

22 THE WITNESS: My purpose in showing these
23 photos was so that you could see the fence and the
24 pillars. I had chosen them because of the fence and
25 the pillars so you could see the height of the pillars.

1 MS. BENNETT: And is this also with the
2 landscaping. You know, as we can imagine landscaping
3 will be proposed, and I'm just wondering if this is
4 also -- you know. Again, just my question is more
5 about your supposition that deciduous -- old he
6 deciduous trees being replaced by evergreen trees it's
7 your opinion that that will not negatively impact the
8 neighborhood or our experience of that area; is that
9 correct?

10 THE WITNESS: Yes, it is. In fact, I also
11 did a lot of research.

12 CHAIRMAN NEUER: Ms. Merainer, you've
13 answered the question. And I'm sorry, Ms. Bennett,
14 you're out of time.

15 MS. BENNETT: That's fine. Thank you very
16 much.

17 CHAIRMAN NEUER: I appreciate your
18 understanding. Mr. Fagan, any other hands? Ms.
19 Merainer, take your screen down, please.

20 MR. FAGAN: Noreen, can you take your
21 screen share down, please?

22 THE WITNESS: Of course. Please forgive
23 me.

24 MR. FAGAN: Mr. Chairperson, there are no
25 other members of the public at this time with their

1 hand raised. Any member of the public wishing to
2 question the witness please raise your hand at this
3 time. There are no hands raised, Mr. Chairperson.

4 CHAIRMAN NEUER: Thank so you much. Ms.
5 Bennett, do you have one more question since no one is
6 behind you? I'll give you one more.

7 MR. FAGAN: I'll put her back on.

8 CHAIRMAN NEUER: She was just on. I guess
9 she's gone. Okay. Ms. Porter, any redirect?

10 MR. FAGAN: Oh, Micaela Bennett is back.

11 CHAIRMAN NEUER: Okay. Ms. Bennett, I'll
12 give you one more question if you have one quick.

13 MS. BENNETT: I never left. I understand
14 from this witness that she hadn't considered
15 repositioning of the fence. And I just -- is there --
16 understanding that the public's concern are the trees,
17 is there a way to return to the plan with an attempt to
18 preserve trees?

19 No member of the public is arguing about
20 safety; nor the need for electricity, reliable
21 electricity.

22 CHAIRMAN NEUER: Ms. Bennett, you asked the
23 question and now, again, one more time, Ms. Merainer.
24 Is there any ability to go back in a practical manner
25 to design the whole project?

1 THE WITNESS: I don't believe there is.

2 Part of the concern we have is there is a significant
3 slope on the Mount Prospect side. By pulling the fence
4 in it actually may cause more trees to be removed.

5 Where on the slope do we put that fence?

6 MS. BENNETT: Do you know that or is
7 that --

8 CHAIRMAN NEUER: Ms. Bennett, I gave you an
9 accommodation.

10 MR. PORTER: This calls for speculation.

11 CHAIRMAN NEUER: Ms. Porter, do you have
12 any --

13 MS. BENNETT: Thank you.

14 CHAIRMAN NEUER: You're welcome. Ms.
15 Porter, do you have any redirect?

16 BY MR. PORTER:

17 Q. Ms. Merainer, I just have one specific
18 question. You mentioned in terms of -- that in your
19 professional planning opinion that this furthers
20 multiple purposes of the Municipal Land Use Law, as
21 well as specific purposes of the Township of West
22 Orange.

23 So my question is with respect to this
24 particular use and the creation of reliable electric
25 service, in your professional planning opinion do you

1 feel that the proposed design and specific layout is
2 necessary in order to provide safe and reliable
3 electric service?

4 THE WITNESS: I do.

5 MR. PORTER: One further question. In
6 connection with your specific discussions and
7 conservations with the project team, was careful
8 thought and coordination done in connection with the
9 siting, specifically as shown on the site plans that
10 are before this Board?

11 THE WITNESS: Yes. I've been involved in
12 this project for four years.

13 MR. PORTER: Thank you. I have no further
14 questions.

15 CHAIRMAN NEUER: Anything else, Ms. Porter?

16 MR. PORTER: Not at this time.

17 CHAIRMAN NEUER: Okay. Thank you, Ms.
18 Merainer. Ms. Porter, the clock on the wall says it's
19 getting to that time. We're not going to have time for
20 any furthers witnesses.

21 How many more witnesses do you anticipate
22 calling before your case is completed?

23 MR. PORTER: So at this time we do not have
24 any further witnesses. We do have other individuals
25 available to the extent that the Board would like to

1 hear testimony but we have no planned direct testimony
2 from any further witnesses. We have an acoustical
3 consultant, we have other representatives of PSE&G, but
4 we do not have any specific further direct testimony
5 planned.

6 CHAIRMAN NEUER: Okay. Well, it's very
7 tough for us to conjure questions without knowing who's
8 available. So that what I would ask you to do between
9 now and your next hearing is to write to Ms. Chandler a
10 list of the types of disciplines, and if you want the
11 name of the person, who you would make available for
12 questioning by the Board and the public in connection
13 with your application, or you're entitled to rest.

14 We do know that at least Mr. Malanga
15 intends to put on a case with an expert witness. So
16 that -- and I know we don't have a full Board tonight
17 so I doubt that you're going to want to go to a vote,
18 even if we could complete Mr. Malanga.

19 So Ms. Chandler, when do we have a hole in
20 the agenda to continue this application?

21 MS. CHANDLER: Honestly, not until
22 November.

23 CHAIRMAN NEUER: Well, this is September so
24 I can't get you on in October, Ms. Porter. Do you need
25 to check with any witnesses about coming back in

1 November?

2 MR. PORTER: I would like a moment just to
3 confer with our project team. It's my understanding
4 based on what Ms. Chandler just said there's no
5 availability even for the possibility of a special
6 meeting in October?

7 CHAIRMAN NEUER: Well, we didn't get that
8 far yet. And I've only got four members here, counting
9 me. And I can't poll the Board to see whether we would
10 be able to gather a quorum, and you would want a full
11 Board.

12 MR. PORTER: That's correct. And so what I
13 would ask the Board for consideration is I believe we
14 would recommend that we adjourn to the November
15 meeting, and then to the extent possible should the
16 Board caucus separately and determine that a Special
17 Meeting could be held in the interim that the Applicant
18 would be willing to re-notice in order to have that
19 shorter timeframe available for further testimony.

20 CHAIRMAN NEUER: That's exactly what you
21 would have to do if we're going to do it.

22 MR. PORTER: Exactly.

23 CHAIRMAN NEUER: Do you need to confer for
24 November, or do you want to take an adjournment now to
25 November?

1 MR. PORTER: At this time we would take an
2 adjournment to November.

3 CHAIRMAN NEUER: Okay. Members of the
4 public --

5 MR. FAGAN: Mr. Chairperson, pardon the
6 interruption. We do have a member of the public with
7 their hand raised. I'm unclear if you had closed
8 public comment or not.

9 CHAIRMAN NEUER: Yes, public comment was
10 closed.

11 MR. FAGAN: Okay. So the person with their
12 hand raised will not be heard at this time.

13 CHAIRMAN NEUER: That's correct. Members
14 of the public, this application will not be concluded
15 tonight. We have a meeting scheduled for November
16 21st, 2024. That's a regular meeting. This
17 application is carried to that meeting.

18 I alert you that the Applicant has
19 requested a Special Meeting in October. I will poll
20 the Board between now and next week as to availability
21 of Board members with a willingness and ability to
22 attend such a Special meeting. If there is going to be
23 a meeting prior to November 21st notices will be sent
24 and published and in that case you will come back some
25 time in October. Otherwise make a notation on your

1 calendars to come back on November 21st, 2024 at 8 p.m.
2 using the Zoom platform.

3 Members of the Board who are here, thank
4 you so much for bringing a quorum together. I
5 appreciate all of you for doing that. And Ms. Porter
6 we'll see you on November 21st or sooner. This meeting
7 is adjourned.

8 MR. PORTER: Thank you.

9 BOARD MEMBER SCOTT: Thank you.

10 MR. FAGAN: Good night everyone.

11 (Whereupon, the hearing on this application
12 concludes at 10:55 p.m.)

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C E R T I F I C A T E

I, IRIS LA ROSA, a Notary Public and
Certified Shorthand Reporter of the State of New
Jersey, do hereby certify that the foregoing is a true
and accurate transcript of the testimony as taken
stenographically by and before me at the time, place,
and on the date hereinbefore set forth.

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

IRIS LA ROSA, CSR
Certificate No. 30XI 00162800

Dated: _____

A				
A-12 3:14 88:4 88:20	acts 111:19	68:25	analysis 97:8	112:25 118:2,2
A-13 3:15	actual 14:22	afford 40:21	analyze 19:24	118:17 126:13
116:19 117:5,8	53:21 55:23	afield 47:1,4	ancillary 93:9	126:20 128:14
A-8 3:14 88:4,18	add 7:21,22	afternoon 23:2	and/or 11:21	128:17 129:11
88:20	adding 8:2	age 19:17 27:10	angles 27:22	applying 107:2
A-N-S-I 39:2	addition 6:16	43:3,4 44:5,11	ANSI 20:15,16	appreciable
ability 123:24	8:7 60:22 63:2	45:5,23 46:6	38:16,18 39:2	17:22
128:21	additional 6:24	46:14,19 47:6	52:3	appreciate 58:2
able 7:17 27:15	20:11 21:4	53:13 56:22	answer 22:11	59:12 60:17,18
27:23 30:5	28:6 58:1 83:5	agencies 70:25	30:7 48:11	60:25 65:19,24
49:1 79:24	109:20	agenda 4:2 51:3	98:10,11,13	76:20 122:17
83:23 90:5	address 12:3	51:9 89:1	113:22	129:5
111:22 127:10	52:14,18 58:22	126:20	answered 37:4	approach
absolute 45:12	59:5,9 61:11	ages 29:20 44:25	41:2 115:9	113:10
65:14	68:20 69:17	ago 9:14,15,24	122:13	approached
absolutely 28:8	106:25 115:20	105:13 111:1	answering 8:15	13:13
55:11 60:17,25	addressed 96:22	120:17	answers 60:15	appropriate
68:9 69:3	106:14	agree 28:13 97:7	anticipate	91:9
110:19	adjacent 11:22	118:8	125:21	approval 76:16
accept 97:21	adjourn 127:14	agreed 39:21	Antonya 2:6	113:2
acceptable	adjourned 129:7	77:7 97:14	4:13	approvals 75:21
39:16	adjournment	air 94:24	anymore 110:10	approve 89:4
access 16:3	127:24 128:2	alert 128:18	apart 7:25	90:9 91:22
30:13 74:22	Adjustment 1:1	alignment 15:18	apologies 36:24	approved 81:13
75:1	71:3,4	62:24 63:8	36:25 37:3	82:10 83:7
accessory 106:5	administer 15:8	64:6,19	apologize 54:5	approximate
accidentally	administers	Allocation 74:21	56:14 71:20	44:11
44:18	15:9	allow 38:19	88:2 110:9,23	approximately
accommodate	admit 74:9	56:12 61:17	113:21 117:2	7:25 18:3 27:1
15:17 33:1	adopted 12:17	84:22 86:1	appear 112:2	apron 63:15
61:23 106:16	advance 91:13	112:23	appearance 4:12	aprons 61:23
accommodation	103:19	allowed 40:14	99:21	arborist 41:12
124:9	advanced 89:7	49:10 98:20	appears 111:10	44:13 56:16,21
accomplish	90:11,22 91:7	allows 84:14	applicant 2:7	57:1
101:6	102:20	Alt 1:13	4:14 96:20,23	arborists 41:18
accounted 15:23	advances 90:19	alter 92:4 114:4	97:13,19	55:19,24
accurate 130:6	93:3	114:6,22 115:1	127:17 128:18	architect 4:25
acknowledge	advantage 8:25	115:6	application 4:1	5:6,8 41:11
93:10 121:8	adverse 94:13	altered 63:18,23	4:6 12:20 22:4	44:12 54:7
acoustical 126:2	adversely 92:3	alternatives	29:10 48:6	93:25 120:6
acronym 38:23	advisement	60:11	70:13 71:16	area 13:23 16:17
Acting 97:1	13:15	amend 82:23	72:4,6,12,13	26:5 28:7,9
action 130:11,13	aerials 31:3	amended 83:1,8	73:4 74:16	29:22 35:24
activities 42:8	aesthetic 89:9	amendment	75:11,17,24	39:10 43:5,6
91:15	91:24	83:7	76:7 80:13	45:18 54:5
activity 25:15	aesthetics 93:20	American 20:16	82:12,13,23	63:3 92:4
112:3	Affairs 70:8	38:24	83:1,7 89:4,8	101:6 106:24
	affect 62:18 92:3	amount 24:12	90:3,10 92:17	122:8
	affirm 5:18	51:10	96:19 104:7	areas 89:19

109:3	126:8,11	balance 55:13	27:14 30:11	better 9:20
argued 106:4	127:19	94:17	31:10,11 32:6	21:14 54:16
arguing 107:6	Avenue 1:6 4:4	bank 30:12	32:10 33:11	83:18 99:4
123:19	7:22,23 13:8	barbed 104:21	38:14 43:16	110:25
argument 107:7	13:11 14:18	111:11 112:18	48:25 49:4	beyond 78:1
arrives 4:9	17:11 22:23	bare 18:17 24:8	53:22 54:2	120:6
asked 74:15	23:3 28:2,2	barrier 14:22	58:6,9 85:24	big 33:6 86:20
76:20 78:3,7	31:1 32:9	17:23 64:22	92:19 93:13,18	bill 80:20
104:12 115:8	45:19 47:13	base 8:21	96:15 99:9	binding 101:3
117:15,19	49:13,20,21	based 20:2,15,23	105:24 109:6	bioretention
123:22	61:13 72:24,25	22:19 24:10	110:8,25	10:10 13:24
asking 47:3 60:7	72:25 73:9,10	31:3,13 34:1	112:11,15	15:24 32:17
73:19,22 75:23	74:24 75:5,10	36:19 37:13	114:23,25	36:3 63:1
77:20,21 79:2	81:7,21,22	38:10 39:19	120:3 124:1	81:17 95:4
79:3,5,10 81:4	86:24 104:17	40:5,14,19	127:13	bit 8:9 9:18 10:8
81:18 83:10	average 17:13	41:16 44:11	beneficial 22:16	16:22,25 17:19
84:13,22,24	30:25	45:17 47:6	89:6,12,13	19:6 26:15,16
86:18,21 87:13	aware 10:18	50:8 54:1,16	90:1 92:12	40:21 44:9,23
99:24 101:15	21:22 29:11	57:3 58:7,9	93:5 105:18	89:11 105:22
102:2,3 106:18	31:6,14 38:5	63:7,25 78:16	benefit 27:11	116:3 120:8
aspects 6:23	38:22 43:18	83:2 96:24	53:20,21	black 65:11
assets 104:19	100:15	107:16 108:2	benefiting 90:17	101:19
assistance 22:15		127:4	benefits 91:24	Blake 4:22 6:14
Associates 97:13	B	basic 112:10	93:6 94:16,17	33:20,24 35:15
attached 51:2	b 3:12 76:3	basically 20:18	107:8,14	36:6 74:23
attempt 109:24	97:10 103:17	27:17 28:11	Bennett 3:21	79:13 81:15
123:17	B-2 78:18	basin 32:7,17	52:13,15,17,19	91:25
attempting	Bachelor's 70:7	basins 10:10	52:22,25 53:7	blame 71:23
51:23 63:16	back 4:9 14:3,7	13:24 15:25	53:10,13,16,19	blank 86:5
attend 8:17	14:13,24 15:13	33:22 34:15,20	54:4,14,22	block 1:6 76:5
128:22	28:6 35:3 36:2	36:3 60:10	55:15,20,25	blocks 74:7,11
attention 80:20	36:24 37:2	63:2 81:17	56:8,13,20,24	blurry 87:23
97:9	38:12 40:20	95:4	57:8,16,19,21	Board 1:1,11,16
attorney 34:16	41:18 44:16	Bayonne 71:6	57:25 58:12,13	1:16 2:4 3:5,8
130:10,12	48:23 59:3,19	bear 102:18	58:14 115:19	5:1,2,5,7,11
Attorneys 2:4,7	60:8 65:8	103:8 104:23	115:21,22	7:12 8:9,14,15
attractive 94:3	67:10,15,16,19	beautification	116:10,11,13	8:24 9:9,13,19
audio 4:18,20	67:23 69:4	99:22	116:17,23	9:21,24 10:7
19:6	77:20 78:6	beautiful 118:14	117:14 118:8	10:13,17,23
August 50:24	79:23,25 81:13	beginning	118:13 119:5	11:7,13,25
51:3,5 77:12	87:22 89:11	108:20 116:16	119:13,21,23	12:3,9 13:5
authorities	102:18 108:8	behalf 4:14	119:24 120:10	15:15,20 16:6
20:11 55:6,7	110:9 115:19	59:25	121:9,11,21	16:10,14,18,23
Authority 71:1	116:15 120:18	beholden 20:11	122:1,13,15	17:5,8,15 18:2
availability	121:6 123:7,10	21:4 54:18,19	123:5,10,11,13	18:7,16,21
127:5 128:20	123:24 126:25	belief 47:5	123:22 124:6,8	19:2,7,13,18
available 39:13	128:24 129:1	believe 12:12	124:13	20:13 21:5,9
51:3,11 57:23	background	15:4 21:25	best 55:13 93:11	21:11,15,23
95:19 125:25	70:6	24:4,9 26:3	98:15 114:25	22:8 23:5,13

23:18,23 24:2 24:7,14,18,21 25:1,4,8,24 26:6,11,21 27:3,7,13,17 28:1,10,19,23 29:2,4,8,15,19 29:23 30:4,8 30:15,21 31:17 31:20,25 32:4 32:8,12,24 33:5,8,13,18 34:3,14,18,19 34:23 35:2,8 35:11,14,19 36:5,9,14,20 37:14 38:25 40:15 41:4 50:25 58:15 66:10 67:16 68:5 70:17,22 71:3,4,5,8,10 72:14 73:18,24 74:2,7 75:5,15 79:23 80:1,4 82:10 85:11,19 89:4,21,25 90:9 91:22 95:19,24 96:3 96:5,25 97:6 97:21,22 98:1 98:7,22 99:2,5 99:19 100:16 100:18,23 101:3 109:22 125:10,25 126:12,16 127:9,11,13,16 128:20,21 129:3,9 Board's 58:3 97:1 101:9 105:22 106:9 Boards 70:24 book 103:23 104:1 border 78:2 branches 14:15 24:12	break 67:9 breast 11:9 BRENT 1:12 brick 81:20 82:17 83:4 86:12,12 87:3 101:22 105:6,8 108:21 109:4 109:12,20 brief 6:1,5,8 7:18 67:11 bring 40:12 41:18 bringing 129:4 Briones 4:21 broadcasts 73:13 brochure 82:12 83:11 broken 29:13 brought 38:13 59:17,18 brown 87:5 bud 121:4 buffer 120:22,25 build 35:15 building 8:18 87:4,7,10 105:7 buildings 85:2,2 85:5,6,25 bulk 80:16 81:2 81:4,5 84:13 84:24 106:24 107:4 Bureau 74:20 Burns 33:24 35:25 76:6 bus 79:16 businesses 73:9 73:11 busy 109:9 button 116:4 C C 2:1 76:3 130:1 130:1 C-1 107:2,5 C-2 107:3,6	cable 89:16 calculator 46:21 calendars 129:1 call 14:20 66:24 68:15 80:9 83:20 104:1 113:24 called 37:18 95:15 calling 119:18 125:22 calls 124:10 camera 87:23 cameras 67:12 Canal 71:1 canopy 10:21 11:10 cap 86:19,20 87:14 101:16 101:22 102:9 capacity 7:14 14:20 68:18 98:14 capitals 39:2 caps 86:13 capture 95:4 card 92:24 care 13:17 60:6 66:23 73:24 careful 125:7 carefully 59:11 cares 59:22 Carr 13:13 carried 128:17 case 1:4 6:4 37:10 49:4 87:5 106:13 109:6 120:17 125:22 126:15 128:24 cases 86:3 caucus 127:16 cause 32:18 93:10 109:20 124:4 caused 21:20,24 cellular 73:12 certain 33:14 certainly 6:6	60:2 63:10 70:7 85:20 97:24 103:9 Certificate 130:19 certification 70:11 certified 1:23 4:18 15:11 130:4 certify 130:5,9 cetera 45:11 chain 112:17 chain-link 26:1 26:8 104:12,14 104:15,21 111:10 112:14 112:21 113:5 113:10,17,18 chained 111:11 Chair 96:6 Chairman 1:12 4:1,11,16 5:9 5:13 6:4 8:16 9:11,17,20 11:23 12:2 14:25 15:6,7 15:13 21:8,10 21:14 30:6 31:19 34:23 37:7,10,15,16 37:20,24 38:2 38:6,9,11 39:1 39:5,6,7,18,24 40:12 41:3 44:9,15,18,22 46:24,25 47:8 47:10,21 48:10 48:13 50:22 51:1,2,7,12 52:10,18,21,22 52:24 56:11 57:20 58:13,23 59:1,8,24 61:4 61:8 62:2,11 63:19 64:14,17 65:4,7,21 66:19,24 67:1 67:4,8,14,22	68:2,4,9,10,13 68:14,23 69:5 69:6 70:14,19 71:10,17,19,22 71:25 74:3,17 75:13,19 76:2 76:12,14 77:1 77:6,11,16,17 78:16,21,25 80:18 81:1 82:15,21 83:6 85:10,14,22 86:5,9 87:22 87:25 88:2,5,8 88:13,17,25 95:14,16,18,21 95:25 96:1,4 96:15 97:7,24 98:5,11,25 99:4,12,17 100:11,21 101:1,18 102:1 102:4,7,10,13 102:22,25 103:5 104:1 107:19,21,23 107:25 108:8,9 113:13,16 115:8,11,12,13 115:15 116:8 116:11 119:23 120:1 121:9 122:12,17 123:4,8,11,22 124:8,11,14 125:15,17 126:6,23 127:7 127:20,23 128:3,9,13 Chairperson 5:12,25 40:10 52:12 56:4 58:15,20 61:9 64:13 65:6 66:21 67:2 68:1 108:5 115:18 116:5 122:24 123:3 128:5
--	--	--	---	--

Chandler 1:16 88:11,18,22,24 126:9,19,21 127:4	close 23:11 30:14 46:23 49:9 63:11 66:24 99:3	71:1	concludes 8:13 85:8 107:20 129:12	42:21 48:21 105:6,7 123:14
change 11:20 22:13 48:18 52:16 121:19	closed 67:5 128:7,10	commissioned 10:20	concrete 83:14	considering 65:24
changing 78:9 92:8	closely 41:17	common 23:14	condition 42:3 83:16,16	consisting 92:21
character 92:5,8 114:4,7,22 115:1,6 121:20	closer 85:6 118:24 119:6	communities 19:19	conditional 79:7	constitute 11:20
check 24:15 126:25	closest 15:23	community 90:16 94:23 99:22	conditions 6:16 45:11 76:17 88:14	constructed 46:10 120:16
checked 110:13	club 71:22	companies 37:21	confer 55:15 56:21,25 127:3 127:23	construction 10:5,5 11:5 16:3 25:9,15 26:12 61:19 74:21 75:7 84:14,15,17,19 84:20,21,23 109:24 110:25 114:3
Chestnut 31:22 31:23,25 32:13 33:9	coated 84:6	company 1:5 4:3 37:18 69:16,17 69:20 101:8 110:10	conference 97:10	consultant 126:3
CHIESA 2:6	Code 81:25 83:12 112:7	compared 27:8	confirm 39:8	consultation 60:5
choose 121:4	colder 18:13	compelling 114:23	confirmation 39:14 53:24 66:10	consulted 69:25 77:2
chosen 121:24	colleague 83:3	compensated 81:16	conflicts 23:16	consulting 1:16 69:24
circles 42:19	College 70:10	compiled 82:13	conform 110:13	contact 80:12
circulation 63:10,25 78:8	columns 108:21 108:21	complete 74:3 126:18	conformance 54:12	content 97:12,14
cited 52:5	come 7:15 20:1 34:5 35:2 48:23 67:10,16 79:23 80:4 92:22 128:24 129:1	completed 125:22	confusing 74:9	contents 77:8
city 71:5,5 86:11 86:24 87:8 100:6 101:20 109:3 121:8	comes 22:9 62:11 65:16	completely 27:20,22 118:22	conjunction 8:2	context 105:22 107:1
civil 4:22 6:13 81:15 107:17	comfortable 105:15	compliance 12:16,18 13:2 34:17 61:14 92:8	conjure 126:7	continuation 85:18
clarification 38:13 76:10 97:23 102:18	coming 16:5 23:3 28:6 36:24 57:22 64:18 66:20 67:19 92:21 126:25	compliant 38:20	connection 70:13 72:11 80:25 96:19 99:15 125:6,8 126:12	continue 9:5 39:3 40:21 56:12 57:7 71:13 78:25 83:8 89:2 91:4 92:17 126:20
clarify 8:5 96:16	Commencing 1:9	complicated 77:24	connections 89:16	continuing 67:18 92:11
clarifying 104:5	commensurate 27:9 33:12,17 35:19	complies 39:21 93:23	Conservation 72:9 75:3	contours 77:25
Clarke 70:7	comment 66:25 73:21 128:8,9	comply 38:15	conservations 51:22 125:7	contracted 22:4
clause 61:24	COMMENTS 3:20	comprehensive 90:25	conservative 19:24 48:22 58:8	contractors 78:11
clear 58:15 100:19 101:11 101:18	commercial 73:11 85:4	comprise 68:6	consider 57:2,3 61:7 77:12 118:17	conversation 25:12 26:17
clearly 59:13 63:15	commercially 39:13	concern 83:24 109:19 119:10 123:16 124:2 59:16,22	consideration 100:3 127:13	conversations 110:7
Clifton 71:5	Commission	concerns 9:3	considered 10:3 16:24 34:14,19	cooling 22:9
climate 22:12		concluded 5:1 128:14		coordinated
climbed 83:23				
clock 41:1 47:22 65:5 115:15 116:6 125:18				

94:3 coordination 91:13 125:8 Copa 4:23 6:22 6:25 79:14 106:20 copious 109:17 corner 15:23 28:2 72:24 corporate 100:14 Corporation 38:24 correct 4:6,7 11:14 17:7 25:3 26:2 39:23 41:22,23 50:16 53:18 55:21 77:13,15 85:13 102:24 103:4 121:21 122:9 127:12 128:13 correctly 105:15 corrosion 84:5 CORSINI 2:2 cost 91:16 counsel 82:23 130:10,12 counting 127:8 counts 13:3 county 72:8 75:4 75:6 couple 4:17 22:13 24:5 52:23 course 21:5 37:9 73:10 105:19 120:21 122:22 courses 95:2 Court 15:1,2,5 15:10 cover 76:11,12 76:18 coverage 81:10 81:11,12,13 107:12 covering 22:14 Cox 103:23	create 24:22 64:22 creating 95:3 creation 94:24 124:24 credential 41:15 credentials 57:3 68:18 70:15 71:11 credibility 58:17 crews 80:12 criteria 93:4 94:7 105:19 critical 21:6,16 89:14 cross-examina... 4:20 crowd 67:14 CSG 4:14 CSR 130:18 curb 61:19,22 curbing 61:22 current 48:6 51:14 70:5 currently 87:3 customary 52:25 customers 89:19 89:21 cut 8:20 13:6,7 17:9 19:6 23:7 23:14 29:25 30:23 32:14,25 46:3 47:15 49:11,13 cutting 19:3,9 25:10 37:25 64:4 115:3 D D 1:12 3:1 12:23 76:3 D-2 79:3 103:12 103:23 104:9 105:16 106:10 106:13 D-6 79:11 104:10 105:21 105:23 106:10	106:13 damaged 121:2 dangerous 21:21 Dannemiller 1:13 5:5,7 9:8 67:17 100:22 100:23 date 21:25 29:10 48:3,13,15 88:12 130:8 dated 47:15 48:9 48:19 62:5 77:12 130:22 dates 24:6 88:8 88:14 110:8 day 118:13,14 days 22:13 76:23 84:14,16 de 92:14 dead 24:12 deal 40:15 120:5 dealing 64:14 decade 82:5 decent 17:20 deceptive 28:13 deciduous 14:12 14:14,21 18:10 18:11 64:23 94:2 121:16 122:5,6 decision 8:22 17:4,6 declining 10:21 decorative 81:19 102:9 104:21 108:13,18 109:4,5 111:12 111:14,17 Deed 74:14 deemed 42:16 deeper 119:7 Delaware 71:1 delay 75:20 DeLine 77:7 demo 25:13 demolished 50:20 demolition 25:13 26:18	department 100:14 110:7 depends 18:4 30:2 33:2 36:11 depict 88:13 117:25 depicted 28:3 62:2 depicts 117:16 121:15 described 47:2 describing 73:17 DESCRIPTI... 3:13 design 20:9 27:18,19 35:20 36:4 54:8 55:1 113:24 119:18 123:25 125:1 designate 71:8 designated 42:17 designation 33:3 55:23 designed 18:22 19:8 35:4 desires 60:18 desk 103:24 104:3 destruction 100:2,10 detail 6:17 7:7 26:15 details 7:16 77:24 82:11 109:22 detention 33:22 34:15,20 35:6 35:7,16 36:6 60:10 98:3 deterioration 37:1 determine 97:11 127:16 determined 89:25 detriment 94:18 95:9	detrimental 14:2 32:19 detrimentally 20:5 detriments 107:8,15 develop 114:16 development 72:17 73:5 90:24 91:15,16 94:10 95:11 105:1 deviations 92:12 94:16 106:25 dewatering 74:21 dialogue 36:1 diameter 19:4,9 23:8,15 29:16 31:6,8,12 42:25 44:4 45:4,21 46:13 47:13 Diana 1:16 88:25 dictate 82:1 dictated 100:14 dictates 82:2 100:15 different 7:7 16:25 51:15 53:25 54:22 85:5 106:8,10 120:17 difficult 85:11 digital 79:25 direct 4:9,24,25 6:11 12:6 97:8 126:1,4 directed 97:2 direction 13:12 16:25 directly 13:14 21:2 54:23 57:13 69:25 Director 97:11 disappeared 58:24 disasters 90:20
--	--	---	--	--

94:25	77:23 110:12	78:6 81:24	6:22 17:3,5	especially 30:25
disciplines	drift 101:6	83:12 85:3,7	20:2 25:6	ESQUIRE 2:3,6
126:10	drill 104:1	91:24 93:6	35:23 36:13	2:7,9
disconnected	driveway 61:23	94:11 106:20	60:15 61:1	essential 89:14
44:19	62:16,18,21,25	112:7 114:24	69:23 77:23	121:20
discuss 7:17	63:6,8,16 64:7	124:24 125:3	98:6,8,21	essentially 18:1
74:1 96:20	64:12,19	electrical 4:23	107:17 109:22	85:17 105:25
98:2	dropping 18:13	6:22 22:18,20	110:7,8 113:24	107:5
discussed 6:22	drought 45:11	22:24 58:9	engineering-s...	Essex 75:4
6:25 60:12	due 6:18 22:12	63:12	119:19	establish 14:4
98:3 106:19	27:10 32:15	electricity 89:14	engineers 66:11	estimate 16:16
discussing 13:9	46:4 83:13	89:17 92:13	120:5	18:25 29:20
21:6 25:25	93:7 94:6	93:14 123:20	enhanced 94:5	43:5 46:8,14
discussion 36:6	111:9 118:6	123:21	enlarged 62:18	estimates 53:13
44:10,14 51:12	duly 5:23 15:12	electrified 31:8	ensure 121:2	et 45:11
56:8,10 83:2	69:10	31:13 52:1,5	entertain 95:12	evaluate 41:20
97:1	dust 94:24	63:11	entire 101:12	evaluated 24:10
discussions	Dutchman	emailing 88:23	entitled 126:13	119:10
33:20 34:4	37:18	emissions 94:24	entrance 74:24	evaluating 24:17
56:6 57:7	duty 92:23	employed 69:13	75:9 104:16,17	evaluation 20:17
125:6		69:15,21,22	112:18	evening 4:2,6
distance 85:1,25	E	employee 68:17	entranceway	12:13 38:12
108:22 109:11	E 2:1,1 3:1,12	111:9 130:10	117:12	41:3,5,5,6
distracting	5:23 69:9,9,9,9	130:12	entry 13:23	61:12 68:2
109:10	130:1,1	employees 57:14	15:19	72:14 102:13
district 72:9	e-mail 88:11	78:11	environmental	102:14 108:3
75:3 79:21	earlier 50:24	employment	69:19,23,23	108:10,11
disturbance	82:16 83:2	69:22	72:7 76:21,22	event 54:25
11:4,6 19:23	early 83:18	enable 35:16	77:8,13 96:7	56:20 65:16
division 78:6	east 3:15 22:23	38:4	96:16,21 97:5	evergreen 14:5,9
document 77:12	73:10 116:20	encircle 113:5	97:12,15,17	14:19,22 17:20
documentation	117:11	113:11,16	envision 117:25	27:11 65:9
96:14	Eastern 65:11	encircles 113:7	equal 17:17	94:2 121:17
documents	65:12	encouraging	equipment 7:3,3	122:6
94:13	EBH 33:12	91:13	7:10 20:23,24	evergreens 27:5
doing 60:25	edification	endangered	22:18,21,22,24	27:18
79:24 91:3	58:14	63:17,22,25	23:4 37:21	Everybody
101:10 114:24	educational 70:6	endeavor 116:2	38:3 52:5 58:9	67:10,11
129:5	effect 10:24	endeavoring	63:11 79:16	everyone's 6:8
doubt 54:20	112:8	114:8	89:22,23,24	evidence 12:12
61:1 126:17	effectively 20:14	energy 90:21	93:9 95:1	evolve 111:13
dozens 70:24	efficient 91:17	94:11 103:22	113:5,12,17	evolved 111:12
drainage 92:15	effort 59:20	enforcing 62:5	118:25 119:14	exacerbate
dramatically	eight 11:18	engineer 1:16	equivalent 93:21	105:1
10:21	67:10 74:11	4:22,23 6:13	105:25 114:9	exact 16:8 23:12
DRAPER 1:12	either 32:20	25:5 33:20	equivalents	24:1,6 43:4
drawing 29:7,10	56:23 112:16	59:20 81:15	83:19	52:18 59:8
76:10 110:14	electric 1:5 4:3	106:20 110:24	era 111:17	exactly 64:9,23
drawings 75:15	38:24 69:16	engineering	Erica 2:6 4:13	86:20 96:13

112:22 127:20 127:22 exalting 97:17 examination 4:21,25 5:1 6:11 69:11 example 10:10 14:14 16:3 42:5 44:3 60:10 87:12 excavation 61:21 62:16 exceed 54:15 86:22 exceedance 81:9 exceeds 79:20 81:12 excellent 18:12 Excelsior 70:10 excuse 14:25 74:19 77:18 89:22 100:15 exemplar 8:22 exemption 12:22 Exhibit 3:13 117:5,8 exhibits 88:4,18 88:20 89:1 115:25 117:1 117:20,21 exist 14:10 20:24 21:19 84:25 existence 109:16 existing 3:14 6:15 8:1 10:6 10:14 11:21 17:9,17 18:9 20:19 25:13,17 26:19 34:9 62:23 72:21 80:7 81:11 83:15 92:4 110:3,16,17 113:5 114:10 118:7 exists 11:10 87:3 93:22 94:4 109:1	exotic 66:6 expand 63:16 expansion 79:4 79:9 80:2 90:7 105:16 expect 17:20 27:10 57:6 89:23 expected 121:7 expects 89:21 experience 37:24 57:3 122:8 experiment 120:20 expert 41:9 44:24 47:3 53:2 56:17 58:16 71:9,12 112:9 113:22 126:15 expertise 54:5 98:21 114:1 experts 41:19,22 57:4 explain 26:21 73:7 79:15 82:19 explained 74:23 79:13 81:16 84:16 90:5 91:24 94:1,20 118:5 explanation 101:4 Exposition 70:25 extensive 110:6 extent 26:13 85:18 91:18,21 125:25 127:15 extra 59:20 106:16 F F 5:23 130:1 F-u-t-e-y 4:24 face 87:24 facilitate 12:7	facilities 36:16 69:21 94:23 98:18 facility 9:16 27:20 36:16 72:23 73:13 92:18 93:2 fact 8:17 21:24 59:21 88:10 109:21 122:10 factor 43:8,9,15 43:20,22 44:1 44:3 45:3 46:18 47:3 factors 45:9 factory 84:6 factual 101:4 fade 98:25 faded 99:12 Fagan 1:17 40:10 52:11,12 58:19,20,24 59:3 61:8,9 65:5 66:19,21 67:2 108:4,5 115:17,18,21 116:5,9 122:18 122:20,24 123:7,10 128:5 128:11 129:10 Fahey 47:21 fair 13:6 28:1 49:5 fairly 31:15 88:13 105:14 Fairmount 120:16 fall 18:17 24:5,8 falling 13:15 112:4 fallow 31:4 familiar 33:5 37:18,20 38:7 54:5 61:16,24 72:13,16 100:11,16 familiarity 98:15 far 22:22 26:5	47:1,4 62:12 67:16 127:8 fashion 40:18 Federal 20:12 38:17,20,22 52:4 55:6,7 60:22 feedback 96:24 feel 8:1,11 125:1 feet 7:25 8:3,6 17:13,13 18:3 18:5,8,10 19:3 60:9 78:1 79:12,12,17,19 79:21 80:4,9 80:10 81:7,8 82:4,18,24 83:2 86:18,21 86:22 87:15,16 99:24,25 100:5 100:6 101:12 101:15,16,21 101:23,25 108:22 109:7 109:15 fellow 8:24 felt 57:9 fence 7:16,20,23 7:25 8:3,6,8,12 8:18,23 9:3 13:7,7,25 14:12 16:1 24:23 25:10,14 25:23,24,25 26:1,1,8,12,23 32:11,20 33:1 33:1 36:16,17 36:24 37:3 48:24,25 49:5 49:6,8,13 50:2 63:2 80:5 81:19,20,20 82:2,2,6,9,11 82:12,14,18,20 82:24 83:10,11 83:11,15,19,20 83:21,25 84:1 84:1,4,10 86:13,14,17,25	87:2,13,17 93:21,21 94:6 99:9 100:5,13 100:15 101:12 101:15 104:12 104:14,15 108:12,13,16 109:4,7 110:8 110:12,17 111:3,7,12,14 111:16,17,23 112:14,21 113:5,10,17,18 113:18,20 114:9,10 118:17,20 119:3 120:3,18 121:6,23,24 123:15 124:3,5 fences 3:14 8:10 26:7 81:24 86:15 87:19,20 99:24,25,25 104:14 112:8 fencing 82:1 104:18,22 112:24 117:17 117:18 118:22 118:24 121:1 field 42:6 50:9 71:9 110:13 fifty 17:13 18:9 43:7 Fifty-nine 49:25 file 88:11 filibuster 40:23 filling 67:23 final 76:18 finally 37:1 73:14 75:12 76:20 78:12 84:8,24 90:20 91:12 financially 130:13 find 10:13 12:11 47:19 55:13 79:24 90:5 109:9,24,25
---	---	---	--	---

findings 10:19	62:4 63:15	127:10	getting 18:5	85:10 101:19
fine 74:5 122:15	64:4 92:7	fully 72:12	22:12 23:4	108:21 115:14
finals 79:17	Forester/Arbo...	functionality	88:5 105:6	115:17 116:3,8
finish 6:12 7:11	55:22	85:3	106:6 125:19	120:4 125:19
9:1 30:6	foresters 55:18	funny 51:4	GIANTOMASI	126:17 127:21
finished 4:20,21	55:18	further 9:7	2:6	128:22
4:23 6:11 65:8	forgive 122:22	16:25 45:1	Giants 64:25	golf 73:9
84:21 92:25	form 55:9 97:17	95:16 100:24	GILLESPIE 2:2	good 18:5 38:12
fire 32:7	Forster 25:20	118:25 125:5	give 5:19 44:23	41:3,4,5,6
firm 69:24	forth 36:2 40:21	125:13,24	69:1 82:10	42:19,25 45:8
first 9:15,24	42:14 78:18	126:2,4 127:19	86:16 87:19	45:12 54:2
24:4 28:22	130:8	130:9	102:20 121:9	61:12 65:15
46:10 47:1	Forty 11:13 43:7	further 124:19	123:6,12	68:2 95:9
48:22 74:7	Forty-eighty-f...	125:20	gives 27:2	102:13 108:10
79:3 81:5 89:5	43:1	Futey 3:3 4:24	glad 101:4	108:11 115:15
90:14,22 92:10	Forty-one-fift...	5:15,17 6:2,11	glean 9:25	129:10
96:25 103:14	50:1,17	7:5,12 8:15 9:8	go 5:4 6:2 8:16	grading 10:11
105:18 116:12	Forty-one-sixty	10:2 12:4	13:22 19:25	20:4 32:18
116:13,20	50:4,5	15:15 18:21	26:14 28:17	33:25 58:10
first-hand	forward 5:2	21:17 23:20	31:3 37:17	92:15
110:10,11	42:11 53:6	29:6 33:18,19	40:10 45:1,9	grant 34:24,25
fiscal 94:15	57:6	35:4 36:21	48:23 51:14	85:11
FISHER 2:3	found 10:20	37:4,7,17	57:20 59:19	granted 40:18
fit 10:12	92:7 110:12	38:12 39:5,8	64:19 67:21	78:22 95:8
five 81:4 85:8	120:23	39:18 41:7	73:21,22,25	great 40:15 69:8
flash 99:14	foundations	44:10,24 45:20	74:4 75:1	70:20 71:14
flawed 120:3	83:14 110:16	47:11 52:8,23	77:20 78:6,24	72:20 96:5
floodplains 95:1	four 44:4,4 45:3	52:25 58:2,18	80:16 87:25	99:5 120:5
floor 9:12 68:13	46:18 62:6	59:7 60:13	89:11 94:19	greater 93:6
Flutie 41:5	68:5 84:18,18	61:13 62:3	101:24 106:13	greatest 26:13
focused 51:16	125:12 127:8	65:22 92:1	108:6 115:9	green 6:19 18:1
foliage 17:25	fourth 75:4	93:25 114:13	116:15 120:8	28:3 64:25
18:11 27:12	84:12	Futey's 56:5	120:12 123:24	grouping 32:6
28:8	frame 80:8,9	future 65:18	126:17	grow 17:24 28:7
follow 20:17	free 43:2 58:19	101:10	goal 34:12	growing 28:16
follows 5:24	friends 60:6		God 5:18 68:25	grown 28:11
69:10 81:24	front 21:12	G	goes 37:2 101:22	growth 11:12
foot 83:24	46:21 70:23	Garfield 86:24	going 4:19 9:1	18:6 43:8,9,15
football 41:8	71:3 72:13	Gas 1:5 4:3	9:22 10:10	43:17,20 44:3
footings 110:3	75:5 81:6	69:16	12:24 14:3,7	45:3,10 46:18
footprint 10:11	frontage 13:18	gather 127:10	14:22,24 17:20	47:2 90:23
31:8	frontages 7:23	Gaunlet 86:14	19:25 23:1	guarantee 66:12
foregoing 130:5	25:16,22 81:21	general 89:13	30:10,11,12,13	guess 8:4 17:18
forester 11:4	frozen 71:17	90:16 93:3	30:24 46:25	64:8 123:8
13:1,13 39:20	80:19,22	generally 35:9	50:3,3 51:13	guide 90:23
55:16,20,23	fruition 28:12	118:4	53:1 56:14	guys 27:19
56:1,2,3,9,17	fulfilled 97:4	generates 92:18	60:24 63:2,17	
56:21,25 57:5	full 28:12,15,18	generic 103:14	64:5 66:5	H
57:9,13,17,17	90:6 126:16	GEORGE 1:17	70:16 79:25	H 3:12 5:23 80:8

80:8,9 habit 20:21 Hadley 69:17 half 84:18 99:25 100:5 hand 5:18 8:20 40:8,11 108:7 123:1,2 128:7 128:12 hand-in-hand 20:9 handle 54:2 hands 52:11 58:19 61:8 66:19,22 67:3 108:4 115:17 122:18 123:3 hanging 66:8 happening 14:1 16:2,3 44:20 63:3 happy 73:21 95:12 hatch 42:15 50:11,20 hatched 50:14 hatching 42:19 hazard 13:14,16 headquarters 78:7 health 13:20 20:5 24:11,15 32:21 41:15,25 42:14,16,20,25 50:6 65:18 90:15 92:3 94:14 healthy 16:10 hear 21:13 27:19 38:17 52:24 96:3 99:13 107:10 114:12,15 126:1 heard 38:15 43:8 62:19 96:10 105:15 106:25 128:12 hearing 1:9	38:14 40:20 48:7 80:14 108:20 126:9 129:11 hearings 40:4 height 11:9 17:22 28:12,15 28:18 47:7 79:11,11,19,21 80:5,6 82:6,17 82:24 83:5 90:7 101:12 106:1,1,16 121:25 heightened 54:25 55:4 heights 11:15 44:25 held 11:4 97:11 127:17 help 22:16 helpful 85:23 helping 90:23 hereinbefore 130:8 heritage 33:9 Hess 1:16 39:6,7 39:17 76:2,4 76:11 78:16,19 107:22,23 Hess' 73:20 Hi 61:12 hierarchy 56:15 high 79:12 80:7 81:19,23 82:1 82:9 86:14 87:11 104:18 109:7 112:12 112:24 high-priced 87:9 Highway 74:25 Hills 65:11 hip 73:14 historical 31:3 59:21 history 22:3 40:14 93:8 hold 49:12 hole 126:19	Holly 65:10 homes 73:12 Honestly 126:21 honor 6:6 hook 101:19 hop 73:14 hope 6:12 7:11 7:24 99:15,17 121:11 Hopefully 121:12 hoping 104:13 117:22 Horse 31:22,23 31:25 32:13 hours 4:17 How's 9:19 Hudson/Essex... 72:9 75:2 human 112:3,5 hundred 46:16 91:4 hundred-degree 22:13 I idea 27:2,24 65:13,15 86:16 87:19 121:6 Identification 88:19 89:1 identified 25:20 32:3 85:20 identify 28:19 28:23 29:7 30:5,16 31:21 32:5 illustration 26:22,24 28:11 29:24 image 121:15 images 120:12 120:13,14 imagine 122:2 impact 10:5,7 20:5 22:18 58:17 76:21 77:8,13 92:15 93:10,13,13	94:22 95:3 96:8,9,16,21 97:5,12,15,17 122:7 impacted 36:2 63:10 impacts 20:23 94:14,15 impair 94:8 impairment 95:9 Impasse 86:14 importance 21:1 important 27:13 93:22 99:21 importantly 26:7 improve 60:20 improved 93:20 improvement 20:4,5 33:25 improvements 7:9,10 11:5 12:8 32:16 34:1 35:25 52:2 58:7 76:7 79:24 89:10 92:2,12,14 93:15,19 inadvertently 117:3 inartfully 56:15 inches 19:9,10 23:10,15 44:5 45:5 46:13,18 51:23,24 59:17 59:17 incidents 111:19 include 101:17 included 73:11 74:14 75:10,23 90:3,4 104:6 117:11 includes 72:8 incorrect 98:8 increase 9:18 81:14 increased 81:16 increasing 94:21	Indian 52:17,19 115:22 indicate 114:2 indicated 7:19 44:11 51:7,9 56:5 108:19 indicates 42:13 48:4 indiscriminate... 19:25 60:19 individuals 125:24 industrial 94:25 Industries 37:18 industry 20:15 81:25 82:6 84:8 118:23 inform 25:9 information 9:25 41:18 47:2 74:13 76:22,25 77:2 96:8 111:18,22 113:24 informed 22:6 98:19 infrastructure 6:19 21:6,7,16 27:25 99:8,10 99:21,23 100:9 inherently 89:6 89:12,12 90:1 93:5 105:17 initially 7:20 8:4 input 33:23 54:1 inside 63:11 78:10 117:18 118:12 inspect 8:18 42:7 inspecting 42:9 inspection 8:22 install 109:24 installation 13:25 25:14 32:17 83:4 installed 80:11 112:16 installing
---	---	---	---	--

109:19 instance 30:4 96:23 Institute 20:17 instructed 24:21 77:3 insufficient 81:5 intend 11:9 87:2 87:6 91:3 intends 126:15 intensification 93:19 intent 17:25 94:9 95:10 intentional 14:8 14:24 27:15 interest 65:17 91:1,8 interested 130:13 interesting 17:19 interfere 10:14 interim 127:17 interior 63:9,25 113:11,19 internal 20:10 Internet 43:11 71:21 99:15 interrupt 67:9 interrupting 88:3 interruption 128:6 intersection 49:20 intimately 57:6 introduced 66:8 66:8 introducing 92:9 inventory 64:1 invites 100:1,10 involved 18:25 35:13 42:4,8 57:5 61:3 125:11 involvement 22:5	Iris 15:4,6 130:3 130:18 iron 36:23 81:20 83:17,17 84:1 Island 70:9 issues 22:7 32:22 35:23 76:3 item 12:1 25:7 74:11,12,15 75:8 77:21,25 78:3,12,12,13 items 11:19 73:19,20 74:6 77:20 J J 5:23 Jen 4:9 7:19 67:20 68:1 JENNIFER 2:7 jeopardizing 118:19,19 Jersey 20:13 33:6 38:25 69:15,18 70:2 70:25 86:11,24 87:8,17 100:6 101:20 130:5 job 98:9 John 1:16 3:3 4:23 6:2,11,22 73:20 79:14 91:25 93:25 106:19 JOSEPH 1:17 Joyce 3:22 61:9 61:13 judgment 56:19 June 11:18,25 12:17 jurisdiction 20:12 55:7,8,9 K keep 34:9 80:24 116:6 117:15 keeping 34:9 keeps 44:20 kept 21:17 25:22	34:7 49:15 Kevin 2:9 59:17 108:6 115:16 kind 5:15 8:1,8 8:13 71:21 99:9,10 kindly 40:8 60:3 Kipp 11:3 13:1 39:15,20 66:11 Kipp's 42:6 Kipps's 42:3 know 12:9 16:14 18:11 19:10,19 22:7,12 23:23 24:2,5,6 27:4 27:22 29:15 31:6,7,10 33:3 34:11,15 36:12 38:2 43:14 49:7 50:7 52:15 55:23,24 56:2,18 57:8 59:14 72:23 74:25 76:24 80:24 82:21,22 84:9 86:15,20 88:6,8 99:20 112:10,22 116:24 118:1 118:15 119:2 119:22 122:2,4 124:6 126:14 126:16 knowing 126:7 knowledge 21:18 22:6 33:16 36:14 43:10 44:12 98:16 110:10 110:11 113:7 113:25 117:24 L L 15:11 LA 130:3,18 Labeling 97:16 laid 59:12 land 69:20 72:6 72:7 73:7	90:12,14 91:8 91:15,17,18 94:12 103:2,5 124:20 landscape 4:25 5:6,8 7:6 34:12 35:5 41:10 44:12 54:7 55:1 62:7 93:25 114:11 120:6,22,24 landscaping 18:22 54:8 94:4,7 109:1 117:21 118:1 120:19 121:2,5 122:2,2 large 34:21 59:16 larger 23:7 31:6 31:7 46:1 77:23 LaRosa 15:6,8 law 4:14 34:17 34:24 90:12,15 94:12 106:7 124:20 layout 125:1 lays 61:2 Leaf 30:16 31:7 leave 92:25 100:19 116:23 leaves 14:14 18:14 24:11 leeway 44:23 left 31:3 115:12 123:13 legal 79:4 lessening 91:16 let's 5:4 40:12 42:23 47:7 51:17,18 57:20 67:9 95:21 115:9 letter 39:15,19 42:1,3 66:11 73:21 Library 99:8 license 69:15	70:4 80:14 licensed 41:8,10 41:12 44:13 54:19 69:14 70:2 licensing 69:18 life 14:3 life-span 16:19 20:22 34:10 light 92:23 lighting 6:23 92:16 lightning 6:24 79:12,14,17,18 80:7 93:17,18 106:3,4,19,20 lights 77:19 limb 112:4 Limbs 13:14 limit 11:4 19:23 Linden 30:16 31:7 line 13:7 14:12 25:23 32:11 48:25 51:15 73:2 lines 30:22 lining 117:13 link 51:9 111:12 112:18 list 33:6,17 65:3 85:14,19 126:10 listed 29:18 88:12 listen 4:17 listening 59:7,11 95:12 literally 16:19 little 8:9 10:8 16:21,25 17:18 19:6 21:10 26:14,16 28:13 30:16 31:7 40:21 44:9,13 44:23 45:1 47:1,4 86:13 86:19,20 89:11 99:1 102:9
--	--	--	--	---

live 52:17 115:22	98:23,24 99:6 99:20 116:22	49:3,10,16,19 49:24 50:4,7	106:5,19	127:6,15,17
living 89:15	looks 31:2 99:11	50:10,13,17,21	Master 72:18	128:15,16,17
load 30:12	lose 14:14	50:22 51:1,4	94:9 95:11	128:19,22,23
locate 47:24	lot 7:15 12:10	51:13,14,17,21	Master's 70:8	129:6
located 17:10	13:11,17,25	52:7,10 58:21	masts 79:19	meetings 105:13
50:10 72:23	14:23 16:2	58:23 59:3,6,6	93:18 106:3,20	meets 83:12 84:8
104:16	32:22 60:24	59:8,10,24	match 87:2,4,6	megahertz
locating 34:20	63:3 77:24	60:3,5 61:5,6	material 7:17	80:11
location 14:5	81:10,10,11	108:6,8,9,11	65:10 83:13	member 3:20
16:8 49:4 50:3	96:10 107:12	108:12,15,19	materials 8:8	5:2,7,11 9:13
54:9 88:14	122:11	109:11,14	matter 1:3 9:15	9:19,21 10:7
91:11	lots 1:6 11:22	110:2,5,18,20	9:24 12:14,16	10:13,17,23
locations 7:4	35:10 57:13	111:2,13,18	matters 98:6	11:7,13,25
33:21	59:13	112:6,13,20	mature 19:11	12:3,9 13:5
logic 49:10	louder 21:10	113:1,4,9,15	21:1	15:15,20 16:6
London 28:24	31:19 99:1	114:2,12,15,19	maturity 11:12	16:10,14,18,23
29:11,12,16,25	lower 113:20	114:21 115:3,8	114:17	17:5,8,15 18:2
31:11,14 42:24		115:10,13	maximum 79:20	18:7,16,21
45:3,21 46:12	M	117:16 126:14	81:10 91:21	19:2,7,13,18
51:19 60:9	M 2:7 69:9	126:18	MBA 70:10	21:5,9,11,15
long 20:6 34:10	M-e-r-a-i-n-e-r	mall 85:4	McDonnell	21:23 22:8
68:17 70:1	68:22	management	33:24 36:1	23:5,13,18,23
91:20 112:6,13	main 73:1	6:17 20:10	76:6	24:2,7,14,18
long-term 90:25	maintain 14:20	52:4 55:17	mean 16:24	24:21 25:1,4,8
91:19	49:2 113:20	56:7 57:12	18:24 19:16	25:24 26:6,11
longer 16:22	maintaining	70:9,11 78:4	26:16 27:5	26:21 27:3,7
45:25 98:19	37:2	115:16	45:8 74:17	27:13,17 28:1
longevity 93:8	maintenance	manager 69:19	102:22 113:1	28:10,19,23
111:9	84:7	84:17 91:25	meant 26:24	29:2,4,15,19
longstanding	major 79:2	98:14	27:19 116:18	29:23 30:4,8
114:8	majority 25:18	managing 83:25	116:20 117:2	30:15,21 31:17
look 8:1,10,12	45:16	manhole 30:13	measurable	31:20,25 32:4
9:3,24 20:19	making 8:20	manned 78:5	115:1	32:8,12,24
20:20,20 33:15	60:10	manner 123:24	meat 73:22 79:1	33:5,8,13,18
48:23 51:7	Malanga 2:9 3:6	manual 61:21	medical 73:12	34:3,14 35:2,8
58:8 59:19	3:9,21 40:11	manufacture	73:15	35:11,14,19
60:8 84:19,20	40:12,13 41:3	37:21	Medicine 99:8	36:5,9,14,20
86:17 87:11	41:7,12,14,21	manufacturers	meet 54:20	37:14 66:22
99:25 109:5	41:24 42:12,18	83:20	55:14 56:1	95:24 96:3,5
111:24	42:23 43:3,7	map 31:18 32:5	60:20 66:1,15	97:22 98:1,7
looked 4:18 9:16	43:10,14,18,23	64:4	82:6 96:20	98:22 99:2,5
83:15	44:2,12,15,17	Marine 70:8	meeting 1:17	99:19 100:17
looking 8:19	44:20 45:2,13	mark 1:13 88:3	4:17 6:9,21	100:18,23
17:23 18:20	45:20,23 46:2	marked 88:21	7:18 15:3	104:11 123:1
43:11,12 48:3	46:6,12,17,22	117:5,8	52:13 55:10	123:19 128:6
48:8 49:17	46:25 47:8,11	mass 6:24	58:21 59:4	129:9
50:13,15 85:9	47:19,23 48:2	mast 79:12,14	60:22 61:10,15	members 1:11
86:3,5,10 87:5	48:8,10,12,17	80:7 93:17	76:23 96:25	5:4 8:25 9:9
			97:20 115:19	23:21 39:25

40:1 41:4 53:3 53:16,23 57:15 68:5 71:10 74:8 108:1,6 122:25 127:8 128:3,13,21 129:3 memorandum 96:17 memory 6:8 mention 20:8 38:16 80:6 82:8 mentioned 12:5 15:16 20:3 25:18 26:19 32:16 51:19 52:3 55:5 57:4 57:11 62:25 64:24 70:4 73:20 102:19 104:5,24 105:20 124:18 Merainer 3:7 7:13 8:7 68:15 68:21,21,22 69:3,12 70:21 71:8,12,15 72:3 73:16,25 82:15 83:8 85:15 88:6 98:12 100:12 101:2 102:13 108:10 115:11 117:5 122:12 122:19 123:23 124:17 125:18 merely 87:18 met 41:21 97:13 metal 81:19 methods 61:20 mic 21:12 Micaela 3:21 52:17 115:18 115:22 123:10 Michael 1:13 4:22 6:14 79:13 81:15 microphone	68:8,24 microphones 67:12 microwave 80:10 middle 14:18 midst 28:16 Miguel 84:17 91:25 Mike 74:23 91:25 Miller's 104:2 mind 116:14 minimal 92:18 92:20 minimus 92:14 minivan 92:23 minor 74:22 75:1 83:7 minute 71:24 minutes 8:19 40:23 51:16 67:10 75:25 mischaracteri... 62:13 missed 4:16 28:21 71:24 mitigate 114:25 mix 65:1,13 94:1 moderator 1:17 40:8,25 modern 59:15 83:18 89:15,23 93:21,21,23 114:9 modified 62:18 modify 62:16 64:11 modifying 61:23 62:21 63:5 moment 15:1 37:8 77:19 86:2 127:2 monoculture 65:14 month 80:20,21 months 18:18 morning 8:19 Mount 1:6 4:4	7:22 13:8,22 15:19,23 17:10 23:3 28:2 49:20 72:24,24 73:9 74:24 75:10 81:7,21 104:16 124:3 move 5:2 7:3 47:7 57:23 73:17 119:3,6 119:7 moved 71:19 moving 13:23 16:24 42:11 53:6 57:6 60:8 120:3 multiple 56:6 118:14 124:20 multiplies 44:4 45:4 municipal 8:18 55:9 72:10 75:6 90:12,14 91:12 94:12 103:2,5 124:20 municipality 100:7,8 music 73:14 mute 67:21 68:1 N N 2:1 3:1 5:23 69:9,9,9 N-E-R-C 38:23 N-o-r-e-e-n 68:22 N.J.S.A 79:6 N.J.S.A.40:55... 103:11 name 52:14,16 52:16 58:22 59:4 61:10 64:24 68:20,21 68:22 115:20 115:22 126:11 national 20:16 38:18 81:24 83:12 99:8 112:7	native 39:10,12 65:24 66:2,7 natives 59:13 natural 90:20 nature 20:1 30:3 33:24 52:2 58:7 73:17 near 49:19 52:5 73:7 nearly 28:3 necessarily 49:8 101:8 120:24 necessary 53:23 78:24 114:3 125:2 necessitate 25:10 necessity 26:7,8 need 7:8 8:17 12:24 21:7 31:24 50:24 51:16 63:19 68:7 74:4,20 79:18,19 82:14 84:10 85:14 86:19 87:22 111:2,6 112:11 118:15,22,23 123:20 126:24 127:23 needed 76:25 79:14 84:22 94:11 97:6 106:14 needs 55:12 85:6 85:7 111:3 negative 58:17 94:7,24 105:19 negatively 122:7 neighborhood 92:5,9,10 114:5,7 115:2 122:8 neighbors 120:24 neither 130:9,11 NERC 38:23 net 101:7 Neuer 1:12 4:1	4:11,16 5:9,13 6:4 8:16 9:11 9:17,20 11:23 12:2 14:25 15:7,13 21:8 21:10,14 23:18 30:6 31:19,21 34:23 37:7,10 37:16,20,24 38:2,6,9 39:1,6 39:18,24 40:12 44:15,18,22 46:25 47:10,21 48:10,13 50:22 51:2,12 52:10 52:18,21,24 56:11,13 57:20 57:25 58:13,23 59:1,8,24 61:4 61:8 62:2,11 63:19 64:14,17 65:4,7,21 66:19 67:1,4,8 67:14,22 68:4 68:10,13,23 69:6 70:14,19 71:10,17,19,22 71:25 74:3,17 75:13,19 76:2 76:12,14 77:1 77:6,11,17 78:16,21,25 80:18 81:1 82:15,21,25 83:6 85:10,14 85:22 86:5,9 87:22,25 88:5 88:8,13,17,25 95:14,16,21 96:1,4 97:7,24 98:5,11,25 99:4,12,17 100:11,21 101:1,18 102:1 102:4,7,10,22 103:5 104:1 107:21,25 108:8 113:13 115:8,12,15
---	---	--	---	---

116:8,11	79:5 80:2 90:7	O	28:10 30:15	opposed 96:8
118:16 119:17	105:16	O 5:23 15:11	31:17 36:21,22	98:4
119:23 120:1	nonconformity	69:9	39:17,24 48:2	opposite 87:9
121:9 122:12	104:25 105:2,8	O'GRODNICK	53:19 55:25	Optimum 71:23
122:17 123:4,8	nope 37:2	2:3	56:20 65:7,19	Orange 1:1
123:11,22	Noreen 3:7 7:13	Oak 44:3	66:17 68:4,10	10:18,20 12:10
124:8,11,14	68:21 80:22	oath 15:8,9	76:13 77:11	72:17 87:4
125:15,17	96:10 122:20	object 62:12	81:1 83:6	89:19 90:22
126:6,23 127:7	north 38:23 73:8	115:7 119:17	86:10 88:6	91:6 95:7
127:20,23	northwest 73:3	objected 12:10	99:2 100:18	103:2 118:6
128:3,9,13	Norway 32:9,10	objecting 62:9	103:7 105:12	120:22 121:8
never 36:5 41:21	32:13,25 33:8	objection 78:19	105:14 115:15	124:22
99:19 123:13	47:12,14 65:11	113:23 118:11	116:11,18	order 15:17,20
new 7:20 8:12	Notary 130:3	objectives 91:1	120:1,10	16:25 62:16
11:5 12:17	notation 128:25	94:12	121:11 123:9	95:22 125:2
13:2 14:4,7	note 42:2 76:4	obligated 97:21	123:11 125:17	127:18
15:17 17:16	85:2	observations	126:6 128:3,11	orderly 40:17
20:13 25:9,14	noted 6:10 7:5	41:17 50:8	old 16:15 26:23	90:23
26:12,18,19,25	79:22 105:15	obtain 44:5 45:5	27:1 30:22	ordinance 10:18
27:15 28:6	notes 4:19 66:5	obviously 6:12	45:15 46:22,23	11:2,18 12:1
33:1,6 38:25	102:18	9:9 20:25	52:17,19	12:17,19,21
39:21 49:15	noticed 111:24	25:16 29:13	115:22 122:5	13:2,3 16:13
62:8 64:7	notices 128:23	45:9 60:20	older 46:7	26:14 35:1
69:15,18 70:2	November	81:12 85:3	on-site 10:12	36:15 39:11,22
70:25 79:18	126:22 127:1	90:19	20:19 42:11	54:12,15,21
82:14 87:16	127:14,24,25	occasions 58:15	78:15	55:9 60:21
92:9 94:6	128:2,15,23	occupied 84:21	once 92:22	61:15 62:1,5,8
104:14 109:7	129:1,6	occur 84:18	ones 13:11 15:22	62:17,21 64:11
113:18 118:20	Now's 39:24	October 126:24	32:22	65:25 66:14
130:4	number 11:19	127:6 128:19	ongoing 26:17	72:17 81:8,23
news 111:5	12:1,9 14:9	128:25	open 39:25	87:15 90:13,22
night 129:10	23:12,25 24:1	odor 94:25	opening 4:8 6:1	91:7,13 94:17
nine 16:9	25:22 29:12	offer 44:25	6:5 8:13 9:7	95:10 96:18
Nishuane 97:13	31:24 33:3	offering 90:18	operation 92:20	97:9 103:2,3
NJDEP 6:19	42:24 45:4,5,9	100:4	94:25	114:11
71:2 74:20	45:21 46:13	Offhand 29:17	opine 41:15	organic 65:25
98:20	47:17,18,19,23	office 42:7 73:1	opined 121:18	66:3,13
NJDOT 72:9	49:16,24 55:5	73:14 77:3,4,9	opinion 53:20	organization
74:22 75:1,11	59:2 61:17	77:19	53:20 58:4	51:22 60:2
75:17,24	74:11,12,15,18	offices 71:21	92:2 94:16	original 12:19
non-conformit...	77:21,25 78:3	73:8,8,12	95:6 96:11	originally 96:23
84:25 85:17	78:13 82:11	Oh 21:11 44:17	101:7 104:7	117:19
non-conformity	121:3	52:19 67:22	105:2 106:9,11	outages 90:19
85:1	numbered 42:19	71:19 80:18	106:12,15	outer 25:25
non-municipal	numbers 30:19	119:24 123:10	122:7 124:19	outside 17:2
38:14	numerical 43:19	okay 4:11 9:21	124:25	19:22 34:22
non-pesticide	43:22 44:1	10:2 11:17	opportunity	64:3
65:25 66:3,13	nursery 66:5	16:23 19:18	8:25 9:9 40:1,2	outweigh 94:16
nonconforming		21:15 26:6,11	56:1	94:17 107:8,15

outweighed 93:13	48:6 55:11 73:4 76:6	81:13	32:18 33:25 37:22 42:12	98:2 119:20,21
overly 99:11	80:13 96:12	permitting 12:25 69:20	112:14 130:7	planning 10:3
oversee 98:9	98:8 107:16	98:14	placed 26:20	69:20 71:5,9
overseeing 53:5	116:25 119:15	person 11:19	43:19 85:2,5	72:8 75:4 89:7
	124:2	126:11 128:11	placement 22:20	90:10 94:13
P	partial 90:5	personal 113:25	26:18 36:12	97:11 106:7
P 2:1,1	particular 14:19	personally 23:6	118:17	124:19,25
P.A 2:3	16:4 30:9 55:5	40:18 54:7	Plainfield 69:18	plans 75:18 76:6
p.m 1:9 67:13	63:1 100:19	58:16 80:13	87:16	104:22 125:9
129:1,12	106:13 124:24	112:4	plan 6:15 7:6	plant 11:9 17:25
package 30:20	particularly 90:2 93:7 94:6	PHILIP 1:12	10:16,25 14:7	24:17 65:3,10
112:25	parties 130:11	phone 59:1	14:16 17:9	planted 39:10
packages 82:12	parts 82:8	photo 27:2	20:2 24:20	planting 14:8,18
90:4	pass 56:18 58:19	88:12	29:1 30:16	27:15 34:8
page 3:2,13,21	118:13	photograph 3:15 117:6	31:14 34:1,7	59:13 66:5
3:21,22 11:17	path 63:10	photographs 3:14 53:7,14	39:21 41:20	92:7
82:13	patterns 78:8,9	54:2 88:20	42:13 47:14,14	plantings 28:6
pails 83:20,21	pay 40:15 80:19	116:1	47:25 48:3,9	94:1 114:16
painless 9:4	PC 2:6	photos 86:2	48:14,18,19,19	plants 14:4
painting 84:7	pedestrian 78:8	109:2 121:23	49:15,18 50:10	platform 129:2
pan 87:22	people 100:7,8	pickets 112:1	50:13,24,24,25	plausible 44:7
panel 40:14	percent 79:22	picture 116:12	51:7,8,10,11	player 41:8
paragraph 11:24 62:6	81:11,12,14	pictures 88:3,6	51:14 53:5,5	Pleasant 1:6 4:4
parameters 96:21	perfect 116:24	88:15 117:25	54:8,10,11,16	7:22 13:8,22
pardon 32:1	perfectly 39:13	piece 96:8	54:16,20,24	15:19,24 17:10
128:5	perform 24:14	pier 109:24	58:11 62:7	23:3 28:2
parent 52:12	61:19	piers 108:20,21	63:8 72:10,18	49:20 72:24,25
park 92:24	performance 94:20	109:12 110:3	74:8,10,10	73:9 74:24
park-like 118:9	perimeter 24:22	110:13,16,20	75:7,15 76:17	75:10 81:7,21
119:13	25:10,11 26:23	pillar 32:21	78:13 85:20	104:17
parking 35:10	52:1 63:12	81:20 86:19,25	90:25 91:19	please 4:11 5:18
78:13,15	64:3 113:19,20	87:14,14	92:7 94:9	9:4,18 30:7
Parlavecchio 2:6 3:4 4:5,7	115:4 118:18	101:16 109:25	95:11 105:10	31:19 39:3
4:13,14 5:25	period 40:4	pillars 7:20,21	123:17	44:15 47:7
6:7 9:4,6 15:1	84:15 114:21	7:22,24 8:2,6,9	Plane 28:24	51:14 52:13,18
15:4 29:6 44:8	periods 39:3	8:12 25:14	29:12 31:11,14	56:12 57:21,23
44:23 46:24	permit 62:17	26:19,20 82:17	42:24 45:3,21	58:21 59:4
51:6 56:4	74:22,22 75:1	83:4,16 86:12	46:12 51:19	61:10 62:13
64:13,16 67:5	75:2	86:13,17 87:3	60:9	64:19 65:4
67:7,18,20,23	permits 12:24	87:10 101:13	Planes 29:11,16	67:10 68:19
67:25 83:3	72:8,10 74:16	101:14,21	planned 73:5	69:12 71:13,25
part 7:23 8:21	74:20 75:7	102:4,8 109:8	126:1,5	78:25 81:2
9:7 20:8 28:22	81:23	109:20 117:12	planner 1:17	83:8 85:2 89:1
29:9 31:13	permitted 40:5	121:24,25,25	7:14 68:16,19	98:12 99:1
33:16 36:3	78:10 79:7,13	Pine 65:12	69:14,23 70:2	102:21 115:9
	79:21 81:10,10	place 4:11 8:17	71:13 77:2	115:19 120:8
			80:14 95:7	122:19,21,22
			96:20 97:1,19	123:2
				pleasure 71:12

plugging 80:25	possibility 98:3	51:23 54:25	process 10:3	119:11,16
plumb 110:21	127:5	55:2 59:20	12:25 20:9,9	120:4
110:24	possible 24:8	117:17 118:18	profession 54:14	property's 93:7
plus 85:12 109:1	26:13 27:21,24	119:1,8 123:18	54:17,24,24	proposal 27:8
point 12:21 31:4	35:15,21 46:11	preserved 57:10	99:6	propose 13:7
32:22 38:12	55:13 57:18	preserving 10:2	professional	109:21
40:4 61:16	113:9,16	33:21 34:4	4:22 7:14	proposed 6:15
71:7 82:5	115:24,25	35:16 55:11	54:19 68:16,19	6:18,23 7:1,6
101:1 120:2	116:6 119:3	press 116:4	69:14 70:6,11	7:16,21 10:5
pointed 31:15	127:15	pretty 11:12	71:9,13 95:6	11:21 12:7
points 99:7	potential 90:19	16:19 17:20	124:19,25	20:2,18,21
102:17	powder 84:6	18:12 22:22	professionally	23:17 31:13
policy 101:8,9	power 21:2	23:11 27:7	98:23	34:11 35:25
poll 127:9	22:11 34:24	31:12 34:21	professionals	54:10 76:8
128:19	practical 91:18	prevents 110:1	37:17 74:8	87:2 92:6
ponds 98:4	91:21 123:24	previous 13:13	109:23	104:14 105:1
poor 42:16 50:5	practice 23:14	25:19 60:15	progress 28:15	108:22 113:11
Porter 2:7 3:7	53:1	previously 29:8	prohibition	113:17 114:3,4
4:9 5:16 7:19	pre-application	51:19 62:25	11:18 12:1	118:1 122:3
67:19,22 68:2	97:10	70:4,22 89:25	prohibitions	125:1
68:11,12,14	pre-existing	90:5 116:25	61:17	proposing 13:19
69:7,8,11	79:4 84:25	primarily 14:12	project 22:6	13:23 14:9
70:14,16,20	85:17 104:25	22:21 49:14	24:25 35:5,20	66:6 79:18
71:7,13,14,18	105:2	principal 79:20	36:7,18 41:19	81:6 83:12,19
72:1,2 73:24	PRECISION	106:5	55:12 69:19	83:22 84:2,4
74:5 80:22	1:22	printed 76:18	70:11 77:24	93:15 99:9,10
82:25 85:10,13	prefer 56:25	prior 38:14	84:17 90:11	104:20 108:24
85:16 86:7	96:11	69:22 128:23	91:25 97:15	Prospect 7:23
87:23 95:14,15	premise 120:2	prison 100:1,1	98:9,14 100:4	13:8,11 14:18
95:18 96:15	preparation	private 91:14	123:25 125:7	15:24 17:10
98:13 104:24	10:24 72:6,12	privy 111:22	125:12 127:3	22:23 28:2
113:23 115:7	prepare 41:24	Pro 2:9	projects 19:2,8	31:1 32:9
117:4,9 118:11	prepared 40:17	probably 9:21	19:17 23:6,10	45:18 47:13
119:17 123:9	107:22	11:11,15 14:3	35:12 111:16	49:12,20 72:25
124:10,11,15	present 1:11,15	16:9 17:14,21	promoted 90:15	73:10 75:5
124:16 125:5	40:3,9 68:6	23:11 27:6	promotes 89:13	81:22 124:3
125:13,15,16	77:7 96:14	29:21 45:8	promoting	protect 10:25
125:18,23	109:11	46:15 56:14	90:15,21 91:7	22:14 61:20
126:24 127:2	presentation	92:10 111:5	103:22	104:18 119:12
127:12,22	100:24	problem 18:17	prong 105:19	protecting 121:1
128:1 129:5,8	presented 6:13	21:24	proof 107:13	protection 11:3
Porter's 97:8	12:11 26:22	problematic	proofs 104:8,8	42:10 49:1
pose 108:2	44:24 96:12	21:2 25:19	105:15 106:14	protective 82:3
posing 13:14	105:11 108:3	problems 21:20	proper 89:15	84:2
position 78:17	presenting	procedures	properly 37:2	protects 84:11
98:2 118:24	96:13	91:14	property 4:3	84:11
positioning	presently 11:10	proceed 68:7	73:4 74:13,14	provide 6:1
117:17,18	18:7 21:20	PROCEEDIN...	78:1 93:12	17:16 22:15
positive 93:4	preserve 26:13	1:5	95:2 119:4,8	27:24 36:1

54:19 75:24 76:22,25 85:20 89:21 91:23 105:21 109:4 114:9 125:2 provided 6:14 6:17 7:7 30:20 42:2 83:11 96:17 97:3,3 106:24 provides 18:12 providing 6:25 22:24 54:11 78:4 89:9,20 114:10 provision 11:17 91:2 92:13 93:14 provisions 35:1 proximity 20:22 25:17 48:24 49:9 PSE&G 3:14 4:15 7:21 13:13 18:22 19:8 20:10 23:7,14 26:9 26:12 37:2 38:15,20 41:20 42:2 55:16 56:1,7,9 57:9 57:14,17 68:17 69:21,22,25 72:13 78:10 79:23 80:20 81:16,24 82:3 82:7,9 83:12 89:21 90:6 97:3 108:23 110:8 111:3,9 119:10 126:3 PSE&G's 112:10 public 1:5 3:20 4:2,21 7:12 12:23 20:14 27:16,20 38:3 38:25 39:25 40:1 51:11	59:21 60:3,18 66:22,24 69:16 78:9 79:6,9 80:3 84:11 90:2,15,17 91:1,8,14 93:2 93:3,7 94:14 94:15 95:9,20 100:2 101:2 108:1,6 114:8 121:3 122:25 123:1,19 126:12 128:4,6 128:8,9,14 130:3 public's 59:15 123:16 published 128:24 pull 28:25 92:23 116:3 pulled 120:18 pulling 121:6 124:3 purchased 38:3 PURD 73:6 purpose 10:19 91:6,9,12 94:9 95:10 103:14 103:14,17 121:22 purposes 90:12 90:14,21 99:22 102:19 105:20 124:20,21 purview 17:3 put 9:22 34:15 48:25 59:14 65:7,14 66:4 68:7 81:6 82:9 88:25 91:19 104:18 118:21 123:7 124:5 126:15 putting 64:22 66:1 83:24 Q qualify 33:9	question 17:19 22:10 26:10 36:22 39:8 41:1 47:12 48:11 53:11 54:23 58:2 60:4,12 62:14 63:19 65:23 70:18 72:1 102:15 104:13 106:23 113:14 117:23 118:15 121:10,12 122:4,13 123:2 123:5,12,23 124:18,23 125:5 questioning 5:3 30:21 39:25 41:2 51:15 59:25 62:13 67:5 126:12 questions 5:6,8 5:12 7:12,13 7:15,19 8:14 8:15 9:3,8,10 37:5,12,14 38:9 40:2,5,9 40:17 47:3 52:7,23 54:6 66:23 71:11 84:9 95:12,19 95:23,24 97:25 100:25 102:11 102:11 107:20 107:24 108:2 115:10 119:18 119:19 125:14 126:7 quick 123:12 quite 118:9 120:21 quorum 67:16 68:6 127:10 129:4 R R 2:1 15:11,11 69:9,9,9 130:1	R-5 73:6 radio 73:13 80:10,12 raise 5:17 40:8 123:2 raised 40:11 66:22 67:3 108:7 123:1,3 128:7,12 random 94:4 range 11:16 27:6 28:17 46:16 ranging 59:16 rankings 56:19 Raritan 71:1 rate 11:12 43:16 45:10 re-notice 127:18 reach 11:9,12 reaching 17:22 read 61:18,25 100:10 111:5 reader 92:24 reading 11:24 40:19 realignment 13:24 15:19,25 realistic 34:8 really 6:8 11:4 12:6 17:2,3 22:2,4,5,18,23 22:25 23:2,4 26:17 32:21 34:22 36:11 38:19 54:11 56:23 59:11,15 59:22 60:16 61:1 85:14 rear 26:4 reason 13:19 19:19 48:17 75:14,19 86:18 89:8 90:9 91:22 101:15 110:2 114:24 reasoning 36:19 84:10 reasons 83:9	89:3,5,7 90:10 90:11,13 receive 49:11 received 33:23 39:20 88:21 96:24 97:18 117:8 receptacle 120:25 recess 67:11,13 recitation 106:24 recognize 87:15 92:16 recognized 40:7 78:1 recollect 117:20 recollection 121:16 recommend 9:2 19:25 20:7 127:14 reconfigured 75:9 reconfiguring 74:24 record 4:12 8:17 9:23 29:7 39:1 39:18 52:14 58:22 59:5 61:11 68:5,20 70:5 74:3 78:21 96:16 101:11 103:10 104:5 115:20 records 43:2 79:25,25 90:6 red 87:6 121:4 Redcedar 65:11 redevelopment 90:24 redirect 67:6 123:9 124:15 reducing 61:22 reduction 90:18 refer 50:24 99:23 108:12 reference 30:18 referencing
--	---	--	--	---

117:16	reliable 89:14	81:19 104:21	requirements	restate 71:25
referring 51:8	89:22,22 91:2	replaced 109:2	6:19 20:3,13	restrictive 99:11
52:2,3 64:9,25	92:13 93:14	122:6	20:14 54:21	result 7:1 37:1
99:17 100:17	94:10 123:20	replacement	55:6,14 60:21	results 24:18
112:17,20	124:24 125:2	6:23 7:16,24	61:16 80:5	resume 8:15
refers 56:8	relief 73:17 74:1	13:21 16:1	81:25 96:18	retail 73:9
reflect 68:5	79:8 90:6 97:5	replacing	requires 36:15	retain 93:11
78:22 83:2	relocate 37:22	109:18 121:18	54:15,17 60:8	retention 32:7
reflected 10:15	38:4	replanting 59:15	65:25 81:8	retirees 110:11
24:19 34:6	relocated 37:25	report 41:25	82:1,17 84:7	return 117:19
refrain 101:9	rely 21:3 98:20	62:4 78:18	research 73:1	123:17
refresh 6:8	110:25	Reporter 15:2,2	99:6,20 122:11	reverse 95:22
regard 26:11	remain 84:23	15:5,10,12	researcher	reverting 46:17
47:5,12 101:5	93:2	39:2 130:4	98:23 99:6	review 12:25
regarding 9:3	remaining 5:4	Reporters 1:23	residential 73:5	39:15 42:2,3,7
12:23 26:23	25:21 34:10	REPORTING	73:6,12 87:10	53:21 105:23
33:24 44:25	remember 38:16	1:22	residents 12:10	106:10
72:11 75:25	remind 40:25	reports 21:19	92:4	reviewed 53:12
76:5 77:22	59:24 76:15	53:15 54:1	resistant 84:5	62:4,7
78:7	reminder 40:13	repositioning	Resolution 90:3	revised 48:15
regards 34:4	Remote 1:5,9	123:15	90:4	revisiting 61:7
regrow 115:5	removal 10:16	represent 60:1,1	Resolutions	Rhode 70:9
regular 67:14	12:6,11 24:20	60:2,3 117:10	104:6 112:23	rid 105:6
128:16	32:19 34:7	representation	112:24 113:1	Ridge 59:7,9,10
regulate 90:23	42:8,13 49:23	42:10	resource 70:9	right 5:18 14:10
regulation 21:4	50:1 63:8	representatives	resources 90:21	18:8 19:15
regulations 6:20	remove 11:19	126:3	103:22	23:8 31:11
35:24 38:21	13:8,10 60:19	reprieve 49:11	respect 7:6	40:22,22 42:23
40:16 52:4	65:5	request 6:6 61:6	40:16 51:22	44:22 45:20
60:23 72:17	removed 7:9	71:8 74:12	68:18 71:16	46:2,23 47:16
94:10 95:11	11:6 13:12,16	78:18,20 82:24	72:4 75:13	49:3,5,18,19
reiterate 85:24	13:18 23:9	83:1 117:4	78:17 97:6	51:17 62:9
related 32:21,21	25:19 32:23	requested 92:11	100:4 119:18	70:15 73:22
53:14 54:23	42:6 52:6	96:23 106:17	124:23	79:7 82:5
60:15 92:12	64:11 84:16	128:19	respected	83:25 86:4,11
relates 72:22	92:6 105:8	requesting 79:8	120:24	96:5 113:4
relation 10:4	109:20 121:17	81:14 90:6	respectfully	114:5 117:14
12:7 20:4	124:4	require 19:3,9	44:8 51:6 83:1	119:14
22:20	removing 13:19	34:21 54:15	101:2 120:2,7	rights-of-way
relative 130:10	38:4	120:5	respectively	27:16
130:12	render 53:2	required 10:12	51:24	road 13:15,24
relevance 44:10	rendering 28:4	32:18 33:25	respond 104:13	15:17,18,25
44:14 56:5,10	repairs 61:20	35:24 58:10	119:25	16:24 52:17,20
relevant 12:14	repeat 19:5	74:16 96:14	response 7:19	59:7,9,10 60:9
56:11	repeated 62:19	requirement	responsible 53:5	63:17,22 69:17
reliability 20:25	repeatedly	34:25 39:11	53:6 54:7 62:5	75:6 115:23
38:24 89:9	61:14 79:23	54:25 55:4,4	69:19 72:5,7	roadway 17:23
91:24 93:6	rephrase 113:15	66:2 96:9,10	rest 67:16 121:5	119:6
114:24	replace 16:18	97:4	126:13	roadways 78:2

119:4	satisfy 93:4	29:23 30:4,6,8	see 10:22,23	SHAHINIAN
Robeson 52:13	save 10:24 14:1	30:15,21 31:17	14:16 15:2	2:6
robust 83:10	17:1 35:20	31:19,20,25	18:14,14 20:1	shaped 80:8
84:10 111:3,6	36:9 58:4 60:9	32:4,8,12,24	25:1 27:23	shaping 91:15
112:12	120:4	33:5,8,13,18	37:11 40:23	share 29:3 37:8
role 70:13 71:16	SAVO 2:2	34:3,14,23	44:6 47:25	65:2 86:1
72:3,11	saw 14:11 24:10	35:2,8,11,14	49:22 51:18	115:24,25
Ron 13:13	64:3 83:15,16	35:19 36:5,9	59:1 86:12,25	116:4 120:13
root 32:19 62:22	saying 12:13,15	36:14,20 47:12	86:25 87:9,10	122:21
roots 61:20	12:16 18:8,19	59:18 96:2,3,5	87:17 91:5	shared 65:8
62:19,22	21:16 32:24	97:22 98:1,5,7	110:20 117:12	116:25 117:25
ROSA 130:3,18	45:14,16,23	98:22 99:1,2,5	121:3,23,25	sharing 29:4
round 48:22	says 62:6 85:12	99:12,19	127:9 129:6	86:8 87:18
rows 11:21	97:10 125:18	100:17,18,21	seeing 45:17	116:14
Rudin 3:22	SCHALK 2:2	104:11 129:9	71:11 103:18	shed 105:6,8
61:10,12,13	schedule 29:14	screen 15:3	seek 75:7	sheet 76:11,12
62:2,9,15 63:4	29:18 30:19	17:21 27:16,19	seeking 8:5 83:4	77:22
63:13,21 64:2	32:3	29:3,4 37:8	85:18	sheets 76:18
64:10,14,17,21	scheduled 46:3	58:25 65:2,8	seen 53:7 83:10	shopping 85:4
65:19,23 66:12	47:15 48:4	65:21 68:6	93:19	short 20:6
66:17	128:15	86:1,6 116:3,7	segue 84:12	shorten 14:3
rule 45:8,12,14	schools 94:23	122:19,21	semblance	shorter 127:19
ruled 97:20	Schwarzbaum	screening 11:20	114:17	Shorthand 1:23
rules 40:16	5:3 40:20	13:9 14:8	sending 88:11	15:12 130:4
run-on 121:13	scope 19:23	17:16 18:12	sense 59:14	show 8:10 65:2
running 120:8	24:24 36:18	27:24,25	91:17	76:7 86:2
runoff 81:17	97:2 120:7	Se 2:9	sent 128:23	116:19,20
runs 41:1	Scott 1:12 5:10	season 53:25	separately 42:17	showed 28:11
Rutherford 3:16	5:11 9:11,12	seasons 18:13	127:16	100:6 101:20
116:21 117:11	9:13,17,19,21	second 26:1	September 1:8	109:2
	10:7,13,17,23	38:17 74:22	6:10 62:6	showing 86:23
S	11:7,13,24,25	79:10 81:9	126:23	87:1,11 121:22
S 2:1 3:12 15:11	12:3,9 13:5	89:6 90:9 91:6	Serbian 65:12	shown 104:22
15:11	14:25 15:14,15	102:19 103:8	serves 93:3	117:21 125:9
safe 21:17 54:20	15:20 16:6,10	105:18 119:23	service 1:5,22	shows 99:20
89:21 92:13	16:14,18,23	seconds 115:12	4:3 38:3 69:16	110:12
93:14 94:10	17:5,8,15 18:2	Secretary 1:16	87:21 89:18,20	shrubs 39:9
125:2	18:7,16,21	section 12:22,23	89:22 91:2,10	shuffles 67:15
safer 54:16	19:2,7,13,18	97:9	101:3 124:25	sic 41:5
safety 13:16	21:5,8,9,11,15	sections 36:23	125:3	side 26:4 31:1
81:24 83:12	21:23 22:8	83:21 102:21	set 42:14 78:18	124:3
90:16,19 92:3	23:5,13,18,23	102:22 103:1	130:8	side-yard 81:6
94:14 103:19	24:2,7,14,18	111:24 119:11	setback 80:5	sidewalk 61:19
112:7 123:20	24:21 25:1,4,8	119:13,14	81:6 107:5	111:23
Sally 3:21 58:20	25:24 26:6,11	secure 111:25	seven 18:25	sidewalks 61:22
59:3,6 60:3	26:21 27:3,7	security 36:19	69:24	sign 76:17
samples 8:10	27:13,17 28:1	93:23 94:5	sewer 94:22	signature 74:7
satisfied 94:7	28:10,19,23	100:14 108:15	shade 22:9,14,24	74:11 76:5
97:19	29:2,4,15,19	113:22 118:21	23:4	signed 42:13

67:20 76:14,16 significant 11:20 51:10 124:2 similar 19:16 28:5 93:15 104:8 113:10 simply 40:25 63:5,22 64:11 74:1 120:3 simulation 26:22,24 27:2 simulations 27:1 Single-Family 73:6 sir 5:9 43:24 46:19 47:20 48:12 site 6:15,16,18 6:24 7:4,8,9 9:14,23 10:3 14:10,11 18:14 18:20 21:19 23:19,20,24 24:3 25:16 28:20,24 30:17 31:1 35:17,23 36:22 39:14 41:22,25 42:4 45:15 46:1 53:1,4,8,21 54:3 55:5,7,8 57:5,10 58:16 58:19 63:14 65:18 72:10,22 74:8,10,10 75:6,8,14,15 75:20 82:9 84:20 85:1,12 87:8 92:15 104:7 105:10 106:16 109:15 110:18 111:20 112:14,21 113:2,6,11,19 113:19 114:22 115:4,6 118:1 118:2 119:19 125:9	sites 19:24 20:12 siting 7:2 125:9 sitting 71:20 six 61:17 79:18 sizable 31:15 size 19:21 45:10 66:2 77:22 118:7 sizes 45:17 skipped 117:3 slated 29:25 32:14 42:5 48:1 49:23 50:1 slats 83:19,22,24 84:1,3 101:19 102:7 slightly 8:3 54:22 77:22 82:3 slope 124:3,5 slowly 116:14 small 27:8 smaller 19:14 soil 45:11 72:9 75:2 solely 64:18 78:10 solid 58:11 78:4 somebody 77:3 101:7 someone's 100:1 sooner 129:6 sorry 5:13 11:23 19:5,7 28:21 33:19 34:3 41:7 43:23 44:17,21 52:15 52:19 64:16 70:14 71:23 74:17 75:13 78:23 82:15 88:1 103:13 115:13 118:16 119:24 120:10 120:11 122:13 sort 87:12,19 sought 8:4 73:18 74:2	south 22:22 23:1 69:17 73:10 southwest 23:1 spaced 7:25 spaces 39:3 spacing 109:4,9 span 19:17 20:6 20:6 speak 9:19 22:2 22:5,18 23:12 33:19 57:13 60:16 61:1 111:8 speaking 57:14 68:17 98:23 special 89:7 90:10,11,13 127:5,16 128:19,22 specialists 56:16 species 13:4 14:9,19 18:4 20:20 27:11 39:10,15 43:19 65:13,15 66:8 66:10 specific 7:7 10:8 56:8 57:9,13 71:16 72:22 74:1 85:19 89:5 90:14 97:1 113:24 116:21 117:9 124:17,21 125:1,6 126:4 specifically 29:25 32:13,25 36:8 37:23 41:20 45:18 53:10 54:11,20 61:18 63:9 70:12 72:21 87:14 91:2 96:22 97:2 105:5 106:3 125:9 speculation 124:10 spent 8:19	spiking 27:6 spoke 105:17 spoken 57:22 spokes 112:1 Sports 70:25 Spruce 32:9,10 32:13,25 33:9 47:12,14 65:11 65:12 Spruces 65:11 stable 99:15 staff 55:19 stand 77:19 80:18 standard 11:12 20:15 38:18,19 52:3 77:22 81:25 82:4 86:15 106:9 107:2 112:6,10 112:12 standards 20:15 20:16 21:3 38:15 82:6,7 83:13 84:8 93:24 94:20 101:3 105:22 111:8 118:23 standing 20:16 21:12 stands 61:6 start 4:6,8 6:2 9:12 40:23 81:2 started 5:1 7:5 111:16 starting 5:5 98:25 state 20:13 34:17,24 36:15 38:17,20 52:4 52:14 55:7 56:15 58:21 59:4 60:22 61:10 68:19 69:12,15 70:2 70:6,24 74:25 90:21 96:19 115:19 130:4	stated 54:6 60:14 61:14 92:19 statement 6:1,5 62:10 76:21 77:8,13 96:8,9 96:17 97:5,12 97:15,16,17 statements 40:3 63:20 states 10:19 stating 71:15 station 14:13,15 17:24 18:15 22:1,3,11 26:4 31:9,13 46:10 60:20 73:3 76:1 78:14 79:24 84:11 86:23 89:18 90:1,1 91:9,19 91:20 92:20,24 92:25 93:1,16 93:18,20 94:5 94:6 95:8 108:25 112:19 118:6 120:19 121:7 station's 94:21 stations 18:25 86:11 87:20 98:18 112:11 status 59:21 statute 102:23 103:6 stay 31:17 48:1 48:4 staying 29:23 64:5,7 steel 83:13 84:5 stenographica... 130:7 steps 26:12 STEVEN 2:3 stick 89:16 stock 66:5 stop 87:18 stormwater 6:17 7:10 33:21
--	--	---	---	--

35:5,16 36:3 81:17 95:3,5 straight 110:21 street 61:19 stricter 82:3 stronger 83:13 stronghold 86:16 structure 79:20 80:3 106:5,6 structures 11:21 106:2 studies 96:11 100:9,12,16 study 10:19 98:24 120:5 style 86:14 100:13,15 subjected 88:18 submission 73:19,25 74:6 75:8,12 76:24 97:19 submitted 29:8 48:7,20 51:10 75:15,16 77:9 97:16 submitting 75:11 76:21 Subpart 97:9 subsequent 51:5 subsequently 76:22 substance 97:18 97:18 substantial 31:12 94:15 substantially 94:8 substation 3:14 3:16 21:20 22:16,17 26:2 27:16,20 73:1 86:24 87:9,16 91:18 99:16 116:21 117:9 117:13 118:19 120:16 substations	22:15 35:11 109:1 111:5 117:24 suburban 118:5 successful 34:8 34:12 suffering 24:13 sufficient 78:15 94:11 109:8 suggesting 112:7 suitability 110:15 suited 93:7 sun 22:25 23:2 supervising 72:5 supplies 89:18 support 80:11 94:11 supporting 83:14 101:21 supports 79:16 supposed 96:12 supposition 122:5 sure 4:13 6:7 8:20 9:6 14:11 19:12 27:18,22 29:2 56:9 64:9 103:23 104:3 107:1 116:25 surprise 44:5 45:6 surprised 50:23 56:2 surrounding 61:22 89:19 92:4 surrounds 26:2 survey 64:8 74:10,13 surveyor 13:1 Sussman 1:13 37:12,14 95:22 95:24 sustainable 94:3 121:5 swath 120:19 swear 5:18 68:25	switchgear 7:3 81:7 93:9 switching 95:8 118:6 sworn 3:2 5:14 5:24 15:12 68:20 69:10 system 62:22 80:11 T T 3:12 5:23 130:1,1 tag 33:3 42:7 47:18 tagged 42:6 take 4:10 9:3 11:8 16:19 17:16 19:11,21 26:12 28:7,10 33:15 37:7 47:21 60:8 65:21 67:9 78:5,23 114:16 115:5 122:19 122:20 127:24 128:1 taken 4:19 13:15 13:17 15:16 20:7 58:8 67:13 88:9,12 88:15 92:17 100:3 117:6 130:6 talk 42:23 51:17 talking 11:14 16:17 17:12 22:21 27:5 31:2 33:4 52:1 72:21 81:2 85:15 tall 17:9 24:22 27:3 36:16 99:23,25 112:8 112:14,21 taller 8:3,6 80:3 tanks 35:6,7,16 36:6 98:4 tape 4:18	targets 111:6 team 20:10 22:6 23:22 24:15,16 41:19 53:4,17 53:23 55:18 57:12,15 125:7 127:3 Teaneck 71:4 technical 35:23 technicians 78:5 92:21 tell 11:8 22:19 24:11,12,13 29:24 44:2 45:2 64:23 98:17 110:24 112:23 tells 101:7 temporary 84:14 ten 17:21 18:2 27:1 69:24 115:5 ten-year 28:17 term 91:20 terms 10:9 11:2 13:3,3 18:19 18:24 20:17 23:10 24:17 27:5,14 29:11 35:24 59:12 60:21 80:6 114:7 124:18 Terrific 66:17 territory 87:21 112:11 terrorism 111:20 testified 21:25 34:16,16 47:5 64:18,21 70:17 70:21,23,24 71:2 76:3 105:25 testifies 5:24 69:10 testify 7:14 98:6 testifying 7:6 68:16 119:20	testimony 4:20 4:24 5:19 6:14 8:8 12:12 37:13 38:10 39:19 40:3,6 44:25 53:2 59:11 64:2 69:1 75:25 78:17 79:2 82:16 102:17 107:17 108:3 114:12 120:7 126:1,1,4 127:19 130:6 thank 5:9,22 9:13 10:17 11:7 12:2 13:5 15:7,13,15 17:8 21:5,11 21:23 22:8 23:5 25:8 30:8 31:20 35:2 36:20 37:4,6 37:16 38:11 39:4,5,7,17 41:4 47:10 52:8,9,10,21 53:19 54:4 56:13 57:25 58:12,13 59:6 60:5 61:7 66:17 67:1,4 67:23,25 68:3 68:10,14 69:4 69:6,8 70:1,12 71:7,14 72:20 73:16 76:19 78:23 85:23 88:24 89:3 95:11,21 96:1 97:7,22 98:22 100:20,21,23 102:12,16,24 103:20 104:4 104:11,23 105:4,9,12 106:22 107:19 107:21,23,25 108:9 115:11
---	--	---	---	---

115:11,21 116:9,10,17 122:15 123:4 124:13 125:13 125:17 129:3,8 129:9 thing 32:2 76:4 87:12 93:23 116:21 things 14:6 92:15 think 14:2 23:11 28:5 33:13 45:12 58:1,10 58:18 65:18,20 66:15 71:17 77:7 80:21 101:24 104:12 106:23,25 107:20 109:7 117:16 120:25 121:18 thinking 41:8 third 75:2 81:18 89:8 91:22 thorough 100:24 102:17 thought 34:8 119:24 120:20 125:8 thousands 89:18 three 9:15 40:23 51:16 53:25,25 79:2 89:5 three-and-one... 83:22 84:3 three-minute 40:19 Thuja 64:25 thumb 45:8,12 45:14 Thursday 1:8 76:24 tight 34:7 time 9:1 12:19 21:3,25 24:2,4 28:7,11 31:4 34:9,13 39:24 40:4 45:10	48:18 51:11 56:24 57:23 58:2,3 66:23 78:24 79:23 80:2 95:22,25 108:1 120:9,11 122:14,25 123:3,23 125:16,19,19 125:23 128:1 128:12,25 130:7 timeframe 127:19 times 18:23 19:8 23:20,24,25 46:18 53:25 56:6 62:20 80:1 84:19 118:14 title 69:18 today 6:12 8:2 14:21 22:24 104:8 told 57:21 tone 87:5,6 tonight 7:11 9:2 15:2 75:6 82:16 126:16 128:15 top 86:19 101:20 101:22 112:2 touches 18:1 touching 49:6,8 tough 126:7 tower 73:13 80:10 town 1:17 11:3 13:1 55:14 57:5 60:21 84:13 town's 26:14 township 1:1 10:20 39:20 42:4,10 54:12 62:4 71:4 72:16 90:13,24 92:7 94:22 124:21	township's 61:15 94:13 95:10 TR-01 29:10 tradeoffs 107:8 traffic 75:25 92:18,21 94:20 94:22 trailer 84:15 trailers 84:20,23 transcript 1:3 130:6 transmission 73:2 trash 78:6 120:25 tree 10:16,18,21 11:2,18 12:1,6 12:11,17,19 13:21 14:9 20:6,20,21,22 24:11,19 29:14 30:14 31:8,10 31:14,16,22,23 33:6 34:7 37:25 39:21 41:9 42:9,13 42:24,25 43:3 43:8,9,14,17 44:3,3 45:3,3,5 45:10,21,24 46:7,8,12,18 46:19 47:2,6 48:4,18,25 49:4,11,16,24 51:18 56:16,22 59:12 61:15,21 61:22 62:5,8 62:19 63:7 64:1 94:1 112:3 121:15 trees 7:8,8 9:16 10:2,14,25,25 11:5,8,19 13:6 13:11,16,17,20 13:23 14:2,5 14:12,14,21 15:16,21 16:4 16:7,9,11,12	16:15 17:1,9 17:16,17,20 18:10,12,17 19:3,9,11,16 19:20,20 20:1 20:18 21:1,19 22:20,21 23:7 23:9,14 24:8 24:15 25:11,17 25:21 26:13,24 26:25 28:20,24 29:16,20,25 30:16,22,25 31:5,6,25 33:10,17,21 34:4,9,11,21 35:17,20 36:2 36:10 37:22 38:4 39:9 41:15,17,25 42:5,14,16,18 43:5,20 44:11 45:1,14 46:1 47:6 48:24 49:12 51:19,23 53:10,14 54:25 55:2,11 57:9 58:5 59:14,16 59:19,22 60:6 61:23 62:23 63:4,9,13,15 63:21,24 64:3 64:8,18,22,23 64:24 65:1,24 66:1,1 92:6,16 93:12 94:2 109:6,17,17,20 114:10 115:3 117:13,17,18 117:21 118:18 118:25 119:1,8 120:4,12 121:3 121:4,16,17 122:6,6 123:16 123:18 124:4 trenching 30:11 trespass 112:5 trespassing 111:19	triangles 75:9 75:14,20 tried 87:4 109:8 120:17 121:4 truck 92:23 true 130:5 trunk 61:21 truth 5:19,20,20 69:1,2,2 try 93:11 113:15 trying 14:1 35:20 47:24 55:13 60:17,19 60:20 65:14,16 65:17 101:5,17 turn 5:15 44:15 62:11 67:11,21 Twenty 109:13 twisted 112:2 two 9:14 25:16 26:7 31:18,21 38:14 51:18 78:2 82:5 87:4 92:21,22 105:13 type 10:7 22:15 47:6 82:2 92:9 100:8 types 126:10 typically 38:1 92:20
U				
U 5:23 ugly 8:20 ultimate 13:1 unclear 44:9,14 56:5 128:7 underground 7:1,2,10 30:10 30:12 35:5,15 46:4 50:2 60:11 98:18 understand 8:24 9:7 21:7,17 36:20 57:16 77:23 92:5 96:7 113:13 118:22 123:13				

understanding 10:1 36:18 43:17 108:23 122:18 123:16 127:3	usually 40:17 utilities 12:23 21:2 30:10 38:25 79:7 90:2 93:7 utility 20:14 46:5 50:3 79:9 80:3 93:2 111:5 114:8 utilization 91:8 utilize 91:17 utilized 35:6 36:7 utilizing 61:20 utmost 20:25	version 50:21 87:1 108:18 vertical 83:21 110:22 viability 60:16 viable 16:12 39:13 42:22 43:2 video 5:15 44:16 67:21 view 14:14 27:20 91:15 virtue 41:14 visit 36:22 53:1 58:16 110:18 visited 9:14,23 14:11 23:19,20 23:24 24:3 visits 24:6 visual 14:20 17:23 18:20 27:24 65:17 93:10 volume 9:18 vote 126:17	82:21,22 101:6 101:9 109:21 109:23 119:6 126:10,17 127:10,24 wanted 100:18 warmer 22:12 warmest 23:1 Warner 2:2,3 5:14,17,22 15:7,9 68:7,9 68:23,25 69:4 69:6 88:2,17 117:4 Warner's 104:3 wasn't 77:6 99:17 107:1 waste 78:4 94:25 water 74:20,20 94:22 95:2 way 14:13,16 18:15 25:15 55:1 58:4 62:21 76:16 89:15 100:5 106:9 118:15 118:16,21,24 123:17 we'll 14:19 36:1 40:23 66:24 67:9 92:17 129:6 we're 8:5 9:1 11:14 12:24 13:18,23 14:3 14:7,7,22,24 16:16 17:12 19:23,24 21:6 22:21 25:25 31:1 45:17 46:17 52:1 54:18 65:8,14 65:16,17 66:6 73:22 75:6,22 79:3,5,10,18 83:4 85:9,17 86:5,18 101:15 102:3 103:18 125:19 127:21	we've 19:11,11 19:16 22:13 23:11 25:22 51:7,12 58:7 80:4 83:11 87:12 89:20 91:2 website 51:5 weeds 106:6 week 5:14 92:22 106:19 128:20 weeks 9:14,15 9:23 92:22 welcome 38:12 39:6 52:13 58:21 59:4 61:10 67:23,25 71:12,22 97:24 108:8 115:19 124:14 welfare 89:13 90:16 91:1 92:3 93:4 94:15 well-suited 90:2 Wells 77:14 went 40:20 105:18 west 1:1 10:18 10:20 12:10 26:4 72:17 73:14 87:4 89:19 90:22 91:6 95:7 103:2 118:5 120:22 121:8 124:21 western 112:18 western-most 104:16 wetlands 95:1 WHEATLE 1:17 White 65:12 wide 83:23 120:19,23 widely 83:17 Williams 1:17 38:9,11 39:3,4
Unit 73:5 University 70:8 70:8 unlimited 40:22 unmanned 78:14 92:18 94:21 update 7:18 updated 111:7 upgrade 75:18 95:7 upgraded 89:9 upgrades 6:18 91:23 93:5 94:8 upwards 19:15 46:9 urban 118:3,5 use 69:20 72:6,7 79:3,5,7,9 80:2 84:14 87:6 89:6,12,13 90:1,7,12,14 91:17 92:9,10 92:11 93:5,8 93:20 94:12 103:2,5 105:17 105:17 108:18 109:14 110:3 113:10,10 114:3,4,8 124:20,24 uses 73:7	V vain 60:4 validate 110:15 110:16 value 43:19 vandalism 100:1 100:10 111:19 variance 8:4,5 34:18,19,24 74:1 79:3,4,10 79:11,11,18,19 81:5,9,18 84:12,13,22,24 85:11 96:13 100:19 104:9 105:21,23 106:1 107:4 variances 34:25 79:2 80:5,17 81:2,5 85:8 90:8 91:23 95:7 various 43:19 79:16 91:14 veers 73:2 vegetation 10:6 20:10 39:9 41:19 52:4 55:17 56:7,16 57:12 115:4 vehicular 78:8 verified 11:3 verifying 13:2	W Wait 103:13 waiting 67:15 waiver 73:20 75:23 76:20,24 77:20,21 78:3 78:7,18 96:24 97:5 waivers 73:25 74:4 78:22 walk 8:9 9:25 111:22 walked 9:16 63:14 wall 18:1 65:15 125:18 wall-like 64:22 Walt 12:25 want 6:2 9:22 27:18 37:11 39:8 57:8 62:12 65:13 75:20 76:10	W Wait 103:13 waiting 67:15 waiver 73:20 75:23 76:20,24 77:20,21 78:3 78:7,18 96:24 97:5 waivers 73:25 74:4 78:22 walk 8:9 9:25 111:22 walked 9:16 63:14 wall 18:1 65:15 125:18 wall-like 64:22 Walt 12:25 want 6:2 9:22 27:18 37:11 39:8 57:8 62:12 65:13 75:20 76:10	W Wait 103:13 waiting 67:15 waiver 73:20 75:23 76:20,24 77:20,21 78:3 78:7,18 96:24 97:5 waivers 73:25 74:4 78:22 walk 8:9 9:25 111:22 walked 9:16 63:14 wall 18:1 65:15 125:18 wall-like 64:22 Walt 12:25 want 6:2 9:22 27:18 37:11 39:8 57:8 62:12 65:13 75:20 76:10

77:6,15 102:11 102:12,16,24 103:4,9,13,17 103:20,25 104:4,11,23 105:4,9,12,14 106:8,15,22 107:7,10,12,16 107:19,22 Williams' 77:4 willing 7:21 59:19 60:7 127:18 willingness 128:21 winter 18:13 wintertime 14:13 wipes 65:16 wire 104:21 111:11 112:18 wish 40:7 88:3 wished 77:25 wishing 123:1 witness 3:2 5:21 6:21 10:4,9,15 10:22 11:1,11 11:14 12:5,15 13:10 15:18,22 16:8,12,16,21 17:2,7,12,18 18:4,9,19,24 19:5,10,15,22 21:22 22:2,17 23:9,16,21,25 24:4,9,16,19 24:24 25:3,6 25:12 26:3,9 26:16,25 27:4 27:9,14,21 28:5,14,21,25 29:3,9,17,21 30:2,9,18,24 31:23 32:2,6 32:10,15 33:2 33:7,11,15,23 34:6,22 35:7,9 35:12,18,22 36:8,11,17	37:6,9,12,15 37:19,23 38:1 38:5,8,10,18 39:12,23 41:6 41:10,13,16,23 42:1,15,21 43:1,4,9,12,16 43:21,25 44:6 45:7,16,22,25 46:4,9,15,20 47:4,17,24 48:5,15,21 49:7,14,17,22 49:25 50:5,8 50:11,15,19 51:20,25 52:9 53:3,9,12,15 53:18,22 54:10 54:18 55:3,17 55:22 56:18,23 57:2,11,18 58:6 60:14 61:25 62:24 63:7,24 64:6 65:1,9 66:4,15 67:9 69:7 71:20,23 74:6 74:19 75:16,22 76:9,13,19 77:5,10,18 78:23 79:1 80:24 81:4 82:19 83:9 85:24 86:8,10 88:1,7,10,16 88:22 89:3 95:17,19,23 96:6 97:25 98:5,10,17 99:14 100:13 100:25 101:14 101:24 102:3,6 102:8,11,15 103:1,7,11,16 103:18,22 104:2,10,15 105:3,5,10,13 105:24 106:12 106:18 107:4,9	107:11,14,18 107:24 108:2 108:11,14,17 108:24 109:13 109:16 110:4,6 110:19,23 111:4,15,21 112:9,15,22 113:3,7,21,25 114:6,14,18,20 114:23 116:2 116:15,18 117:2,7,11 118:4,12 119:2 119:9,15 120:15 121:20 121:22 122:10 122:22 123:2 123:14 124:1 125:4,11 126:15 witness' 120:7 witnesses 40:3 125:20,21,24 126:2,25 wonderful 52:24 wondering 59:18 119:7 122:3 wood 24:13 Woodland 61:13 words 107:2 work 7:1,2 12:7 13:25 16:2 19:23 20:2,9 23:17 26:5 36:12 41:17 46:5 57:11 61:18 63:2,3 95:22 109:21 121:7 worked 23:6 24:16 working 99:16 worth 18:5 wouldn't 28:14 55:3 119:5,21 write 126:9	written 41:24 99:7 103:8 wrong 50:15 51:8 85:12 117:22 wrought 36:23 81:20 83:17,17 84:1 wrought-iron 110:17 X X 1:7 3:1,12 Y Y 5:23 yard 12:8 78:5 104:18 113:8 yeah 42:15 46:21 61:25 71:18 year 12:18 22:14 24:3 29:22,22 47:15 71:3 year-round 27:12 years 11:8,11,13 17:15,21 18:2 22:1 27:1 28:4 28:17 31:2 43:7 45:5,24 46:7,10,16,22 46:23 66:9 69:21,24 84:18 90:8 91:4,10 111:1,8 114:16 114:21 115:5 120:17 125:12 yield 115:14 young 80:14 Z ZB-24-06 1:4 4:2 ZBA 82:13 zone 14:17 16:4 32:20 63:1 73:1,5 79:8 zoning 1:1 72:21 90:13 91:7	92:11 94:17 95:10 102:19 103:14,15 105:20 Zoom 1:9 52:16 129:2 0 00162800 130:19 07080 69:18 1 10 18:5 74:25 76:23 79:21,22 114:16,21 115:12 10-foot 109:9 10:55 129:12 100 46:9 81:8 108 3:9 117 3:16 12 11:19 12:1 59:16 60:6 77:21 88:19 120 45:5 80:21 12th 6:10 51:3,5 14 80:7 15 18:8 15- 27:6 155 1:6 188 80:10 19 1:8 1900s 83:18 1920s 89:24 1928 74:14 89:20 91:3,10 110:9,12,14 1988 79:25 1992 80:15 2 2(b) 103:11 20 8:19 74:12 109:15 20-foot 27:6 109:4 200 66:9 78:1 2007 90:3 112:16
--	--	---	---	---

2010s 111:15	40:55D-70(d)(2)	7		
2014 112:16	79:6	7-foot 82:1		
2017 81:13 90:4	4000 69:17	112:7		
2022 98:24	4084 42:24 45:5	70 79:12,19		
2023 10:19	41 3:6 81:12	70-foot 80:7		
2024 1:8 11:18	4135 29:12	73.5 80:9		
11:25 48:9,19	45:21	77.9 81:7		
62:6 77:12	4136 49:16			
128:16 129:1	4159 49:24	8		
21st 128:16,23	50:16,19	8 8:3 82:4 86:21		
129:1,6	4160 50:18,19	87:15 99:24,24		
220 46:22	50:20	100:5 101:15		
23 74:18	4203 46:13	101:16,21		
230kV 104:17	51:18	129:1		
113:8	4204 51:18	8-feet 109:7		
24 74:15	4251 47:23,25	112:21		
25-13.2 97:9	44 51:23	8-foot 24:22		
250 46:23	46 78:3	36:15 81:19		
26 69:21	46-inch 45:21	82:9 86:14		
26.01 1:6	49 81:14	104:18 112:12		
26kV 6:23 78:5		112:13,23		
93:9	5	8/11/2024 29:11		
29 77:12	5 3:4	48:16		
	50 11:11,13	8:00 1:9		
3	17:13 18:10	80 46:16		
30 7:25 28:17	29:22 31:2	80s 111:9		
59:17 81:11	45:24 46:7	862 80:11		
84:15 108:22	78:13 87:20	88 3:14		
109:7	50- 11:15			
30-inch 42:24	50-year 16:17	9		
300 108:25	43:6	9 3:5 8:6 82:18		
300,000 100:7	50-years 45:15	82:24 83:2		
30XI 130:19	50,000 100:8	86:18,22 99:25		
31 77:25	52/115 3:21	100:5 101:12		
325 4:3 72:23	57 59:10	101:23,25		
35 1:6 52:19	58 46:13,18	9-feet 87:11		
79:12,17 80:4	51:24 59:17	9:22 67:8		
90:8 115:22	58-inch 60:9	9:23 67:13		
38 61:13	59 3:21	9:30 67:11,15		
	6	9:32 68:4		
4	6 62:6 87:16	90 22:1		
4-inch 84:1	6-foot 81:20,23	908 1:23		
40 11:11 16:21	82:5	90s 70:3 111:10		
19:3,9,10,14	60 17:13	94 82:13		
23:7,10,14	60-foot 11:16	96 3:8 91:10		
28:17 29:22	61 3:22	111:1		
45:24 46:7	642-4299 1:23	9th 48:9,19		
40- 16:17 31:2	69 3:7			
43:6 45:15				
40-inch 47:13				