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CITY OF HOBOKEN
HOBOKEN HISTORIC PRESERVATION COMMISSION

----- X
REGULAR MEETING OF THE HOBOKEN : Monday 6:30 p.m.
HISTORIC PRESERVATION COMMISSION : February 3, 2020
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Steve Zane, Chairman
- Jon Vesey, Vice Chairman
- Martin Anderson, Commissioner
- Allen Kratz, Commissioner
- James Perry, Commissioner
- Steven Smolyn, Commissioner
- Ellen Stewart, Commissioner
- Cristin Cricco, 1st Alternate
- Thaler Pekar, 2nd Alternate

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

- Ann Holtzman, Zoning Officer
- Joan Anastasio, Secretary

A P P E A R A N C E:

WEINER LAW GROUP, LLP
520 Parsippany Road
Parsippany, New Jersey 07054
BY: JOHN P. MILLER, ESQ.
Attorney for the Board

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

	2
1	I N D E X
2	
3	PAGE
4	
5	Board Business 1
6	
7	803 Hudson Street 6
8	510 Court Street 14
9	130 Washington Street 25
10	81 Madison Street 45
11	612 Washington Street 132
12	60A Fourth Street 157
13	60B Fourth Street 180
14	38 Hudson Place 191
15	
16	
17	
18	
19	
20	
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22	
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1	CHAIRMAN ZANE: All right. It is 6:30,
2	It is February 3rd.
3	This is a regular scheduled meeting of
4	the Hoboken Historic Preservation Commission.
5	Notice was given in The Jersey Journal, The
6	Star-Ledger, the city's website and also outside the
7	City's Clerk Office.
8	So can we have a roll call, please?
9	MS. ANASTASIO: Commissioner Anderson?
10	COMMISSIONER ANDERSON: Here.
11	MS. ANASTASIO: Commissioner Kratz?
12	COMMISSIONER KRATZ: Here.
13	MS. ANASTASIO: Commissioner Stewart?
14	COMMISSIONER STEWART: Yes, here.
15	MS. ANASTASIO: Commissioner Perry?
16	COMMISSIONER PERRY: Here.
17	MS. ANASTASIO: Commissioner Metsch?
18	Commissioner Vesey?
19	VICE CHAIR VESEY: Here.
20	MS. ANASTASIO: Commissioner Zane?
21	CHAIRMAN ZANE: Here.
22	COMMISSIONER ANDERSON: I just want to
23	mention one thing just like as a point. I'm --
24	MS. HOLTZMAN: One second. Let her
25	finish.

	4
1	COMMISSIONER ANDERSON: I thought she
2	was finished.
3	MS. ANASTASIO: Commissioner Cricco?
4	COMMISSIONER CRICCO: Here.
5	MS. ANASTASIO: We have a quorum.
6	I did call Steve.
7	COMMISSIONER KRATZ: Mr. Chairman, I am
8	having trouble hearing, and I don't think it's my
9	medical abilities.
10	MS. ANASTASIO: I'm sorry, Steve.
11	Steve Smolyn?
12	COMMISSIONER SMOLYN: Here.
13	CHAIRMAN ZANE: Roll call is good?
14	MS. ANASTASIO: Yes.
15	CHAIRMAN ZANE: Okay. Thank you.
16	Commissioner Anderson, yes.
17	COMMISSIONER ANDERSON: I just wanted
18	to mention for what it's worth, that the meeting is
19	identified as a "Special Meeting" in the agenda, and
20	I don't believe it is.
21	CHAIRMAN ZANE: Yes. Thank you. I
22	agree.
23	I just want to make two quick
24	announcements before we start. One is: We have
25	been looking at the transcripts. The transcripts

	5
1	are getting pretty long. If we could be a little
2	brief, and if somebody has covered your topic, you
3	know, you're free to acknowledge it and endorse it,
4	but try to not repeat all of it.
5	And as I think most of you know by now,
6	the city has a budget situation as we probably all
7	do, and we are trying to save a little money in that
8	respect in the budget. You know, the transcripts
9	are one of our largest expenses, so that would be
10	appreciated. All right.
11	Any other communications?
12	After we hear the applications, we are
13	going to have a little presentation about the design
14	guidelines, so that is available.
15	(Continue on next page)
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CITY OF HOBOKEN
HOBOKEN HISTORIC PRESERVATION COMMISSION
H19-10-21-2

----- X
803 Hudson Street : Monday 6:35 p.m.
Block/Lot: 237/2 : February 3, 2020
Zone R-1(H) :
Applicant: Kevin Smith :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:
Steve Zane, Chairman
Jon Vesey, Vice Chairman
Martin Anderson, Commissioner
Allen Kratz, Commissioner
James Perry, Commissioner
Steven Smolyn, Commissioner
Ellen Stewart, Commissioner
Cristin Cricco, 1st Alternate
Thaler Pekar, 2nd Alternate

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

Ann Holtzman, Zoning Officer
Joan Anastasio, Secretary

A P P E A R A N C E:

WEINER LAW GROUP, LLP
520 Parsippany Road
Parsippany, New Jersey 07054
BY: JOHN P. MILLER, ESQ.
Attorney for the Board

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

COMMISSIONER KRATZ: Mr. Chair --
CHAIRMAN ZANE: Yes.
COMMISSIONER KRATZ: The Administrator
is presenting on behalf of a client -- the
applicant, is that what we are doing?
MS. HOLTZMAN: I am just explaining to
you what is here.
COMMISSIONER KRATZ: I understand.
MS. HOLTZMAN: I am not presenting on
anybody's behalf.
COMMISSIONER KRATZ: Well, then I
question why we are doing something without the
applicant here to hear any comments that we might
have. It seems rather unordinary and I think it
sets a bad precedent.
MS. ANASTASIO: I think they were under
the impression that they just had to submit the
bricks for your review, Allen.
COMMISSIONER PERRY: The application
was approved, and they were just following up with
what the difference was between the addition, and
the existing is the other part of the presentation.
If you want to pass that down?
COMMISSIONER SMOLYN: I mean, if we go
along with that for a moment, is there a picture

CHAIRMAN ZANE: All right. 803 Hudson
Street.
I see the boards.
COMMISSIONER PERRY: Should I move them
over here?
MS. ANASTASIO: Yes.
COMMISSIONER PERRY: I am not sure you
can see it down here, but I will put it up here.
CHAIRMAN ZANE: Is this a
do-it-yourself, or are we having a presentation?
CHAIRMAN ZANE: Is Mr. Minervini here?
MS. ANASTASIO: No, he's not. John
went on vacation, and they just wanted us to see the
bricks.
CHAIRMAN ZANE: Are we choosing?
COMMISSIONER KRATZ: Mr. Chair --
MS. ANASTASIO: I think he wants to
establish the difference in colors.
MS. HOLTZMAN: This was already
approved, but we had asked them to return to just
show us what the brick was going be.
I think the lighter is representing
what is there, and this is what they will use for
the new structure.
CHAIRMAN ZANE: Okay, to distinguish.

validating like that that -- those four courses of
brick match exactly what is on the existing
building, or are we just kind of left to make that
assumption?
CHAIRMAN ZANE: I don't --
COMMISSIONER SMOLYN: I am just
skeptical that like an off the shelf brick product
matches hundred-year-old brick exactly.
MR. MILLER: Well, you know, just if I
could just add to Steve's and Allen's point, I know
that it was approved, and I know they submitted the
brick, but I think somebody should be here, because
it is not just the Board members that have any
questions, but it is also members of the public.
So from a legal standpoint, I am not
comfortable saying here is what they gave us.
I think they should be here. I think a
representative should be here.
CHAIRMAN ZANE: Yes. I don't think you
can phone it in, so let's table this.
COMMISSIONER ANDERSON: Can I just
clarify?
What are we being charged with here?
Are we just being presented or are we
voting or are we thumbs up and thumbs downing, or

10

1 are we just saying, this is what it is?
 2 Unless somebody vehemently doesn't like
 3 it, it's going to keep going, right?
 4 CHAIRMAN ZANE: So, yes, they are just
 5 showing us what they intend to use apparently.
 6 Okay?
 7 So with that said, I don't know that we
 8 have input to it, but without them being here, we
 9 don't know the answer to that either.
 10 MR. MILLER: But I think from a legal
 11 standpoint we do. I mean, yes, we approved it, and
 12 yes, these were going to be the colors. But if
 13 anybody had any questions about that, there should
 14 be a representative here from the applicant. Even
 15 though it may seem ministerial, it's still the
 16 process.
 17 CHAIRMAN ZANE: Okay.
 18 COMMISSIONER SMOLYN: Can I request
 19 what the status of their building permit is right
 20 now?
 21 MS. HOLTZMAN: None.
 22 COMMISSIONER SMOLYN: A non-issue. All
 23 right.
 24 (Commissioner Pekar present)
 25 CHAIRMAN ZANE: All right. So we are

11

1 comfortable tabling this?
 2 VICE CHAIR VESEY: Yes.
 3 CHAIRMAN ZANE: Make a motion, please.
 4 VICE CHAIR VESEY: When is the next
 5 meeting?
 6 MS. HOLTZMAN: 3/2.
 7 VICE CHAIR VESEY: Make a motion to
 8 table it or to carry it to the March 2nd meeting.
 9 COMMISSIONER ANDERSON: Second.
 10 CHAIRMAN ZANE: Roll call, please?
 11 MS. ANASTASIO: Commissioner Anderson?
 12 COMMISSIONER ANDERSON: Yes.
 13 MS. ANASTASIO: Commissioner Kratz?
 14 COMMISSIONER KRATZ: Yes.
 15 MS. ANASTASIO: Commissioner Vesey?
 16 VICE CHAIR VESEY: Yes.
 17 MS. ANASTASIO: Commissioner Perry?
 18 COMMISSIONER PERRY: Yes.
 19 MS. ANASTASIO: Commissioner Smolyn?
 20 COMMISSIONER SMOLYN: Yes.
 21 MS. ANASTASIO: Commissioner Stewart?
 22 COMMISSIONER STEWART: Yes.
 23 MS. ANASTASIO: Commissioner Zane?
 24 CHAIRMAN ZANE: Yes.
 25 MS. ANASTASIO: Commissioner Pekar?

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1 COMMISSIONER PEKAR: Yes.
 2 CHAIRMAN ZANE: Thank you.
 3 (The matter concluded)
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C E R T I F I C A T E

1
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17
 18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 21 Notary Public of the State of New Jersey
 22 My commission expires 11/5/2020.
 23 This transcript was prepared in accordance with
 24 NJAC 13:43-5.9.
 25

CITY OF HOBOKEN
HOBOKEN HISTORIC PRESERVATION COMMISSION
H19-

----- X
510 Court Street : Monday 6:35 p.m.
Block/Lot: 216/7 : February 3, 2020
Zone Court Street Subdistrict (H) :
Applicant: Nastasi Architects :
Requesting a Certificate of :
Appropriateness :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Steve Zane, Chairman
Jon Vesey, Vice Chairman
Martin Anderson, Commissioner
Allen Kratz, Commissioner
James Perry, Commissioner
Steven Smolyn, Commissioner
Ellen Stewart, Commissioner
Cristin Cricco, 1st Alternate
Thaler Pekar, 2nd Alternate

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

Ann Holtzman, Zoning Officer
Joan Anastasio, Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

A P P E A R A N C E:

WEINER LAW GROUP, LLP
520 Parsippany Road
Parsippany, New Jersey 07054
BY: JOHN P. MILLER, ESQ.
Attorney for the Board

I N D E X

WITNESS PAGE
John Nastasi 17

CHAIRMAN ZANE: 510 Court Street,
please.
State your name.
MR. NASTASI: John Nastasi,
N-a-s-t-a-s-i.
I am here as the architect representing
my client and the owner of the property at 510 Court
Street.
We don't swear in, right? Do we swear
in or not?
MR. MILLER: We do.
MR. NASTASI: You do.
MR. MILLER: Please raise your right
hand.
Do you swear or affirm to tell the
truth, the whole truth, and nothing but the truth?
MR. NASTASI: I do.
J O H N N A S T A S I, having been duly sworn,
testified as follows:
MR. MILLER: Thank you very much.
Please state your name for the record.
THE WITNESS: John Nastasi,
N-a-s-t-a-s-i.
MR. MILLER: Thank you very much.
THE WITNESS: So I was here last month,

1 and we were able to get an approval on the
 2 construction, the design and construction of the
 3 carriage house at 510 Court Street, and the Board
 4 asked me to go back and redesign the steel work, it
 5 was not in character of Hoboken's Court Street, and
 6 to look at the garage detailing, so I submitted to
 7 you three 11-17s of a minor revision to the design.
 8 If you notice on Sheet 1, the steel
 9 work, which is at the front doors that look into the
 10 vestibule and the planter on the second floor, the
 11 more decorative pattern has been removed, and it is
 12 predominantly a rectangular pattern, which I think
 13 is in keeping with sort of the understated Hoboken
 14 steel kind of esthetic for ironwork. It is not
 15 ornamental. It's not decorative, but it is still
 16 light and still clean and I think it works.
 17 Sheet 2 is a closeup detail of the
 18 double doors, and you can see we are alternating
 19 large bars with thin bars, so that somebody honestly
 20 can't stick their arm in and unlock the gate from
 21 the inside, and you can see a closeup on Sheet 2 of
 22 the planter and the horizontal bars.
 23 Then on Sheet No. 3, I am showing an
 24 isometric section of what I was describing last
 25 month as sort of the solid and the void, where the

1 garage is a wood solid object, and the wood face of
 2 the garage door actually turns the corner and runs
 3 the length of the hallway, so that it is a clean
 4 object, which sets up the big design idea, which is
 5 the void that looks into the garden.
 6 So if I wanted to express the corridor
 7 as a void that looked into the garden, then I would
 8 sort of complement that with detailing the garage as
 9 a solid wood object, so it is sort of a
 10 juxtaposition and a complement, one solid and one
 11 void.
 12 You can see that the door, there is a
 13 seam where the door opens, and you can see it on
 14 Page 2 pretty clearly, there is a seam where the
 15 door rolls open leaving like a two foot pilaster
 16 adjacent to it.
 17 CHAIRMAN ZANE: Comments, questions?
 18 COMMISSIONER ANDERSON: I think the
 19 ironwork is a dramatic improvement. I mean,
 20 personally, I really didn't like the other one. I
 21 like this, and I think it has been handled in an
 22 artful enough way that it doesn't look like that
 23 prison motif frankly. I think it is really nice.
 24 CHAIRMAN ZANE: Anybody else?
 25 Yes, sir.

1 COMMISSIONER SMOLYN: I guess slightly
 2 outside the purview of the Commission would be the
 3 materiality of the east elevation. Is that still
 4 brick?
 5 THE WITNESS: The east elevation is the
 6 front facade.
 7 COMMISSIONER SMOLYN: Sorry. The west
 8 elevation facing the --
 9 THE WITNESS: I think I put that on the
 10 record last month, yes.
 11 COMMISSIONER SMOLYN: I would say only
 12 for purity of concept really, if that could maybe
 13 not have a frame around that sort of threshold
 14 leading into the courtyard and continue just the
 15 volume of the garage around that corner, it might be
 16 slightly --
 17 THE WITNESS: Oh, I think that is a
 18 great idea, especially with the punched window.
 19 COMMISSIONER SMOLYN: -- I think
 20 although it is entirely consistent with the
 21 character of Court Street and a handsome addition --
 22 COMMISSIONER PERRY: Steve, could you
 23 just speak up?
 24 I can't hear you down here, and I can't
 25 hear your comments.

1 COMMISSIONER SMOLYN: -- sorry. Maybe
 2 I will get a megaphone.
 3 I think it is a sensitive addition,
 4 entirely consistent with the character of Court
 5 Street and a handsome addition to the street scape.
 6 COMMISSIONER KRATZ: And your comment
 7 about the framing, I didn't understand that.
 8 COMMISSIONER SMOLYN: It was more
 9 within the courtyard.
 10 COMMISSIONER KRATZ: On Sheet 3?
 11 COMMISSIONER SMOLYN: I'm pointing on
 12 the plan perspective, kind of cut on Sheet 3, just
 13 the two jambs that Mr. Nastasi has shown.
 14 They might be slightly contrary to his
 15 overall concept. It would be nicer, if they were
 16 excluded, but very minor.
 17 COMMISSIONER KRATZ: Thank you.
 18 CHAIRMAN ZANE: Anybody else?
 19 Well, I will speak then.
 20 I think it is a great design. I think
 21 it has done what we asked you to do, which was sort
 22 of reimagine, you know, the Court Street carriage
 23 house. It, as they say, plays nicely with its
 24 neighbors, but yet it has, you know, a new, and a
 25 modern and a contemporary free feel without

1 disrupting the street scape, so I thank you for
2 that.
3 THE WITNESS: Thank you.
4 COMMISSIONER ANDERSON: I'm ready to
5 make a motion.
6 CHAIRMAN ZANE: Please do.
7 COMMISSIONER ANDERSON: Motion to
8 approve as presented.
9 COMMISSIONER KRATZ: Second.
10 CHAIRMAN ZANE: Roll call, please?
11 MS. ANASTASIO: Commissioner Anderson?
12 COMMISSIONER ANDERSON: Yes.
13 MS. ANASTASIO: Commissioner Kratz?
14 COMMISSIONER KRATZ: Yes.
15 MS. ANASTASIO: Commissioner Vesey?
16 VICE CHAIR VESEY: Yes.
17 MS. ANASTASIO: Commissioner Smolyn?
18 COMMISSIONER SMOLYN: Yes.
19 MS. ANASTASIO: Commissioner Stewart?
20 COMMISSIONER STEWART: Yes.
21 MS. ANASTASIO: Commissioner Zane?
22 CHAIRMAN ZANE: Yes.
23 MS. ANASTASIO: Commissioner Pekar?
24 COMMISSIONER PEKAR: Yes.
25 MS. ANASTASIO: Commissioner Cricco?

1 COMMISSIONER CRICCO: Yes.
2 COMMISSIONER PERRY: And I will be yes,
3 too.
4 MS. ANASTASIO: Oh, Commissioner Perry,
5 how could I forget you?
6 (Laughter)
7 MR. NASTASI: Thank you very much. I
8 appreciate your comments.
9 CHAIRMAN ZANE: Okay. Thank you.
10 (The matter concluded)

1 C E R T I F I C A T E
2
3 I, PHYLLIS T. LEWIS, a Certified Court
4 Reporter, Certified Realtime Court Reporter, and
5 Notary Public of the State of New Jersey, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the proceedings as taken
8 stenographically by and before me at the time, place
9 and date hereinbefore set forth.
10
11 I DO FURTHER CERTIFY that I am neither
12 a relative nor employee nor attorney nor counsel to
13 any of the parties to this action, and that I am
14 neither a relative nor employee of such attorney or
15 counsel, and that I am not financially interested in
16 the action.
17
18 s/Phyllis T. Lewis, CCR, CRCR
19 -----
20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
21 My commission expires 11/5/2020.
This transcript was prepared in accordance with
22 NJAC 13:43-5.9.

1 CITY OF HOBOKEN
2 HOBOKEN HISTORIC PRESERVATION COMMISSION
3 H19-111-4-4
4 ----- X
5 130 Washington Street : Monday 6:45 p.m.
Block/Lot: 200/16 : February 3, 2020
6 Zone: C-2 CBD(H) :
Applicant: City Paint & Ace Hardware :
7 Presenter: Dennis Forte :
8 Requesting a Certificate of :
9 Appropriateness :
10 ----- X
11
12 Held At: 94 Washington Street
13 Hoboken, New Jersey
14
15 B E F O R E:
16 Steve Zane, Chairman
17 Jon Vesey, Vice Chairman
18 Martin Anderson, Commissioner
19 Allen Kratz, Commissioner
20 James Perry, Commissioner
21 Steven Smolyn, Commissioner
22 Ellen Stewart, Commissioner
23 Cristin Cricco, 1st Alternate
24 Thaler Pekar, 2nd Alternate
25
A L S O P R E S E N T:
Ann Holtzman, Zoning Officer
Joan Anastasio, Secretary

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1 A P P E A R A N C E:
 2 WEINER LAW GROUP, LLP
 3 520 Parsippany Road
 4 Parsippany, New Jersey 07054
 5 BY: JOHN P. MILLER, ESQ.
 6 Attorney for the Board
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1 CHAIRMAN ZANE: 130 Washington Street.
 2 MR. FORTE: Good evening.
 3 Dennis Forte representing Mr. Reyes and
 4 Ace Hardware right down the street, 130. This is
 5 our second appearance before the Board.
 6 This is the first --
 7 CHAIRMAN ZANE: I think, sir, I think
 8 you were all sworn in previously, so --
 9 MR. GUZMAN: I was not.
 10 MR. FORTE: I don't think they were
 11 here last time.
 12 MR. MILLER: They weren't. Okay.
 13 Everyone raise your right hand.
 14 Do you swear or affirm to tell the
 15 truth, the whole truth, and nothing but the truth?
 16 MR. FORTE: I do.
 17 MR. GUZMAN: I do.
 18 MR. REYES: I do.
 19 MR. MILLER: Thank you very much.
 20 Please state and spell your name for
 21 the record.
 22 Dennis Forte, we already have that,
 23 sir.
 24 MR. FORTE: Yes.
 25 MR. REYES: Bernie Reyes.

1 I N D E X

2		
3	WITNESS	PAGE
4		
5	Dennis Forte	28
6	Bernie Reyes	28
7	Ray Guzman	28
8		
9		
10		
11		
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1 MR. MILLER: I'm sorry?
 2 MR. REYES: Bernie Reyes, B-e-r-n-i-e,
 3 Reyes, R-e-y-e-s.
 4 MR. MILLER: And, sir?
 5 MR. GUZMAN: Ray Guzman, Brain Wave
 6 Studio, Hoboken Sign.
 7 CHAIRMAN ZANE: Great. Thank you very
 8 much.
 9 MR. FORTE: Ready?
 10 CHAIRMAN ZANE: Go ahead.
 11 MR. FORTE: So the last time we
 12 proposed these aluminum painted signs with white
 13 vinyl letters on them. The Board didn't actually
 14 like them. There were actually three, and a
 15 replication of the name Ace in the owner's name Ace.
 16 We went to redesign, and the Board
 17 mentioned a wood carved sign, so these just came in
 18 today.
 19 Can we hand these out, so you all get
 20 the picture?
 21 CHAIRMAN ZANE: Sure.
 22 COMMISSIONER STEWART: We can pass them
 23 down.
 24 MR. FORTE: Want to pass them down?
 25 Thank you very much.

1 CHAIRMAN ZANE: All right.
 2 MR. FORTE: So in the redesign we
 3 proposed with the Board's advice two signs putting
 4 the name "Ace Hardware" only once, and in lieu of
 5 the wood carved, we submitted a two-inch high
 6 density urethane painted, carved, and that is a
 7 sample of the letter and the stroke and --
 8 MR. GUZMAN: One unit.
 9 MR. FORTE: -- two signs -- well --
 10 MR. GUZMAN: One unit.
 11 MR. FORTE: -- well, I mean two
 12 separate -- there were three before.
 13 MR. GUZMAN: Right.
 14 COMMISSIONER ANDERSON: This is a
 15 urethane? Great product.
 16 MR. FORTE: That's a high density
 17 urethane, yes.
 18 COMMISSIONER ANDERSON: It's great.
 19 MR. FORTE: That has a life expectancy
 20 of about 30 years in the weather, painted.
 21 COMMISSIONER ANDERSON: And then it
 22 will fade, is that --
 23 MR. FORTE: It will not fade. It is
 24 shot with an acrylic paint and then there's a clear
 25 acrylic coat over it. I mean, UV, you know UV, but

1 patina, it won't just fade. It will be a long time
 2 though before it does that.
 3 CHAIRMAN ZANE: All right. Any
 4 comments, questions?
 5 Yes?
 6 COMMISSIONER SMOLYN: Is it carved,
 7 then painted or painted carved --
 8 MR. FORTE: It is carved and painted,
 9 then clear coated.
 10 COMMISSIONER SMOLYN: So the white that
 11 we are seeing here --
 12 MR. FORTE: It's painted.
 13 COMMISSIONER SMOLYN: -- is painted?
 14 MR. FORTE: Yes.
 15 COMMISSIONER SMOLYN: And will not
 16 get -- it won't attract dirt or anything crazy over
 17 time?
 18 MR. FORTE: Well, you know, this street
 19 from what I've noticed, this is the third time I'm
 20 here, there's bus traffic, everything, but you need
 21 maintenance, a powerwash every two years, three
 22 years.
 23 COMMISSIONER SMOLYN: Do you have
 24 powerwashers at Ace Hardware?
 25 (Laughter)

1 MR. FORTE: Just a regular hose, not
 2 even a powerwash. It will just -- because it has a
 3 clear urethane finish on it.
 4 COMMISSIONER SMOLYN: And there is no
 5 signage on Second any more?
 6 MR. FORTE: I'm sorry?
 7 COMMISSIONER SMOLYN: There's no
 8 additional signage on the east-west street?
 9 MR. FORTE: No, no. That's just one
 10 big sign leading to look like two separate entities,
 11 Ace Hardware and Benjamin Moore.
 12 COMMISSIONER ANDERSON: Well, I would
 13 like to say I remember the original. I think this
 14 is much better. I like it a lot better. I like it
 15 better than what it is replacing by a good head and
 16 shoulders, and it just plays much better than what
 17 you were presenting before, and I am in love with
 18 the material, I have to say, so I think we are good
 19 to go.
 20 Personally I think the scale is fine.
 21 I surprised you don't want it to be bigger honestly,
 22 but I like the fact that it's this size.
 23 MR. FORTE: We would like it to be
 24 bigger.
 25 (Laughter)

1 COMMISSIONER PERRY: Can I ask a
 2 question?
 3 CHAIRMAN ZANE: Sure.
 4 COMMISSIONER PERRY: I know you're from
 5 City Paint & Hardware. The sign panel needs to be
 6 scraped and repainted. Are you going to do that
 7 with the installation of the new sign?
 8 MR. REYES: Yes. We are going to keep
 9 it in the current shape --
 10 MR. FORTE: They're going to keep the
 11 sign band as exists. They're going to repair and
 12 patch and paint the same color as existing.
 13 COMMISSIONER PERRY: So the color will
 14 remain as is. You will just scrape all of the
 15 peeling paint off and put the sign?
 16 MR. FORTE: Yes, yes.
 17 COMMISSIONER PERRY: Thank you.
 18 CHAIRMAN ZANE: Anyone else, comments,
 19 questions?
 20 COMMISSIONER ANDERSON: I have a
 21 comment.
 22 For what it is worth, this may be
 23 outside of our purview, but I think it is going to
 24 be a lot easier to laminate that sign board with
 25 something than to try to get it up to the level of

1 resolve that you are achieving with this urethane.

2 MR. GUZMAN: Say that again. I'm
3 sorry.

4 COMMISSIONER ANDERSON: I think you
5 should laminate the sign board as opposed to patch
6 and paint it. I mean, you can do that. I just
7 think the sign is going to blow it away just in
8 terms of, you know, the resolve the way it reads.

9 MR. GUZMAN: We remove the face and --
10 I had recommended removing that and putting a new
11 three-quarter MDO and prime it and paint it and
12 then --

13 COMMISSIONER ANDERSON: That is
14 basically what I mean.

15 MR. REYES: It will look the same.

16 COMMISSIONER ANDERSON: Oh, yes.

17 All I am saying, Mr. Reyes, is if you
18 patch and paint something and put this on top of it,
19 you are going to say, wow, a brand new sign and a
20 kind of funky background. That's all.

21 MR. REYES: I get it.

22 CHAIRMAN ZANE: So I think it is sort
23 of a missed opportunity here. This is certainly
24 better, much better than what was proposed and what
25 has been there, but there is a lot of empty space

1 here, a lot of real estate, and I'm trying to think.
2 I agree completely with the new sign board.

3 If there is something like a detail or
4 rule, something, that could just enhance it a bit
5 and give it, you know, a little touch versus just
6 leaving all of that blank.

7 MR. FORTE: If I could suggest maybe
8 you could put two raised panels just remolded
9 panels, one on each side of the sign blank, just
10 stand it up, something like that you mean?

11 CHAIRMAN ZANE: No. I would just do
12 like a routed rule, maybe with returns on itself,
13 you know, whatever, but something -- just
14 something --

15 MR. GUZMAN: Right now the white area
16 is around the edge -- you are saying we could extend
17 it a little further and run a rule around --

18 CHAIRMAN ZANE: I'm just saying to the
19 sign board in back, do it --

20 MR. GUZMAN: Oh, the sign board --

21 CHAIRMAN ZANE: -- yeah, leave the sign
22 alone --

23 (People speaking at once)

24 MR. FORTE: Put some kind of molding --

25 CHAIRMAN ZANE: Whatever you want to

1 do. I think you are better off routing it out,
2 instead of molding, which is going to fall off
3 eventually, but it's up to you, but it would be nice
4 to give that band a little something --

5 MR. GUZMAN: The problem when you mold
6 MDO is you're exposing the fibers, and now it's
7 going to be weather, so --

8 CHAIRMAN ZANE: Okay.

9 MR. GUZMAN: -- so probably it's better
10 to take a molding that's made out of PVC and attach
11 that.

12 CHAIRMAN ZANE: Okay.

13 MR. GUZMAN: It's the same as HDU, the
14 High Density Urethane, and put something like that.

15 CHAIRMAN ZANE: Okay. That would be my
16 only suggestion.

17 Yes, I'm sorry. Steven or Allen?

18 COMMISSIONER KRATZ: I don't know -- I
19 think he was pointing to you.

20 COMMISSIONER SMOLYN: Presently I see
21 six gooseneck lights. How are you modifying,
22 replacing or changing those?

23 They don't go over the proposed new
24 sign.

25 MR. REYES: That's why I'm keeping them

1 the same. I'm just putting light bulbs in the ones
2 that are over the sign.

3 COMMISSIONER SMOLYN: I think maybe
4 only two of the six would be -- they look very
5 banged up, too from this picture.

6 MR. GUZMAN: We will probably focus the
7 lighting over the signs because I don't think you
8 want to highlight the two dark panels on either
9 side.

10 COMMISSIONER STEWART: Uh-huh.

11 COMMISSIONER SMOLYN: Definitely not.

12 MR. GUZMAN: So we could submit a plan
13 or a tear sheet for the lamps that I would give Mr.
14 Reyes. He could approve it, and then I could submit
15 it to the Board and get our okay that way.

16 So we would have probably three lamps
17 over that sign.

18 MS. HOLTZMAN: Well, if I might, I
19 would prefer -- I would personally prefer to see you
20 lose the two on the outside and keep the four in the
21 middle only because they are positioned directly in
22 line with the --

23 MR. GUZMAN: With the sign.

24 MS. HOLTZMAN: -- well, and the

25 vertical elements above it, on the windows above.

1 They align with the mullions on the window frames,
2 so --

3 MS. ANASTASIO: I have a question.

4 The security gates, do you need those
5 security gates, because we have kind of been doing
6 away with them. Not too many stores have them.

7 MS. REYES: They still work. We put
8 them down every day.

9 MS. ANASTASIO: I know you do.

10 (Laughter)

11 MR. REYES: They were great during
12 Sandy and other events like that. They're nice to
13 have sometimes.

14 MS. ANASTASIO: I don't know.

15 CHAIRMAN ZANE: Okay. I will ask a
16 question.

17 I mean, the security are a little old
18 school for Hoboken. So is that something that you
19 think might be removed?

20 MR. REYES: Truthfully I don't have a
21 grand budget to redo the entire building. As much
22 as I would like to attack every little part of that
23 building, I would really just like to get the sign.

24 If there are other things you guys
25 need, we can do them, but I would really love to

1 have a sign. My sign fell like four months ago, and
2 this process is kind of ongoing.

3 CHAIRMAN ZANE: The good news is
4 everybody knows who you are without the sign, right?

5 (Laughter)

6 All right. We will let it go. Okay.

7 So --

8 COMMISSIONER SMOLYN: Can we make at
9 least a gentle request maybe that the grill gate
10 thing is not pulled down at the close of business
11 every day, and maybe upgrade the lock on the front
12 door, and not shove stuff in the entry vestibule, if
13 possible?

14 MR. REYES: No. I've been at that
15 store since I was 8 years old. This is the way it
16 has been done, and I am hard moving away from the
17 things I did since I was a kid.

18 Maybe, I will work towards that.

19 COMMISSIONER SMOLYN: It would be
20 appreciated I think.

21 CHAIRMAN ZANE: Allen?

22 COMMISSIONER KRATZ: No.

23 CHAIRMAN ZANE: Okay.

24 Any requests or a motion?

25 COMMISSIONER ANDERSON: Well, I just

1 sort of feel compelled to say that the gate, I don't
2 find it obtrusive, and you know, the fortunes of
3 communities come and go. You know, they may come
4 where they want that again. Let's hope not, but
5 just looking at it pragmatically myself, I think it
6 would be somewhat costly to remove, wasteful to have
7 to replace some day, if that decision was made that
8 they needed to do that again. I think it has a
9 historic significance of its own, too. So I may not
10 be with the majority, I don't know, but there's
11 something about it I almost like.

12 VICE CHAIR VESEY: I have to say this
13 is also a sign application, not a facade storefront
14 application, so I think the sign band I would like
15 to see cleaned up and I think that is within the
16 purview of the sign.

17 And I think the lighting that is over
18 there, I think Ms. Holtzman makes a good point,
19 which is that there is no real use of the outside
20 lights. But I think starting to have emotion creep
21 down into the storefront is a little beyond this
22 application.

23 MR. MILLER: John, I would agree with
24 that from a legal standpoint. There actually has
25 been some recent case law that cautions against any

1 land use board as far as redesigning or going beyond
2 the scope of the application.

3 This is the application that the
4 applicants have presented, and I would agree that
5 from a legal standpoint, that the gate is just
6 simply not part of their application.

7 CHAIRMAN ZANE: Okay.
8 Comments?

9 MS. ANASTASIO: We cannot request him
10 to remove those gates like the majority of the city?

11 MR. MILLER: No, not this Commission.
12 There may be some other. There may be a building
13 official. There may be somebody else if it comes
14 under their purview, but I think for this
15 application, no.

16 CHAIRMAN ZANE: Okay.
17 Comments, motions?

18 COMMISSIONER ANDERSON: I would make a
19 motion, but I don't know where we ended up with this
20 banding or pin stripping around the border,
21 whatever.

22 Did we ever come to any kind of
23 consensus about that?

24 CHAIRMAN ZANE: Make the motion and we
25 will see if it passes mat.

1 COMMISSIONER ANDERSON: Okay. Let's do
 2 that.
 3 I make a motion to approve as presented
 4 except that the outermost goosenecks be removed as
 5 part of the sign replacement.
 6 COMMISSIONER PEKAR: I will second
 7 that.
 8 MS. ANASTASIO: Commissioner Anderson?
 9 COMMISSIONER ANDERSON: Yes.
 10 MS. ANASTASIO: Commissioner Kratz?
 11 COMMISSIONER KRATZ: Yes.
 12 MS. ANASTASIO: Commissioner Vesey?
 13 VICE CHAIR VESEY: Yes.
 14 MS. ANASTASIO: Commissioner Perry?
 15 COMMISSIONER PERRY: Yes.
 16 MS. ANASTASIO: Commissioner Smolyn?
 17 COMMISSIONER SMOLYN: Yes.
 18 MS. ANASTASIO: Commissioner Stewart?
 19 COMMISSIONER STEWART: Yes.
 20 MS. ANASTASIO: Commissioner Zane?
 21 CHAIRMAN ZANE: Yes.
 22 MS. ANASTASIO: Commissioner Pekar?
 23 COMMISSIONER PEKAR: Yes.
 24 MS. ANASTASIO: Commissioner Cricco?
 25 COMMISSIONER CRICCO: Yes.

1 CHAIRMAN ZANE: All right.
 2 MR. GUZMAN: Thank you all for your
 3 time.
 4 CHAIRMAN ZANE: Thank you. Good luck.
 5 (The matter concluded)
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C E R T I F I C A T E

1
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17
 18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 21 My commission expires 11/5/2020.
 This transcript was prepared in accordance with
 22 NJAC 13:43-5.9.
 23
 24
 25

CITY OF HOBOKEN
 HOBOKEN HISTORIC PRESERVATION COMMISSION
 H19-6-3-1

1 ----- X
 2
 3 81 Madison Street : Monday 7 p.m.
 Block/Lot: 17/16 : February 3, 2020
 4 Zone: R-3 Residential :
 Applicant: 81 Madison Street :
 5 Requesting a Certificate of :
 Appropriateness :
 6 ----- X
 7

8 Held At: 94 Washington Street
 Hoboken, New Jersey

9 B E F O R E:
 10 Steve Zane, Chairman
 11 Jon Vesey, Vice Chairman
 12 Martin Anderson, Commissioner
 13 Allen Kratz, Commissioner
 14 James Perry, Commissioner
 15 Steven Smolyn, Commissioner
 16 Ellen Stewart, Commissioner
 17 Cristin Cricco, 1st Alternate
 18 Thaler Pekar, 2nd Alternate

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

19 Ann Holtzman, Zoning Officer
 20 Joan Anastasio, Secretary

21
 22 PHYLLIS T. LEWIS
 23 CERTIFIED COURT REPORTER
 CERTIFIED REALTIME COURT REPORTER
 (732) 735-4522
 24
 25

1 A P P E A R A N C E:
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 4 Parsippany, New Jersey 07054
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 6 Attorney for the Board
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 8 PRIME & TUVEL
 9 2 University Plaza
 10 Hackensack, New Jersey
 11 BY: JASON R. TUVEL, ESQ.
 12 Attorney for the Applicant.
 13
 14
 15
 16
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1 CHAIRMAN ZANE: 81 Madison Street,
 2 please.
 3 MR. TUVEL: Mr. Chairman, one of our
 4 witnesses is not here yet. I believe he is parking,
 5 so if you want to take another case before us to
 6 keep it moving.
 7 Thank you.
 8 CHAIRMAN ZANE: Sure.
 9 (The matter of 130 Washington Street
 10 was heard before the Board)
 11 MR. TUVEL: Are you ready?
 12 CHAIRMAN ZANE: Yes, I'm ready.
 13 81 Madison Street, please.
 14 MR. TUVEL: Good evening, Mr. Chairman,
 15 Members of the Board, Jason Tuvel, attorney for the
 16 applicant.
 17 Just a little refresher on this matter.
 18 We were here several months ago for a demolition
 19 permit for the entire structure located at 81
 20 Madison. The Board voted to prohibit the demolition
 21 of this building by a vote of 4 to 5 or 5 to 4,
 22 affirmative to not permit demolition.
 23 Since that time and before the Board
 24 adopted a resolution or the Commission adopted a
 25 resolution, my client went back to their design

1 I N D E X

2 WITNESS	3 PAGE
4 Rushabh Shah	5 57
6 Gunnar Wahlstrom	7 62
8 James Dlugosz	9 103

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1 team, namely, their environmental consultant and
 2 their structural engineer to determine how they were
 3 going to deal with the contamination aspect of this
 4 project now that the Commission indicated we would
 5 not be able to demolish the structure.
 6 So once I learned or once the client
 7 learned that it wasn't feasible to remediate the
 8 property, which you will hear about tonight from
 9 several witnesses, without demolishing the
 10 structure, we filed a motion for reconsideration
 11 with the Board for facts that were not known at the
 12 time the initial application was proposed to the
 13 Commission.
 14 So under NJSA 7:26-3.2, my client is
 15 obligated legally to remediate this property. So
 16 what you will hear from both my client, as well as
 17 from several professionals is that there is a
 18 significant amount of soil contamination located
 19 underneath this property that was a result of years
 20 and years of heating oil being dislodged into the
 21 soil as well as into the groundwater.
 22 My client purchased the property. They
 23 intend to use the property, which is part of the
 24 demolition criteria for one of the permitted uses
 25 within the R-3 zone, which is for residential use.

1 In fact, my client intends to live there himself
2 with his family.
3 The goal is to remediate the soil and
4 the groundwater at the property to residential
5 standards, which means that there is no prohibition
6 as to what could be there in terms of use of the
7 property.

8 I have three witnesses that I plan on
9 calling to talk about this matter on the
10 environmental and structural issues, so I am going
11 to have the client come up and explain what he
12 learned after discovery, what he had to do in terms
13 of the environmental remediation when he found out
14 that the building could not be demolished.

15 Then I am going to have the
16 environmental engineer that my client retained
17 describe to you the contamination that's underneath
18 the property, and then I'm going to have the
19 structural engineer explain how both are intertwined
20 and how demolishing this building is the only
21 property way, both to the building itself, as well
22 as to the surrounding buildings, to properly
23 remediate the soil and groundwater contamination
24 that's located on the property.

25 So unless there are any other questions

1 for me, I would be happy to call my first witness.

2 COMMISSIONER KRATZ: Mr. Chair, I have
3 a question --

4 MR. TUVEL: The first witness I'd like
5 to call is Rushabh Shah

6 CHAIRMAN ZANE: Yes, sir.

7 COMMISSIONER KRATZ: Mr. Tuvel
8 mentioned after the Board acted and before the
9 resolution was adopted, Mr. Tuvel also mentioned
10 facts not known at I guess the time of the
11 application or the determination by the Board.

12 I would like to hear from our counsel
13 how this matter comes before us.

14 Is this new business?

15 I would like some procedural
16 clarification.

17 MR. MILLER: It comes before us as a
18 motion for reconsideration. In the counsel's papers
19 on Page 2, they request that the Commission
20 reconsider its decision and grant the applicant
21 approval of the application.

22 A filing of a motion for
23 reconsideration is permitted under the court rules
24 as stated in Mr. Tuvel's papers. A lot of times
25 what we see for non land use matters or in lot of

1 massing where there would be some sort of mistake or
2 somewhere, where a Board may have overlooked
3 something, but there is also another point that is
4 mentioned in Mr. Tuvel's papers.

5 And Mr. Tuvel can tell me if I am
6 wrong, but this is what applies here, because the
7 Supreme Court has held that administrative tribunals
8 possess the inherent power of reconsideration.

9 They also permit the discovery of new
10 evidence pertaining to the validity and truth of
11 certain submissions within the first hearing.

12 So there was testimony provided about
13 contamination, and under the court rules, Mr. Tuvel
14 and the applicant are permitted to file a motion for
15 reconsideration because, as Mr. Tuvel stated, there
16 is more information. There is more information that
17 wasn't presented to the Commission at the time that
18 the Commission made the decision on the application.
19 So from a legal standpoint, a motion for
20 reconsideration is certainly within the applicant's
21 rights.

22 I think we all know it is not common
23 for this Commission to hear a motion for
24 reconsideration. We have not had one since I have
25 been here, but it is permitted under the court

1 rules. It is permitted under the law. It is
2 permitted as per the New Jersey Supreme Court.

3 And this new evidence is permitted to
4 be introduced, and it is permitted to be heard by
5 the Commission as if it were -- and all of the rules
6 would apply. If the Commission members have any
7 questions about any testimony that's provided, if
8 the Commission members have any questions of any of
9 the witnesses, if the Commission members have a
10 question of even any of Mr. Tuvel's statements.

11 One other important fact here is that
12 Mr. Tuvel hasn't stated this, but he provided notice
13 to the public for this hearing. So if -- we will
14 open this up to the public, so the public will also
15 have the chance to provide questions and comments
16 and cross-examine any witnesses provided by Mr.
17 Tuvel and the applicant.

18 So is it different than what we have
19 seen before?

20 Yes, but it is certainly permitted
21 under the rules.

22 COMMISSIONER KRATZ: And the elements
23 of proof that Mr. Tuvel needs to satisfy are what?
24 What does he have to --

25 MR. MILLER: It's really the same

1 standards that we have as for any application.

2 An applicant puts on their proofs.

3 They put on their testimony. The Board asks
4 questions. The Board can cross-examine the
5 witnesses. The Board can have any questions. It
6 can analyze those facts as it wishes.

7 Then after the completion of the
8 testimony and the opportunity for the public to
9 provide questions or comments, then the Commission
10 makes a decision accordingly. It is really the same
11 standards.

12 COMMISSIONER KRATZ: And after the
13 decision, if the applicant found the decision to be
14 adverse to the applicant's interests, would the
15 applicant be able to come back again for another
16 reconsideration?

17 MR. MILLER: No. The applicant would
18 have the right, though, to appeal that decision.

19 COMMISSIONER KRATZ: So he just can't
20 keep having new and new information?

21 MR. MILLER: No, no, no. Under the
22 court rules, it is a motion singular, motion for
23 reconsideration, and that would be it.

24 Yes?

25 COMMISSIONER SMOLYN: And all previous

1 consider with the new design, which incorporated a
2 garden in the front and an application for the Shade
3 Tree Commission.

4 Are those still pertinent in this
5 hearing?

6 MR. MILLER: As of right now because
7 the application was denied, those conditions are not
8 pertinent.

9 In the event that the Commission
10 decides to grant the motion for reconsideration and
11 approve the application, then yes, based upon the
12 testimony and based upon what was placed on the
13 record, those conditions would still have to be met
14 by the applicant.

15 COMMISSIONER PERRY: But they would
16 have to be repeated in any approval we give tonight
17 and put on the record?

18 MR. MILLER: Yes, and no matter what
19 decision is made by the Commission, there would be a
20 written resolution.

21 MR. TUVEL: Great.

22 So the first witness I would like to
23 call is the applicant himself, Rushabh Shah.

24 MR. SHAH: Good evening.

25 MR. MILLER: Good evening.

1 testimony and exhibits and everything still stand,
2 and they are really only introducing new information
3 tonight?

4 MR. MILLER: They do, yes.

5 Again, Mr. Tuvel can correct me, but
6 this isn't really a rehash or a redo of the previous
7 application.

8 It is a motion for reconsideration
9 based upon the testimony and based upon the reports
10 that have been submitted by Mr. Tuvel's team or the
11 witnesses on behalf of the applicant. So, yes, that
12 all is part of the record.

13 MR. TUVEL: I would say it is all
14 brought under the same record. What we did based on
15 the motion is we are supplementing the record with
16 new information that wasn't available at the time,
17 that we felt the Commission would find to be
18 valuable and relevant in making a decision, and that
19 is why we supplemented the record.

20 COMMISSIONER PERRY: John, I have a
21 question, and Steve may have touched on it, but I
22 didn't hear it down at this end.

23 But the last time this came before the
24 Board, it was a motion that included certain
25 conditions or recommendations that the applicant

1 Please raise your right hand, sir.

2 Do you swear or affirm to tell the
3 truth, the whole truth, and nothing but the truth?

4 MR. SHAH: Yes, I do.

5 R U S H A B H S H A H, having been duly sworn,
6 testified as follows:

7 MR. MILLER: Thank you.

8 Please state and spell your name for
9 the record.

10 THE WITNESS: It is R-u-s-h-a-b, as in
11 boy, -h, and the last name is Shah, S-h-a-h.

12 MR. MILLER: Thank you very much.

13 MR. TUVEL: All right. Can you just
14 explain your relationship to the property?

15 THE WITNESS: Yeah.

16 So I would like to give background, if
17 that's okay. Last time I was hoping to get a chance
18 to speak, but I unfortunately didn't.

19 I am a Hoboken resident for the last
20 ten years. I have been living here. I came here as
21 a young single guy, met my wife, had two kids, and
22 we feel like we are part of this community. We want
23 to continue to be part of this community.

24 So what has occurred is that we live in
25 a two-bedroom apartment with two little kids, a

1 three-year-old and a one-and-a-half-year-old.
 2 We looked for a couple years as to
 3 where we could move to keep our family here, raise
 4 our family here, put them in the school here, and we
 5 found that anything that we liked that had the space
 6 that would accommodate our family of four was just
 7 too expensive for us. It was just out of our price
 8 range.
 9 You know, we looked at everything
 10 that's being developed by the Toll Brothers of the
 11 world, as well as the local developers that are, you
 12 know, basically doing what we are looking to do
 13 here, which is knocking down the home and putting up
 14 like one or two condominium units.
 15 What we realized was that it was very
 16 difficult for us to make sense of it financially.
 17 I ended up buying 81 Madison Street because I had
 18 befriended the previous owner who had lived at that
 19 property since 1980. I had just met him walking
 20 around town and we built a --
 21 CHAIRMAN ZANE: I just have to stop you
 22 a little bit.
 23 THE WITNESS: Sure.
 24 CHAIRMAN ZANE: You know, it's got to
 25 be shorter, you know, a shorter story.

1 THE WITNESS: Sure. No problem.
 2 CHAIRMAN ZANE: We understand, and it
 3 is not an uncommon story.
 4 THE WITNESS: Yes.
 5 So anyway, my goal was to purchase the
 6 property and build a home for my family and another
 7 family that we are friends with in town who is
 8 running into the same situation.
 9 When we had come to this meeting last
 10 time, when we found out that the Commission had
 11 determined that we would not be allowed to knock it
 12 down, I had gone back to my engineer and my
 13 environmental consultant who I hired initially to
 14 perform due diligence on the property when I was
 15 purchasing the property to let him know that, hey,
 16 we would need to revisit our remediation plan.
 17 At the time I purchased the property,
 18 the remediation plan was to excavate and clean up
 19 the soil and groundwater after knocking down the
 20 building because that was what we thought we were
 21 going to do.
 22 Once we found out that we could not
 23 knock down the building, I had him reinvestigate the
 24 plan to determine how we could go about remediating
 25 the site in a safe manner and accomplish what I am

1 legally obligated to do, which is clean up the soil.
 2 When we did our due diligence, we
 3 determined we found free product of oil in the
 4 ground, which means there is actually loose oil that
 5 you can see and touch sitting on the soil as well as
 6 down to the ground.
 7 So we did multiple borings throughout
 8 the property that took us back in, and my consultant
 9 will go through more of the technical aspects of
 10 this. But we went basically back to halfway in the
 11 backyard and found free product running across the
 12 property line, which is very significant, and the
 13 depth of that was getting into the groundwater, so
 14 it means it was going below the foundation --
 15 CHAIRMAN ZANE: So I just have to stop
 16 you one more time. These are all things that your
 17 professionals will testify to?
 18 THE WITNESS: Sure.
 19 CHAIRMAN ZANE: Okay. If we could let
 20 them testify to that.
 21 THE WITNESS: Absolutely, fine.
 22 MR. TUVEL: I just wanted the
 23 Commission to know factually how we got here from a
 24 reconsideration standpoint. I just thought that
 25 that was important for the Commission to understand.

1 Do you have anything to add?
 2 THE WITNESS: No.
 3 My final thing is this: So we ended up
 4 making a decision that, hey, I need to go talk to
 5 contractors to find out how I can remediate this.
 6 I had two contractors who refused to do
 7 the job because of some of the issues you will hear
 8 about from the consultant, so I won't get into that.
 9 CHAIRMAN ZANE: Okay.
 10 MR. TUVEL: And your still intended use
 11 of the property would be residential, which is
 12 permitted in the zone?
 13 THE WITNESS: Correct.
 14 MR. TUVEL: And you would want to
 15 remediate it to residential standards under the
 16 DEP's regulations, so you and another family could
 17 live there?
 18 THE WITNESS: Yes.
 19 MR. TUVEL: To your knowledge, you
 20 cannot do that unless you demolish the existing
 21 building?
 22 THE WITNESS: Correct.
 23 CHAIRMAN ZANE: Okay. I appreciate it.
 24 Thank you.
 25 THE WITNESS: Thank you.

1 (Witness excused)
 2 MR. TUVEL: Mr. Chairman, does anyone
 3 want to ask Mr. Shah questions?
 4 CHAIRMAN ZANE: No. Thank you.
 5 MR. TUVEL: So the next witness I would
 6 like to call is Gunnar Wahlstrom. He is our
 7 environmental engineer.
 8 MR. WAHLSTROM: Good evening,
 9 everybody.
 10 MR. MILLER: Good evening.
 11 Please raise your right hand.
 12 Do you swear or affirm to tell the
 13 truth, the whole truth, and nothing but the truth?
 14 MR. WAHLSTROM: Yes, I do.
 15 C. G U N N A R W A H L S T R O M, having been
 16 duly sworn, testified as follows:
 17 MR. MILLER: Thank you very much.
 18 Please state and spell your name for
 19 the record.
 20 THE WITNESS: My name is Gunnar
 21 Wahlstrom. Actually my full name is Clark Gunnar
 22 Wahlstrom, and I am professional engineer licensed
 23 in New Jersey and New York, and I am also licensed
 24 by NJDEP for tank remediation and sub surface sand
 25 investigations.

C. Gunnar Wahlstrom 63

1 THE REPORTER: Could you just have him
 2 spell his name?
 3 MR. TUVEL: Spell your name one more
 4 time.
 5 THE REPORTER: He didn't spell it.
 6 (Laughter)
 7 THE WITNESS: You can use my first
 8 initial C, and then Gunnar, G-u-n-n-a-r. Last name.
 9 is Wahlstrom, W-a-h-l-s-t-r-o-m.
 10 THE REPORTER: Thank you.
 11 MR. TUVEL: Does the Board want any
 12 more qualifications from Mr. Wahlstrom as an
 13 environmental engineer?
 14 CHAIRMAN ZANE: No, I am satisfied.
 15 MR. MILLER: It is up to the
 16 Commission.
 17 CHAIRMAN ZANE: No, I am good.
 18 MR. TUVEL: All right. Thank you.
 19 So, Mr. Wahlstrom, can you just
 20 describe what you were retained to do by the
 21 applicant with respect to an environmental
 22 assessment?
 23 THE WITNESS: Okay. What we want to
 24 do, get my professional opinion as to --
 25 MR. TUVEL: Louder, so they can hear.

1 THE WITNESS: Sorry?
 2 MR. TUVEL: A little louder so they can
 3 hear you.
 4 THE WITNESS: Yeah. He wanted me to
 5 make an investigation on the site to find out the
 6 extent of contamination and what it would take to
 7 remediate that contamination. And then after that,
 8 we actually went into a site investigation. We made
 9 hole drillings around the building, and then inside
 10 the building also we had like one of these micro geo
 11 probes to be able to get it into the basement and
 12 take a boring from over there, so we took soil and
 13 groundwater samples.
 14 MR. TUVEL: How many borings were done
 15 approximately?
 16 THE WITNESS: Whether it was five or
 17 six, I don't recall exactly.
 18 MR. TUVEL: Can you describe what the
 19 existing contamination is on the property?
 20 Can you give the Board an overview of
 21 that?
 22 THE WITNESS: Yeah.
 23 Actually the contamination is from a
 24 previous home heating oil tank that was removed
 25 earlier that leaked and basically spilled the

C. Gunnar Wahlstrom 65

1 contents into the ground, so -- and then once we did
 2 the borings, we found out, we drilled all the way to
 3 the groundwater, which is where it is shallower over
 4 there, so we found out that in least two of the
 5 borings we had actually free oil floating on top of
 6 the groundwater, and that is not very good news
 7 because you know there is more around.
 8 And also when the groundwater
 9 fluctuates up and down with the environment, it
 10 actually smears the soil, so you are going to
 11 have -- we are going to have soil contamination
 12 below the groundwater also, that this is going to be
 13 soaked with oil.
 14 MR. TUVEL: Okay.
 15 So what is the extent of the
 16 contamination?
 17 Can you give the Board an overview of
 18 that?
 19 THE WITNESS: Well, what you have is
 20 the source is in front of the building and just in
 21 front of the steps where they had the tanks.
 22 Then the groundwater flow is moving
 23 from the source then in a southerly direction,
 24 southeasterly direction, so it goes diagonally under
 25 the building, and it actually spreads out like a

1 flume, like this, like a fan looking flume, and we
2 found oil in the boring that we had at the corner,
3 southern -- at the front of the building at the
4 southern corner, there was oil in the boring.
5 Then we had on the steps going inside
6 to the basement, and then when you complete the
7 picture of how these things spread, you know, that
8 it is going to be -- we are going to have free oil
9 in at least one-third of the building in front.

10 MR. TUVEL: Okay.

11 By how much do the contaminants exceed
12 DEP requirements?

13 THE WITNESS: Actually DEP's
14 requirements is no free oil, no free product, and
15 their limit, that limit is an artificially designed
16 or defined limit that the DEP has set. That is the
17 limit for petroleum contamination. Over that limit,
18 it is free product, and that limit is 8,000 EPH,
19 which stands for Extractable Petroleum Hydrocarbons.

20 Looking back at the original record
21 from the tank removal, the original was 19,300, so
22 it is over twice of the requirements.

23 MR. TUVEL: Okay. So there is soil
24 contamination and there's groundwater contamination?

25 THE WITNESS: Yes.

1 The problem with this site is that we
2 have the groundwater. With shallow groundwater, the
3 oil lays on top -- the free oil lays on top of the
4 groundwater. Then when the groundwater moves, then
5 it tends to spread around. You know, it's going to
6 travel.

7 And if you have just a regular, regular
8 site where you have deep groundwater, it's only soil
9 contamination, it tends to stand -- to stay fairly
10 stationary because there's nothing moving it. It
11 gets absorbed into the soil and it makes like a
12 mess. But with groundwater, it's a problem because
13 it keeps contaminating the groundwater. It keeps
14 the soluble compounds from the oil -- the solid in
15 the groundwater and travels with the groundwater.

16 MR. TUVEL: So what is the effect of
17 not removing the contamination on the site?

18 THE WITNESS: Well, the problem is the
19 DEP requires it.

20 MR. TUVEL: Understood.

21 Would it continue to negatively impact
22 this property?

23 THE WITNESS: It will travel to other
24 properties and create problems there.

25 MR. TUVEL: Okay.

1 So how do you propose based on your
2 analysis that the applicant remediate the property?
3 THE WITNESS: Well, with something like
4 this, what you want to do is you want to excavate
5 the bulk of the soil that has the contamination that
6 is soaked with oil. Take that out, and then that is
7 transported to a DEP approved recycling facility,
8 where they recycle the soil, and they have various
9 different techniques that they have. And then what
10 you do is you bring in clean soil and replace the
11 soil.

12 Now, but with a site like this, I would
13 like to also maybe polish it with after we know
14 exactly -- after we excavated, we may do some
15 additional chemical polishing to treat the
16 groundwater, any residual things in the groundwater.

17 MR. TUVEL: Okay.

18 So what type of equipment has to be
19 used to do the remediation and perform the
20 remediation that you're contemplating?

21 THE WITNESS: Well, what traditionally
22 is used is an excavator or at least a backhoe. You
23 dig it out and load it on -- dig out the
24 contaminated soil with -- on tri-axles and take it
25 away, and then you bring in the new soil back.

1 Then are after that, DEP, when you have
2 groundwater issues involved, DEP requires you to
3 have monitoring of the groundwater for a number of
4 things. It all depends on what the case is.

5 And for that you need to put in
6 monitoring wells, and what I like to see is to have
7 monitoring wells under the building from there to
8 see that it actually is continuing to be clean, and
9 we can get the NFA letter from NJDEP.

10 Now, sometimes if you find that there
11 is some residue still left, you can also do
12 injections afterwards, chemical injections, because
13 you have the bulk of the soil out so it is doable.
14 And for that I would want to assign a few monitoring
15 wells and then potentially a couple of injection
16 wells as spares just to make sure that we can deal
17 with it after the building is being rehabbed.

18 MR. TUVEL: What about the structure
19 poses a problem to perform your remediation that you
20 are contemplating?

21 THE WITNESS: That's actually a big
22 problem because we can't get any of the equipment
23 into the basement of that building, and then what
24 you have is the building is supported by piers at
25 the center, two rows of piers, and when you start

1 excavating over there, there is no support or
 2 anything, you know, and you will be losing the
 3 structure, and it is basically -- I looked at it
 4 first. I said it is not doable.
 5 Then I asked -- I asked Rush to
 6 check --
 7 MR. TUVEL: The applicant, correct?
 8 THE WITNESS: -- yeah, the applicant,
 9 I'm sorry. I asked the applicant to check with the
 10 structural engineer, and we have a structural
 11 engineer, an independent structural engineer also
 12 who can testify to that.
 13 MR. TUVEL: So the applicant is
 14 required per DEP to perform this remediation,
 15 correct?
 16 THE WITNESS: Yes.
 17 MR. TUVEL: Okay.
 18 What about how far down do you have to
 19 excavate as part of the process of remediating the
 20 soil and also putting in monitoring wells?
 21 THE WITNESS: Yeah.
 22 Actually you don't know until you
 23 start, you actually do that. But estimating from
 24 what we know from the preliminary investigations, I
 25 would think that we may have to go to like five feet

1 below the bottom level of the basement, and that's
 2 going to be below the water level, the groundwater
 3 level, so we are going to have to have dewatering in
 4 order to keep the excavation from collapsing.
 5 MR. TUVEL: And the Commission members
 6 might know what dewatering is, but can you just
 7 explain it for the record very briefly?
 8 THE WITNESS: Yeah.
 9 Basically what you do is when you dig
 10 below the groundwater level, you start getting
 11 infiltration of water from all around, and you're
 12 going to have to put in pumps and pump it out all of
 13 the time, otherwise you kind of lose the whole
 14 structure and your sides will cave in.
 15 MR. TUVEL: So in your professional
 16 opinion, how long have you been in this field?
 17 THE WITNESS: I have been a
 18 professional engineer since forever it feels like.
 19 (Laughter)
 20 I have been 40 years in engineering
 21 construction. I have been involved in industrial
 22 construction of chemical plants, refineries, power
 23 plants, four generation plants, and for about 50
 24 years now I have been doing environmental
 25 remediation.

1 MR. TUVEL: So in your professional
 2 opinion, removing the structure in order to complete
 3 remediation is necessary?
 4 THE WITNESS: That is really my strong
 5 opinion, because I don't think anybody wants to get
 6 involved with it, you know.
 7 MR. TUVEL: And, Gunnar, also
 8 remediating the site to a residential standards,
 9 what does that mean?
 10 A lot of people say that. Can you
 11 explain what that means?
 12 THE WITNESS: Yeah.
 13 Basically NJDEP has two levels of soil
 14 remediation standards. One is called residential
 15 standards, and one is non residential. That is for
 16 commercial properties, industrial properties, and so
 17 forth.
 18 The non residential remediation
 19 standards are higher or lower, you know. They are
 20 actually not as stringent as the residential
 21 criteria, but in terms -- it doesn't really make
 22 much difference in this case because they have the
 23 same standards for the free product, so we still
 24 have to get the free product out of there, and in
 25 the actual remediation, it really doesn't make much

1 of a difference because once you start getting --
 2 have to excavate the bulk out of it, because it's
 3 too much -- you don't want to mess with anything
 4 else.
 5 You want to get it out of there, and
 6 then replace it with clean soil, and then do
 7 whatever finishing work that is needed in order to
 8 make sure that it continues to stay clean.
 9 MR. TUVEL: How many tons of soil do
 10 you anticipate would be removed as a result of this
 11 cleanup?
 12 THE WITNESS: I don't recall.
 13 MR. TUVEL: You said 120 tons or so --
 14 THE WITNESS: 120, I think that it
 15 would be more than that.
 16 MR. TUVEL: Thank you, Mr. Chairman.
 17 That's all I have right now.
 18 VICE CHAIR VESEY: So this oil spill
 19 was a result of the removal of the oil tank?
 20 THE WITNESS: No. It was not result of
 21 the removal.
 22 See what you have in this area of
 23 Hoboken, you have the groundwater level on
 24 average --
 25 VICE CHAIR VESEY: So it was leaking

1 from the oil tank?
 2 THE WITNESS: Pardon?
 3 VICE CHAIR VESEY: So it was leaking
 4 from the oil tank?
 5 THE WITNESS: Yes.
 6 So actually a lot of the tanks that
 7 they put in there, they actually sit with the bottom
 8 in the groundwater and they --
 9 VICE CHAIR VESEY: Right. And the oil
 10 tank is still there or it has been taken out?
 11 THE WITNESS: No. That was taken out
 12 by a different contractor.
 13 VICE CHAIR VESEY: When was that taken
 14 out?
 15 THE WITNESS: I wasn't involved in
 16 that. I became involved after the --
 17 VICE CHAIR VESEY: I understand.
 18 And when was it taken out?
 19 MR. TUVEL: I can ask the applicant.
 20 THE WITNESS: I have it here somewhere.
 21 VICE CHAIR VESEY: Mr. Wahlstrom, you
 22 have a lot of experience working in Hoboken?
 23 THE WITNESS: Pardon?
 24 VICE CHAIR VESEY: Mr. Wahlstrom, you
 25 have a lot of experience working in Hoboken?

1 THE WITNESS: Not particularly in
 2 Hoboken, but I have done a number of --
 3 VICE CHAIR VESEY: But, Mr. Tuvel, you
 4 have a lot of experience working in Hoboken.
 5 What percentage of homes in Hoboken do
 6 you think had oil heat up until ten years ago?
 7 THE WITNESS: I think you are going to
 8 have it in a lot of places, you know.
 9 VICE CHAIR VESEY: And is it uncommon
 10 to have oil seepage underneath properties when the
 11 oil tanks have been removed, or there's been an oil
 12 tank there for a long time?
 13 THE WITNESS: Well, it actually depends
 14 on in some cases you have a slow leak for a long
 15 time, and in some cases they notice it right away
 16 that it doesn't add up in terms of the volume that
 17 they order, and they empty the tank, so then it is
 18 not that bad.
 19 VICE CHAIR VESEY: So this situation of
 20 oil contamination in the soil is not very uncommon
 21 in Hoboken?
 22 THE WITNESS: I am sure that you have
 23 it in quite a few places where they had it before,
 24 and some people have been lucky, you know, you can
 25 just dig it out without disturbing the building.

1 VICE CHAIR VESEY: You testified that
 2 the oil and the water is now moving the oil, which
 3 is understandable --
 4 THE WITNESS: Actually what it is, is
 5 that you have the groundwater level, and then you
 6 have the oil flowing on top of it, and it is
 7 actually going to be contaminated, like absorbing
 8 the whole structure in the soil underneath and it's
 9 going to gradually percolate up to the soil.
 10 VICE CHAIR VESEY: So what are the
 11 neighboring properties doing to remove this
 12 contaminated soil?
 13 THE WITNESS: Well, some people have
 14 been ignoring it, you know, and --
 15 VICE CHAIR VESEY: And there's no
 16 litigation yet?
 17 THE WITNESS: No. NJDEP regulations,
 18 it's a moving -- it's a moving target, because it is
 19 kind of -- hum, they -- in 2012, they totally
 20 revamped the whole environmental regulations and the
 21 remediation strategy and so forth, and they are
 22 still in the process of gradually tightening up,
 23 tightening up --
 24 VICE CHAIR VESEY: The reason I asked
 25 these question is that I am very familiar with it,

1 because it is a problem that is endemic to all of
 2 Hoboken. So normally when an oil tank is removed
 3 and there is contamination, we have seen this quite
 4 a bit on Bloomfield and Garden and Park, all over
 5 town, where the sidewalks and houses need to be
 6 excavated, and very often it is not the property
 7 that had the problem. It is four or five properties
 8 on either side of the monitoring on my block for
 9 where there has been some contamination, and it has
 10 been going on for almost ten years.
 11 THE WITNESS: Yeah.
 12 VICE CHAIR VESEY: So the only thing I
 13 am concerned about is that you are saying that the
 14 building needs to be demolished because there is
 15 contamination, and it seems it's contamination from
 16 oil on a lot of properties all over town.
 17 So how is this property different than
 18 all of the other properties that remove their oil
 19 tank and deal with the contamination and don't
 20 remove the building?
 21 THE WITNESS: I think it is different
 22 from the point of view that you have the groundwater
 23 from the point source, where you have the oil leak,
 24 exactly drifting under the building.
 25 VICE CHAIR VESEY: I think you just

1 described most of Hoboken.
 2 CHAIRMAN ZANE: Right. But your
 3 neighborhood is not -- where I live, and I have seen
 4 it because we had a property back on Jefferson, you
 5 watch the tide come in and out.
 6 So I think that geographically, this is
 7 a slightly different situation.
 8 Sorry, Marty.
 9 COMMISSIONER ANDERSON: If you're done.
 10 I don't want to interrupt.
 11 VICE CHAIR VESEY: I am done.
 12 COMMISSIONER ANDERSON: I am hoping to
 13 sort of just contain this a little bit.
 14 Your testimony is quite precise, and I
 15 assume this is your latest report, the one that's
 16 been dated by the city on November 25th.
 17 THE WITNESS: This is updated June
 18 28th, 2019.
 19 COMMISSIONER ANDERSON: Okay.
 20 So that would fall into it. I just
 21 want to read something from there and then ask you a
 22 question and maybe we will have some clarity.
 23 THE WITNESS: Sure.
 24 COMMISSIONER ANDERSON: Towards the end
 25 of your report, you say: For the reasons stated

1 here, we foresee many difficulties with remediating
 2 the site while the structure stays in place with
 3 this particular building, and you were just speaking
 4 about that.
 5 Such as problems with achieving
 6 adequate remediation, a risk for serious damage to
 7 foundations and nearby buildings and personal safety
 8 issues.
 9 Here is where I begin to have a
 10 question.
 11 Given these conditions, we recognize
 12 that a contractor would have to take on a
 13 substantial liability with this plan and doubt that
 14 any contractor would be willing to tie up the
 15 company with a complex project like this at the
 16 expense of similar and more profitable jobs.
 17 But in the last paragraph, you go on to
 18 say: For these reasons, we cannot recommend that
 19 the site be remediated with the structure in place
 20 per the property owner's request for an updated
 21 project plan.
 22 And I could go on. You go on for
 23 another two sentences.
 24 Here what I think is perhaps what we
 25 are on about here. It was suggested that this

1 structure be saved at the last time this was on the
 2 floor here, because people thought the structure
 3 itself had historic significance adequate to leaving
 4 it in place.
 5 Your report, to me, it is sort of
 6 riding this line, and this speaks to something the
 7 homeowner said as well.
 8 I would ask, in your professional
 9 opinion, is it possible, but somewhat difficult or
 10 impossible to remediate this problem with the
 11 structure in place?
 12 THE WITNESS: I think in my
 13 professional opinion, in my opinion, I don't think
 14 it's practical. I don't think it is doable.
 15 COMMISSIONER ANDERSON: And to clarify
 16 my question, if it is difficult to find a
 17 contractor, that is one thing. If it is ill advised
 18 to proceed with this remediation with the structure
 19 in place, that's a different thing --
 20 THE WITNESS: Yeah. That's what --
 21 COMMISSIONER ANDERSON: -- and you're
 22 saying, in your opinion, this structure should come
 23 down because of the potential impact not only to
 24 this structure, but to adjacent structures?
 25 THE WITNESS: Yes.

1 COMMISSIONER ANDERSON: Thank you.
 2 CHAIRMAN ZANE: Steve?
 3 COMMISSIONER SMOLYN: One very brief
 4 point of clarification.
 5 What was the date of your borings on
 6 site?
 7 THE WITNESS: I'm sorry?
 8 COMMISSIONER SMOLYN: What was the date
 9 of your borings on site?
 10 What date did you bore the site?
 11 MR. TUVEL: The date that you did your
 12 borings on the property.
 13 THE WITNESS: Okay. Let me see.
 14 The end of the summer.
 15 MR. TUVEL: On the bottom --
 16 COMMISSIONER SMOLYN: I can ask maybe
 17 Mr. Tuvel an easier question.
 18 Was it before or after the June 3rd --
 19 THE WITNESS: The tank was removed by
 20 the previous owner on 9/26/2017.
 21 Let me see when we did the borings.
 22 MR. TUVEL: Yeah. The dates were done
 23 in -- it looks like it's right here, right -- in
 24 September. A lot of them were done, Commissioner,
 25 in September of 2018.

1 THE WITNESS: Yeah.

2 COMMISSIONER SMOLYN: So that would --

3 MR. MILLER: I'm sorry. Just for the

4 record, I think that is referenced on Page 2 of Mr.

5 Wahlstrom's report.

6 MR. TUVEL: Yes.

7 MR. MILLER: Okay.

8 I'm sorry, Steve.

9 COMMISSIONER SMOLYN: So that would

10 have been approximately eight months before the

11 hearing at which this application was originally

12 denied?

13 THE WITNESS: Yeah.

14 MR. TUVEL: Yes.

15 COMMISSIONER SMOLYN: Okay.

16 MR. TUVEL: Again, just to clarify, he

17 wasn't retained to analyze the -- analyze

18 maintaining the structure as part of the scope.

19 Then once Board or the Commission made its decision,

20 he had to revisit that issue, which is why we came

21 here.

22 COMMISSIONER SMOLYN: But the borings

23 were only analyzed one time?

24 MR. TUVEL: The borings were done, like

25 you said, during that time, yes.

1 COMMISSIONER KRATZ: So, Mr. Wahlstrom,

2 thank you for your testimony.

3 You mentioned that you don't have

4 experience here, a lot of experience in Hoboken. Is

5 that correct?

6 THE WITNESS: Well, other than I had an

7 office here a long time ago.

8 (Laughter)

9 COMMISSIONER KRATZ: Well, my question

10 is: Have you analyzed properties in Hoboken on a

11 frequent basis or infrequent basis?

12 THE WITNESS: No, not particularly in

13 Hoboken, but I looked at similar properties in other

14 places.

15 COMMISSIONER KRATZ: And when you say

16 "similar," that gets to my question.

17 Were they similar in that they were

18 properties that were townhouses adjacent to another

19 property, on blocks and lots that were maybe 15 feet

20 wide, a hundred feet wide, a hundred feet long?

21 Are you familiar with that sort of

22 environment?

23 THE WITNESS: Essentially what I refer

24 to is to properties that are adjacent, that are

25 close to each other, and that always creates a

1 problem because you don't have the access from the

2 outside.

3 COMMISSIONER KRATZ: Right.

4 So what I heard you describe is a very

5 important public policy to clean up some

6 contaminated soil and that situation aggravated by

7 the free product floating on groundwater.

8 I need to be convinced. I'd like to be

9 convinced that the method of remediation that you're

10 proposing is the least invasive and the most done

11 with the greatest -- or I should say the least

12 impact to the existing property, and I would use the

13 example of the Merchant House Museum in New York

14 City.

15 If this were the Merchant House Museum

16 in New York City, would you be recommending as a

17 remediation method, the demolition of that property

18 to avoid free product floating on groundwater to the

19 adjacent buildings?

20 THE WITNESS: Well, actually it is

21 always a matter of cost versus -- cost of

22 demolishing a building versus cost of remediation.

23 In New York City, you have a high-rise

24 in New York City, it's also a different matter in

25 terms of where the cost structure is.

1 CHAIRMAN ZANE: Well, I mentioned a

2 property that I think is three stories over a ground

3 level New York City, not a high-rise.

4 I am wondering if your remediation, if

5 your professional opinion is shaped by what would --

6 what one might call a very vernacular seemingly non

7 historic property rather than if you were asked to

8 come in and remediate Mt. Vernon or the White House

9 or something that had demonstrable universal

10 acclamation as a historic property, would you be

11 recommending what you're recommending for this

12 property?

13 THE WITNESS: Well, if you are looking

14 at a single-family house, it is a totally different

15 story, you know.

16 COMMISSIONER KRATZ: So go back to my

17 example then of the Merchant House Museum, which is

18 not a single-family house.

19 THE WITNESS: What?

20 MR. TUVEL: Do you know the property

21 that he is speaking about?

22 THE WITNESS: No.

23 COMMISSIONER KRATZ: All right. I can

24 mention any property. The Roosevelt property, a

25 townhouse on the east side of New York City.

1 I'm positing an example of a building,
2 a historic building, that has buildings adjacent to
3 it, next to it, a common party wall, and when a
4 remediation is needed at that property, would you
5 recommend demolishing that property to save the
6 environment --

7 THE WITNESS: Well, speaking --

8 COMMISSIONER KRATZ: -- to save the
9 adjacent ones --

10 THE WITNESS: -- speaking in
11 generalities, because every case is different. You
12 are going to have -- I would have to look at what
13 specific detailed issues are involved and how we
14 could sequence the job, you know, but it is very
15 difficult to answer something like that in
16 generalities, in all due respect.

17 COMMISSIONER KRATZ: Well, I don't
18 think it is that great of a hypothetical frankly.

19 CHAIRMAN ZANE: Let me just say, it is
20 an off balance question, because this is not the
21 White House. It's not the Roosevelt House. It's
22 what it is. So I mean, it's not exactly apples to
23 apples.

24 If the question is: Can it be done,
25 could it possibly be done without taking the

1 building down, I think that's your --

2 COMMISSIONER ANDERSON: Well, I think
3 that was also the essence of the Vice Chair's parry
4 earlier is in similar situations on Bloomfield
5 Street in an occupied building, they seem to be able
6 to pull this off somehow. Why can that not be done
7 here?

8 CHAIRMAN ZANE: Because on Bloomfield
9 Street there is not level groundwater or high
10 groundwater that there is back on Madison Street, so
11 that's -- am I correct?

12 COMMISSIONER KRATZ: Well, I think we
13 would like to hear the testimony from the applicant,
14 not from us on the Board.

15 MR. MILLER: Well, I think he spoke to
16 it. I think he said that he can't speak in
17 generalities --

18 CHAIRMAN ZANE: Right.

19 MR. MILLER: -- so I think he has
20 addressed it.

21 COMMISSIONER KRATZ: I was making the
22 point that the applicant should be the one making
23 the point, not those of us on the Board.

24 MR. MILLER: No, but the applicant said
25 that. Mr. Wahlstrom said that he can't speak in

1 generalities, so I think he answered the question.
2 But, you know, if you have any follow-up, I think
3 that's --

4 MR. TUVEL: Can I just reemphasize a
5 point then?

6 As to this property, you obviously
7 can't speak to other properties in Hoboken --

8 THE WITNESS: Yes, correct.

9 MR. TUVEL: -- but as to this property,
10 the only way in your opinion to remediate the
11 property properly is to demolish the building, so
12 you can excavate all of the free product and soil?

13 THE WITNESS: Yes. That's my
14 professional opinion.

15 MS. HOLTZMAN: I have a question.

16 CHAIRMAN ZANE: Yes.

17 MS. HOLTZMAN: Just a couple of quick
18 questions.

19 Have you done borings on the properties
20 to the north and south of this subject property?

21 THE WITNESS: Pardon?

22 MS. HOLTZMAN: Have you done borings on
23 the properties to the north and south of the subject
24 property?

25 THE WITNESS: No, we didn't. We didn't

1 want to go onto other people's properties. At the
2 time we couldn't do that, you know. I'm less
3 concerned with the property to the north because the
4 groundwater flow is to the south and southeast, and
5 what we found is that, in the south, in the front
6 southern corner of the building, you have free oil
7 over there.

8 MS. HOLTZMAN: Okay.

9 So as part of this project, you are
10 anticipating having to do remediation of the
11 building to the south at least?

12 THE WITNESS: Well, actually what
13 happens is that first you have to remediate under
14 your own property to get rid of the source.

15 Then what you do is you got to put in
16 borings on the other property and check if you got
17 it.

18 MS. HOLTZMAN: But you have not done
19 any of that yet?

20 THE WITNESS: No, because we couldn't
21 go onto the neighboring property without permission
22 at the time.

23 MS. HOLTZMAN: Okay.

24 You mentioned dewatering the site.

25 Where does the water -- when you're

1 dewatering, where does the water get pumped to?
2 THE WITNESS: Well, when we dewater,
3 that's going to be contaminated water, and that is
4 going to have to be disposed of. We most likely use
5 a vacuum truck or something similar.

6 MS. HOLTZMAN: Okay.
7 How long do you anticipate the site
8 being vacant?

9 THE WITNESS: That depends.

10 MS. HOLTZMAN: Because DEP is -- you
11 know, we all know how long DEP takes to make a
12 decision sometimes on some of these things and --

13 THE WITNESS: Yes.
14 If you demolish the building first, the
15 remediation can go fairly quickly, you know. That
16 should be maybe a couple of months or something like
17 that.

18 MS. HOLTZMAN: But DEP usually wants to
19 see a certain level of decontamination before they
20 let you start building something back.

21 THE WITNESS: Pardon?

22 MS. HOLTZMAN: DEP usually wants to see
23 a specific level of decontamination or remediation
24 before they let you start putting something back.

25 THE WITNESS: Well, actually in this

1 case we would have to go to DEP for a permit, and
2 then it usually takes them a month to get the
3 permit, and then we would just remediate it, the
4 site, and then we have to prepare a remedial action
5 report, file it with DEP, and then if they approve
6 it, we get, you know, a no further action letter,
7 and it's done.

8 MS. HOLTZMAN: Okay. But the reason
9 I'm asking this is we have properties in town that
10 don't have groundwater that have had tanks
11 remediated over a year ago, where the front yard is
12 still torn up, and DEP has yet to sign off on it.

13 So my question remains: How long do
14 you think that this site is going to be vacant?

15 THE WITNESS: See, I mentioned here
16 earlier that my plans would be to put in not only
17 monitoring wells, but also injection wells that can
18 be used for chemical injection, and with that, you
19 can build the building and have access from the
20 ground floor to the injection wells.

21 MR. TUVEL: Commissioner, I just wanted
22 to answer one question I think Ms. Holtzman asked,
23 which was my client did request to do borings on the
24 adjacent properties, but they denied their request
25 initially.

1 COMMISSIONER SMOLY: Was that on the
2 property specifically or in the right-of-way in
3 front of the property?

4 MR. TUVEL: I can ask him. I don't
5 know the answer to that.

6 Come up.

7 MR. SHAH: The adjacent property to the
8 south is a six-unit condo building, and they -- I
9 had to go to multiple people in that building, and
10 they all denied my ability to test anything on their
11 property, and they said on the sidewalk you are not
12 allowed, so I didn't want to do anything. I didn't
13 look beyond that.

14 This was -- I think you asked the
15 question earlier -- we did those borings prior to
16 the closing on the property as part of my due
17 diligence, and so we knew what we had in the ground,
18 and I went and got estimates from multiple
19 contractors to remediate, post taking down a
20 building, then we found out we couldn't take down
21 the building, and that's when I re-engaged Gunnar to
22 come up with an alternate plan --

23 (People speaking at once)

24 COMMISSIONER ANDERSON: Well, might I
25 add that to my experience, the reluctance of the

1 neighbors to do borings is if they are found to be
2 in violation of DEP standards, they have to
3 remediate immediately now if they've been tested.
4 Is that correct?

5 THE WITNESS: I can't speak for them,
6 but it is a good assumption.

7 MS. HOLTZMAN: Well, if the source of
8 the contamination is this property, he has got to
9 remediate.

10 But did you make that request in
11 writing to the condo association?

12 MR. SHAH: Yes. I literally knocked on
13 their door. I had one nice woman open the door for
14 me. I explained to her what it was and what I was
15 trying to do.

16 She asked me to write her an email. I
17 wrote her an email. She circulated it internally,
18 and I got a response back saying you're not allowed
19 to have any access to our property.

20 And they have a well on their property
21 and they wouldn't allow us to test it either, so --

22 COMMISSIONER SMOLYN: So the new
23 information that's being presented tonight as part
24 of this application is this civil engineer's
25 evaluation or new plan?

1 MR. SHAH: It is the report that you
2 have that's dated, January, whatever it is dated,
3 that is the new information because that describes
4 my original plan and that it won't be covered
5 through any investigation of how we remediate
6 knowing that the data that we already collected, and
7 what our potential options were.

8 So we did multiple investigations on
9 hand excavation, machinery excavation, and I talked
10 to multiple contractors to determine how they would
11 go about it, and if they would price and quote me,
12 and I received two nos on the pricing. One guy
13 actually said it's going to be more than your
14 property is worth.

15 MR. TUVEL: At the time we were here,
16 he did not do an analysis of how the remediation
17 could possibly take place if the building would
18 remain, and that's the new information.

19 He did that analysis, and we wanted to
20 present that to the Board.

21 COMMISSIONER SMOLYN: Thank you.
22 that's an important point.

23 CHAIRMAN ZANE: John?

24 VICE CHAIR VESEY: The building that
25 you are going to build on this property, is it as of

1 right?

2 MR. TUVEL: Yes. There was no
3 desire --

4 VICE CHAIR VESEY: With variances?

5 MR. TUVEL: -- no. The applicant can
6 speak to that. He has no desire to go with more
7 density, more height.

8 VICE CHAIR VESEY: Site plan approval
9 would be --

10 MR. TUVEL: No, because it would be a
11 two-family. We have the luxury of having the zoning
12 officer here, but we do not -- it was going to be a
13 two-family house, and unless we ask for variances,
14 which I do not believe was the intent, it would be
15 an as of right building permit.

16 MR. SHAH: I hired Jason and he was
17 specifically directed to do whatever would be as of
18 right because it was just my family and another
19 family.

20 VICE CHAIR VESEY: So I assume that the
21 reason you are filing for a motion for
22 reconsideration, aside from your other remedies,
23 which would be to appeal, is that this process may
24 be easier -- what purview will the Zoning Board have
25 in this situation?

1 MS. HOLTZMAN: None.

2 VICE CHAIR VESEY: Groundwater and all
3 of these site --

4 MS. HOLTZMAN: They would have the same
5 consideration that we have right now with regard to
6 approving or denying the demolition.

7 MR. TUVEL: If we went to the Zoning
8 Board with a variance application under your
9 ordinance, both the Planning Board and the Zoning
10 Board, depending on where you have your application,
11 have to review the demolition ordinance or partial
12 demolition ordinance requirements in connection with
13 the site plan. For a variance application, it's
14 demo or partial demo, what's being requested --

15 VICE CHAIR VESEY: Maybe it's a
16 question for counsel.

17 If in the appeal process this was
18 presented to the Zoning Board and they were
19 evaluating the same information as we are, and they
20 determined that the building did as Mr. Tuvel and
21 his clients are claiming needs to be demolished,
22 then would the Planning Board be able to comment on
23 the remediation and the -- I think there was a
24 discussion of putting pumps on site, so you could
25 start building while you continue to pump out the

1 groundwater.

2 Would that be the purview of the Zoning
3 Board and would they --

4 MR. MILLER: It's really speculative at
5 this point, because the testimony is that the
6 building proposed would be as of right, so the
7 Zoning Board wouldn't be involved.

8 If there was an appeal, we have not
9 made a determination on that, so I think we are
10 getting ahead of ourselves.

11 VICE CHAIR VESEY: Absolutely.

12 COMMISSIONER PERRY: I just have a
13 question.

14 Is there any further outflow of free
15 product or has that stopped?

16 THE WITNESS: Well, actually the
17 tank -- the tank already has been removed, so
18 whatever is in the ground is still there.

19 COMMISSIONER PERRY: But there is no
20 free product coming from any other property, any
21 adjoining properties as far as you know?

22 THE WITNESS: No.

23 COMMISSIONER PERRY: This is just
24 residual oil from a prior leak?

25 THE WITNESS: You have to deal with the

1 inventory, that's all we have, into the ground under
 2 the building right now.
 3 CHAIRMAN ZANE: So when somebody
 4 removes a tank, it's not like a do-it-yourself
 5 project. They had to get a permit. They had to get
 6 a licensed contractor.
 7 How was this allowed to --
 8 THE WITNESS: Well, there was a
 9 contractor that had the same license from NJDEP that
 10 took the tank out.
 11 So essentially nobody can take
 12 underground tanks out without the NJDEP license.
 13 CHAIRMAN ZANE: Right.
 14 But my question is, it's a half a job.
 15 You didn't -- you have to do the whole job --
 16 MR. SHAH: Done by the previous
 17 owner --
 18 CHAIRMAN ZANE: Yes.
 19 MR. SHAH: -- took out the tank. They
 20 saw the holes. They saw the free product sitting
 21 there. You've probably seen that asphalt on the
 22 sidewalks around town, they throw that back on
 23 there, and they walk away, and that's when he
 24 decided he was going to sell the property because he
 25 didn't want to deal with --

1 CHAIRMAN ZANE: So I'll ask Gunnar: So
 2 there's no requirement for a licensed DEP contractor
 3 to not only remove the tank, but there's no
 4 inspection?
 5 If you dig a footing for a deck, you
 6 get it inspected.
 7 THE WITNESS: Well, actually the
 8 process works as follows:
 9 First, you have to file with the town
 10 for the removal --
 11 CHAIRMAN ZANE: Right.
 12 THE WITNESS: -- with that you have to
 13 file a copy of the company license for the removal.
 14 That's what the company did, and they
 15 had a contractor do it with the applicant -- or for
 16 the previous -- the previous applicant -- owners --
 17 previous applicant -- to take the tank out, and they
 18 had a contractor take the tank out, and then they
 19 found the contamination, which was way over and
 20 about what the contractor had for it, and the owner
 21 at that time didn't -- couldn't agree with the --
 22 the proposed price, so they closed it all up, and it
 23 happens --
 24 CHAIRMAN ZANE: So you purchased the
 25 liability?

1 MR. SHAH: Correct. And to your point,
 2 that contractor when they saw the free product was
 3 required to report it to the DEP, which did happen,
 4 so there's a file on the property that's out there.
 5 VICE CHAIR VESEY: So this was part of
 6 the due diligence when you bought the property?
 7 MR. SHAH: I knew there was
 8 contamination.
 9 VICE CHAIR VESEY: So why didn't this
 10 come up in the first application?
 11 MR. SHAH: Becasue we were here to
 12 knock down the building at the time, and our
 13 remediation plan was always contingent on knocking
 14 down the building --
 15 VICE CHAIR VESEY: But I thought the
 16 whole premise of this motion for reconsideration was
 17 it was new information.
 18 You have new information. You're back
 19 with your new information, and now you're telling me
 20 that you had this information all along.
 21 MR. TUVEL: That is not what we are
 22 saying at all.
 23 The new information, we completely
 24 acknowledge that the borings were done and that the
 25 environmental issues were known.

1 What was not known at the time was the
 2 fact that if the building were maintained, if we had
 3 to maintain the building, what could be done to
 4 salvage it and do the remediation.
 5 That analysis had not been done because
 6 we did not have this Board's answer on the question.
 7 Mr. Gunnar -- sorry -- Mr. Wahlstrom --
 8 Gunnar was retained at that time to do that analysis
 9 because the property was not in a historic district.
 10 It's not a historic property, so there was no
 11 thought given to what if the building had to
 12 maintained.
 13 When the Board rendered its decision,
 14 we did that analysis and provided the new
 15 information, which was Mr. Wahlstrom's analysis of
 16 what -- if it was even possible to do that.
 17 MS. HOLTZMAN: I'm sorry.
 18 I am just going to say, you have read
 19 the demolition code --
 20 MR. TUVEL: Yes, I have.
 21 MS. HOLTZMAN: -- and it pretty clearly
 22 states that you need to make proofs as to the cause
 23 or need for the demolition of the building. Not we
 24 just want to demolish it because we want to do
 25 something different.

1 So I mean, I think that the prior
2 application really didn't make any of those proofs.
3 You're making them now on information that you had
4 available prior, but all of this has, you know, hung
5 this application over the Commission's head for
6 many, many months, and slowed any action that the
7 applicant could have made in this time frame.

8 So I just want to reiterate that an
9 application when it comes to the Board for
10 demolition is not a simple please can we demolish,
11 yes.

12 You need to make the proofs of why that
13 building needs to be demolished.

14 MR. TUVEL: I don't disagree with what
15 you are saying.

16 I felt that we made the proofs the last
17 time. The Board didn't feel that way, and after the
18 Board didn't feel that way we did further analysis
19 to see can we maintain the building. And our
20 professional indicated that in their opinion, and we
21 also got it from the structural engineer, that we
22 can't.

23 CHAIRMAN ZANE: Any further questions
24 for Mr. Wahlstrom?

25 Move on to the next witness.

1 MR. TUVEL: Okay. So the next and
2 final witness, Mr. Chairman, and members of the
3 Commission is James Dlugosz, who is our structural
4 engineer.

5 MR. MILLER: Please raise your right
6 hand.

7 Do you swear or affirm to tell the
8 truth, the whole truth, and nothing but the truth?

9 MR. DLUGOSZ: I do.
10 J A M E S D L U G O S Z, having been duly sworn,
11 testified as follows:

12 MR. MILLER: Thanks very much.
13 Please state and spell your name for
14 the record.

15 THE WITNESS: James Dlugos. That's
16 J-a-m-e-s, D, as in David, l-u-g-o-s-z.

17 MR. TUVEL: Can you just give the Board
18 the benefit of your qualifications as a structural
19 engineer?

20 THE WITNESS: Sure.
21 I have a bachelors and masters from
22 Penn State. I have been practicing engineering for
23 19 years. I have been licensed in New Jersey since
24 2007.

25 MR. TUVEL: Does the Board accept his

1 qualifications?

2 CHAIRMAN ZANE: Yes.

3 Thank you.

4 MR. TUVEL: Have you inspected the
5 site?

6 THE WITNESS: I have, yes.

7 MR. TUVEL: And that is the structural
8 integrity of the building, correct?

9 THE WITNESS: Correct.

10 MR. TUVEL: And you prepared a report,
11 dated August 15th, 2019?

12 THE WITNESS: I think it was -- I'm
13 sorry -- September 12th --

14 MR. TUVEL: Sorry. The most up-to-date
15 one. Okay.

16 And you also reviewed Mr. Wahlstrom's
17 analysis as well, correct?

18 THE WITNESS: I have.

19 MR. TUVEL: Can you give the Board your
20 professional opinion of how remediating the site
21 would have an impact on the structural integrity of
22 the building?

23 THE WITNESS: Sure.

24 It is a three-story wood frame
25 structure, invex exterior bearing walls on each

1 side, with two rows of brick piers that the interior
2 frame sits on.

3 What is proposed as far as the
4 excavation and the dewatering, you are looking at
5 significant underpinning of the existing structure
6 and the adjacent structures.

7 Given the level of excavation and the
8 level of work that needs to be done, and the type of
9 machinery that needs to be brought in to do this,
10 and the proximity of the adjacent structures, it's
11 our recommendation that the existing building simply
12 be demolished to allow access for machinery, the
13 safe underpinning of the foundations of the existing
14 structures.

15 MR. TUVEL: What danger would it pose
16 on the adjacent structures if the remediation
17 occurred while the building was still up?

18 THE WITNESS: Well, in order to
19 underpin the existing structure, you're going to
20 have to go in and underpin each of those individual
21 piers and their foundations. You would have to
22 underpin the existing foundations of the side walls.

23 Additionally, you are going to have to
24 somehow get access to the foundations of the
25 adjacent buildings, and to do that with the

1 foundation of the existing structure in place, it is
 2 going to be very difficult.
 3 Additionally, as you disrupt the soil
 4 around these brick piers, they are very, very old.
 5 The mortar has deteriorated over the years.
 6 Right now they are stable, but when you
 7 start to remove the soil, vibrate, compact and all
 8 of that stuff, you can disrupt these things.
 9 So based on that and the existing
 10 structures, we feel it's not prudent to underpin the
 11 existing structure.
 12 MR. TUVEL: What about the remediation
 13 types of activities would pose a danger to the
 14 existing structure if it were done while the
 15 structure was in place?
 16 THE WITNESS: I'm sorry. Say that
 17 again.
 18 MR. TUVEL: If the remediation took
 19 place in the way that it is proposed, why isn't it
 20 possible to keep the structure in place just as to
 21 the structure itself, forgetting about the adjacent
 22 properties?
 23 THE WITNESS: Right.
 24 Well, to get that equipment in there,
 25 you are talking about removing parts of the floor

1 diaphragm. You're talking about resupporting parts
 2 of the structure. You're talking about removing the
 3 soil, underpinning and dewatering, which is going to
 4 disrupt all of the soil around those piers and the
 5 exterior walls.
 6 MR. TUVEL: So in conclusion, what's
 7 your professional opinion about keeping this
 8 building while the remediation is taking place?
 9 THE WITNESS: Our recommendation is to
 10 demolish the building, so that you can -- the
 11 adjacent structures, underpin them properly and make
 12 sure this is done in a safe manner.
 13 MR. TUVEL: Thank you very much.
 14 CHAIRMAN ZANE: Anybody have any
 15 questions for this witness?
 16 COMMISSIONER PERRY: I just think the
 17 prior testimony was that you would have to excavate
 18 to five feet below the basement floor now in order
 19 to clear up or to remediate the soil?
 20 THE WITNESS: Yes. That is my
 21 understanding, but it is also my understanding that
 22 as you proceed, you actually need to go deeper.
 23 COMMISSIONER PERRY: So at five feet,
 24 what does that do to the structures on either side
 25 of it? How does that --

1 THE WITNESS: So as you excavate,
 2 whatever depth the foundation is at, as you go below
 3 the existing foundations, you are going to have to
 4 pump in concrete and underpin those foundations in
 5 stages as you go.
 6 COMMISSIONER PERRY: So just give me an
 7 idea. How many feet all together?
 8 I mean, if five feet is the minimum
 9 that he thinks he has to excavate, what is that from
 10 the grade level down, you know, including the
 11 basement?
 12 THE WITNESS: I think it was another
 13 three feet or so.
 14 COMMISSIONER PERRY: So is that like 15
 15 feet or so below grade level excavation?
 16 THE WITNESS: That, I can't answer,
 17 but if you go below the existing soil --
 18 COMMISSIONER PERRY: Yeah. I'm
 19 assuming it's a basement level that's eight feet
 20 below grade or seven feet below grade, and he wants
 21 to go five feet below that?
 22 THE WITNESS: The basement was
 23 approximately two feet six below the sidewalk, so
 24 it's kind of a partial basement.
 25 COMMISSIONER PERRY: Okay. Thank you.

1 CHAIRMAN ZANE: What do you think the
 2 possibility for damage to the neighboring buildings
 3 are, the adjacent buildings?
 4 THE WITNESS: I think if you try and do
 5 this keeping the existing structure in place poses a
 6 high risk to the adjacent buildings. You're then
 7 dealing with the stability of the existing
 8 structure, and it depends what the shift or the
 9 potential is of the existing structures, if they
 10 aren't underpinned properly to also shift or move.
 11 Removing the building allows access to
 12 you bringing the proper equipment and underpinning
 13 the foundations the right way.
 14 CHAIRMAN ZANE: Anything else, anybody
 15 else?
 16 Steven.
 17 COMMISSIONER SMOLYN: Is it feasible
 18 technically and maybe legally to just underpin the
 19 existing structure and kind of reinforce it in
 20 place?
 21 THE WITNESS: I can't speak to
 22 legally --
 23 COMMISSIONER SMOLYN: Technically?
 24 THE WITNESS: -- technically, I would
 25 not recommend it. You're dealing with a number of

James Dlugosz 110

1 individual piers. These are old. They're from the
2 1800s I believe. The mortar is already
3 deteriorated. As you go to underpin these, and you
4 know, jack them up and then remove --
5 COMMISSIONER SMOLYN: Do all require
6 underpinning, because from the civil engineer's
7 report, it seems like the oil is only so far seeped
8 into maybe impacting a couple of piers.
9 How many piers are --
10 THE WITNESS: I think we're looking at
11 about the front half of the building, maybe the
12 front third. It's hard to say, but I wouldn't want
13 to disrupt those. If you start to disrupt those,
14 those are holding up the center of the building, and
15 you could cause a chain reaction, where things start
16 to shift and move and come down.
17 COMMISSIONER SMOLYN: So your testimony
18 is that it's not technically feasible to underpin
19 the existing building and prevent it from sinking
20 further into the site?
21 THE WITNESS: I would not recommend
22 that course of action.
23 COMMISSIONER SMOLYN: Now, is it
24 technically feasible or would you not recommend it?
25 THE WITNESS: Is it technically

James Dlugosz 111

1 possible, yes, but I would not recommend it.
2 COMMISSIONER SMOLYN: Okay.
3 COMMISSIONER KRATZ: And why not
4 recommend it?
5 Please clarify for me.
6 THE WITNESS: So you have the adjacent
7 structures, and you have this existing structure.
8 Right now it sits on two rows of piers. These piers
9 are old. They are not in great shape.
10 If you start to try and underpin these,
11 and as the soil shifts around, you could destabilize
12 them and cause problems.
13 COMMISSIONER KRATZ: Even with sheeting
14 and shoring that can't be done?
15 THE WITNESS: Again, I'm not sure they
16 can get the kind of equipment in there that you'd be
17 able to do that.
18 Sheeting and shoring is going to
19 require, you know, significant equipment, backhoes
20 and things like that. In order to get any of that
21 equipment in there, you are going to have to start
22 to remove pieces, large pieces of the floor
23 diaphragm, which again, will destabilize the
24 structure and pose possible danger of movement and
25 will collapse.

James Dlugosz 112

1 COMMISSIONER KRATZ: And by floor
2 diaphragm, you mean the diaphragm between the ground
3 level and the first floor --
4 THE WITNESS: Right.
5 COMMISSIONER KRATZ: -- or the basement
6 level?
7 THE WITNESS: Right, so like the first
8 floor.
9 So if you want to get equipment in
10 there, you are not going to have the height. You're
11 going to have to start to try to pluck pieces of the
12 diaphragm. The diaphragm provides the lateral
13 rigidity to the building --
14 COMMISSIONER KRATZ: Thank you.
15 THE WITNESS: -- which is --
16 CHAIRMAN ZANE: Are you going to have
17 to remove the front of the building?
18 THE WITNESS: Potentially, yes, in
19 order to make it --
20 CHAIRMAN ZANE: So when you talk about
21 a backhoe -- right --
22 THE WITNESS: Yes. That's the kind of
23 equipment you're looking at to do this, so you're
24 going to have to create an opening in the front of
25 the building, and you're going to have to chop off

James Dlugosz 113

1 parts of the diaphragm, and as you do that, you
2 start to take away the things that provide the
3 lateral stability of the building.
4 COMMISSIONER KRATZ: Mr. Chair, I have
5 a question.
6 CHAIRMAN ZANE: Yes.
7 COMMISSIONER KRATZ: So why, I've
8 observed properties in Hoboken in which the owners
9 have in a townhouse situation, adjacent situations,
10 wanted to lower their basement floor, and they have
11 done that without excavators. They have done it by
12 hand digging and propping up the piers. I haven't
13 observed how they have done it, but I have seen the
14 dirt carried out in buckets. Why would that not
15 work in this situation?
16 THE WITNESS: I think the level of
17 excavation here is much deeper.
18 Additionally, most townhouses simply
19 with the frame and simply run wall to wall without
20 any intermediate piers, and the piers themselves are
21 my biggest concern.
22 If it is wall to wall, you can go in
23 and underpin in stages along these walls with lesser
24 equipment. But we are also talking about the deeper
25 excavation and dewatering procedures, which will

1 further destabilize the soil.
 2 COMMISSIONER KRATZ: Can you
 3 differentiate wall to wall versus piers?
 4 I don't understand.
 5 THE WITNESS: So most townhouses, you
 6 have two side walls, and the frame simply runs
 7 between these side walls.
 8 This building is wider, so you have the
 9 side walls and you have a series of piers down the
 10 middle. Framing runs between all of these items.
 11 If you just have the side walls, it's much easier to
 12 underpin in stages. You can go in through either
 13 side of the walls and underpin.
 14 To underpin a pier, you probably would
 15 have resupport the framing around the pier, and then
 16 go underneath it and pack in concrete. It's a
 17 more -- it's a riskier endeavor I guess you could
 18 say.
 19 COMMISSIONER KRATZ: Thank you.
 20 COMMISSIONER SMOLYN: This is a wood
 21 framed building, correct?
 22 THE WITNESS: It is.
 23 COMMISSIONER SMOLYN: How does that sag
 24 differently than the typical Hoboken masonry
 25 building over time with compromised soil?

1 THE WITNESS: So it's a wood frame
 2 building. However, the foundation sits on brick
 3 walls and brick piers --
 4 COMMISSIONER SMOLYN: Masonry --
 5 THE WITNESS: -- most Hoboken buildings
 6 are also wood framed. Wood framing runs side to
 7 side between brick walls.
 8 So I mean, could you repeat the
 9 question?
 10 I don't think there is a difference
 11 between the two --
 12 (The witness and Commissioner Smolyn
 13 speaking at once)
 14 COMMISSIONER SMOLYN: What I am trying
 15 to get at here is something we discussed at the June
 16 hearing, which is that these wood frame buildings
 17 are somewhat of an endangered species in Hoboken.
 18 I'm wondering if the applicant is
 19 attempting to maybe make a connection between this
 20 contamination that they need to take care of and the
 21 intrinsic, the inherent structural properties of
 22 this building kind of being in conflict with one
 23 another, where one over time can't exist with the
 24 other.
 25 Does that make sense?

1 THE WITNESS: I'm not sure I
 2 understand.
 3 COMMISSIONER SMOLYN: If this was a
 4 masonry building, would you still be recommending
 5 complete --
 6 THE WITNESS: When you say "masonry
 7 building," are you referring to the --
 8 COMMISSIONER SMOLYN: The front face --
 9 front facade as a bearing facade --
 10 THE WITNESS: -- you are saying if the
 11 exterior walls were masonry all the way up --
 12 COMMISSIONER SMOLYN: Yes.
 13 THE WITNESS: -- would there be any
 14 difference here?
 15 And the answer to that is no, I don't
 16 think there would be.
 17 COMMISSIONER SMOLYN: No, there
 18 wouldn't be.
 19 THE WITNESS: No.
 20 CHAIRMAN ZANE: Your point is that they
 21 used joists of insufficient width and in order to
 22 avoid deflection, they put in piers?
 23 THE WITNESS: I don't think the joists
 24 were of insufficient width. I think they were
 25 just -- the whole building was wider.

1 Most townhouses are more narrow, and
 2 you can get across with the wood framing without
 3 intermediate piers. This building was wider, so
 4 they had more distance to traverse, so they --
 5 CHAIRMAN ZANE: Right. They would need
 6 a much taller joist, which they may or may not have
 7 had.
 8 THE WITNESS: A taller joist or wood
 9 truss or they can cut the distance down by
 10 installing the piers in the middle, which is what
 11 they did.
 12 CHAIRMAN ZANE: Right, okay.
 13 COMMISSIONER ANDERSON: Well, to wit in
 14 this building in particular if we're going to talk
 15 about structure, the stairwell is in the center, so
 16 they want to have a support next to the stairwell
 17 because you can't run your joists side to side,
 18 front to back. You have to interrupt them for the
 19 stairwell. So putting a series of piers there and
 20 bringing the joists over to it makes a lot of sense.
 21 As a matter of fact, if this diagram is
 22 correct, there's two series of piers running through
 23 the building --
 24 THE WITNESS: Yes.
 25 COMMISSIONER ANDERSON: -- which I

1 assume straddle the stairwell.
 2 COMMISSIONER KRATZ: You're nodding yes
 3 or answering yes?
 4 THE WITNESS: Yes. Sorry.
 5 MS. HOLTZMAN: I think someone had
 6 mentioned previously that this building had been
 7 deemed unsafe. Was it deemed unsafe by DEP or --
 8 MR. TUVEL: I don't know. Which
 9 comment is that, ma'am?
 10 MS. HOLTZMAN: Well, somebody had said
 11 earlier, it might have been the previous testimony,
 12 but that the structure has been deemed unsafe.
 13 THE WITNESS: So from a structural
 14 standpoint, as it stands right now --
 15 MS. HOLTZMAN: That's why I'm asking
 16 who determined that it was unsafe, and is it
 17 structurally unsafe, or is it an unsafe structure
 18 because of the contamination?
 19 THE WITNESS: So from a structural
 20 standpoint, the building as it currently stands is
 21 structurally stable and safe. The concern is once
 22 the excavation begins.
 23 COMMISSIONER ANDERSON: I have one more
 24 comment, and I think I'm sort of done.
 25 I think this has been pretty thorough,

1 and in my mind, there are a couple different things.
 2 Now that we have heard from the structural
 3 engineering, site remediation, it is an incredibly
 4 complex task to do this remediation, and to
 5 Commissioner Krtaz' point, Commissioner Vesey's, and
 6 to what the engineer was saying there is a risk
 7 reward here.
 8 Is this building worth extremely
 9 extraordinary measures to save?
 10 I would think a structural engineer
 11 would say no, but he is charged with something
 12 different than a Historic Commission.
 13 I think what we are really trying to
 14 weigh here based on all of the testimony we had is:
 15 Is this building of an order of magnitude that
 16 justifies this level of work around to avoid
 17 knocking it down.
 18 I really think that's what we're
 19 negotiating now.
 20 CHAIRMAN ZANE: I'll speak to that
 21 point. The building as we have seen it has no real
 22 historic features that are left. It has been
 23 reclad, probably things have been moved around.
 24 You know, it is not in any mind the building that
 25 you would make this case for, and I don't know what

1 people would do with these.
 2 I mean, aside from the fact that it is
 3 made of wood, but I think it is not what it was, and
 4 to try to put it back to what it was or to sort of
 5 surmise what it may have been is not what we are
 6 supposed to do either.
 7 COMMISSIONER PERRY: Can I comment on
 8 that as well, too?
 9 I think the applicant has presented
 10 some compelling testimony about the condition, and I
 11 also think just as importantly, the risk of
 12 excavation or the risk of cleanout to the adjoining
 13 properties, if you try and save this building, we
 14 have to keep that in mind, too, as a Board, that you
 15 don't want to put adjacent properties at risk.
 16 We're keeping a building standing while they try and
 17 do a remedial cleanup well underneath the
 18 foundation, so...
 19 CHAIRMAN ZANE: Any comments?
 20 COMMISSIONER PEKAR: I would like to go
 21 on record as saying that we are here as a Commission
 22 and we are in dialogue with the past and with the
 23 present of Hoboken, and I appreciate the owner
 24 saying that he is raising a family here and wants to
 25 stay here. If this building were to be destroyed,

1 that block only has one building of historical
 2 significance left.
 3 That block is a horror and looks
 4 nothing like what Hoboken should look like, and
 5 there will be no -- it will be up to you to pass on
 6 those stories of what was in that building.
 7 Yes, to you -- please let me finish --
 8 there is a -- we cannot go without -- there are
 9 structural issues and there are historical issues,
 10 and whatever the decision might be made about the
 11 structural issues, I want to make a plea to preserve
 12 the history, which for reasons made by this Board be
 13 decided it has to be destroyed and then what's left
 14 then is the memory and the remembrance, and I would
 15 plead with the owner to in some way consider that in
 16 the plans for your new building and to consider that
 17 as you raise your children in this town to continue
 18 to talk to them about what was on that block.
 19 MR. SHAH: I really appreciate you
 20 saying that, and I'm sorry, I am speaking out of
 21 turn, but --
 22 MR. TUVEL: Mr. Chairman, is that okay?
 23 THE REPORTER: Could you come up here,
 24 please, so I can hear you?
 25 MR. SHAH: I really appreciate you

1 saying that, because for me and my wife, one of the
2 biggest things when we look at this building, we
3 don't really view this as what we think of when we
4 think of Hoboken and the beautiful, you know, row
5 homes on Bloomfield and that part of town.

6 So one of the things Jessica and I were
7 originally trying to work on was this used to be an
8 industrial type building, so whatever I want to put
9 back is going to be more in tune in my opinion with
10 what was historically there than what this building
11 represents today, so I am completely on the same
12 page, and I appreciate you saying that.

13 CHAIRMAN ZANE: Would the applicant be
14 willing to share their plans and visions with their
15 replacement?

16 I think what Zoning Officer Holtzman
17 said in the last hearing was that the challenge
18 would be to put something back that we would be
19 fighting over 50 years from now.

20 MR. SHAH: Sure. I have no problems
21 bringing whatever renderings we ultimately come up
22 with back here. We stopped that last time because
23 we didn't think we were going to be able to knock it
24 down, so we put the brakes on that, but that is what
25 we are going to go back to, absolutely.

1 MR. TUVEL: I guess if the Board were
2 inclined to grant the application, we would come
3 back as a condition --

4 MS. HOLTZMAN: Uh-huh.

5 MR. TUVEL: Okay.

6 CHAIRMAN ZANE: Yes?

7 COMMISSIONER KRATZ: I think
8 Commissioner Anderson had raised the issue are we a
9 Historic Preservation Commission or are we -- and
10 what is our goal here.

11 I really do believe although this
12 building is not an exemplary of great architecture,
13 it is part of Hoboken's history. We are a Historic
14 Preservation Commission, and the desires of the, you
15 know, the desires of an applicant, as we heard
16 expressed tonight about living here and availability
17 of other housing really is not our issue to
18 consider. That is really irrelevant to our
19 decision.

20 So I am not in favor of granting a
21 demolition permit for this property. I think that
22 we need to in our role as historic preservationists
23 preserve this property as part of Hoboken's history.

24 MS. HOLTZMAN: Before you all speak
25 about your feelings, we need to open it to the

1 public.

2 VICE CHAIR VESEY: Yes.

3 MR. MILLER: Provided that there are no
4 further comments or questions from the Commission.

5 CHAIRMAN ZANE: I just want to say that
6 history is a fluid thing. You know, we are making
7 history now. History is evolving as we speak, so
8 it's not necessarily our job either to stop history
9 and stop progress.

10 If nobody has any further comments, we
11 can -- is there anyone from the public that wishes
12 to speak on this property?

13 MR. MILLER: Any members of the public
14 have questions on the application?

15 Seeing none, we will close the public
16 portion as to questions.

17 So do any members of the public have
18 any comments on the application, any of the
19 testimony provided this evening?

20 Seeing none, the public portion as to
21 comments is closed.

22 Mr. Tuvel, you can make a closing
23 statement, if you wish.

24 MR. TUVEL: Sure. If all of the
25 Commissioners are done speaking.

1 CHAIRMAN ZANE: Go ahead.

2 MR. TUVEL: So I want to thank the
3 Board -- the Commission, sorry, I always make that
4 mistake, I'm always in front of Boards, I'm sorry --
5 for allowing us to present the additional
6 information that we had.

7 Again, it was based on the Board's
8 decision that we reevaluated the ability to knock
9 down the building, and unfortunately, based on the
10 environmental conditions of the property, the
11 testimony from both our civil engineer, as well as
12 our structural engineer, indicate that it is not
13 possible or feasible to do that.

14 My client has a legal obligation to
15 remediate this property. They want to remediate it
16 to residential standards regardless of who lives
17 there, but the permitted use in the zone is R-3.
18 Primary principal use is residential, and I think
19 remediating the property to residential standards is
20 appropriate and is a good thing, and some of the
21 conditions that we talked about at the last hearing,
22 we are still amenable to those.

23 Some of them were planting trees, going
24 to the Shade Tree Commission, and my client is fine
25 with the additional condition that I believe was set

1 forth this evening, which is that we will come back
2 to the Board at a time when the actual building is
3 designed and come back and have the Board review it
4 from a historic standpoint to see if it fits within
5 the area.

6 I felt as though at the last hearing,
7 we did address the criteria set forth, the 13
8 criteria set forth in the ordinance, and we took
9 those criteria very, very seriously.

10 We understand the Board's role here in
11 balancing historic issues with development issues
12 really, and I think the additional information that
13 we provided this evening further buttresses the
14 argument I guess or the notion that this building
15 should be demolished.

16 We are happy to make it look historic
17 and in line with what it was previously within the
18 block.

19 So with that said, Mr. Chairman, again,
20 we appreciate the Board listening to us the second
21 time, and we would respectfully request that the
22 Board grant the applicant's request for a demolition
23 permit.

24 Thank you very much.

25 CHAIRMAN ZANE: Thank you.

1 Motion to be crafted?

2 MR. MILLER: Mr. Chairman, just before
3 we ask for a motion, I think we should just check in
4 with Joan because I am not sure that all of the
5 members of the Commission are currently eligible for
6 the vote, but I just wanted to get a confirmation of
7 that.

8 MS. ANASTASIO: Am I allowed to speak?

9 MR. MILLER: Yes. I would recommend we
10 ask Joan about that.

11 MS. ANASTASIO: Ellen read the
12 transcript. She wasn't at the last meeting, and
13 Cristin, those were the only two that are here that
14 weren't at the last meeting.

15 MR. TUVEL: And both read the
16 transcripts?

17 COMMISSIONER STEWART: I did, yes.

18 COMMISSIONER CRICCO: I did as well.

19 MR. MILLER: Both would certify to that
20 effect?

21 COMMISSIONER STEWART: Yes.

22 COMMISSIONER CRICCO: Yes.

23 MR. MILLER: So, Joan, then how many do
24 we have? Do we have a full nine eligible to vote
25 then?

1 MS. ANASTASIO: Yes.

2 MR. MILLER: Okay.

3 CHAIRMAN ZANE: Motion?

4 COMMISSIONER PERRY: I will make a
5 motion to approve the demolition application with
6 the conditions as stated that the applicant would
7 come back and share some of the design ideas with
8 the Board and also consider the application with
9 the Shade Tree Commission.

10 MR. MILLER: If I may just add just
11 from a legal standpoint, it doesn't change the
12 motion, but it will be to also grant the motion for
13 reconsideration.

14 MR. TUVEL: They are being combined,
15 right?

16 MR. MILLER: Right, right.

17 COMMISSIONER SMOLYN: I will second
18 that if it includes all of the previous caveats we
19 had from June.

20 MR. TUVEL: Yes.

21 COMMISSIONER SMOLYN: It does. Okay.

22 CHAIRMAN ZANE: Okay. Roll call,
23 please.

24 MS. ANASTASIO: Commissioner Anderson?

25 COMMISSIONER ANDERSON: Yes.

1 MS. ANASTASIO: Commissioner Kratz?

2 COMMISSIONER KRATZ: No.

3 MS. ANASTASIO: Commissioner Vesey?

4 VICE CHAIR VESEY: Yes.

5 MS. ANASTASIO: Commissioner Perry?

6 COMMISSIONER PERRY: Yes.

7 MS. ANASTASIO: Commissioner Smolyn?

8 COMMISSIONER SMOLYN: Yes.

9 MS. ANASTASIO: Commissioner Stewart?

10 COMMISSIONER STEWART: No.

11 MS. ANASTASIO: Commissioner Zane?

12 CHAIRMAN ZANE: Yes.

13 MS. ANASTASIO: Commissioner Pekar?

14 COMMISSIONER PEKAR: Yes.

15 MS. ANASTASIO: Commissioner Cricco?

16 COMMISSIONER CRICCO: No.

17 MR. MILLER: Joan, if I have this
18 correctly, that's six votes to grant the motion, and
19 then three votes for no.

20 MS. ANASTASIO: No. Yes.

21 MR. MILLER: Motion carried.

22 MR. TUVEL: Thank you.

23 COMMISSIONER KRATZ: Mr. Chair, may I
24 suggest a recess?

25 CHAIRMAN ZANE: Yes. We will have a

1 recess for like ten minutes, okay?
2 (Recess taken at 8:30 p.m.)
3 (The matter concluded)

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

2
3 I, PHYLLIS T. LEWIS, a Certified Court
4 Reporter, Certified Realtime Court Reporter, and
5 Notary Public of the State of New Jersey, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the proceedings as taken
8 stenographically by and before me at the time, place
9 and date hereinbefore set forth.

10
11 I DO FURTHER CERTIFY that I am neither
12 a relative nor employee nor attorney nor counsel to
13 any of the parties to this action, and that I am
14 neither a relative nor employee of such attorney or
15 counsel, and that I am not financially interested in
16 the action.

17 s/Phyllis T. Lewis, CCR, CRCR

18 -----
19
20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
21 Notary Public of the State of New Jersey
22 My commission expires 11/5/2020.
23 This transcript was prepared in accordance with
24 NJAC 13:43-5.9.
25

1 CITY OF HOBOKEN
2 HOBOKEN HISTORIC PRESERVATION COMMISSION
3 H20-1-6-2

4 ----- X
5 612 Washington Street : Monday 8:45 p.m.
6 Block/Lot: 205/38 : February 3, 2020
7 Zone: CBD the C-2 Encompasses :
8 Applicant: Theresa Yu (Deka Lash) :
9 Requesting a Certificate of :
10 Appropriateness :
11 ----- X

12 Held At: 94 Washington Street
13 Hoboken, New Jersey

14 B E F O R E:
15 Steve Zane, Chairman
16 Jon Vesey, Vice Chairman (Recused)
17 Martin Anderson, Commissioner
18 Allen Kratz, Commissioner
19 James Perry, Commissioner
20 Steven Smolyn, Commissioner
21 Ellen Stewart, Commissioner
22 Cristin Cricco, 1st Alternate
23 Thaler Pekar, 2nd Alternate

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

25 Ann Holtzman, Zoning Officer
Joan Anastasio, Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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

2 WEINER LAW GROUP, LLP
3 520 Parsippany Road
4 Parsippany, New Jersey 07054
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6 Attorney for the Board
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I N D E X

PAGE

1

2

3 WITNESS

4

5 Gerard Schubert 135

6 Anthony Larino 135

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1 CHAIRMAN ZANE: Okay. Here we go.

2 All right. So it is 8:43, and we are back in

3 session, okay.

4 Thank you.

5 You have 612 Washington?

6 MR. SCHUBERT: Correct.

7 MR. MILLER: Please raise your right

8 hand.

9 Do you swear or affirm to tell the

10 truth, the whole truth, and nothing but the truth?

11 MR. SCHUBERT: I do.

12 MR. LARINO: I do.

13 MR. MILLER: Thank you.

14 G E R A R D S C H U B E R T, having been duly

15 sworn, testified as follows:

16 A N T H O N Y L A R I N O, having been duly sworn,

17 testified as follows:

18 Please state and spell your names for

19 the record.

20 MR. SHUBERT: Gerard Schubert,

21 G-e-r-a-r-d, S-c-h-u-b-e-r-t.

22 MR. LARINO: Anthony Larino,

23 L-a-r-i-n-o.

24 MR. MILLER: Thanks.

25 CHAIRMAN ZANE: All right. Please tell

1 us about your project.

2 MR. SCHUBERT: Our project is 612

3 Washington in the commercial space only. We have

4 two different items that we are addressing. The one

5 I am addressing is the --

6 VICE CHAIR VESEY: Excuse me one

7 second.

8 I need to recuse myself.

9 CHAIRMAN ZANE: Okay.

10 (Vice Chair Vesey recused)

11 MR. MILLER: Hold up just a second.

12 Just for the record, John Vesey has

13 recused himself for this application, 612 Washington

14 Street.

15 CHAIRMAN ZANE: Go right ahead.

16 MR. SCHUBERT: I am here to address the

17 changing of the exterior light fixtures, and Anthony

18 is here to address the sign that is for the new

19 commercial tenant.

20 Right now, as I said, the top two

21 floors are residential units -- oh, I didn't say

22 that -- the top two floors are residential units,

23 and we are not addressing the facade for those units

24 at this time. The commercial space is all we are

25 addressing, in particular the lighting fixtures. No

1 other than changes other than an application that I

2 submitted that was submitted and approved fixing --

3 repairing the broken glass in the storefront as well

4 as replacing a window air conditioner with the glass

5 transom above the door. Those items will be under

6 separate cover.

7 What I am here for the Board is the

8 lighting fixtures, changing out the existing

9 fixtures for gooseneck lighting.

10 The existing fixtures, which I have

11 photos of, are just utilitarian in nature, some

12 galvanized pipe that reaches out with a fluorescent

13 bulb at the end. As I said, utilitarian is the only

14 way to describe it, and I guess these are, too.

15 So we are replacing it with some

16 gooseneck lamps going through based on the existing

17 Champion sign, which is being replaced, but not all

18 changed as far as the size or the pitch.

19 I have fixtures selected that should

20 light up the logo fairly well in the same locations

21 as the existing lamps.

22 COMMISSIONER KRATZ: Mr. Chairman,

23 point of order. I don't know that we have what the

24 applicant is demonstrating. I don't see it in my

25 packet. Does anyone have it?

1 COMMISSIONER PERRY: It's not in my
2 package either. It's the first I am seeing this.
3 COMMISSIONER KRATZ: Could we have some
4 11-by-17s, or what is the story?
5 (Documents handed out)
6 COMMISSIONER PERRY: Thank you.
7 COMMISSIONER KRATZ: We all now have --
8 I am counting five.
9 COMMISSIONER PERRY: I have one down
10 here, but two more Commissioners need them as well.
11 CHAIRMAN ZANE: We will share them.
12 Net, net, you are recovering this awning cover,
13 correct?
14 That's all it is. You're recovering --
15 MR. SCHUBERT: Keeping the awning and
16 the lamp replacement, the fixtures. The lamp
17 locations are not changing.
18 (Board members confer)
19 CHAIRMAN ZANE: Okay. We are all up to
20 speed now.
21 Okay. Continue, please.
22 MR. SCHUBERT: I apologize. There are
23 three lamps, exterior lamps now, and we are
24 replacing all three fixtures in the same locations.
25 CHAIRMAN ZANE: So you're replacing

1 lamps in kind, and the awning is just a recovering
2 or rebranding?
3 MR. SCHUBERT: Correct.
4 CHAIRMAN ZANE: Any questions?
5 COMMISSIONER PERRY: Were there any
6 other alternatives besides goosenecks considered?
7 MR. SCHUBERT: I looked at a couple of
8 different ones, but the owner requested goosenecks.
9 Also, I'm trying to get it out far
10 enough to light the sign. That was kind of a
11 presupposed gooseneck.
12 CHAIRMAN ZANE: I don't see any place
13 where you indicated the size of the letters.
14 COMMISSIONER ANDERSON: It's 12 inch.
15 CHAIRMAN ZANE: Okay.
16 MR. LARINO: 12 inch.
17 CHAIRMAN ZANE: Okay. There it is.
18 Got it.
19 COMMISSIONER KRATZ: So are we voting
20 first on HPC 1 or are we voting on everything?
21 We have not heard the other half, so I
22 am just asking a procedural question.
23 MS. HOLTZMAN: Should be O-1.
24 COMMISSIONER PERRY: I would just like
25 to ask another question about the goosenecks.

1 Looking at the proposed sign, those
2 goosenecks are three spread over the --
3 MR. SCHUBERT: Correct.
4 COMMISSIONER PERRY: -- and only one
5 will illuminate the lettering on the canopy,
6 and the two will be --
7 MR. SCHUBERT: Correct.
8 COMMISSIONER PERRY: Okay.
9 COMMISSIONER PEKAR: Why are the other
10 two necessary?
11 MR. SCHUBERT: I think just for -- just
12 to light up the entire length of the property.
13 COMMISSIONER PEKAR: But they are
14 actually not lighting the property, because it's
15 not -- it's only the awning --
16 MR. SCHUBERT: Correct.
17 COMMISSIONER PEKAR: -- it is not going
18 down to the ground for the entry way --
19 MR. SCHUBERT: No.
20 COMMISSIONER STEWART: I have a
21 question.
22 On the Deka Lash for the awning, what
23 color is "Lash"?
24 MR. LARINO: It's like a light pink.
25 The pantone colors should be from the designer --

1 COMMISSIONER STEWART: Yes. We have
2 the Xerox.
3 MR. LARINO: Right, right.
4 I am not the designer. I'm just the
5 fabricator, so I'm here for that. But it is their
6 logo colors. The pantone color should be in the
7 jacket, but that is from the designer. It is white
8 with like a pinkish-purple color.
9 MS. HOLTZMAN: Do you have a color
10 rendering?
11 Yes, if you could pass that around.
12 (Board reviews rendering)
13 COMMISSIONER PERRY: And the awning is
14 black?
15 MR. LARINO: Yes, and the same that is
16 existing there now.
17 COMMISSIONER SMOLYN: Do you have a
18 pantone swatch for this lash color?
19 MR. LARINO: Do we have what?
20 COMMISSIONER SMOLYN: A pantone swatch?
21 MR. LARINO: No.
22 COMMISSIONER SMOLYN: Would you say
23 that it is accurate to describe it as magenta?
24 MR. LARINO: Yes.
25 COMMISSIONER STEWART: Not pink.

1 CHAIRMAN ZANE: So just for future
2 reference, and I don't remember you appearing before
3 us, but anyone, you really need a pantone swatch.
4 These are not reliable, and that is part of your
5 application.

6 MR. LARINO: I am not the designer.
7 I'm just the fabricator, so --

8 CHAIRMAN ZANE: You are the one showing
9 up.

10 MR. LARINO: Because they're in
11 Arizona, so I'm here.
12 (Laughter)

13 CHAIRMAN ZANE: There you go.
14 Pantone swatch.

15 COMMISSIONER KRATZ: Mr. Chair, just a
16 question. What is Deka Lash?
17 What type of business is that?

18 MR. SCHUBERT: They do eyebrow
19 threading.

20 COMMISSIONER KRATZ: Oh, thank you.

21 CHAIRMAN ZANE: There were questions
22 about the lighting. Is anybody pursuing that or are
23 we --

24 COMMISSIONER ANDERSON: Irrespective of
25 the lighting, I think the only thing of question at

1 all that seems to fall within the parameters, it is
2 what color is the word "lash." It seems awfully
3 strong shall we say.

4 You know, it is reading different ways
5 on different prints, so I am just kind of looking
6 for --

7 CHAIRMAN ZANE: Against black, it is
8 actually very subdued.

9 Against white, it is brighter.

10 COMMISSIONER STEWART: Oh, I didn't see
11 that either.

12 CHAIRMAN ZANE: So it is going to be
13 against black.

14 COMMISSIONER KRATZ: It's hardly
15 visible. It just looks like "Deka".

16 CHAIRMAN ZANE: That is the good news.
17 (Laughter)

18 COMMISSIONER ANDERSON: I am ready to
19 make a motion unless there is more commentary.

20 COMMISSIONER STEWART: Just one quick
21 question unless it has been answered.

22 Are the goosenecks, the new ones going
23 to be white or black?

24 MR. SCHUBERT: Black.

25 COMMISSIONER PEKAR: It looks like it

1 is by the franchise and by the corporate -- it is a
2 franchise, and by the corporate site, it looks like
3 it's hot pink.

4 COMMISSIONER STEWART: It is pretty
5 hot. I can feel it over here.

6 (Laughter)

7 COMMISSIONER PEKAR: And it is an
8 eyelash -- what do they call it?

9 CHAIRMAN ZANE: Threading.

10 COMMISSIONER PEKAR: No. That's
11 eyebrow threading. It's eyelash curling and
12 perming --

13 CHAIRMAN ZANE: I figured we were
14 missing something.

15 (Laughter)

16 MR. SCHUBERT: It is a franchise.

17 COMMISSIONER SMOLYN: I would say that
18 with that in mind and the T-Mobile store maybe as a
19 precedent or informer, that that is a uniquely
20 inappropriate color for Washington Street in terms
21 of its historic character and nature.

22 I don't think we heard a resolution on
23 Commission Pekar's question regarding illuminating
24 parts of the awning with no signage, and overall I
25 think this is at least the second or maybe third

1 application we have gotten, GJS Studio, where it has
2 been kind of like parsed apart, where the storefront
3 and doors are in one package, and the signage is
4 like another person coming in from left field, and
5 there is not communication between the two, and I
6 think it would be helpful for you and your client
7 and for everyone involved here if everything showed
8 up on the same document. That would be like super
9 helpful going forward, and I think it would expedite
10 this, because I am not sure we are now in a position
11 to approve this tonight given what we know.

12 CHAIRMAN ZANE: So with that said,
13 T-Mobile was denied their magenta "T," so I am sure
14 they would not be happy.

15 COMMISSIONER KRATZ: And in the past,
16 Dunkin' Donuts was denied their raspberry and
17 orange.

18 CHAIRMAN ZANE: Right.

19 So Deka Lash probably needs to, you
20 know, get a hold of some paint manufacturer's list
21 of historic colors and find something probably more
22 in the red family or something like that, that would
23 suit their needs.

24 COMMISSIONER KRATZ: Deka less.

25 (Laughter)

1 CHAIRMAN ZANE: So is there --
 2 COMMISSIONER ANDERSON: Interestingly,
 3 no, because I thought -- well, it doesn't matter
 4 what I thought.
 5 I don't like the pink. I think we need
 6 to drill down into exactly what pink it is and see a
 7 good rendering of what it is actually going to look
 8 like before we can really or I can opine as a thumbs
 9 up or thumbs down on the artistic hold.
 10 CHAIRMAN ZANE: All right.
 11 COMMISSIONER PEKAR: I would like to
 12 know whether the owner would approve of having just
 13 the wording lit and not the rest of the sign.
 14 COMMISSIONER KRATZ: Mr. Chair, it
 15 seems to me that this ought be carried and that the
 16 applicant come back next month with a proposal
 17 consistent with what we said tonight, that there be
 18 a combined package of lighting and signage, and that
 19 the color be toned down to be more respectful of the
 20 historic district and consistent with what we have
 21 done when other corporate identity applicants have
 22 come before us.
 23 CHAIRMAN ZANE: Make a motion?
 24 COMMISSIONER KRATZ: So moved.
 25 MR. LARINO: Excuse me.

1 Are pinks allowed in the area or not, I
 2 mean, only certain ones or --
 3 COMMISSIONER ANDERSON: It is the
 4 temperature of the pink that is driving the
 5 objection.
 6 MR. LARINO: I'm sorry?
 7 COMMISSIONER ANDERSON: It's too hot.
 8 A cooler pink, if that is a suitable adjective.
 9 MR. SCHUBERT: If we brought in
 10 options, would that be a good way --
 11 COMMISSIONER ANDERSON: That would be
 12 ideal.
 13 CHAIRMAN ZANE: Options are good.
 14 COMMISSIONER ANDERSON: But, yeah, it's
 15 too strong of a pink. I mean, it seemed okay in
 16 some renderings, and then I saw one over here after
 17 I suggested the motion like wow, you know.
 18 COMMISSIONER KRATZ: Mr. Chair, I made
 19 a motion. I don't know if it was seconded or not.
 20 CHAIRMAN ZANE: Well, I think we are
 21 just trying to see if we can resolve this and
 22 then --
 23 MR. MILLER: Well, we have a motion,
 24 so --
 25 CHAIRMAN ZANE: We have a motion.

1 Okay. Well --
 2 COMMISSIONER SMOLYN: I will second.
 3 It was a motion to carry. Second it.
 4 MS. HOLTZMAN: I think if you get
 5 something that's darker or deeper in tone than the
 6 fuchsia, it's going to get lost on the black.
 7 COMMISSIONER ANDERSON: Agreed.
 8 MS. HOLTZMAN: I agree with you about
 9 the T-Mobile, but that was a very large "T."
 10 This is pretty small letters. They are not thick
 11 letters. They are only 12 inches high. The primary
 12 is what is going to draw your eye is the white.
 13 As far as the lighting is concerned, it
 14 is consistent with what is existing. They have
 15 currently got three lamps. They down wash the
 16 awning. They add ambient light to the street. Just
 17 kind of, you know, that's about it.
 18 CHAIRMAN ZANE: Well, could it be
 19 resolved in the office?
 20 MS. HOLTZMAN: We will certainly review
 21 the color and stuff when they bring us the actual
 22 application and things, but you guys have to be
 23 comfortable with knowing that it is going to be some
 24 tone of pink.
 25 I mean, their corporate colors, it is

1 bright fuchsia.
 2 COMMISSIONER KRATZ: Well, the purpose
 3 of the motion was to have the applicant hear what we
 4 said and perhaps propose something to the office and
 5 then come back next month and proceed from there.
 6 That was the intent of the motion.
 7 CHAIRMAN ZANE: It would be nice if we
 8 could clear it tonight.
 9 MR. MILLER: Well, we have a motion and
 10 a second, so --
 11 CHAIRMAN ZANE: All right.
 12 COMMISSIONER KRATZ: Was it
 13 inappropriate for me to make a motion?
 14 CHAIRMAN ZANE: Sometimes we need to
 15 think before we make the motions, you know. It's
 16 just --
 17 COMMISSIONER KRATZ: I thought I heard
 18 you say was that a motion, which is why I responded
 19 as I did.
 20 CHAIRMAN ZANE: Okay.
 21 MR. MILLER: Well, the Commission can
 22 vote on the motion as it sees fit.
 23 CHAIRMAN ZANE: Right.
 24 So the question is, okay, we have a
 25 motion. The alternative would be to try and resolve

1 it.
 2 So the motion has been seconded, and
 3 let's see if we vote, if you vote yes, you are
 4 voting in favor of the motion to have it carried,
 5 and if you vote no, you are voting to table the
 6 motion or deny the motion, and then we can carry on.
 7 Is that correct?
 8 MR. MILLER: That is correct.
 9 CHAIRMAN ZANE: All right. Roll call.
 10 COMMISSIONER PERRY: Could you just
 11 repeat that instruction?
 12 CHAIRMAN ZANE: So if you vote yes, you
 13 are voting to carry it to another meeting.
 14 If you vote no, then the discussion
 15 will hopefully quickly be if this can be resolved
 16 here.
 17 COMMISSIONER PERRY: So we continue the
 18 discussion on a no vote?
 19 CHAIRMAN ZANE: Correct. All right.
 20 MS. ANASTASIO: Commissioner Anderson?
 21 COMMISSIONER ANDERSON: No.
 22 MS. ANASTASIO: Commissioner Kratz?
 23 COMMISSIONER KRATZ: Yes.
 24 MS. ANASTASIO: Commissioner Stewart?
 25 COMMISSIONER STEWART: Yes.

1 MS. ANASTASIO: Commissioner Perry?
 2 COMMISSIONER PERRY: No.
 3 MS. ANASTASIO: Commissioner Pekar?
 4 Commissioner Pekar?
 5 COMMISSIONER PEKAR: Hum, no.
 6 MS. ANASTASIO: Commissioner Smolyn?
 7 COMMISSIONER SMOLYN: Yes.
 8 MS. ANASTASIO: Commissioner Cricco?
 9 COMMISSIONER CRICCO: No.
 10 MS. ANASTASIO: Commissioner Zane?
 11 CHAIRMAN ZANE: No.
 12 All right.
 13 COMMISSIONER PERRY: Oh, Ellen didn't
 14 vote?
 15 (Laughter)
 16 COMMISSIONER STEWART: I didn't even
 17 notice.
 18 MS. ANASTASIO: She voted yes.
 19 COMMISSIONER STEWART: Yes. I said no.
 20 MS. ANASTASIO: You voted yes.
 21 COMMISSIONER STEWART: Thank you.
 22 MR. MILLER: So it's six nos and three
 23 yeses, so the motion to carry does not carry.
 24 The motion to carry is denied. Okay.
 25 CHAIRMAN ZANE: Denied.

1 So now the question is how could we do
 2 this so that hopefully we won't have to see you back
 3 here next month?
 4 COMMISSIONER ANDERSON: Okay. I think
 5 personally, I don't think the lighting is a great
 6 idea, but I don't have a problem with it either, and
 7 I think if the pink is left negotiable, I would
 8 leave it to the office to resolve that matter, and
 9 on that basis I would be ready to approve
 10 personally.
 11 CHAIRMAN ZANE: Is that a motion?
 12 COMMISSIONER ANDERSON: It is an
 13 opinion.
 14 You know, it was just opened up for
 15 discussion again, so I don't immediately want to
 16 close it down.
 17 CHAIRMAN ZANE: All right.
 18 Anybody want to voice their opinion or
 19 have a suggestion?
 20 COMMISSIONER PEKAR: My opinion and
 21 suggestion to add on to Commissioner Anderson would
 22 be that the next time you come before this
 23 Commission bring a pink sample --
 24 MR. LARINO: Excuse me?
 25 COMMISSIONER PEKAR: -- to bring a pink

1 swatch.
 2 COMMISSIONER PERRY: And a consolidated
 3 drawing, so we can see everything on one application
 4 rather than going back and forth.
 5 COMMISSIONER ANDERSON: Right. I
 6 mean, the short version is: We want to look at
 7 something and say: Oh, that's what it's going to
 8 look like. That's an accurate representation of the
 9 color. That's the scale. That is the, you know,
 10 front elevation, yes or no, and we don't really have
 11 that, which is how we got into this carrying notion.
 12 But to distill that further, I think
 13 the points that were still in motion or -- wrong
 14 word -- still in discussion were the goosenecks and
 15 their configuration and the temperature, if that is
 16 the right word, of the pink.
 17 I'm personally suggesting that I think
 18 the goosenecks can be left as is, even though I
 19 personally agree with you that it's not something I
 20 would do, and that the pink be left at the
 21 discretion of the management or the office staff
 22 with the idea of going into that forum being that
 23 the existing pink presented is too hot.
 24 COMMISSIONER PERRY: And the goosenecks
 25 not as is, but as proposed --

1 COMMISSIONER ANDERSON: As proposed.
 2 CHAIRMAN ZANE: As proposed.
 3 COMMISSIONER PERRY: -- and the benefit
 4 of the two additional goosenecks besides the one
 5 that illuminates the signage, that it illuminate
 6 some ambient lighting to the sidewalk.
 7 COMMISSIONER ANDERSON: Right. It is
 8 not horrible. It's just not what I would do. I
 9 would be featuring the letters. If they don't want
 10 to do that, God bless you, you know.
 11 CHAIRMAN ZANE: So can that be put into
 12 a motion?
 13 COMMISSIONER ANDERSON: Yes.
 14 Motion to approve as presented, other
 15 than the pink to be reviewed in the office as a
 16 standalone matter some time within the next two
 17 weeks.
 18 COMMISSIONER PEKAR: I will second
 19 that.
 20 CHAIRMAN ZANE: Okay. May we please
 21 have another vote?
 22 MS. ANASTASIO: Commissioner Anderson?
 23 COMMISSIONER ANDERSON: Yes.
 24 MS. ANASTASIO: Commissioner Kratz?
 25 COMMISSIONER KRATZ: Yes.

1 MS. ANASTASIO: Commissioner Stewart?
 2 COMMISSIONER STEWART: Yes.
 3 MS. ANASTASIO: Commissioner Perry?
 4 COMMISSIONER PERRY: Yes.
 5 MS. ANASTASIO: Commissioner Smolyn?
 6 COMMISSIONER SMOLYN: Yes.
 7 MS. ANASTASIO: Commissioner Pekar?
 8 COMMISSIONER PEKAR: Yes.
 9 MS. ANASTASIO: Commissioner Cricco?
 10 COMMISSIONER CRICCO: Yes.
 11 MS. ANASTASIO: Commissioner Zane?
 12 CHAIRMAN ZANE: Yes.
 13 MR. MILLER: I think we are missing one
 14 again.
 15 Did we miss Ellen?
 16 COMMISSIONER STEWART: I'm here.
 17 MS. ANASTASIO: Yes, I got Ellen.
 18 (Laughter)
 19 We should have eight.
 20 CHAIRMAN ZANE: We are missing John.
 21 You are good.
 22 Thank you.
 23 (The matter concluded)
 24
 25

1 C E R T I F I C A T E
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17
 18 s/Phyllis T. Lewis, CCR, CRCR
 19 -----
 20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 21 My commission expires 11/5/2020.
 This transcript was prepared in accordance with
 22 NJAC 13:43-5.9.
 23
 24
 25

1 CITY OF HOBOKEN
 2 HOBOKEN HISTORIC PRESERVATION COMMISSION
 H20-2-3-2
 3 ----- X
 4 60B Fourth Street : Monday 9 p.m.
 Block/Lot: 215/1 : February 3, 2020
 5 Zone: R-1(H) :
 Applicant: Brooke & Bel :
 6 Presenter: Ray Guzman :
 Requesting a Certificate of :
 7 Appropriateness :
 8 ----- X
 9
 10 Held At: 94 Washington Street
 Hoboken, New Jersey
 11 B E F O R E:
 12 Steve Zane, Chairman
 13 Jon Vesey, Vice Chairman
 14 Martin Anderson, Commissioner
 15 Allen Kratz, Commissioner
 16 James Perry, Commissioner
 17 Steven Smolyn, Commissioner
 18 Ellen Stewart, Commissioner
 19 Cristin Cricco, 1st Alternate
 20 Thaler Pekar, 2nd Alternate
 21
 22 A L S O P R E S E N T:
 23 Ann Holtzman, Zoning Officer
 24 Joan Anastasio, Secretary
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1 A P P E A R A N C E:
 2 WEINER LAW GROUP, LLP
 3 520 Parsippany Road
 4 Parsippany, New Jersey 07054
 5 BY: JOHN P. MILLER, ESQ.
 6 Attorney for the Board
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1 CHAIRMAN ZANE: 60A Fourth Street and
 2 60B Fourth Street.
 3 MR. GUZMAN: There's a confusion on the
 4 address.
 5 CHAIRMAN ZANE: What do you have?
 6 MR. GUZMAN: I have two for the same
 7 address, so Brooke & Bel and R & S Development, so
 8 which one do you want to do first?
 9 CHAIRMAN ZANE: Your preference.
 10 MR. GUZMAN: Okay. Let's do Brooke &
 11 Bel.
 12 I'm Ray Guzman.
 13 MR. MILLER: Do you swear or affirm to
 14 tell the truth, the whole truth, and nothing but the
 15 truth?
 16 MR. GUZMAN: Yes.
 17 R A Y G U Z M A N, having been duly sworn,
 18 testified as follows:
 19 MR. MILLER: Thank you
 20 State your name once again for the
 21 record.
 22 THE WITNESS: Ray Guzman, Brain Waze
 23 Studio, Hoboken Sign, representing Brooke & Bel, a
 24 women's clothing store on 60 --
 25 CHAIRMAN ZANE: Fourth Street.

1 I N D E X

2		
3	WITNESS	PAGE
4		
5	RAY GUZMAN	160
6		
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1 THE WITNESS: -- Fourth Street, and we
 2 had a little bit of discussion with the address, and
 3 Steve explained it to me, so that is why that is
 4 listed on here as it is.
 5 So it's Brooke & Bel. We have the
 6 letters, which are going to be 14 inches high.
 7 The facade here is a 32 inch height,
 8 and so 14 inches sounds like a lot, but it is
 9 because the lighting system, the fixtures -- the
 10 letters are going to be -- the top of the letter
 11 will be eight inches to the electrical system, that
 12 is the electric boxes that are there, so it looks a
 13 little larger there, but it is not.
 14 And we have the letter total square
 15 footage is 11.75, and we have lighting that are
 16 bullet lamps with an 18 inch projection, and it is
 17 three units, streamlined wall mount 18 inch
 18 projection, and the hoods are six inches by four
 19 inches painted powder coated black aluminum, and
 20 there are three lamps posted right here.
 21 There is a blade sign proposed there
 22 also, and the blade sign is a steel tube with a
 23 curved element, a 30-inch projection.
 24 The sign panel underneath is 10 inches
 25 by 24 inches PVC, painted ivory blue. It's a light

Ray Guzman **162**

1 blue, and it has black vinyl letters on both sides.

2 It is installed on to the facade of the wooden

3 cornice up on top, and that sign is five square foot

4 total, and that is the proposal that we have at

5 hand.

6 CHAIRMAN ZANE: Anything on the glass?

7 THE WITNESS: Excuse me?

8 CHAIRMAN ZANE: Anything on the glass?

9 THE WITNESS: Probably the hours.

10 CHAIRMAN ZANE: No, probably not, no.

11 (Laughter)

12 Not unless you have something --

13 THE WITNESS: No. You are talking

14 about this stuff here?

15 CHAIRMAN ZANE: Yes.

16 THE WITNESS: No. I have not been told

17 anything about the glass. I said: Is there

18 anything?

19 They said they want to be able to put

20 stuff in the window.

21 CHAIRMAN ZANE: Okay.

22 COMMISSIONER ANDERSON: Could we just

23 get, why are you coming in at 14 with the letter

24 height, just the scale of the project?

25 THE WITNESS: It is a 32-inch space

Ray Guzman **163**

1 here. If we went for twelve, it would look really,

2 really tiny on that facade, and we are going to have

3 the same issue on RS Development, and I will explain

4 how that works.

5 COMMISSIONER ANDERSON: Well, I would

6 say that I agree. I think we ought to be

7 encouraging retail in these types of locations. I

8 think it is going to be a hard thing for a person

9 walking down Washington to see. I don't think two

10 inches is going to break anybody's back. That is my

11 opinion. I almost think the blade sign is too

12 small.

13 (Laughter)

14 CHAIRMAN ZANE: What happened?

15 THE WITNESS: We are allowed 36 inches

16 clearance to a grade of eight feet underneath, and

17 that is about it.

18 COMMISSIONER ANDERSON: That having

19 been said, the name of it doesn't even tell me what

20 the product is, so I don't know what I'm talking

21 about.

22 THE WITNESS: It is a women's clothing

23 store.

24 COMMISSIONER KRATZ: This is like the

25 second application we have had tonight where the

Ray Guzman **164**

1 sign means nothing, I would assume, to most people.

2 COMMISSIONER CRICCO: I could tell.

3 (Laughter)

4 MS. HOLTZMAN: The letters are what

5 color?

6 THE WITNESS: They're gold.

7 THE WITNESS: And are they flush

8 mounted or pin mounted?

9 THE WITNESS: They're flush mounted,

10 aluminum studs, and it's 3/8ths inch thick.

11 COMMISSIONER SMOLYN: I am not sure the

12 rendering is accurately depicting the scale --

13 THE WITNESS: Excuse me?

14 COMMISSIONER SMOLYN: -- I think the

15 rendering is --

16 THE WITNESS: Yes, it is not, because I

17 don't have CatCam where I can take the life size and

18 then bring it down, so I am doing a visual here, and

19 that is why when I make my notes here, we have

20 letters of 14 inch height, and where this fixture

21 is, the electrical fixture, the distance from there

22 to there is 11 inches, so this is exaggerated. It

23 is not as big as that, so it is smaller than it

24 appears on this drawing. It is lower, so the top of

25 the letters are lower.

Ray Guzman **165**

1 COMMISSIONER SMOLYN: And it's

2 justified to the bottom datum or it's centered --

3 THE WITNESS: Yeah. It is at the

4 bottom, so it's a couple inches up from the bottom.

5 You don't want to be right on the edge.

6 COMMISSIONER SMOLYN: And did we review

7 or need to review the storefront at any point?

8 CHAIRMAN ZANE: We did.

9 VICE CHAIR VESEY: We already did it.

10 (Commissioners speaking at once)

11 COMMISSIONER PEKAR: Can I look more

12 closely at the color?

13 (Commissioners confer)

14 COMMISSIONER PERRY: Ray, you are not

15 proposing any lighting for the blade sign, are you?

16 THE WITNESS: No.

17 COMMISSIONER SMOLYN: The gold is like

18 a spray paint on acrylic?

19 THE WITNESS: It's factory gold. We

20 used it on Washington Street before.

21 COMMISSIONER SMOLYN: Is there any

22 possibility of using aluminum instead of plastic for

23 the --

24 THE WITNESS: Aluminum is much more

25 expensive. That's why we went to the plastic,

Ray Guzman **166**

1 because I gave them a budget -- they gave me a
2 budget working with them, so aluminum versus plastic
3 is less.
4 COMMISSIONER SMOLYN: Yes, it is, but
5 our ordinance strongly urges against plastic.
6 THE WITNESS: Well, it is a flat
7 plastic, and these are lifetime guarantees, and we
8 used this company many times on Washington Street.
9 COMMISSIONER STEWART: The gold tone is
10 a --
11 THE WITNESS: Excuse me?
12 COMMISSIONER STEWART: -- the gold is a
13 brushed matte or shiny --
14 THE WITNESS: No. This is -- I could
15 bring you an actual sample.
16 MS. HOLTZMAN: Well, you need to
17 testify to that.
18 Is it shiny or flat or --
19 THE WITNESS: I will bring you a
20 sample.
21 I would say it's a semi-gloss. It's a
22 factory finish. It's not flashy.
23 MS. HOLTZMAN: Okay.
24 COMMISSIONER PEKAR: I usually defer
25 any esthetic opinions or ideas to Commissioner Zane,

Ray Guzman **167**

1 but I find the weight of the plus sign incredibly
2 light compared to the weight of the letters and the
3 spacing between the two names with that light plus
4 sign, I find it very unbalanced and dissident.
5 CHAIRMAN ZANE: It's not really our
6 business.
7 COMMISSIONER ANDERSON: Yeah. I think
8 that is the corporate identity package, and I
9 completely agree.
10 COMMISSIONER PEKAR: Because on the
11 hanging sign, the spacing is close. It's much
12 tighter between the two words. It doesn't match the
13 sign above the storefront.
14 THE WITNESS: Yeah. Because if we were
15 to follow that exactly, the proportions, it would be
16 a very tiny letter to have that proportion, so I
17 bumped it in further so that you could read it on
18 that scale of a sign.
19 COMMISSIONER PEKAR: I like it on the
20 hanging sign.
21 THE WITNESS: Right.
22 But when I saw their logo, there was a
23 lot of spaces. I said can we bring it in closer?
24 And they said: No, no, no. That is
25 what we love about it. That's the space.

Ray Guzman **168**

1 We could probably, you know --
2 COMMISSIONER PEKAR: Or make the plus
3 sign heavier --
4 THE WITNESS: What?
5 CHAIRMAN ZANE: Now, you are playing
6 with their logo. I mean --
7 COMMISSIONER PEKAR: Like I said, I
8 usually defer that to you.
9 CHAIRMAN ZANE: No, no, no. I
10 generally don't tweak people's logos, not for free
11 anyway.
12 (Laughter)
13 VICE CHAIR VESEY: Mr. Guzman, so the
14 rendering here, though, is certainly larger than the
15 actual sign?
16 THE WITNESS: It's misleading. That's
17 right. Because when they scaled, as I said, as I
18 explained before, I don't have CatCam like the
19 architects, so they are able to scale their drawings
20 up to scale and then bring them back, but I have to
21 do it visually. But I did measure it on the site.
22 That is where I came up with the height of the
23 letter. The distance between the height of the
24 letter and the lighting fixture is 11 inches, so
25 that is a little misleading. It looks bigger than

Ray Guzman **169**

1 it actually is. It should be smaller.
2 VICE CHAIR VESEY: Yeah, quite a bit
3 bigger.
4 THE WITNESS: Yes.
5 VICE CHAIR VESEY: You are saying -- is
6 it going to be centered in the sign band?
7 THE WITNESS: Centered in the sign band
8 over the windows --
9 VICE CHAIR VESEY: Right, but how about
10 the height? It looks right now that it's --
11 THE WITNESS: It's much closer to the
12 bottom, so we can get room for the lighting on top.
13 We didn't want to use goosenecks
14 because they take up too much space, so I used the
15 projection and the bullet, so that we are able to
16 have the lighting and have it clearer.
17 CHAIRMAN ZANE: I would appreciate it
18 if when you speak to your clients, let them know
19 they have to come before us, if they want to do
20 anything in the windows.
21 THE WITNESS: Okay. I do this a lot.
22 CHAIRMAN ZANE: I know.
23 (Laughter)
24 THE WITNESS: I tell them, yes.
25 CHAIRMAN ZANE: Since you do it a lot

Ray Guzman 170

1 also, I just want to remind you, you should always
 2 bring samples, please.
 3 MS. HOLTZMAN: Can I ask that would it
 4 be acceptable to the Commission to allow them hours
 5 on the door and nothing else?
 6 CHAIRMAN ZANE: Yes, I mean --
 7 MS. HOLTZMAN: That is pretty much a
 8 standard thing that --
 9 CHAIRMAN ZANE: -- right. I just don't
 10 want them to have the impression that they were
 11 coming just for the sign and that they do what they
 12 want with the windows.
 13 MS. HOLTZMAN: Yes.
 14 COMMISSIONER SMOLYN: Address, too?
 15 Address as well, so the fire department can find
 16 them?
 17 (Commissioners speaking at once)
 18 MS. HOLTZMAN: Oh, probably numbering
 19 on the door, or that has the address for what is
 20 this, 62B?
 21 THE WITNESS: I will put something on
 22 there, whatever the accurate one is.
 23 62A is Steve's office, and it has been
 24 forever, so just say A or B --
 25 (The witness and Ms. Holtzman speaking

Ray Guzman 171

1 at the same time)
 2 THE WITNESS: He used to say something
 3 about the mailbox and by the bank --
 4 MS. HOLTZMAN: Well, the bank is 401,
 5 so --
 6 THE WITNESS: That is where he is
 7 getting his mail.
 8 (Commissioners speaking at once)
 9 COMMISSIONER SMOLYN: Ray, did you test
 10 to see what the finish of the steel was --
 11 THE WITNESS: Excuse me?
 12 COMMISSIONER SMOLYN: -- what is the
 13 finish of the steel?
 14 THE WITNESS: You're talking about the
 15 lamps?
 16 COMMISSIONER SMOLYN: No, the hanging
 17 sign.
 18 THE WITNESS: That's also powder coated
 19 black aluminum -- I mean stainless steel, so it's
 20 matte black.
 21 (Commissioners speaking at once)
 22 CHAIRMAN ZANE: Let's try and keep the
 23 comments light, so Phyllis can hear and transcribe
 24 everything here.
 25 COMMISSIONER SMOLYN: The only

Ray Guzman 172

1 additional comment I guess I would emphasize is that
 2 I just see so many terms for plastic on this R-1
 3 page, and that is semi-concerning to me just in
 4 terms of longevity and high quality appearance of
 5 properties in historic districts. I don't think it
 6 is appropriate to have that much plastic.
 7 I understand there is a budget interest
 8 here. Maybe the signs could be slightly smaller,
 9 but it's an awful lot of PVC and acrylic.
 10 COMMISSIONER ANDERSON: But it is your
 11 contention these are viable and long lasting?
 12 THE WITNESS: Oh, yeah. We've used
 13 them for years, because there's a lifetime guarantee
 14 on the lettering, and the finish, the paint. It is
 15 a great company. They do all of our
 16 three-dimensional lettering, aluminum steel,
 17 stainless steel, brass and laser cut acrylic.
 18 COMMISSIONER SMOLYN: I mean, where
 19 would we leave you if we voted as a condition to use
 20 either of them or some type of metal --
 21 THE WITNESS: Well, it would change
 22 their budget, so --
 23 COMMISSIONER SMOLYN: Would it move
 24 this forward, though, or --
 25 THE WITNESS: Probably not. They were

Ray Guzman 173

1 very -- I mean, I gave them the pricing on both, and
 2 they said we can't do that, we'd have to do -- and I
 3 offered it only because we used it before.
 4 It doesn't look cheesy. It doesn't
 5 look -- I mean, because when you say the word, it
 6 probably brings cheesiness to your mind, but it's
 7 not.
 8 (Laughter)
 9 COMMISSIONER SMOLYN: The paint has a
 10 different kind of quality of appearance sometimes or
 11 a different adhesion to a plastic versus a metal --
 12 THE WITNESS: I agree with you, but
 13 this finish is very different. I could bring you a
 14 sample.
 15 COMMISSIONER SMOLYN: Not that we will
 16 consider it too much, but can you provide the rough
 17 maybe an order of magnitude price difference between
 18 the two?
 19 THE WITNESS: Excuse me?
 20 COMMISSIONER SMOLYN: What's the rough
 21 price different between the two?
 22 THE WITNESS: It's probably 60 percent.
 23 COMMISSIONER SMOLYN: So it's not
 24 double or triple.
 25 THE WITNESS: That would probably bring

1 it up like two and a half times the cost of what we
 2 are quoting the price for.
 3 COMMISSIONER ANDERSON: I would have to
 4 enter into this dialog that Mr. Guzman's body of
 5 work, if he is willing to testify as to the
 6 viability and tastefulness of the product, I would
 7 tend to defer to his opinion personally.
 8 CHAIRMAN ZANE: Motions, comments?
 9 COMMISSIONER STEWART: I think the
 10 letters are too big. I think 14 is too much.
 11 COMMISSIONER ANDERSON: Would you go to
 12 12?
 13 Would you consider that a compromise?
 14 THE WITNESS: I would consider 12. It
 15 would be noticeably different, so I mean, that is a
 16 32 inch span, that facade there, that cornice, so 12
 17 inches is a third down.
 18 CHAIRMAN ZANE: I mean, you run the
 19 risk of it not looking good. I mean, somebody will
 20 wonder why it is only 12 inches, or why is it so
 21 small.
 22 VICE CHAIR VESEY: So this is the
 23 downside of bringing in renderings that are not to
 24 size.
 25 THE WITNESS: Yeah. Well, that's what

1 happens --
 2 VICE CHAIR VESEY: -- because 14 sounds
 3 large. The picture looks huge, but I am looking at
 4 the sign band is 32 inches and the -- so that would
 5 mean that the sign at 14 inches will be less than
 6 half, and all of a sudden, I am going, wow, they
 7 look small -- they would be small --
 8 THE WITNESS: They would be small, so
 9 it is my fault --
 10 VICE CHAIR VESEY: -- and I'm measuring
 11 the distance -- the width of the store is 43 --
 12 THE WITNESS: 43 feet.
 13 VICE CHAIR VESEY: -- right, and your
 14 sign is 11. So that means it is about a quarter of
 15 the size of the store, so I was using my little
 16 finger thing, and I was like, wait, so it's almost
 17 centered on those two windows, so this rendering is
 18 large by 30 percent --
 19 THE WITNESS: Right. It wasn't --
 20 VICE CHAIR VESEY: -- so I could see
 21 how a lot of Commissioners would say it's too large,
 22 you know.
 23 THE WITNESS: So I could suggest, I
 24 could bring in an actual pattern to scale with the
 25 Letter on it, show you where the lighting fixture is

1 and where the top of the letter is and --
 2 COMMISSIONER ANDERSON: Well, yes. I
 3 think esthetically we might want to consider that
 4 the typical point of first view of the sign is
 5 further away than it is on your average sign on
 6 Washington Street.
 7 I think the concept here is that a
 8 person sees it from Washington Street, and it is 40
 9 feet from them or 30 feet, or whatever that number
 10 is, it is not ten feet from you.
 11 CHAIRMAN ZANE: All right. We
 12 desperately need a motion.
 13 COMMISSIONER PERRY: I think that is a
 14 very valid point, because especially when you're on
 15 a side street and you're looking to get some
 16 visibility --
 17 (Commissioners speaking at once)
 18 COMMISSIONER ANDERSON: And not to beat
 19 this to death, but retail especially in Hoboken has
 20 real significant traction problems, and I think
 21 whatever avenues we can employ to help support the
 22 business community, where they are less skittish
 23 about giving Hoboken a shot, I think the better off
 24 we all will be.
 25 COMMISSIONER STEWART: Well, we could

1 also say I'm stealing this from Steve, that Fourth
 2 Street is a lot narrower than Washington, so if you
 3 make the lettering smaller it's more to scale.
 4 CHAIRMAN ZANE: But it's not to scale
 5 to the store.
 6 COMMISSIONER STEWART: What?
 7 CHAIRMAN ZANE: But it's not to scale
 8 to the store.
 9 COMMISSIONER STEWART: Well, I don't
 10 know, because I haven't measured --
 11 MS. HOLTZMAN: And this isn't fronting
 12 on Court Street.
 13 COMMISSIONER STEWART: I'm sorry?
 14 MS. HOLTZMAN: It's not fronting on
 15 Court Street. It's on Fourth.
 16 COMMISSIONER STEWART: I said "Fourth."
 17 MS. HOLTZMAN: Okay.
 18 COMMISSIONER PERRY: I am prepared to
 19 make a motion to approve as presented.
 20 COMMISSIONER ANDERSON: I will second.
 21 CHAIRMAN ZANE: Roll call, please.
 22 MS. ANASTASIO: Commissioner Anderson?
 23 COMMISSIONER ANDERSON: Yes.
 24 MS. ANASTASIO: Commissioner Kratz?
 25 COMMISSIONER KRATZ: Yes.

1 MS. ANASTASIO: Commissioner Stewart?
 2 COMMISSIONER STEWART: Yes.
 3 MS. ANASTASIO: Commissioner Perry?
 4 COMMISSIONER PERRY: Yes.
 5 MS. ANASTASIO: Commissioner Smolyn?
 6 COMMISSIONER SMOLYN: No.
 7 MS. ANASTASIO: Commissioner Vesey?
 8 VICE CHAIR VESEY: Yes.
 9 MS. ANASTASIO: Commissioner Pekar?
 10 COMMISSIONER PEKAR: No.
 11 MS. ANASTASIO: Commissioner Cricco?
 12 COMMISSIONER CRICCO: Yes.
 13 MS. ANASTASIO: Commissioner Zane?
 14 CHAIRMAN ZANE: Thank you.
 15 You have another one, right?
 16 MR. GUZMAN: Yes.
 17 (The matter concluded)

1 C E R T I F I C A T E
 2
 3 I, PHYLLIS T. LEWIS, a Certified Court
 4 Reporter, Certified Realtime Court Reporter, and
 5 Notary Public of the State of New Jersey, do hereby
 6 certify that the foregoing is a true and accurate
 7 transcript of the proceedings as taken
 8 stenographically by and before me at the time, place
 9 and date hereinbefore set forth.
 10
 11 I DO FURTHER CERTIFY that I am neither
 12 a relative nor employee nor attorney nor counsel to
 13 any of the parties to this action, and that I am
 14 neither a relative nor employee of such attorney or
 15 counsel, and that I am not financially interested in
 16 the action.
 17 s/Phyllis T. Lewis, CCR, CRCR
 18 -----
 19 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 20 Notary Public of the State of New Jersey
 21 My commission expires 11/5/2020.
 22 This transcript was prepared in accordance with
 23 NJAC 13:43-5.9.
 24
 25

1 CITY OF HOBOKEN
 2 HOBOKEN HISTORIC PRESERVATION COMMISSION
 H20-2-3-2
 ----- X
 3 60A Fourth Street : Monday 9:30 p.m.
 Block/Lot: 215/1 : February 3, 2020
 4 Zone: R-1(H) :
 Applicant: RS Development :
 5 Presenter: Ray Guzman :
 Requesting a Certificate of :
 6 Appropriateness :
 ----- X
 7
 8
 9 Held At: 94 Washington Street
 10 Hoboken, New Jersey
 11 B E F O R E:
 12 Steve Zane, Chairman
 13 Jon Vesey, Vice Chairman
 Martin Anderson, Commissioner
 14 Allen Kratz, Commissioner
 James Perry, Commissioner
 15 Steven Smolyn, Commissioner
 Ellen Stewart, Commissioner
 Cristin Cricco, 1st Alternate
 Thaler Pekar, 2nd Alternate
 16
 17 A L S O P R E S E N T:
 18 Ann Holtzman, Zoning Officer
 Joan Anastasio, Secretary
 19
 20
 21
 22
 23 PHYLLIS T. LEWIS
 CERTIFIED COURT REPORTER
 CERTIFIED REALTIME COURT REPORTER
 24 (732) 735-4522
 25

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	182
1	I N D E X
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3	WITNESS PAGE
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5	RAY GUZMAN 182
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	183
1	CHAIRMAN ZANE: Okay. Let's proceed.
2	R A Y G U Z M A N, having been previously sworn,
3	testified as follows:
4	MR. GUZMAN: Thank you again.
5	The next door neighbor, who happens to
6	be their landlord, RS Development, and we are
7	proposing half-inch thick laser cut acrylic letters
8	on the logo, and the colors are on the board, the
9	letters, ten inches high for the capital letter, and
10	the logo is 18 inches.
11	I am proposing 18 inches here, again,
12	because this is big and this is almost half of that,
13	and if we use 12 inches, it would end up being a
14	postage stamp on this.
15	So this facade is giving us an issue,
16	putting things on there to scale, and we had that
17	issue over here, but to the sizes allowed by the
18	Commission or by the code would make this look
19	almost like a postage stamp, so that is -- and the
20	letters are pin mounted onto the facade.
21	The lighting system is the same, so
22	there are two lamps for this particular project over
23	the facade there, and the colors are listed. We
24	have the pms colors for the logo, and it is all
25	painted, and the lamps are the same exact size, same

	Ray Guzman	184
1	style as the first project.	
2	COMMISSIONER PERRY: RS Development is	
3	not a typical retail operation. This is the	
4	developer's office?	
5	THE WITNESS: This is the developer's	
6	office.	
7	CHAIRMAN ZANE: I think, you know, we	
8	really have to take into account the physical	
9	characteristics of any storefront, and you know,	
10	when you look at this, it actually looks small for	
11	what it is sitting on that I find it perfectly	
12	acceptable.	
13	You know, whether the logo is 18 inches	
14	or not, it doesn't appear to be 18 inches, and it is	
15	not an entire, you know, sign's worth of characters	
16	that are 18 inches, so I find it acceptable.	
17	VICE CHAIR VESEY: East to west, is the	
18	RS Development and the logo going to be centered,	
19	and if so, between -- it seems like maybe it's a	
20	little bit closer to the door. Is that intentional	
21	or is that --	
22	THE WITNESS: Yes, because in the	
23	previous project, we had the blade sign, and I think	
24	it's listed on that particular section.	
25	MS. HOLTZMAN: It's centered between	

	Ray Guzman	185
1	the light fixtures.	
2	THE WITNESS: Yes, it's right there.	
3	CHAIRMAN ZANE: Yes, between the light	
4	outlets.	
5	MS. HOLTZMAN: Which are evenly spaced	
6	across the facades that they replaced --	
7	VICE CHAIR VESEY: So the lights are	
8	already up?	
9	MS. HOLTZMAN: Yes -- the outlets for	
10	them are, yes.	
11	THE WITNESS: Yeah, the outlets.	
12	MS. HOLTZMAN: The boxes are there,	
13	which was part of their original approval.	
14	COMMISSIONER STEWART: Ray, could we	
15	see that?	
16	CHAIRMAN ZANE: But the boxes could be	
17	painted and should be painted.	
18	MS. HOLTZMAN: Oh, yes.	
19	THE WITNESS: Yes.	
20	COMMISSIONER STEWART: Thank you.	
21	COMMISSIONER PEKAR: Does your client	
22	anticipate putting anything in their windows?	
23	THE WITNESS: RS Development, I don't	
24	think so. It is a real estate development outfit,	
25	and he's very reserved, so I don't think he is that	

Ray Guzman **186**

1 kind of client.
2 (Laughter)
3 COMMISSIONER ANDERSON: Is this Steve
4 McFarland's office?
5 THE WITNESS: Yes. So we know, he's
6 very reserved.
7 COMMISSIONER SMOLYN: Did they consider
8 any alternate designs that maybe relate slightly
9 better to their -- as tempered as they may be -- to
10 the adjacent tenant?
11 THE WITNESS: Are you talking about RS
12 Development?
13 COMMISSIONER SMOLYN: Yes.
14 THE WITNESS: A different design?
15 COMMISSIONER SMOLYN: Different finish
16 for the letters maybe rather than historic white.
17 THE WITNESS: No. He just brought me
18 over his logo and he said, just do that.
19 COMMISSIONER SMOLYN: And it is white?
20 THE WITNESS: It is white.
21 COMMISSIONER SMOLYN: And the address
22 designation, 60A, will appear somewhere on the
23 storefront?
24 THE WITNESS: Probably on the door
25 THE REPORTER: Is it supposed to be 60A

Ray Guzman **187**

1 or 62A?
2 THE WITNESS: I have got three
3 different addresses from him, so it will be one of
4 those.
5 COMMISSIONER PERRY: I'll make a motion
6 to approve the application as presented.
7 VICE CHAIR VESEY: Second.
8 COMMISSIONER KRATZ: Second.
9 CHAIRMAN ZANE: Roll call.
10 MS. ANASTASIO: Commissioner Anderson?
11 COMMISSIONER ANDERSON: Yes.
12 MS. ANASTASIO: Commissioner Kratz?
13 COMMISSIONER KRATZ: Yes.
14 MS. ANASTASIO: Commissioner Stewart?
15 COMMISSIONER STEWART: Yes.
16 MS. ANASTASIO: Commissioner Perry?
17 COMMISSIONER PERRY: Yes.
18 MS. ANASTASIO: Commissioner Smolyn?
19 COMMISSIONER SMOLYN: Yes.
20 MS. ANASTASIO: Commissioner Vesey?
21 VICE CHAIR VESEY: Yes.
22 MS. ANASTASIO: Commissioner Pekar?
23 COMMISSIONER PEKAR: Yes.
24 MS. ANASTASIO: Commissioner Cricco?
25 COMMISSIONER CRICCO: Yes.

Ray Guzman **188**

1 MS. ANASTASIO: Commissioner Zane?
2 CHAIRMAN ZANE: Yes.
3 THE WITNESS: Thank you all very much
4 again.
5 I just want to follow up on that
6 comment about plastic, because now the next time, if
7 I am going out making presentations, probably the
8 best thing I could recommend maybe finishes, paint
9 finishes for that because you're still dealing with
10 budgets, and so --
11 COMMISSIONER SMOLYN: Samples would be
12 helpful.
13 THE WITNESS: Excuse me?
14 COMMISSIONER SMOLYN: Samples would be
15 helpful.
16 THE WITNESS: Samples, I will
17 definitely bring them, I will do that, and I will
18 bring scaled drawings, patterns --
19 COMMISSIONER ANDERSON: That's super
20 good. Samples would be great.
21 THE WITNESS: Yes, I will bring them.
22 COMMISSIONER STEWART: It goes a lot
23 faster.
24 THE WITNESS: Yes, I agree. I will
25 make sure to make your lives easier, not to have to

Ray Guzman **189**

1 interpret my drawings, so I appreciate that, and so
2 I will do it.
3 The same thing with the PVC because,
4 again, the budget, I give the client the project
5 budget estimates, and it breaks it down to three
6 tiers, and they say, oh, let's do the best one --
7 COMMISSIONER SMOLYN: If I could
8 continue on this overtime, I would just emphasize to
9 the client that the ordinance does explicitly
10 prohibit --
11 THE WITNESS: I will.
12 COMMISSIONER SMOLYN: -- the use of
13 plastic, so --
14 THE WITNESS: I will.
15 Thank you all for your time.
16 CHAIRMAN ZANE: Thank you.
17 (The matter concluded)
18
19
20
21
22
23
24
25

Ray Guzman 190

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

2

3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

5 Notary Public of the State of New Jersey, do hereby

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

13 any of the parties to this action, and that I am

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 -----

20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 This transcript was prepared in accordance with

24 NJAC 13:43-5.9.

25

192

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

2 WEINER LAW GROUP, LLP

3 520 Parsippany Road

4 Parsippany, New Jersey 07054

5 BY: JOHN P. MILLER, ESQ.

6 Attorney for the Board

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191

1 C I T Y O F H O B O K E N

2 H O B O K E N H I S T O R I C P R E S E R V A T I O N C O M M I S S I O N

3 H 2 0 - 2 - 3 - 3

4 ----- X

5 38 Hudson Place : Monday 9:45 p.m.

6 Block/Lot: 222 : February 3, 2020

7 Zone: R-1(H) :

8 Applicant: Taco Bell :

9 Presenter: Erik Lietins :

10 Requesting a Certificate of :

11 Appropriateness :

12 ----- X

13

14 Held At: 94 Washington Street

15 Hoboken, New Jersey

16

17 B E F O R E:

18 Steve Zane, Chairman

19 Jon Vesey, Vice Chairman

20 Martin Anderson, Commissioner

21 Allen Kratz, Commissioner

22 James Perry, Commissioner

23 Steven Smolyn, Commissioner

24 Ellen Stewart, Commissioner

25 Cristin Cricco, 1st Alternate

 Thaler Pekar, 2nd Alternate

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

 Ann Holtzman, Zoning Officer

 Joan Anastasio, Secretary

 PHYLLIS T. LEWIS

 CERTIFIED COURT REPORTER

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 (732) 735-4522

193

1 I N D E X

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3 W I T N E S S P A G E

4

5 Erik Lietins 193

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1 CHAIRMAN ZANE: 38 Hudson Place,
 2 please.
 3 MR. MILLER: Please raise your right
 4 hand.
 5 Do you swear or affirm to tell the
 6 truth, the whole truth, and nothing but the truth?
 7 A VOICE: Yes.
 8 MR. MILLER: Thank you.
 9 Please state and spell your name for
 10 the record.
 11 E R I K L I E T I N S, having been duly sworn,
 12 testified as follows:
 13 THE WITNESS: Erik, E-r-i-k, last name
 14 L-i-e-t-i-n-s.
 15 CHAIRMAN ZANE: Please tell us about
 16 your project.
 17 THE WITNESS: So I am with the
 18 architectural firm for the Taco Bell at 38 Hudson
 19 Place. This is taking over the existing previous
 20 Cascade Cafe.
 21 So what we are proposing to do here, I
 22 think the facade is really beautiful. We don't
 23 really want to affect it, so we are leaving all of
 24 the cornice, the goosenecks and replacing -- we're
 25 removing the existing Cascade Cafe sign with the new

1 Taco Bell sign.
 2 We are also proposing to modify the
 3 storefront. Currently there is a non accessible
 4 entrance into the space. As soon as you open the
 5 doors, there is a ramp, not a proper landing, not a
 6 property slope, so that needs to be addressed.
 7 So the cellar condition makes it a bit
 8 difficult to make that an interior ramp with the
 9 proper code requirements, so we are proposing a
 10 sidewalk ramp and moving the storefront further
 11 east -- moving the door further east, and by doing
 12 that there will be some brick that needs to be
 13 infilled, but we will match that with existing
 14 brick. The existing brick that is there is
 15 matchable and it definitely can be found.
 16 As far as our signage, the Taco and the
 17 Bell lettering is 12-inch pin mounted lettering, and
 18 the bell is a 29-inch high aluminum sign as well
 19 that is going to be slightly different I believe
 20 than what was submitted.
 21 The brand had requested a slight
 22 revision on the bell. That would be a white
 23 aluminum flat cut bell that is on a standoff with
 24 solid purple aluminum backing -- backer panel to
 25 give it the two different colors, and all of that is

1 non illuminated and will be illuminated with the
 2 exterior -- with the existing goosenecks, and we are
 3 proposing to paint those goosenecks black to match
 4 the storefront, the new storefront.
 5 CHAIRMAN ZANE: When you say the "new
 6 storefront," so you are getting rid of the pink,
 7 whatever is there, well, that's just their
 8 signage --
 9 THE WITNESS: They have some window
 10 wrappings above the door --
 11 CHAIRMAN ZANE: Okay, right.
 12 THE WITNESS: -- but the silver
 13 aluminum storefront that is there now.
 14 CHAIRMAN ZANE: Okay.
 15 VICE CHAIR VESEY: So all of the glass
 16 panels and the doors are coming -- everything is
 17 coming out?
 18 THE WITNESS: Yes, because the area
 19 that the door is situated in now does not allow for
 20 an exterior ramp without encroaching on the
 21 neighboring tenants and the neighboring property.
 22 So you have to situate that to one side
 23 to provide enough distance between the sidewalk and
 24 the door with the landings and the slope required.
 25 VICE CHAIR VESEY: And the necessity

1 for the ramp is what?
 2 THE WITNESS: There is an existing --
 3 the entrance is not accessible as it stands today.
 4 As soon as you open the door, there is a ramp that
 5 slopes up. There's not the proper landing, and that
 6 would bring us 14 feet into the space, if we were to
 7 put a proper ramp including the landing, and the
 8 space is small. In order to get seating and make it
 9 a welcoming place, you know, right now there is a
 10 lot of seating in the back, but our proposed design
 11 brings the restroom from the basement to the first
 12 floor to make that accessible. As it stands today,
 13 it's not accessible.
 14 So all of that seating that is in the
 15 back today is basically taken up by bringing the
 16 bathroom up and having circulation work around that.
 17 So by bringing the bathroom up and the
 18 interior ramp, we would be left with, you know, like
 19 six seats, you know, not many seats, if we had an
 20 interior ramp.
 21 VICE CHAIR VESEY: I actually have a
 22 question for the Administrator.
 23 So the Cascade Cafe was only -- this
 24 latest install is only about a year old.
 25 Why is it that they now need -- what is

Erik Lietins 198

1 different about the accessibility because it's

2 obviously an operating store?

3 Is it the type of usage or --

4 MS. HOLTZMAN: No. The floor is ramped

5 on the inside currently, and they want to ramp it on

6 the outside, so that the rest of the interior floor

7 can be one level.

8 VICE CHAIR VESEY: So the existing ramp

9 that's inside is fine --

10 THE WITNESS: No. It's not compliant

11 to current ADA guidelines.

12 VICE CHAIR VESEY: So how is the store

13 operating now?

14 Why didn't this come up in the last --

15 CHAIRMAN ZANE: Well, I think the last

16 people didn't want to do the work, so they didn't

17 call it out.

18 VICE CHAIR VESEY: But they somehow got

19 approved, and I mean, it's operating.

20 I am having a hard time understanding

21 if it's an operating store with the existing

22 interior ramp, why a new ramp that comes out into

23 the right-of-way needs to be put in.

24 COMMISSIONER SMOLYN: Well, the local

25 building department wouldn't necessarily hold back a

Erik Lietins 199

1 C of O or anything for compliance with federal ADA

2 guidelines. That is really on the architect and the

3 owner to comply with, and if not, it is enforced

4 with merely a federal lawsuit.

5 COMMISSIONER ANDERSON: Yeah --

6 MS. HOLTZMAN: Well, the building

7 department usually checks them, but I don't know why

8 they didn't. It may have preexisted the Cascade

9 Cafe as well. I have no idea how long ago that

10 interior ramp was added.

11 COMMISSIONER ANDERSON: I think it is a

12 national chain that has come in, and say, hey, we

13 are going to hit the mark on all of these

14 regulations, and bringing the bathroom upstairs, you

15 know, the floor space is at a premium, and the last

16 place, it lasted a year, was probably

17 undercapitalized and couldn't get into this kind of

18 stuff.

19 VICE CHAIR VESEY: So my next question

20 is about the signage, which seems to be from the

21 photographs, not to scale. Is that correct?

22 This Taco Bell sign that's here appears

23 to also not be to scale, because I am seeing where

24 the Cascade Cafe is, and if you are telling me that

25 this Taco Bell -- is this because the glass is

Erik Lietins 200

1 coming further down?

2 THE WITNESS: No. So today the

3 Cascade -- I don't know if the Cascade Cafe sign is

4 still there today because they vacated, but the

5 Cascade Cafe was framed out. It was, and that's how

6 it's shown in the existing elevation.

7 Currently the Taco Bell lettering is

8 below that frame, and the reason being Taco Bell is

9 a national brand. They have certain lockups and

10 proportions to their brand name.

11 If we had to fit everything within that

12 band, our lettering would be about 6 or 8 inches

13 high, and the bell would be about 12 inches high,

14 which would make almost, you know, not much

15 visibility to customers.

16 VICE CHAIR VESEY: So to rephrase my

17 question, to make room for this larger, let's call

18 it a lower sign band, you kind of have two sign

19 bands. You have the one that's between the

20 architectural details and also has that air vent,

21 but then you are showing that the Taco Bell sign is

22 lower, so you are lowering the top of the window.

23 THE WITNESS: No. The window stays the

24 same height.

25 MS. HOLTZMAN: It looks to me like they

Erik Lietins 201

1 are removing the retractable awning --

2 THE WITNESS: Yes.

3 MS. HOLTZMAN: -- which is what is

4 currently sitting on the lower sign band.

5 VICE CHAIR VESEY: Thank you.

6 COMMISSIONER PERRY: Mr. Chairman, I

7 have a question.

8 You know, one of the unattractive

9 features of what you are presenting are the ramp and

10 the handrail. I'm just wondering if you can just

11 explain what you would have to do on the interior

12 store to maintain the ramp inside, rather than to go

13 outside.

14 And I also want to remind you, too,

15 there is a -- the sidewalk is kind of limited, and

16 there is permanent fencing along the curb line, so

17 you are really restricting pedestrian flow further

18 with this encumbrance on to Hudson Place --

19 THE WITNESS: I believe the --

20 COMMISSIONER PERRY: -- on Newark

21 Street -- I'm sorry --

22 THE WITNESS: -- tenant to the east has

23 an outdoor fence that comes off of the property line

24 as well, so I don't think we are encroaching any

25 further than that.

Erik Lietins 202

1 COMMISSIONER PERRY: Well, how far out
2 would your ramp have to go?
3 THE WITNESS: About 42 inches out.
4 COMMISSIONER PERRY: Okay. Pretty
5 substantial.
6 CHAIRMAN ZANE: Well, if you look here
7 on the picture, just as a point of interest, I don't
8 know what the dimensions are, but to the east and
9 the west --
10 THE WITNESS: And the west, yes.
11 CHAIRMAN ZANE: -- there's fencing for
12 the outdoor cafe.
13 THE WITNESS: Which I believe comes out
14 further --
15 COMMISSIONER PERRY: And that probably
16 comes out 42 inches, too, so he's putting a ramp
17 into that area and maybe outside sitting at some
18 point --
19 THE WITNESS: That is not our intention
20 because with the ramp and the sidewalk catch, there
21 is really no room left.
22 COMMISSIONER PERRY: Anyway, let me go
23 back to my first question.
24 How difficult would it be to maintain
25 the ADA access within the premises rather than

Erik Lietins 203

1 encumbering the sidewalk?
2 THE WITNESS: So the existing facility
3 has a full kitchen in the back. They also have prep
4 in the basement. They have prep sinks, three
5 compartment sinks, a lot of storage, and the
6 bathroom is down there, and what we are trying to do
7 is bring the bathrooms up to meet the accessibility
8 guidelines and to move the kitchen upstairs. So we
9 are bringing a lot more equipment upstairs, which
10 pushes everything more forward.
11 The current day -- the Cascade Cafe --
12 there is substantial seating in the back, and by
13 bringing all of that up to meet accessibility
14 guidelines, pushes everything forward. And moving a
15 ramp inside, I can't speak to the exact numbers,
16 but it would definitely hurt our seating.
17 COMMISSIONER PERRY: Well, that is why
18 I want to get the exact numbers because the ramp
19 extends into the premises by several -- two feet,
20 three feet, whatever --
21 THE WITNESS: No. It would be about
22 ten feet, because you need -- right now, the ramp,
23 as soon as you open the door, it slopes up. You
24 need a five foot landing, plus the ramp, and then a
25 five foot landing at the top of that.

Erik Lietins 204

1 So right off the bat with just
2 landings, you have ten feet, and then whatever the
3 slope.
4 COMMISSIONER PERRY: Did your client
5 look at this as what effect that would have on
6 keeping the ramp inside and see what effect it has
7 on your seating, how much it would be diminished by
8 maintaining that ADA access within the premises?
9 THE WITNESS: We have not explored that
10 option.
11 COMMISSIONER PERRY: I mean, is it a
12 real hardship or you don't know if it is a real
13 hardship or not then --
14 THE WITNESS: I can't speak to that
15 right now, no.
16 But I do a lot of these urban locations
17 for the brand, and in a small store like this, if
18 there are any issues like this, it is usually an
19 outdoor ramp just due to the seating numbers.
20 You know, the brand does require a
21 certain amount of seats, you know, and we strive to
22 hit that, because, you know, we want it to be a
23 welcoming place where people know that they can go
24 and have lunch and have a seat. Not, you know, am I
25 going to find a seat? Maybe not.

Erik Lietins 205

1 CHAIRMAN ZANE: Well, then this
2 restaurant as it exists now isn't even ADA compliant
3 if the bathroom is downstairs.
4 THE WITNESS: Correct.
5 CHAIRMAN ZANE: So the ramp is sort of
6 moot at least as it stands.
7 Oh, I'm sorry.
8 Go ahead, Allen.
9 COMMISSIONER KRATZ: Mr. Smolyn had his
10 hand -- Commissioner Smolyn had his hand up first.
11 COMMISSIONER SMOLYN: Allen, you can go
12 first, though.
13 COMMISSIONER KRATZ: So my question is
14 to the applicant, you are bringing up the kitchen as
15 well as the restroom.
16 What if you -- am I correct?
17 THE WITNESS: They don't have their
18 full kitchen downstairs, but they have prep, three
19 compartment sinks, a hand sink, prep sinks, and that
20 is all also being brought up.
21 COMMISSIONER KRATZ: Right.
22 So my question is not bringing up the
23 prep sinks in that small area, would that mitigate
24 the issue of losing seating by having an interior
25 ramp?

Erik Lietins 206

1 THE WITNESS: That would then make the

2 space not compliant with accessibility guidelines.

3 COMMISSIONER KRATZ: For which?

4 No, the bathroom -- the restroom would

5 be on the --

6 THE WITNESS: But you would have prep

7 downstairs.

8 COMMISSIONER KRATZ: And that's not

9 compliant --

10 THE WITNESS: If you have staff, you

11 have to account for staff as well.

12 CHAIRMAN ZANE: Commissioner Smolyn?

13 COMMISSIONER SMOLYN: Hum, what is the

14 differential between the finished sidewalk grade

15 mean you could say and the finished floor currently

16 within the space?

17 THE WITNESS: It's about four or five

18 inches.

19 COMMISSIONER SMOLYN: Five inches let's

20 say.

21 And to go way back, the reason this

22 exists -- this differential -- is because this space

23 is aligned with an adjacent space really or it was

24 previously --

25 THE WITNESS: It could be the sidewalk

Erik Lietins 207

1 grade, you know, and it all depends on when the

2 building is originally build as to where -- you

3 know, sometimes if the sidewalk is sloping, one

4 entrance of the building may be at grade and another

5 portion may not be. I really can't really speak to

6 why.

7 COMMISSIONER SMOLYN: Have you explored

8 the feasibility of chopping out the existing slab --

9 THE WITNESS: If you were to do that,

10 the ramp would then go -- if it's five inches, you

11 need a five foot landing at the top and the bottom,

12 that would be a 15 foot ramp inside the space.

13 COMMISSIONER SMOLYN: Chopping out the

14 slab entirely in the entire space and bringing it

15 down.

16 THE WITNESS: I don't think my client

17 would be willing to bear that cost.

18 COMMISSIONER SMOLYN: Okay.

19 I don't think this is or should be the

20 last Board or group you speak in front of though

21 regarding adding this ramp beyond the property line,

22 this kind of improvement in the public right-of-way

23 I am not sure it is something that we are totally --

24 it's totally within our purview of approving, or it

25 really shouldn't be. This is pretty significant.

Erik Lietins 208

1 I mean, the Dunkin' Donuts ramp

2 adjacent and some of these other pseudo sidewalk

3 cafes you have there, more outdoor bar drinking

4 space create a pretty significant bottleneck

5 especially during rush hour on what's a very narrow

6 sidewalk already, and while accessibility is

7 important to basically satisfy, I think this is a

8 pretty significant hardship to those that are just

9 walking by the Cascade Cafe or Taco Bell every day.

10 I think that needs to be explored

11 further, and I also would like to see maybe some

12 alternates to the purple background, the Taco Bell

13 logo, which if this were a Canteen location, which I

14 don't think it will be, right?

15 THE WITNESS: That is not decided at

16 this point.

17 COMMISSIONER SMOLYN: I think if it

18 were, there may be more kind of minimalist or less

19 colored --

20 THE WITNESS: Well, I do all of the

21 Taco Bells in this area, so every Canteen in New

22 York City I've done, we also have purple.

23 Yes, there are some without the purple,

24 and it's just white. There's ones that are color

25 changing. Obviously we are not trying to go color

Erik Lietins 209

1 changing here. We are just trying to get a little

2 bit of the branding in and purple is the brand

3 color.

4 COMMISSIONER SMOLYN: But there are

5 more kind of understated options maybe in --

6 THE WITNESS: The only other option is

7 a black or just white.

8 COMMISSIONER SMOLYN: -- I think once

9 we maybe get beyond the ignorance of the existing

10 sign band, we may want to look at a more muted color

11 for that, what's currently represented as purple.

12 THE WITNESS: I would just like to

13 touch back on the ramp.

14 With everybody else encroaching on the

15 right-of-way, I don't think that, you know, you are

16 going to have people expanding into, you know, the

17 point eight wide of the Cascade Cafe or Taco Bell,

18 and the bottlenecking back down, I really don't

19 foresee that happening, and I am sure if we did a

20 traffic study on it, you wouldn't see that as of

21 today.

22 I am sure most people just stay within

23 line of all of the other encroachments on the

24 sidewalk.

25 COMMISSIONER SMOLYN: I just don't

Erik Lietins 210

1 think it is within our purview to approve this type
2 of encroachment in the right-of-way.
3 I mean, maybe counsel can confirm or --
4 COMMISSIONER KRATZ: Counsel?
5 MR. MILLER: Ann might be able to speak
6 to it better, but there are other properties that do
7 encroach into the right-of-way, so I don't have the
8 ordinance in front of me. But I mean, if they are
9 permitted to do it, why are we selecting this
10 property not to do it?
11 COMMISSIONER SMOLYN: I'm not selecting
12 them. I just kind of think it is kind of like bay
13 windows, something that doesn't necessarily get
14 approved here --
15 MR. MILLER: From a legal standpoint,
16 it is selecting because we have proof that these
17 railings extend out here, so we are saying that it
18 is okay, or they exist now, but now we are selecting
19 them and saying, well, you can't do what is there
20 next door.
21 I don't think that is our purview.
22 CHAIRMAN ZANE: Well, the only
23 difference is these may not be permanent, where as
24 once you build the ramp --
25 MR. MILLER: Exactly, and we don't

Erik Lietins 211

1 know --
2 VICE CHAIR VESEY: And also -- and
3 also -- even though we have over here in Section C,
4 we are showing there is a four foot two and a half
5 inch into the right-of-way, it is not showing these
6 other railings.
7 So my question is four foot two and a
8 half feet, is this now coming out 16 inches or so
9 more than the cafe?
10 So it would then be having an effect on
11 the right-of-way and the traffic on that street. So
12 without knowing what -- how far out this -- the east
13 and west cafes are, but you are telling me this is
14 four feet two and a half inches, it seems like it is
15 coming out further --
16 MS. HOLTZMAN: I will tell you this.
17 There is completely separate rules for
18 cafes and cafe projections than there are for
19 compliance projections.
20 I think that the required compliance or
21 the depth of a ramp for compliance would be 42
22 inches, so we don't need 50 inches here, so that is
23 going to -- that wouldn't get approved like this.
24 It wouldn't get approved anyway. It would get
25 approved at what is required --

Erik Lietins 212

1 VICE CHAIR VESEY: So this is showing a
2 larger --
3 MS. HOLTZMAN: -- in terms of the
4 projection --
5 VICE CHAIR VESEY: -- than it is --
6 MS. HOLTZMAN: Yes.
7 So as far as that goes, when it gets to
8 that part of the approval process and stuff, that
9 will cut it back to what it needs to be cut back to
10 the appropriate necessary encroachment --
11 VICE CHAIR VESEY: And is the -- the
12 code for a cafe, is that the same?
13 MS. HOLTZMAN: It's 50 percent of the
14 sidewalk width.
15 So I mean, as far as your other
16 questions are concerned, that is going to get
17 revised before it gets approved. It will get
18 approved by my office, the engineering office, and
19 the building department, so --
20 VICE CHAIR VESEY: The thing is also
21 that you're not -- what is misleading about the
22 existing conditions photographs we are seeing is
23 that everybody should remember that there is a
24 permanent metal railing at the curb that goes the
25 entire length, almost to the cross -- so it is a

Erik Lietins 213

1 very tight sidewalk --
2 COMMISSIONER SMOLYN: I don't
3 understand why elements like bay windows projecting
4 into the right-of-way would require City Council
5 approval, but this would be so much more of an
6 impact on people walking around, especially in this
7 specific case, and the other cases may not have
8 required higher approvals than what we are able to
9 grant tonight. I don't know if the adjacent
10 properties received the proper permitting
11 previously. I am not saying we are singling this
12 one out. I just don't think it's being looked at
13 really holistically because it creates quite a
14 problem there.
15 MR. MILLER: But I don't think we can
16 say that they can't do it, because that's not the --
17 MS. HOLTZMAN: It doesn't create --
18 MR. MILLER: -- code --
19 MS. HOLTZMAN: -- more a problem than
20 all of the other ones that are already there. I
21 mean, Dunkin' Donuts has a permanent ramp that goes
22 across the entire storefront.
23 But as far as the sign is concerned, I
24 do have one question.
25 For the bell, you have struck through

1 that all illumination for the bell, but you still
 2 have the Taco Bell letters back lit?
 3 THE WITNESS: So that has been updated
 4 since the submittal. It is to be aluminum flat cut
 5 lettering, the same as the bell, no internally
 6 illuminated sign.
 7 The signing stays the same, but the
 8 feature of the signage itself changes from channel
 9 letters to flat cut.
 10 MS. HOLTZMAN: So no illumination on
 11 the sign?
 12 THE WITNESS: Just externally through
 13 goosenecks.
 14 COMMISSIONER KRATZ: Mr. Chair?
 15 CHAIRMAN ZANE: Yes, sir.
 16 COMMISSIONER KRATZ: Going back to -- I
 17 forget your last name, Mr. --
 18 THE WITNESS: Lietins.
 19 COMMISSIONER KRATZ: -- Lietins, you
 20 mentioned that you have not done a traffic study to
 21 look at the impact that would be presented by this
 22 ramp on the sidewalk, and I believe you testified
 23 that because the other adjacent properties have
 24 extensions to the sidewalk, this would have no
 25 impact, right?

1 THE WITNESS: I mean, I am not one to
 2 speak on pedestrian counts. It is not in my
 3 expertise, but based on my visualizations of the
 4 neighboring properties, they all encroach on the
 5 right-of-way, and we are not going to stick out any
 6 further. We're just going to be in continuation and
 7 potentially even less than some of the outdoor
 8 cafes.
 9 COMMISSIONER KRATZ: The reason I
 10 mention that is I am picking up on Commissioner
 11 Smolyn's point about this being a very crowded
 12 sidewalk, and Commissioner Vesey points out that
 13 there is a railing at the curb for the length of
 14 this block.
 15 I mean, this really -- by not having
 16 this encroachment, there is certainly room to pass
 17 if you are walking, and it is a busy sidewalk. It's
 18 nice to have that point of refuge.
 19 MR. MILLER: But I think pedestrian
 20 counts are beyond the scope --
 21 CHAIRMAN ZANE: I was going to say --
 22 MR. MILLER: -- it is way out of bounds
 23 for us.
 24 It depends upon the code as far as what
 25 could be put in the right-of-way and how far it

1 could come out. The applicant is under no
 2 obligation to provide any --
 3 COMMISSIONER KRATZ: I mentioned --
 4 CHAIRMAN ZANE: You are going to run
 5 into these questions downstream as you progress --
 6 COMMISSIONER KRATZ: -- so I raised
 7 that question simply because the applicant had
 8 mentioned it --
 9 VICE CHAIR VESEY: What?
 10 COMMISSIONER KRATZ: -- I raised that
 11 question because the applicant had mentioned a
 12 traffic study --
 13 CHAIRMAN ZANE: But I think we need to
 14 focus on the sign here, and this ramp will be taken
 15 care of by the building and zoning --
 16 COMMISSIONER ANDERSON: I just think
 17 this ramp is a necessary evil, and I think people
 18 are doing it everywhere, and maybe there is just
 19 sort of a domino effect with it.
 20 But the way I understand it, not seeing
 21 a plan view of this restaurant, they don't have this
 22 kind of space to give up. If they are moving the
 23 restrooms upstairs, and I think this is just sort of
 24 a necessary evil, you know, the advance of ADA into
 25 smaller spaces.

1 If we were to talk about the ramp, yes,
 2 I don't think it is a tremendous traffic problem. I
 3 think the ramp itself might be done in something
 4 more period, you know, like we were talking about,
 5 that metal work on Court Street. I think this
 6 particular railing system kind of flies in the face
 7 of the building.
 8 I understand why the ramp is there,
 9 though. I don't know that applying pressure to move
 10 it inside, I don't think they are going to have any
 11 seating left, and I don't know. You just have to
 12 fit more stuff in to get ADA now and different
 13 modern requirements, and I think this is just one of
 14 the things that comes out of it.
 15 I would be more zeroing in on the
 16 railing, and beyond that, as Ms. Holtzman has said,
 17 this is really zoning --
 18 CHAIRMAN ZANE: Yes. We have to get to
 19 the sign.
 20 COMMISSIONER PERRY: I just --
 21 VICE CHAIR VESEY: Before we get off
 22 the sign -- sorry, Jim -- I mean, one of the
 23 reasons, and those of us that have been on the
 24 Commission a while remember that not too long ago,
 25 we let the wooden storefront that was not original

1 be taken out that had a recessed doorway, and now we
2 are talking about moving the doorway again.
3 I am just going to say one of my
4 concerns, and I understand that the ramp is not in
5 our purview, but this is a beautiful little building
6 that we have had previous discussions about. I am
7 not particularly happy with the execution of the
8 last renovation, and now we are going another step
9 down a slippery slope with this building.

10 So that, you know, is one of the major
11 issues here is not just that there is going to be a
12 ramp here, but we are relocating the fenestration of
13 the building by moving the center doorway to the
14 side.

15 I guess it begs the question of are we
16 trying to shove a Taco Bell into a space that is
17 not -- that is historical and not really suited for
18 it, but let's discuss the logo also.

19 COMMISSIONER PERRY: I just wanted to
20 say, too, I think the ramp and the railing
21 disfigures the building, and what you are doing to
22 the storefront, I don't think is appropriate.

23 However, you testified yourself that
24 your client did not and look see what the effect
25 would be if they kept the ramp inside. You don't

1 know how much of an effect that would have on your
2 seating or your kitchen capacity, and I really think
3 that that is a fair question we should ask or you
4 should be able to tell us if it really does impact
5 your business,

6 COMMISSIONER SMOLYN: And I think we
7 have been talking about a ramp that's going directly
8 into a business. You could also consider one, if
9 the door is moved to the side here, that as soon as
10 you open the door and you turned left up a ramp
11 parallel to the length of the 17 foot storefront, it
12 seems like with the math you've given tonight, you
13 would just be able to squeeze in that space, and now
14 you are taking up about five feet into the
15 storefront.

16 THE WITNESS: If you really needed to,
17 you could most likely ramp in the front of the
18 windows, but that's also not a sightly -- you don't
19 want to see a ramp as you're walking by. You'd
20 rather see people sitting in the windows enjoying
21 their lunch. It's a little bit more inviting than
22 seeing a ramp only in the storefront, especially
23 when it's very trafficked in that area.

24 COMMISSIONER SMOLYN: I think
25 personally I would prefer to see it there rather

1 than sticking outside of the building.

2 COMMISSIONER KRATZ: Yeah. I think
3 that is a good solution.

4 COMMISSIONER SMOLYN: I mean, you could
5 push bar seating up against the windows, and this
6 ramp can kind of wrap that, and there's different
7 kind of creative approaches you could have for the
8 layout.

9 CHAIRMAN ZANE: Okay. Comments about
10 the sign.

11 So I will make a comment about the
12 sign.

13 I don't have a big problem with the
14 lettering, but I do have a big problem with the
15 bell, and it just needs to be a little bit smaller.
16 It just looks crowded there. You know, it looks
17 like, you know, someone went down 29 inches and
18 somebody is going to put 29 inches in there one way
19 or another.

20 It could be just scaled back a little
21 bit, and I think the purple needs to be addressed.
22 If we had a choice, it's white or black. We can
23 discuss that.

24 MS. HOLTZMAN: On their spec sheet for
25 logos, the next size down is two by two feet.

1 CHAIRMAN ZANE: Two by two, 24 inches.

2 MS. HOLTZMAN: Yes, basically two by
3 two.

4 CHAIRMAN ZANE: Anybody else?

5 MS. HOLTZMAN: Can you not mix and
6 match the letters?

7 Can you have a 12-inch letter with a --

8 THE WITNESS: They have a standard
9 lockup, which is almost 50 -- like one to two,
10 almost that. That would throw it out of whack a
11 little bit. I would have to get one of the
12 designers in corporate to sign off on that.

13 MS. HOLTZMAN: Well, the other
14 alternative would be to reduce the letters to ten.

15 THE WITNESS: Yeah, which is also not a
16 favorable option, but I could have the conversation
17 with the corporate office and see if they are
18 willing to give a little bit of leeway with the
19 lockup of the basically one to two proportion.

20 CHAIRMAN ZANE: Are you going to
21 repaint or you're going to stick with what is there?

22 THE WITNESS: So we are going to be
23 removing that retractable awning, the existing sign.
24 Any patching or painting, we'll match it. We are
25 not looking to change the color of the building,

1 adjust any other -- new storefront and a new sign
2 and paint the existing goosenecks black to match the
3 new storefront.

4 COMMISSIONER CRICCO: Just to confirm,
5 none of the elements, neither the bell or the
6 lettering is going to be lit?

7 THE WITNESS: No.

8 CHAIRMAN ZANE: Is the ramp railing, is
9 that configuration prescribed by ADA or do these
10 rails have to be at certain levels, is that --

11 THE WITNESS: You need the bottom one
12 at four inches off of the surface, and you need the
13 top one anywhere between I think it's 34 and 38.

14 As far as if we want to do a different
15 style, we are completely open to that, whether that
16 is color or more of a vertical, we are open to your
17 suggestions.

18 MS. HOLTZMAN: It's a beautiful
19 storefront. I think if you use something that's too
20 decorative, it is going to take away from the
21 storefront.

22 CHAIRMAN ZANE: Yeah, not too
23 decorative, but this is like hospital institutional
24 looking. This says handicapped person.

25 (Laughter)

1 And, you know, it doesn't have to say
2 that. But I was asking because I can well see that
3 the lower railing for somebody in a wheelchair might
4 be something that they would grab onto. So if
5 there's that requirement, fine. But if we can do it
6 in such a way that it's a little more appealing,
7 that would be even better.

8 COMMISSIONER PEKAR: And, of course,
9 you are just feet away from a railing going the
10 length of the street, so to bring that in as well.

11 And to echo what Commissioner Zane
12 said, I do think that the size should come down, and
13 I would prefer to see the logo in white or black
14 other than purple.

15 COMMISSIONER SMOLYN: Is there a size
16 storefront that Taco Bell would go into that would
17 be smaller than this storefront?

18 This seems like about the smallest that
19 Taco Bell would consider, and likewise, it seems
20 like the smallest signage ten inches would be
21 appropriate, especially I think we should also kind
22 of mind when they say tonight, that you need to show
23 us all of the signage you 're going to put in these
24 storefronts, however, I would suspect Taco Bell
25 windows are kind of a magnet for branding that

1 changes every couple of weeks.

2 THE WITNESS: That's true, but this is
3 an urban -- so there are different classifications
4 of the building types. This is classified as an
5 urban inline.

6 There are urban locations, urban
7 inlines or inline locations and urban inline
8 locations. Urban inlines do not have the POB, the
9 point of -- I forget exactly what they stand for --
10 but the advertisements. They do not have those in
11 the windows, like your drive-throughs do.

12 So that adds a bonus to having these
13 urban inlines. So if you go through New York City,
14 any of these, you do not see advertisements. You
15 can see all the way in, and it's actually nice
16 because you don't have, you know, that blockage.

17 COMMISSIONER SMOLYN: That's great
18 news.

19 So your testimony tonight is that there
20 is no additional signing going on the storefront or
21 adhered to the glass inside or out?

22 THE WITNESS: Yes.

23 COMMISSIONER SMOLYN: Okay.

24 So maybe the 12-inch tall letters are
25 back in play. I don't know.

1 THE WITNESS: I would like to at least
2 speak with corporate, try to keep the 12-inch and
3 reduce the Bell to 24.

4 CHAIRMAN ZANE: And come up with some
5 alternative designs for the ramp, and it could be a
6 color. I suspect this is stainless. Is that what
7 it --

8 THE WITNESS: Steel.

9 CHAIRMAN ZANE: Just steel. Maybe
10 something painted, not black.

11 The window mullions are going to be
12 what color?

13 THE WITNESS: Black.

14 CHAIRMAN ZANE: Black.

15 THE WITNESS: Did you say not black for
16 the rail? You wouldn't want to match the
17 surrounding --

18 COMMISSIONER ZANE: What do you think?
19 Up for discussion. Black?

20 COMMISSIONER ANDERSON: As proposed, it
21 doesn't say historic district at all. I think
22 someone said "hospital." I don't want to get into
23 insulting it, but it doesn't jibe with other things
24 going on.

25 Even the fences on the adjacent

Erik Lietins 226

1 properties, it's got to key in somehow. If that
2 means it's black, that's fine. It could be white.
3 It could be green, you know. It can't be purple,
4 but you could pull something else out of your
5 corporate stuff.
6 COMMISSIONER SMOLYN: It could also be
7 on the inside and totally outside of our purview.
8 (Commissioners confer)
9 CHAIRMAN ZANE: All right.
10 Motions, anybody thinking about a
11 motion?
12 VICE CHAIR VESEY: Well --
13 COMMISSIONER SMOLYN: I think -- is it
14 possible to carve away the ramp from this
15 application and maybe approve the balance of it
16 tonight, and then --
17 CHAIRMAN ZANE: Let me just say this.
18 How about they come back?
19 VICE CHAIR VESEY: I think that is
20 where we are.
21 CHAIRMAN ZANE: Let's see what you come
22 up with and let's do that.
23 VICE CHAIR VESEY: You need to talk to
24 corporate about the sign. You need to talk about
25 redesigning the ramp.

Erik Lietins 227

1 I think if you are coming back,
2 Commissioner Perry and myself would like to see what
3 this inside layout is and why this is so necessary
4 to move this door, but I leave that up to you.
5 CHAIRMAN ZANE: And if we could get the
6 elevation colorized as a spec, that would be great,
7 and the rail as well. If it goes to black, that's
8 fine.
9 COMMISSIONER KRATZ: Mr. Chair, I would
10 also like to second Commissioner Smolyn's thought
11 that perhaps the ramp could be parallel with the
12 front rather than perpendicular to the entrance as a
13 way of still having more seating.
14 THE WITNESS: It is parallel to the
15 front.
16 COMMISSIONER KRATZ: On the interior --
17 have the ramp on the inside be parallel to the
18 storefront rather than perpendicular to the
19 storefront.
20 CHAIRMAN ZANE: If it's something you
21 can think of, you know, in terms of looking at it,
22 see what the feasibilities are. I don't know what's
23 in that store. I've never been in it. But it would
24 be nice if the facade could be uninterrupted by the
25 ramp. That would be a plus.

228

1 VICE CHAIR VESEY: So a motion to carry
2 to the March 2nd meeting.
3 COMMISSIONER KRATZ: Second.
4 MS. ANASTASIO: Commissioner Anderson?
5 COMMISSIONER ANDERSON: Yes.
6 MS. ANASTASIO: Commissioner Kratz?
7 COMMISSIONER KRATZ: Yes.
8 MS. ANASTASIO: Commissioner Stewart?
9 COMMISSIONER STEWART: Yes.
10 MS. ANASTASIO: Commissioner Perry?
11 COMMISSIONER PERRY: Yes.
12 MS. ANASTASIO: Commissioner Smolyn?
13 COMMISSIONER SMOLYN: Yes.
14 MS. ANASTASIO: Commissioner Vesey?
15 VICE CHAIR VESEY: Yes.
16 MS. ANASTASIO: Commissioner Pekar?
17 COMMISSIONER PEKAR: Yes.
18 MS. ANASTASIO: Commissioner Cricco?
19 COMMISSIONER CRICCO: Yes.
20 MS. ANASTASIO: Commissioner Zane?
21 CHAIRMAN ZANE: Yes.
22 Thank you very much.
23 THE WITNESS: Thank you.
24 CHAIRMAN ZANE: Last, but not least --
25 COMMISSIONER STEWART: Mr. Chair, I

229

1 need to recuse myself for 1200 Washington.
2 MS. HOLTZMAN: 1200 Washington is not
3 on the agenda.
4 COMMISSIONER KRATZ: It's being
5 carried.
6 COMMISSIONER STEWART: Oh, then I don't
7 have to recuse myself.
8 CHAIRMAN ZANE: All right.
9 COMMISSIONER ANDERSON: Unrecused.
10 MS. HOLTZMAN: There is a note that it
11 is carried to next month.
12 Are we finished with Phyllis?
13 CHAIRMAN ZANE: Yes. We are going to
14 take notes.
15 VICE CHAIR VESEY: You're going to take
16 notes?
17 CHAIRMAN ZANE: Yes. We are not voting
18 on anything.
19 (The remainder of the meeting was not
20 stenographically recorded)
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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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

<p>accordance [8] - 13:21, 24:21, 44:21, 131:21, 156:21, 179:21, 190:21, 230:21</p> <p>accordingly [1] - 54:10</p> <p>account [2] - 184:8, 206:11</p> <p>accurate [11] - 13:6, 24:6, 44:6, 131:6, 141:23, 153:8, 156:6, 170:22, 179:6, 190:6, 230:6</p> <p>accurately [1] - 164:12</p> <p>Ace [7] - 25:4, 28:4, 29:15, 30:4, 31:24, 32:11</p> <p>achieving [2] - 34:1, 79:5</p> <p>acknowledge [2] - 5:3, 100:24</p> <p>across [4] - 60:11, 117:2, 185:6, 213:22</p> <p>acrylic [6] - 30:24, 30:25, 165:18, 172:9, 172:17, 183:7</p> <p>acted [1] - 51:8</p> <p>action [20] - 13:13, 13:16, 24:13, 24:16, 44:13, 44:16, 91:4, 91:6, 102:6, 110:22, 131:13, 131:16, 156:13, 156:16, 179:13, 179:16, 190:13, 190:16, 230:13, 230:16</p> <p>activities [1] - 106:13</p> <p>actual [6] - 72:25, 126:2, 148:21, 166:15, 168:15, 175:24</p> <p>actually [31] - 19:2, 29:13, 29:14, 40:24, 60:4, 64:8, 65:5, 65:10, 65:25, 69:8, 69:21, 70:23, 72:20, 74:6, 74:7, 75:13, 76:7, 84:20, 89:12, 90:25, 94:13, 97:16, 99:7, 107:22, 140:14, 143:8, 146:7, 169:1, 184:10, 197:21, 224:15</p> <p>Actually [5] - 62:21, 64:23, 66:13, 70:22, 76:4</p> <p>ADA [8] - 198:11,</p>	<p>199:1, 202:25, 204:8, 205:2, 216:24, 217:12, 222:9</p> <p>add [7] - 9:10, 61:1, 75:16, 92:25, 128:10, 148:16, 152:21</p> <p>added [1] - 199:10</p> <p>adding [1] - 207:21</p> <p>addition [4] - 8:21, 20:21, 21:3, 21:5</p> <p>additional [8] - 32:8, 68:15, 125:5, 125:25, 126:12, 154:4, 172:1, 224:20</p> <p>Additionally [3] - 105:23, 106:3, 113:18</p> <p>Address [2] - 170:14, 170:15</p> <p>address [8] - 126:7, 136:16, 136:18, 160:4, 160:7, 161:2, 170:19, 186:21</p> <p>addressed [3] - 87:20, 195:6, 220:21</p> <p>addresses [1] - 187:3</p> <p>addressing [4] - 136:4, 136:5, 136:23, 136:25</p> <p>adds [1] - 224:12</p> <p>adequate [2] - 79:6, 80:3</p> <p>adhered [1] - 224:21</p> <p>adhesion [1] - 173:11</p> <p>adjacent [26] - 19:16, 80:24, 83:18, 83:24, 84:19, 86:2, 86:9, 91:24, 92:7, 105:6, 105:10, 105:16, 105:25, 106:21, 107:11, 109:3, 109:6, 111:6, 113:9, 120:15, 186:10, 206:23, 208:2, 213:9, 214:23, 225:25</p> <p>adjective [1] - 147:8</p> <p>adjoining [2] - 97:21, 120:12</p> <p>adjust [1] - 222:1</p> <p>administrative [1] - 52:7</p> <p>Administrator [2] - 8:3, 197:22</p> <p>adopted [3] - 48:24, 51:9</p> <p>advance [1] - 216:24</p> <p>adverse [1] - 54:14</p> <p>advertisements [2] - 224:10, 224:14</p>	<p>advice [1] - 30:3</p> <p>advised [1] - 80:17</p> <p>affect [1] - 194:23</p> <p>affirm [8] - 17:15, 28:14, 57:2, 62:12, 103:7, 135:9, 160:13, 194:5</p> <p>affirmative [1] - 48:22</p> <p>After [1] - 5:12</p> <p>after [14] - 50:12, 51:8, 54:7, 54:12, 59:19, 64:7, 68:13, 68:14, 69:1, 69:17, 74:16, 81:18, 102:17, 147:16</p> <p>afterwards [1] - 69:12</p> <p>Again [4] - 55:5, 82:16, 111:15, 125:7</p> <p>again [15] - 34:2, 40:4, 40:8, 54:15, 106:17, 111:23, 126:19, 152:15, 155:14, 160:20, 183:4, 183:11, 188:4, 189:4, 218:2</p> <p>against [4] - 40:25, 143:13, 166:5, 220:5</p> <p>Against [2] - 143:7, 143:9</p> <p>agenda [2] - 4:19, 229:3</p> <p>aggravated [1] - 84:6</p> <p>ago [7] - 39:1, 48:18, 75:6, 83:7, 91:11, 199:9, 217:24</p> <p>agree [11] - 4:22, 35:2, 40:23, 41:4, 99:21, 148:8, 153:19, 163:6, 167:9, 173:12, 188:24</p> <p>Agreed [1] - 148:7</p> <p>ahead [5] - 29:10, 97:10, 125:1, 136:15, 205:8</p> <p>air [2] - 137:4, 200:20</p> <p>align [1] - 38:1</p> <p>aligned [1] - 206:23</p> <p>All [24] - 3:1, 5:10, 7:1, 10:22, 10:25, 30:1, 31:3, 34:17, 39:6, 43:1, 57:13, 63:18, 85:23, 135:2, 135:25, 146:10, 149:11, 150:9, 150:19, 151:12, 152:17, 176:11, 226:9, 229:8</p>	<p>all [73] - 5:4, 5:6, 28:8, 29:19, 33:14, 34:20, 35:6, 43:2, 52:22, 53:5, 54:25, 55:12, 55:13, 60:16, 65:2, 69:4, 71:11, 71:12, 73:17, 77:1, 77:4, 77:16, 77:18, 86:16, 88:12, 90:11, 92:10, 96:2, 98:1, 99:22, 100:20, 100:22, 102:4, 106:7, 107:4, 108:7, 110:5, 114:10, 116:11, 119:14, 123:24, 124:24, 127:4, 128:18, 136:24, 137:17, 138:7, 138:14, 138:19, 138:24, 143:1, 172:15, 175:6, 176:24, 183:24, 188:3, 189:15, 194:23, 195:25, 196:15, 197:14, 199:13, 203:13, 205:20, 207:1, 208:20, 209:23, 213:20, 214:1, 215:4, 223:23, 224:15, 225:21</p> <p>Allen [14] - 1:10, 6:11, 8:18, 14:12, 25:13, 36:17, 39:21, 45:12, 132:12, 157:13, 180:13, 191:13, 205:8, 205:11</p> <p>Allen's [1] - 9:10</p> <p>allow [4] - 93:21, 105:12, 170:4, 196:19</p> <p>allowed [8] - 59:11, 92:12, 93:18, 98:7, 127:8, 147:1, 163:15, 183:17</p> <p>allowing [1] - 125:5</p> <p>allows [1] - 109:11</p> <p>almost [10] - 40:11, 77:10, 163:11, 175:16, 183:12, 183:19, 200:14, 212:25, 221:9, 221:10</p> <p>alone [1] - 35:22</p> <p>along [4] - 8:25, 100:20, 113:23, 201:16</p> <p>already [9] - 7:19, 28:22, 94:6, 97:17, 110:2, 165:9, 185:8, 208:6, 213:20</p> <p>Also [1] - 139:9</p>	<p>also [50] - 3:6, 9:14, 40:13, 51:9, 52:3, 52:9, 53:14, 62:23, 64:10, 65:8, 65:12, 68:13, 69:11, 70:11, 70:20, 72:7, 84:24, 87:3, 91:17, 102:21, 104:16, 107:21, 109:10, 113:24, 115:6, 120:11, 128:8, 128:12, 161:22, 170:1, 171:18, 177:1, 195:2, 199:23, 200:20, 201:14, 203:3, 205:20, 208:11, 208:22, 211:2, 211:3, 212:20, 218:18, 219:8, 219:18, 221:15, 223:21, 226:6, 227:10</p> <p>alternate [2] - 92:22, 186:8</p> <p>Alternate [18] - 1:12, 1:13, 6:13, 6:14, 14:14, 14:15, 25:15, 25:15, 45:14, 45:15, 132:14, 132:15, 157:15, 157:15, 180:15, 180:15, 191:15, 191:15</p> <p>alternates [1] - 208:12</p> <p>alternating [1] - 18:18</p> <p>alternative [3] - 149:25, 221:14, 225:5</p> <p>alternatives [1] - 139:6</p> <p>although [2] - 20:20, 123:11</p> <p>Aluminum [1] - 165:24</p> <p>aluminum [12] - 29:12, 161:19, 164:10, 165:22, 166:2, 171:19, 172:16, 195:18, 195:23, 195:24, 196:13, 214:4</p> <p>always [6] - 83:25, 84:21, 100:13, 125:3, 125:4, 170:1</p> <p>am [89] - 4:7, 7:7, 8:6, 8:9, 9:6, 9:15, 13:11, 13:13, 13:15, 17:6, 18:23, 24:11, 24:13, 24:15, 32:17, 34:17, 39:16, 44:11, 44:13, 44:15, 50:10, 50:15, 52:5, 57:19,</p>
---	---	--	--	---

<p>59:25, 62:22, 62:23, 63:14, 63:17, 75:22, 76:25, 77:13, 78:11, 78:12, 85:4, 87:11, 101:18, 115:14, 121:20, 122:11, 123:20, 127:4, 131:11, 131:13, 131:15, 136:5, 136:16, 137:7, 138:2, 138:8, 139:22, 141:4, 142:6, 143:5, 143:18, 145:10, 145:13, 156:11, 156:13, 156:15, 164:11, 164:18, 175:3, 175:6, 177:18, 179:11, 179:13, 179:15, 183:11, 188:7, 190:11, 190:13, 190:15, 194:17, 198:20, 199:23, 204:24, 205:16, 207:23, 209:19, 209:22, 213:11, 215:1, 215:10, 218:3, 218:6, 230:11, 230:13, 230:15</p> <p>Am ^[1] - 127:8</p> <p>ambient ^[2] - 148:16, 154:6</p> <p>amenable ^[1] - 125:22</p> <p>amount ^[2] - 49:18, 204:21</p> <p>An ^[1] - 54:2</p> <p>an ^[67] - 9:7, 18:1, 18:23, 19:21, 30:24, 56:2, 59:3, 63:12, 63:21, 64:5, 64:20, 65:17, 66:15, 68:22, 70:11, 75:11, 77:2, 79:20, 81:17, 83:6, 86:1, 86:20, 87:5, 92:22, 93:16, 93:17, 94:16, 94:22, 95:15, 97:8, 102:8, 104:21, 108:6, 112:24, 115:17, 118:17, 119:3, 119:15, 122:7, 123:12, 123:15, 137:1, 144:7, 152:12, 153:8, 161:16, 166:15, 172:9, 173:17, 175:24, 183:15, 184:15, 195:8, 196:20, 197:2, 197:19, 198:2, 198:21, 201:23, 204:18, 205:24,</p>	<p>206:23, 211:10, 213:5, 219:1, 224:3, 224:4</p> <p>analysis ^[9] - 68:2, 94:16, 94:19, 101:5, 101:8, 101:14, 101:15, 102:18, 104:17</p> <p>analyze ^[3] - 54:6, 82:17</p> <p>analyzed ^[2] - 82:23, 83:10</p> <p>Anastasio ^[9] - 1:16, 6:17, 14:18, 25:18, 45:18, 132:18, 157:18, 180:18, 191:18</p> <p>ANASTASIO ^[103] - 3:9, 3:11, 3:13, 3:15, 3:17, 3:20, 4:3, 4:5, 4:10, 4:14, 7:6, 7:12, 7:17, 8:16, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 22:11, 22:13, 22:15, 22:17, 22:19, 22:21, 22:23, 22:25, 23:4, 38:3, 38:9, 38:14, 41:9, 42:8, 42:10, 42:12, 42:14, 42:16, 42:18, 42:20, 42:22, 42:24, 127:8, 127:11, 128:1, 128:24, 129:1, 129:3, 129:5, 129:7, 129:9, 129:11, 129:13, 129:15, 129:20, 150:20, 150:22, 150:24, 151:1, 151:3, 151:6, 151:8, 151:10, 151:18, 151:20, 154:22, 154:24, 155:1, 155:3, 155:5, 155:7, 155:9, 155:11, 155:17, 177:22, 177:24, 178:1, 178:3, 178:5, 178:7, 178:9, 178:11, 178:13, 187:10, 187:12, 187:14, 187:16, 187:18, 187:20, 187:22, 187:24, 188:1, 228:4, 228:6, 228:8, 228:10, 228:12, 228:14, 228:16, 228:18, 228:20</p> <p>And ^[69] - 5:5, 21:6, 23:2, 29:4, 30:21, 31:15, 32:4, 40:17,</p>	<p>52:5, 53:3, 53:22, 54:12, 54:25, 61:10, 61:14, 64:7, 65:8, 67:7, 68:9, 69:5, 69:14, 71:5, 72:7, 74:9, 74:18, 75:9, 76:15, 79:22, 80:15, 83:15, 93:20, 100:1, 102:19, 104:7, 104:10, 104:16, 111:3, 112:1, 116:15, 127:15, 141:13, 144:7, 145:15, 153:2, 153:24, 161:14, 164:7, 165:1, 165:6, 167:24, 176:18, 177:11, 186:19, 186:21, 196:25, 201:14, 202:10, 202:15, 203:14, 206:8, 206:21, 211:2, 212:11, 219:6, 223:1, 223:8, 223:11, 225:4, 227:5</p> <p>and ^[721] - 3:6, 4:8, 4:19, 5:2, 5:3, 5:7, 7:13, 7:23, 8:14, 8:20, 8:21, 9:10, 9:11, 9:25, 10:11, 13:4, 13:6, 13:8, 13:9, 13:13, 13:15, 17:7, 17:16, 18:1, 18:2, 18:3, 18:4, 18:5, 18:10, 18:11, 18:16, 18:18, 18:20, 18:21, 18:22, 18:25, 19:1, 19:2, 19:10, 19:13, 19:21, 20:14, 20:21, 20:24, 21:5, 21:24, 21:25, 24:4, 24:6, 24:8, 24:9, 24:13, 24:15, 28:3, 28:15, 28:20, 29:14, 29:16, 30:4, 30:6, 30:7, 30:24, 31:8, 32:11, 32:15, 32:16, 32:17, 33:6, 33:11, 33:12, 33:15, 34:6, 34:9, 34:10, 34:11, 34:18, 34:19, 34:24, 35:1, 35:5, 35:17, 36:6, 36:10, 36:14, 37:14, 37:15, 37:20, 37:24, 38:12, 39:1, 39:11, 39:12, 39:16, 40:2, 40:3, 40:15, 41:4, 41:24, 44:4, 44:6, 44:8, 44:9, 44:13, 44:15, 48:23, 49:1, 49:20, 50:3, 50:10, 50:11, 50:18, 50:20, 50:23, 51:8,</p>	<p>51:20, 52:10, 52:13, 52:14, 53:4, 53:5, 53:15, 53:16, 53:17, 54:8, 54:20, 54:23, 55:1, 55:2, 55:9, 55:18, 55:21, 56:2, 56:10, 56:12, 56:17, 56:18, 57:3, 57:8, 57:11, 57:21, 58:1, 58:4, 58:13, 58:20, 59:2, 59:6, 59:12, 59:18, 59:19, 59:25, 60:5, 60:8, 60:11, 60:12, 61:16, 62:13, 62:18, 62:22, 62:23, 62:24, 63:8, 64:6, 64:9, 64:11, 64:12, 64:25, 65:1, 65:6, 65:9, 65:20, 65:25, 66:1, 66:6, 66:14, 66:18, 66:24, 67:11, 67:15, 67:24, 68:6, 68:8, 68:10, 68:19, 68:23, 68:24, 68:25, 69:6, 69:8, 69:15, 69:23, 69:25, 70:2, 70:3, 70:10, 70:20, 71:1, 71:11, 71:12, 71:14, 71:23, 72:15, 72:16, 72:24, 73:5, 73:6, 74:8, 75:15, 75:17, 75:24, 76:2, 76:5, 76:6, 76:8, 76:14, 76:20, 76:21, 77:3, 77:4, 77:5, 77:6, 77:9, 77:15, 77:19, 78:3, 78:5, 78:14, 78:21, 78:22, 79:3, 79:7, 79:13, 79:16, 80:6, 80:21, 83:19, 83:25, 84:6, 84:10, 84:12, 85:8, 86:3, 86:13, 88:12, 88:20, 88:23, 89:4, 89:16, 90:3, 90:12, 91:1, 91:3, 91:4, 91:5, 91:7, 91:12, 91:18, 91:19, 92:8, 92:9, 92:11, 92:17, 92:18, 92:21, 93:14, 93:18, 93:21, 94:4, 94:6, 94:9, 94:11, 94:12, 94:18, 94:19, 95:13, 95:16, 95:18, 96:2, 96:9, 96:18, 96:19, 96:20, 96:23, 97:3, 98:23, 99:14, 99:17, 99:18, 99:19, 99:20, 99:22, 100:12, 100:19, 100:24, 101:4, 101:14, 101:21,</p>	<p>102:6, 102:17, 102:20, 103:1, 103:2, 103:8, 103:13, 103:21, 105:4, 105:6, 105:7, 105:8, 105:10, 105:20, 105:21, 105:25, 106:7, 106:9, 107:3, 107:4, 107:11, 108:4, 108:20, 109:4, 109:8, 109:12, 109:18, 109:19, 110:3, 110:4, 110:14, 110:16, 110:19, 111:7, 111:10, 111:11, 111:12, 111:14, 111:18, 111:20, 111:24, 112:3, 112:25, 113:1, 113:10, 113:12, 113:19, 113:20, 113:23, 113:25, 114:6, 114:9, 114:13, 114:15, 114:16, 115:3, 115:12, 115:20, 116:21, 117:1, 117:19, 118:16, 118:21, 118:24, 119:1, 119:4, 119:5, 119:25, 120:3, 120:10, 120:13, 120:16, 120:22, 120:23, 120:24, 121:3, 121:4, 121:9, 121:10, 121:13, 121:14, 121:16, 121:20, 122:1, 122:4, 122:5, 122:6, 122:12, 122:14, 123:9, 123:14, 123:16, 124:9, 125:9, 125:18, 125:20, 125:24, 126:3, 126:8, 126:12, 126:17, 126:21, 127:12, 128:7, 128:8, 129:18, 131:4, 131:6, 131:8, 131:9, 131:13, 131:15, 135:2, 135:10, 135:18, 136:17, 136:23, 137:2, 137:14, 138:15, 138:23, 139:1, 140:4, 140:6, 141:15, 142:2, 142:4, 144:1, 144:2, 144:11, 144:18, 144:21, 144:24, 145:3, 145:4, 145:5, 145:6, 145:7, 145:9, 145:16, 145:21, 146:6, 146:13, 146:15, 146:18, 146:20,</p>
--	---	--	--	--

<p>147:16, 147:21, 148:21, 148:22, 149:4, 149:5, 149:9, 149:25, 150:2, 150:5, 150:6, 151:22, 152:6, 152:8, 152:20, 153:4, 153:7, 153:10, 153:14, 153:15, 153:20, 154:3, 156:4, 156:6, 156:8, 156:9, 156:13, 156:15, 160:1, 160:7, 160:14, 161:1, 161:2, 161:8, 161:15, 161:16, 161:18, 161:19, 161:22, 162:1, 162:3, 162:4, 163:2, 163:3, 163:16, 164:10, 164:17, 164:18, 164:20, 166:7, 167:2, 167:4, 167:8, 168:20, 168:24, 169:15, 169:16, 170:5, 170:11, 170:23, 170:25, 171:3, 171:22, 171:23, 172:3, 172:4, 172:9, 172:11, 172:14, 172:17, 173:1, 173:2, 174:1, 174:6, 175:4, 175:6, 175:10, 175:13, 175:16, 176:1, 176:8, 176:15, 176:20, 179:4, 179:6, 179:8, 179:9, 179:13, 179:15, 183:6, 183:8, 183:9, 183:12, 183:13, 183:16, 183:19, 183:23, 183:24, 183:25, 184:9, 184:14, 184:18, 184:19, 184:23, 185:17, 185:25, 186:18, 188:10, 188:17, 189:1, 189:5, 189:6, 190:4, 190:6, 190:8, 190:9, 190:13, 190:15, 194:6, 194:9, 194:24, 195:10, 195:11, 195:15, 195:16, 195:17, 195:25, 196:1, 196:2, 196:16, 196:21, 196:23, 196:24, 197:5, 197:7, 197:8, 197:16, 197:17, 198:5, 198:19, 199:2, 199:3, 199:12, 199:14, 199:15, 199:17, 199:24,</p>	<p>200:5, 200:8, 200:9, 200:13, 200:20, 201:9, 201:15, 202:8, 202:17, 202:20, 203:5, 203:6, 203:8, 203:12, 203:24, 204:2, 204:6, 204:17, 204:21, 204:24, 205:19, 206:15, 207:1, 207:4, 207:11, 207:14, 208:2, 208:6, 208:11, 208:24, 209:2, 209:18, 209:19, 210:19, 210:25, 211:2, 211:4, 211:7, 211:11, 211:13, 211:14, 211:18, 212:8, 212:18, 213:7, 214:22, 215:5, 215:6, 215:12, 215:17, 215:25, 216:14, 216:15, 216:17, 216:18, 216:23, 217:11, 217:12, 217:13, 217:16, 217:23, 218:1, 218:4, 218:8, 218:17, 218:20, 218:21, 218:24, 219:2, 219:10, 219:13, 220:5, 220:6, 220:15, 220:17, 220:21, 221:5, 221:17, 222:1, 222:2, 222:12, 222:13, 223:12, 223:19, 224:7, 224:15, 225:2, 225:5, 226:7, 226:15, 226:16, 226:22, 227:2, 227:3, 227:7, 230:4, 230:6, 230:8, 230:9, 230:13, 230:15</p> <p>Anderson [22] - 1:10, 3:9, 4:16, 6:11, 11:11, 14:12, 22:11, 25:12, 42:8, 45:12, 123:8, 128:24, 132:12, 150:20, 152:21, 154:22, 157:12, 177:22, 180:12, 187:10, 191:12, 228:4</p> <p>ANDERSON [73] - 3:10, 3:22, 4:1, 4:17, 9:21, 11:9, 11:12, 19:18, 22:4, 22:7, 22:12, 30:14, 30:18, 30:21, 32:12, 33:20, 34:4, 34:13, 34:16, 39:25, 41:18, 42:1, 42:9, 78:9, 78:12,</p>	<p>78:19, 78:24, 80:15, 80:21, 81:1, 87:2, 92:24, 117:13, 117:25, 118:23, 128:25, 139:14, 142:24, 143:18, 146:2, 147:3, 147:7, 147:11, 147:14, 148:7, 150:21, 152:4, 152:12, 153:5, 154:1, 154:7, 154:13, 154:23, 162:22, 163:5, 163:18, 167:7, 172:10, 174:3, 174:11, 176:2, 176:18, 177:20, 177:23, 186:3, 187:11, 188:19, 199:5, 199:11, 216:16, 225:20, 228:5, 229:9</p> <p>Ann [10] - 1:15, 6:16, 14:17, 25:18, 45:17, 132:17, 157:18, 180:18, 191:18, 210:5</p> <p>announcements [1] - 4:24</p> <p>another [18] - 48:5, 52:3, 54:15, 59:6, 61:16, 79:23, 83:18, 95:18, 108:12, 115:23, 139:25, 145:4, 150:13, 154:21, 178:15, 207:4, 218:8, 220:19</p> <p>answer [7] - 10:9, 86:15, 91:22, 92:5, 101:6, 108:16, 116:15</p> <p>answered [2] - 88:1, 143:21</p> <p>answering [1] - 118:3</p> <p>Anthony [3] - 134:6, 135:22, 136:17</p> <p>anticipate [3] - 73:10, 90:7, 185:22</p> <p>anticipating [1] - 89:10</p> <p>Any [8] - 5:11, 31:3, 39:24, 102:23, 120:19, 124:13, 139:4, 221:24</p> <p>any [62] - 8:13, 9:13, 10:13, 13:13, 24:13, 32:5, 40:25, 41:22, 44:13, 50:25, 53:6, 53:7, 53:8, 53:10, 53:16, 54:1, 54:5, 56:16, 63:11, 68:16, 69:22, 79:14, 85:24,</p>	<p>88:2, 89:19, 93:19, 94:5, 97:14, 97:20, 102:2, 102:6, 107:14, 111:20, 113:20, 116:13, 119:24, 124:10, 124:17, 124:18, 131:13, 139:5, 139:12, 156:13, 165:7, 165:15, 165:21, 166:25, 179:13, 184:9, 186:8, 190:13, 201:24, 204:18, 215:5, 216:2, 217:10, 222:1, 224:14, 230:13</p> <p>anybody [5] - 10:13, 72:5, 109:14, 142:22, 226:10</p> <p>Anybody [5] - 19:24, 21:18, 107:14, 152:18, 221:4</p> <p>anybody's [2] - 8:10, 163:10</p> <p>Anyone [1] - 33:18</p> <p>anyone [4] - 62:2, 124:11, 137:25, 142:3</p> <p>Anything [3] - 109:14, 162:6, 162:8</p> <p>anything [13] - 31:16, 58:5, 61:1, 70:2, 73:3, 92:10, 92:12, 162:17, 162:18, 169:20, 185:22, 199:1, 229:18</p> <p>anyway [3] - 59:5, 168:11, 211:24</p> <p>Anyway [1] - 202:22</p> <p>anywhere [1] - 222:13</p> <p>apart [1] - 145:2</p> <p>apartment [1] - 57:25</p> <p>apologize [1] - 138:22</p> <p>apparently [1] - 10:5</p> <p>appeal [4] - 54:18, 95:23, 96:17, 97:8</p> <p>appealing [1] - 223:6</p> <p>appear [2] - 184:14, 186:22</p> <p>appearance [3] - 28:5, 172:4, 173:10</p> <p>appearing [1] - 142:2</p> <p>appears [2] - 164:24, 199:22</p> <p>apples [2] - 86:22, 86:23</p> <p>applicant [42] - 8:5, 8:13, 10:14, 48:16, 51:20, 52:14, 53:17,</p>	<p>54:2, 54:13, 54:15, 54:17, 55:11, 55:25, 56:14, 56:23, 63:21, 68:2, 70:7, 70:8, 70:9, 70:13, 74:19, 87:13, 87:22, 87:24, 95:5, 99:15, 99:16, 99:17, 102:7, 115:18, 120:9, 122:13, 123:15, 128:6, 137:24, 146:16, 149:3, 205:14, 216:1, 216:7, 216:11</p> <p>Applicant [9] - 6:4, 14:4, 25:4, 45:4, 46:7, 132:4, 157:4, 180:4, 191:4</p> <p>applicant's [3] - 52:20, 54:14, 126:22</p> <p>applicants [2] - 41:4, 146:21</p> <p>application [40] - 8:19, 40:13, 40:14, 40:22, 41:2, 41:3, 41:6, 41:15, 49:12, 51:11, 51:21, 52:18, 54:1, 55:7, 56:2, 56:7, 56:11, 82:11, 93:24, 96:8, 96:10, 96:13, 100:10, 102:2, 102:5, 102:9, 123:2, 124:14, 124:18, 128:5, 128:8, 136:13, 137:1, 142:5, 145:1, 148:22, 153:3, 163:25, 187:6, 226:15</p> <p>applications [1] - 5:12</p> <p>applies [1] - 52:6</p> <p>apply [1] - 53:6</p> <p>applying [1] - 217:9</p> <p>appreciate [9] - 23:8, 61:23, 120:23, 121:19, 121:25, 122:12, 126:20, 169:17, 189:1</p> <p>appreciated [2] - 5:10, 39:20</p> <p>approaches [1] - 220:7</p> <p>appropriate [5] - 125:20, 172:6, 212:10, 218:22, 223:21</p> <p>Appropriateness [7] - 14:5, 25:6, 45:5, 132:5, 157:6, 180:6, 191:6</p> <p>approval [7] - 18:1, 51:21, 56:16, 95:8, 185:13, 212:8, 213:5</p>
---	--	---	---	---

<p>approvals ^[1] - 213:8 approve ^[14] - 22:8, 37:14, 42:3, 56:11, 91:5, 128:5, 145:11, 146:12, 152:9, 154:14, 177:19, 187:6, 210:1, 226:15 approved ^[13] - 7:20, 8:20, 9:11, 10:11, 68:7, 137:2, 198:19, 210:14, 211:23, 211:24, 211:25, 212:17, 212:18 approving ^[2] - 96:6, 207:24 approximately ^[3] - 64:15, 82:10, 108:23 architect ^[2] - 17:6, 199:2 architects ^[1] - 168:19 Architects ^[1] - 14:4 architectural ^[2] - 194:18, 200:20 architecture ^[1] - 123:12 area ^[9] - 35:15, 73:22, 126:5, 147:1, 196:18, 202:17, 205:23, 208:21, 219:23 aren't ^[1] - 109:10 argument ^[1] - 126:14 Arizona ^[1] - 142:11 arm ^[1] - 18:20 around ^[20] - 20:13, 20:15, 35:16, 35:17, 41:20, 58:20, 64:9, 65:7, 67:5, 71:11, 98:22, 106:4, 107:4, 111:11, 114:15, 119:16, 119:23, 141:11, 197:16, 213:6 artful ^[1] - 19:22 artificially ^[1] - 66:15 artistic ^[1] - 146:9 as ^[191] - 3:23, 4:19, 5:5, 5:6, 13:7, 17:6, 17:19, 18:25, 19:7, 19:8, 21:23, 22:8, 24:7, 33:11, 33:12, 33:14, 34:5, 36:13, 38:22, 41:1, 42:3, 42:4, 44:7, 49:16, 49:21, 50:6, 50:21, 50:22, 51:17, 51:24, 52:15, 53:2, 53:5, 54:1, 54:6, 57:6, 57:10, 57:20, 58:2,</p>	<p>58:11, 60:5, 62:16, 63:12, 63:24, 69:16, 70:19, 72:20, 73:10, 79:5, 80:7, 82:18, 84:16, 85:10, 88:9, 89:9, 92:16, 93:23, 94:25, 95:15, 95:17, 96:19, 96:20, 97:6, 97:21, 99:8, 101:22, 103:11, 103:16, 103:18, 104:17, 105:3, 106:3, 106:20, 107:22, 108:1, 108:2, 108:5, 111:11, 113:1, 116:9, 118:14, 118:20, 119:21, 120:8, 120:11, 120:14, 120:21, 121:17, 122:3, 123:3, 123:15, 123:22, 123:23, 124:7, 124:16, 124:20, 125:11, 126:6, 127:18, 128:6, 131:7, 135:15, 135:17, 136:20, 137:3, 137:4, 137:18, 137:21, 138:10, 141:23, 144:18, 146:8, 148:13, 149:19, 149:22, 153:18, 153:25, 154:14, 154:15, 156:7, 160:18, 161:4, 164:23, 168:17, 170:15, 172:19, 174:5, 177:19, 179:7, 183:3, 184:1, 186:9, 187:6, 190:7, 194:12, 195:4, 195:16, 195:18, 197:3, 197:4, 199:9, 201:24, 202:7, 203:23, 204:5, 205:2, 205:6, 205:14, 205:15, 206:11, 207:2, 209:11, 209:20, 210:23, 212:7, 212:15, 213:23, 214:5, 215:24, 216:5, 217:16, 219:9, 219:19, 222:14, 223:10, 224:4, 227:6, 227:7, 227:12, 230:7 As ^[15] - 38:21, 56:6, 88:6, 110:3, 117:21, 137:13, 148:13, 154:1, 154:2, 195:4, 195:16, 197:4, 197:12, 222:14, 225:20</p>	<p>aside ^[2] - 95:22, 120:2 ask ^[15] - 33:1, 38:15, 62:3, 74:19, 78:21, 80:8, 81:16, 92:4, 95:13, 99:1, 127:3, 127:10, 139:25, 170:3, 219:3 asked ^[11] - 7:20, 18:4, 21:21, 70:5, 70:9, 76:24, 85:7, 91:22, 92:14, 93:16 asking ^[4] - 91:9, 118:15, 139:22, 223:2 asks ^[1] - 54:3 aspect ^[1] - 49:3 aspects ^[1] - 60:9 asphalt ^[1] - 98:21 assessment ^[1] - 63:22 assign ^[1] - 69:14 association ^[1] - 93:11 assume ^[4] - 78:15, 95:20, 118:1, 164:1 assuming ^[1] - 108:19 assumption ^[2] - 9:4, 93:6 at ^[110] - 4:25, 13:8, 17:7, 18:3, 18:6, 18:9, 24:8, 31:24, 35:23, 39:8, 39:10, 39:14, 40:5, 44:8, 48:19, 49:11, 50:4, 51:10, 52:17, 55:16, 55:22, 58:9, 58:18, 66:2, 66:3, 66:9, 66:20, 68:22, 69:24, 70:3, 79:15, 80:1, 82:11, 83:13, 85:14, 86:4, 86:12, 89:11, 89:22, 92:23, 97:4, 99:21, 100:12, 100:22, 101:1, 101:8, 105:4, 107:23, 108:2, 110:10, 112:23, 115:13, 115:15, 120:15, 122:2, 125:21, 126:2, 126:6, 127:12, 127:14, 130:2, 131:8, 136:24, 137:13, 139:7, 140:1, 142:25, 144:25, 153:6, 153:20, 156:8, 162:4, 162:23, 165:3, 165:7, 165:10, 165:12, 170:17, 171:1, 171:8, 171:21, 175:3, 175:5, 176:17,</p>	<p>179:8, 184:10, 190:8, 194:18, 199:15, 202:17, 203:25, 204:5, 205:6, 207:4, 207:11, 208:15, 209:10, 211:25, 212:24, 213:12, 214:21, 215:13, 222:10, 222:12, 225:1, 225:21, 227:21, 230:8 At ^[12] - 1:6, 6:7, 14:8, 25:8, 45:8, 59:17, 89:1, 94:15, 132:8, 157:8, 180:8, 191:8 attach ^[1] - 36:10 attack ^[1] - 38:22 attempting ^[1] - 115:19 Attorney ^[10] - 1:20, 6:21, 15:4, 26:4, 46:4, 46:7, 133:4, 158:4, 181:4, 192:4 attorney ^[17] - 13:12, 13:14, 24:12, 24:14, 44:12, 44:14, 48:15, 131:12, 131:14, 156:12, 156:14, 179:12, 179:14, 190:12, 190:14, 230:12, 230:14 attract ^[1] - 31:16 August ^[1] - 104:11 availability ^[1] - 123:16 available ^[3] - 5:14, 55:16, 102:4 avenues ^[1] - 176:21 average ^[2] - 73:24, 176:5 avoid ^[3] - 84:18, 116:22, 119:16 away ^[11] - 34:7, 38:6, 39:16, 68:25, 75:15, 98:23, 113:2, 176:5, 222:20, 223:9, 226:14 awful ^[1] - 172:9 awfully ^[1] - 143:2 awning ^[10] - 138:12, 138:15, 139:1, 140:15, 140:22, 141:13, 144:24, 148:16, 201:1, 221:23 axles ^[1] - 68:24</p>	<p style="text-align: center;">B</p> <p>B ^[12] - 1:8, 6:9, 14:10, 25:10, 45:10, 57:5, 132:10, 135:14, 157:10, 170:24, 180:10, 191:10 b ^[1] - 135:21 bachelors ^[1] - 103:21 back ^[51] - 18:4, 35:19, 48:25, 54:15, 59:12, 60:8, 60:10, 66:20, 68:25, 78:4, 85:16, 87:10, 90:20, 90:24, 93:18, 98:22, 100:18, 117:18, 120:4, 122:9, 122:18, 122:22, 122:25, 123:3, 126:1, 126:3, 128:7, 135:2, 146:16, 149:5, 152:2, 153:4, 163:10, 168:20, 197:10, 197:15, 198:25, 202:23, 203:3, 203:12, 206:21, 209:13, 209:18, 212:9, 214:2, 214:16, 220:20, 224:25, 226:18, 227:1 backer ^[1] - 195:24 background ^[3] - 34:20, 57:16, 208:12 backhoe ^[2] - 68:22, 112:21 backhoes ^[1] - 111:19 backing ^[1] - 195:24 backyard ^[1] - 60:11 bad ^[2] - 8:15, 75:18 balance ^[2] - 86:20, 226:15 balancing ^[1] - 126:11 band ^[10] - 33:11, 36:4, 40:14, 169:6, 169:7, 175:4, 200:12, 200:18, 201:4, 209:10 banding ^[1] - 41:20 bands ^[1] - 200:19 banged ^[1] - 37:5 bank ^[2] - 171:3, 171:4 bar ^[2] - 208:3, 220:5 bars ^[3] - 18:19, 18:22 based ^[12] - 55:9, 55:14, 56:11, 56:12, 68:1, 106:9, 119:14,</p>
---	---	---	--	--

<p>125:7, 125:9, 137:16, 215:3</p> <p>basement [13] - 64:11, 66:6, 69:23, 71:1, 107:18, 108:11, 108:19, 108:22, 108:24, 112:5, 113:10, 197:11, 203:4</p> <p>Basically [2] - 71:9, 72:13</p> <p>basically [9] - 34:14, 58:12, 60:10, 64:25, 70:3, 197:15, 208:7, 221:2, 221:19</p> <p>basis [3] - 83:11, 152:9</p> <p>bat [1] - 204:1</p> <p>bathroom [6] - 197:16, 197:17, 199:14, 203:6, 205:3, 206:4</p> <p>bathrooms [1] - 203:7</p> <p>bay [2] - 210:12, 213:3</p> <p>be [249] - 5:1, 5:9, 7:21, 9:12, 9:17, 9:18, 10:12, 10:14, 20:2, 20:15, 21:14, 21:15, 23:2, 31:1, 32:21, 32:23, 33:5, 33:22, 33:24, 36:3, 36:7, 36:15, 37:4, 38:19, 39:19, 40:6, 40:10, 41:12, 41:13, 42:4, 49:5, 50:6, 50:14, 51:1, 52:1, 53:4, 54:13, 54:15, 54:23, 55:17, 56:13, 56:16, 56:19, 57:23, 58:25, 59:11, 61:11, 64:11, 65:12, 66:8, 68:18, 69:8, 70:2, 71:2, 73:10, 73:15, 76:7, 77:5, 77:14, 79:14, 79:19, 80:1, 84:8, 84:16, 85:10, 86:24, 86:25, 87:5, 87:6, 87:22, 90:3, 90:4, 90:16, 91:14, 91:16, 91:18, 93:1, 94:4, 94:13, 95:9, 95:10, 95:12, 95:14, 95:17, 95:23, 95:24, 96:21, 96:22, 97:2, 97:6, 97:7, 101:3, 102:13, 105:8, 105:9, 105:12, 106:2, 111:14, 111:16, 116:4, 116:13, 116:16,</p>	<p>116:18, 120:25, 121:5, 121:10, 121:12, 121:13, 122:7, 122:9, 122:13, 122:18, 122:23, 126:15, 127:1, 128:12, 137:5, 139:23, 140:6, 140:25, 141:6, 143:12, 143:23, 145:6, 145:8, 145:14, 146:15, 146:17, 146:19, 147:10, 147:11, 148:18, 148:22, 148:23, 149:7, 149:25, 150:15, 152:9, 152:22, 153:18, 153:20, 154:9, 154:11, 154:15, 161:6, 161:10, 161:11, 162:19, 163:6, 163:8, 165:5, 167:15, 169:1, 169:6, 170:4, 172:8, 174:15, 175:5, 175:7, 175:8, 176:24, 183:6, 184:14, 184:18, 185:16, 185:17, 186:9, 186:25, 187:3, 188:11, 188:14, 188:20, 195:6, 195:12, 195:15, 195:19, 195:22, 196:1, 197:18, 198:7, 198:23, 199:20, 199:23, 200:12, 200:13, 202:24, 203:21, 204:7, 204:22, 206:5, 206:25, 207:4, 207:5, 207:12, 207:17, 207:19, 207:25, 208:10, 208:14, 208:18, 210:5, 210:23, 211:10, 211:21, 212:9, 213:5, 214:4, 214:21, 215:6, 215:25, 216:14, 217:3, 217:15, 218:1, 218:11, 218:25, 219:4, 219:13, 220:15, 220:20, 220:21, 221:14, 221:22, 222:6, 222:10, 223:4, 223:7, 223:17, 223:20, 225:5, 225:11, 226:2, 226:3, 226:6, 227:6, 227:11, 227:17, 227:24, 227:25</p>	<p>bear [1] - 207:17</p> <p>bearing [2] - 104:25, 116:9</p> <p>beat [1] - 176:18</p> <p>beautiful [4] - 122:4, 194:22, 218:5, 222:18</p> <p>became [1] - 74:16</p> <p>Becasue [1] - 100:11</p> <p>because [81] - 9:12, 32:2, 37:7, 37:21, 38:5, 52:6, 52:15, 56:6, 58:17, 59:20, 61:7, 65:7, 67:10, 67:12, 69:12, 69:22, 72:5, 72:22, 73:1, 73:2, 76:18, 77:1, 77:14, 78:4, 80:2, 80:23, 84:1, 86:11, 86:20, 89:3, 89:20, 94:3, 95:10, 95:18, 97:5, 98:24, 101:5, 101:9, 101:24, 110:6, 117:17, 118:18, 122:1, 122:22, 127:4, 140:14, 145:10, 146:3, 161:9, 164:16, 166:1, 169:14, 172:13, 173:3, 173:5, 175:2, 176:14, 177:10, 183:12, 184:22, 188:6, 188:9, 189:3, 196:18, 198:1, 199:23, 199:25, 200:4, 202:20, 203:18, 203:22, 204:22, 206:22, 210:16, 213:13, 213:16, 214:23, 216:7, 216:11, 223:2, 224:16</p> <p>Because [6] - 87:8, 90:10, 142:10, 167:10, 167:14, 168:17</p> <p>bedroom [1] - 57:25</p> <p>been [56] - 4:25, 17:18, 18:11, 19:21, 34:25, 38:5, 39:14, 39:16, 40:25, 52:25, 55:10, 57:5, 57:20, 62:15, 71:16, 71:17, 71:20, 71:21, 71:24, 74:10, 75:11, 75:24, 76:14, 77:9, 77:10, 78:16, 82:10, 93:3, 97:17, 101:5, 103:10, 103:22, 103:23, 118:6, 118:11, 118:12, 118:25, 119:22, 119:23,</p>	<p>120:5, 135:14, 135:16, 143:21, 145:2, 150:2, 160:17, 162:16, 163:19, 170:23, 183:2, 194:11, 214:3, 217:23, 219:7, 227:23</p> <p>Before [2] - 123:24, 217:21</p> <p>before [37] - 4:24, 13:8, 24:8, 28:5, 30:12, 31:2, 32:17, 44:8, 48:5, 48:10, 48:23, 51:8, 51:13, 51:17, 53:19, 55:23, 75:23, 81:18, 82:10, 90:19, 90:24, 127:2, 131:8, 142:2, 146:8, 146:22, 149:15, 152:22, 156:8, 165:20, 168:18, 169:19, 173:3, 179:8, 190:8, 212:17, 230:8</p> <p>befriended [1] - 58:18</p> <p>begin [1] - 79:9</p> <p>begins [1] - 118:22</p> <p>begs [1] - 218:15</p> <p>behalf [3] - 8:4, 8:10, 55:11</p> <p>being [19] - 9:23, 9:24, 10:8, 49:20, 58:10, 69:17, 90:8, 93:23, 96:14, 115:22, 128:14, 137:17, 153:22, 183:13, 200:8, 205:20, 213:12, 215:11, 229:4</p> <p>Bel [5] - 157:4, 160:7, 160:11, 160:23, 161:5</p> <p>believe [10] - 4:20, 48:4, 95:14, 110:2, 123:11, 125:25, 195:19, 201:19, 202:13, 214:22</p> <p>Bell [18] - 191:4, 194:18, 195:1, 195:17, 199:22, 199:25, 200:7, 200:8, 208:12, 209:17, 214:2, 218:16, 223:16, 223:19, 223:24, 225:3</p> <p>bell [9] - 195:18, 195:22, 195:23, 200:13, 213:25, 214:1, 214:5, 220:15, 222:5</p>	<p>Bells [1] - 208:21</p> <p>below [14] - 60:14, 65:12, 71:1, 71:2, 71:10, 107:18, 108:2, 108:15, 108:17, 108:20, 108:21, 108:23, 200:8</p> <p>benefit [2] - 103:18, 154:3</p> <p>Benjamin [1] - 32:11</p> <p>Bernie [3] - 27:6, 28:25, 29:2</p> <p>BERNIE [1] - 29:2</p> <p>besides [2] - 139:6, 154:4</p> <p>best [2] - 188:8, 189:6</p> <p>better [12] - 32:14, 32:15, 32:16, 34:24, 36:1, 36:9, 176:23, 186:9, 210:6, 223:7</p> <p>between [20] - 8:21, 112:2, 114:7, 114:10, 115:7, 115:11, 115:19, 145:5, 167:3, 167:12, 168:23, 173:17, 173:21, 184:19, 184:25, 185:3, 196:23, 200:19, 206:14, 222:13</p> <p>beyond [7] - 40:21, 41:1, 92:13, 207:21, 209:9, 215:20, 217:16</p> <p>big [8] - 19:4, 32:10, 69:21, 164:23, 174:10, 183:12, 220:13, 220:14</p> <p>bigger [4] - 32:21, 32:24, 168:25, 169:3</p> <p>biggest [2] - 113:21, 122:2</p> <p>bit [14] - 35:4, 58:22, 77:4, 78:13, 161:2, 169:2, 184:20, 195:7, 209:2, 219:21, 220:15, 220:21, 221:11, 221:18</p> <p>black [18] - 141:14, 143:7, 143:13, 143:23, 148:6, 161:19, 162:1, 171:19, 171:20, 196:3, 209:7, 220:22, 222:2, 223:13, 225:10, 225:15, 226:2, 227:7</p> <p>Black [4] - 143:24, 225:13, 225:14, 225:19</p>
---	--	--	---	--

<p>blade [5] - 161:21, 161:22, 163:11, 165:15, 184:23</p> <p>blank [2] - 35:6, 35:9</p> <p>bless [1] - 154:10</p> <p>block [6] - 77:8, 121:1, 121:3, 121:18, 126:18, 215:14</p> <p>Block/Lot [8] - 6:3, 14:3, 25:3, 45:3, 132:3, 157:3, 180:3, 191:3</p> <p>blockage [1] - 224:16</p> <p>blocks [1] - 83:19</p> <p>Bloomfield [4] - 77:4, 87:4, 87:8, 122:5</p> <p>blow [1] - 34:7</p> <p>blue [2] - 161:25, 162:1</p> <p>Board [63] - 1:20, 2:5, 6:21, 9:13, 15:4, 18:3, 26:4, 28:5, 29:13, 29:16, 37:15, 46:4, 48:10, 48:15, 48:20, 48:23, 49:11, 51:8, 51:11, 52:2, 54:3, 54:4, 54:5, 55:24, 63:11, 64:20, 65:17, 82:19, 87:14, 87:23, 94:20, 95:24, 96:8, 96:9, 96:10, 96:18, 96:22, 97:3, 97:7, 101:13, 102:9, 102:17, 102:18, 103:17, 103:25, 104:19, 120:14, 121:12, 123:1, 125:3, 126:2, 126:3, 126:20, 126:22, 128:8, 133:4, 137:7, 138:18, 141:12, 158:4, 181:4, 192:4, 207:20</p> <p>board [7] - 33:24, 34:5, 35:2, 35:19, 35:20, 41:1, 183:8</p> <p>Board's [4] - 30:3, 101:6, 125:7, 126:10</p> <p>Boards [1] - 125:4</p> <p>boards [1] - 7:3</p> <p>body [1] - 174:4</p> <p>bonus [1] - 224:12</p> <p>border [1] - 41:20</p> <p>bore [1] - 81:10</p> <p>boring [3] - 64:12, 66:2, 66:4</p> <p>borings [17] - 60:7, 64:14, 65:2, 65:5, 81:5, 81:9, 81:12,</p>	<p>81:21, 82:22, 82:24, 88:19, 88:22, 89:16, 91:23, 92:15, 93:1, 100:24</p> <p>both [8] - 49:16, 50:19, 50:21, 96:9, 125:11, 127:15, 162:1, 173:1</p> <p>Both [1] - 127:19</p> <p>bottleneck [1] - 208:4</p> <p>bottlenecking [1] - 209:18</p> <p>bottom [9] - 71:1, 74:7, 81:15, 165:2, 165:4, 169:12, 207:11, 222:11</p> <p>bought [1] - 100:6</p> <p>bounds [1] - 215:22</p> <p>boxes [3] - 161:12, 185:12, 185:16</p> <p>boy [1] - 57:11</p> <p>Brain [2] - 29:5, 160:22</p> <p>brakes [1] - 122:24</p> <p>brand [7] - 34:19, 195:21, 200:9, 200:10, 204:17, 204:20, 209:2</p> <p>branding [2] - 209:2, 223:25</p> <p>brass [1] - 172:17</p> <p>break [1] - 163:10</p> <p>breaks [1] - 189:5</p> <p>brick [14] - 7:21, 9:2, 9:7, 9:8, 9:12, 20:4, 105:1, 106:4, 115:2, 115:3, 115:7, 195:12, 195:14</p> <p>bricks [2] - 7:14, 8:18</p> <p>brief [2] - 5:2, 81:3</p> <p>briefly [1] - 71:7</p> <p>bright [1] - 149:1</p> <p>brighter [1] - 143:9</p> <p>bring [20] - 68:10, 68:25, 148:21, 152:23, 152:25, 164:18, 166:15, 166:19, 167:23, 168:20, 170:2, 173:13, 173:25, 175:24, 188:17, 188:18, 188:21, 197:6, 203:7, 223:10</p> <p>bringing [12] - 109:12, 117:20, 122:21, 174:23, 197:15, 197:17, 199:14, 203:9,</p>	<p>203:13, 205:14, 205:22, 207:14</p> <p>brings [2] - 173:6, 197:11</p> <p>broken [1] - 137:3</p> <p>Brooke [5] - 157:4, 160:7, 160:10, 160:23, 161:5</p> <p>Brothers [1] - 58:10</p> <p>brought [5] - 55:14, 105:9, 147:9, 186:17, 205:20</p> <p>brushed [1] - 166:13</p> <p>buckets [1] - 113:14</p> <p>budget [9] - 5:6, 5:8, 38:21, 166:1, 166:2, 172:7, 172:22, 189:4, 189:5</p> <p>budgets [1] - 188:10</p> <p>build [5] - 59:6, 91:19, 94:25, 207:2, 210:24</p> <p>building [115] - 9:3, 10:19, 38:21, 38:23, 41:12, 48:21, 50:14, 50:20, 50:21, 59:20, 59:23, 61:21, 64:9, 64:10, 65:20, 65:25, 66:3, 66:9, 69:7, 69:17, 69:23, 69:24, 75:25, 77:14, 77:20, 77:24, 79:3, 84:22, 86:1, 86:2, 87:1, 87:5, 88:11, 89:6, 89:11, 90:14, 90:20, 91:19, 92:8, 92:9, 92:20, 92:21, 94:17, 94:24, 95:15, 96:20, 96:25, 97:6, 98:2, 100:12, 100:14, 101:2, 101:3, 101:11, 101:23, 102:13, 102:19, 104:8, 104:22, 105:11, 105:17, 107:8, 107:10, 109:11, 110:11, 110:14, 110:19, 112:13, 112:17, 112:25, 113:3, 114:8, 114:21, 114:25, 115:2, 115:22, 116:4, 116:7, 116:25, 117:3, 117:14, 117:23, 118:6, 118:20, 119:8, 119:15, 119:21, 119:24, 120:13, 120:16, 120:25, 121:1, 121:6, 121:16, 122:2, 122:8, 122:10, 123:12, 125:9, 126:2,</p>	<p>126:14, 198:25, 199:6, 207:2, 207:4, 212:19, 216:15, 217:7, 218:5, 218:9, 218:13, 218:21, 220:1, 221:25, 224:4</p> <p>buildings [10] - 50:22, 79:7, 84:19, 86:2, 105:25, 109:2, 109:3, 109:6, 115:5, 115:16</p> <p>built [1] - 58:20</p> <p>bulb [1] - 137:13</p> <p>bulbs [1] - 37:1</p> <p>bulk [3] - 68:5, 69:13, 73:2</p> <p>bullet [2] - 161:16, 169:15</p> <p>bumped [1] - 167:17</p> <p>bus [1] - 31:20</p> <p>Business [1] - 2:5</p> <p>business [7] - 39:10, 51:14, 142:17, 167:6, 176:22, 219:5, 219:8</p> <p>busy [1] - 215:17</p> <p>buttresses [1] - 126:13</p> <p>buying [1] - 58:17</p> <p>BY [10] - 1:20, 6:21, 15:3, 26:3, 46:3, 46:7, 133:3, 158:3, 181:3, 192:3</p>	<p>209:17</p> <p>cafes [4] - 208:3, 211:13, 211:18, 215:8</p> <p>call [17] - 3:8, 4:6, 4:13, 11:10, 22:10, 51:1, 51:5, 56:23, 62:6, 85:6, 128:22, 144:8, 150:9, 177:21, 187:9, 198:17, 200:17</p> <p>called [1] - 72:14</p> <p>calling [1] - 50:9</p> <p>came [5] - 29:17, 55:23, 57:20, 82:20, 168:22</p> <p>Campion [1] - 137:17</p> <p>can [80] - 3:8, 7:8, 9:20, 18:18, 18:21, 19:12, 19:13, 29:22, 34:6, 38:25, 52:5, 54:4, 54:5, 54:6, 55:5, 60:5, 61:5, 63:7, 63:19, 63:25, 64:2, 69:9, 69:11, 69:16, 70:12, 71:6, 74:19, 75:24, 81:16, 85:23, 87:6, 88:12, 90:15, 91:17, 91:19, 92:4, 95:5, 98:11, 102:10, 102:19, 106:8, 107:10, 111:16, 113:22, 114:12, 117:2, 117:9, 121:24, 124:11, 124:22, 144:5, 146:8, 147:21, 149:21, 150:6, 150:15, 153:3, 153:18, 154:11, 164:17, 167:23, 169:12, 170:15, 171:23, 173:16, 176:21, 195:15, 198:7, 201:10, 204:23, 205:11, 210:3, 213:15, 220:6, 220:22, 223:2, 223:5, 224:15, 227:21</p> <p>Can [20] - 9:21, 10:18, 29:19, 33:1, 39:8, 57:13, 64:18, 64:20, 65:17, 72:10, 86:24, 88:4, 103:17, 104:19, 114:2, 120:7, 165:11, 170:3, 221:5, 221:7</p> <p>can't [22] - 18:20, 20:24, 54:19, 69:22, 87:16, 87:25, 88:7, 93:5, 102:22, 108:16, 109:21, 111:14,</p>
C				
<p>c [1] - 135:21</p> <p>C [30] - 1:17, 6:18, 13:1, 15:1, 24:1, 26:1, 44:1, 46:1, 62:15, 63:8, 131:1, 133:1, 135:14, 156:1, 158:1, 179:1, 181:1, 190:1, 192:1, 199:1, 211:3, 230:1</p> <p>C-2 [2] - 25:4, 132:4</p> <p>C.C.R [8] - 13:20, 24:20, 44:20, 131:20, 156:20, 179:20, 190:20, 230:20</p> <p>C.R.C.R [8] - 13:20, 24:20, 44:20, 131:20, 156:20, 179:20, 190:20, 230:20</p> <p>cafe [4] - 202:12, 211:9, 211:18, 212:12</p> <p>Cafe [10] - 194:20, 194:25, 197:23, 199:9, 199:24, 200:3, 200:5, 203:11, 208:9,</p>				

<p>115:23, 117:17, 173:2, 203:15, 204:14, 207:5, 210:19, 213:16, 226:3 cannot [4] - 41:9, 61:20, 79:18, 121:8 canopy [1] - 140:5 Canteen [2] - 208:13, 208:21 capacity [1] - 219:2 capital [1] - 183:9 care [2] - 115:20, 216:15 carriage [2] - 18:3, 21:22 carried [6] - 113:14, 129:21, 146:15, 150:4, 229:5, 229:11 carry [8] - 11:8, 148:3, 150:6, 150:13, 151:23, 151:24, 228:1 carrying [1] - 153:11 carve [1] - 226:14 carved [6] - 29:17, 30:5, 30:6, 31:6, 31:7, 31:8 Cascade [11] - 194:20, 194:25, 197:23, 199:8, 199:24, 200:3, 200:5, 203:11, 208:9, 209:17 case [8] - 40:25, 48:5, 69:4, 72:22, 86:11, 91:1, 119:25, 213:7 cases [3] - 75:14, 75:15, 213:7 CatCam [2] - 164:17, 168:18 catch [1] - 202:20 cause [3] - 101:22, 110:15, 111:12 cautions [1] - 40:25 cave [1] - 71:14 caveats [1] - 128:18 CBD [1] - 132:4 CBD(H) [1] - 25:4 CCR [8] - 13:18, 24:18, 44:18, 131:18, 156:18, 179:18, 190:18, 230:18 cellar [1] - 195:7 center [4] - 69:25, 110:14, 117:15, 218:13 Centered [1] - 169:7 centered [5] - 165:2, 169:6, 175:17, 184:18, 184:25 certain [7] - 52:11,</p>	<p>55:24, 90:19, 147:2, 200:9, 204:21, 222:10 certainly [6] - 34:23, 52:20, 53:20, 148:20, 168:14, 215:16 Certificate [7] - 14:5, 25:5, 45:5, 132:5, 157:5, 180:5, 191:5 Certified [16] - 13:3, 13:4, 24:3, 24:4, 44:3, 44:4, 131:3, 131:4, 156:3, 156:4, 179:3, 179:4, 190:3, 190:4, 230:3, 230:4 CERTIFIED [18] - 1:23, 1:23, 6:24, 6:24, 14:22, 14:23, 25:23, 25:23, 45:22, 45:23, 132:22, 132:23, 157:23, 157:23, 180:23, 180:23, 191:23, 191:23 certify [9] - 13:6, 24:6, 44:6, 127:19, 131:6, 156:6, 179:6, 190:6, 230:6 CERTIFY [8] - 13:11, 24:11, 44:11, 131:11, 156:11, 179:11, 190:11, 230:11 chain [2] - 110:15, 199:12 Chair [12] - 7:16, 8:1, 51:2, 113:4, 129:23, 136:10, 142:15, 146:14, 147:18, 214:14, 227:9, 228:25 CHAIR [76] - 3:19, 11:2, 11:4, 11:7, 11:16, 22:16, 40:12, 42:13, 73:18, 73:25, 74:3, 74:9, 74:13, 74:17, 74:21, 74:24, 75:3, 75:9, 75:19, 76:1, 76:10, 76:15, 76:24, 77:12, 77:25, 78:11, 94:24, 95:4, 95:8, 95:20, 96:2, 96:15, 97:11, 100:5, 100:9, 100:15, 124:2, 129:4, 136:6, 165:9, 168:13, 169:2, 169:5, 169:9, 174:22, 175:2, 175:10, 175:13, 175:20, 178:8, 184:17, 185:7, 187:7, 187:21, 196:15, 196:25, 197:21, 198:8, 198:12, 198:18, 199:19,</p>	<p>200:16, 201:5, 211:2, 212:1, 212:5, 212:11, 212:20, 216:9, 217:21, 226:12, 226:19, 226:23, 228:1, 228:15, 229:15 Chair's [1] - 87:3 CHAIRMAN [221] - 3:1, 3:21, 4:13, 4:15, 4:21, 7:1, 7:9, 7:11, 7:15, 7:25, 8:2, 9:5, 9:19, 10:4, 10:17, 10:25, 11:3, 11:10, 11:24, 12:2, 17:1, 19:17, 19:24, 21:18, 22:6, 22:10, 22:22, 23:9, 28:1, 28:7, 29:7, 29:10, 29:21, 30:1, 31:3, 33:3, 33:18, 34:22, 35:11, 35:18, 35:21, 35:25, 36:8, 36:12, 36:15, 38:15, 39:3, 39:21, 39:23, 41:7, 41:16, 41:24, 42:21, 43:1, 43:4, 48:1, 48:8, 48:12, 51:6, 58:21, 58:24, 59:2, 60:15, 60:19, 61:9, 61:23, 62:4, 63:14, 63:17, 78:2, 81:2, 85:1, 86:19, 87:8, 87:18, 88:16, 94:23, 98:3, 98:13, 98:18, 99:1, 99:11, 99:24, 102:23, 104:2, 107:14, 109:1, 109:14, 112:16, 112:20, 113:6, 116:20, 117:5, 117:12, 119:20, 120:19, 122:13, 123:6, 124:5, 125:1, 126:25, 128:3, 128:22, 129:12, 129:25, 135:1, 135:25, 136:9, 136:15, 138:11, 138:19, 138:25, 139:4, 139:12, 139:15, 139:17, 142:1, 142:8, 142:13, 142:21, 143:7, 143:12, 143:16, 144:9, 144:13, 145:12, 145:18, 146:1, 146:10, 146:23, 147:13, 147:20, 147:25, 148:18, 149:7, 149:11, 149:14, 149:20, 149:23,</p>	<p>150:9, 150:12, 150:19, 151:11, 151:25, 152:11, 152:17, 154:2, 154:11, 154:20, 155:12, 155:20, 160:1, 160:5, 160:9, 160:25, 162:6, 162:8, 162:10, 162:15, 162:21, 163:14, 165:8, 167:5, 168:5, 168:9, 169:17, 169:22, 169:25, 170:6, 170:9, 171:22, 174:8, 174:18, 176:11, 177:4, 177:7, 177:21, 178:14, 183:1, 184:7, 185:3, 185:16, 187:9, 188:2, 189:16, 194:1, 194:15, 196:5, 196:11, 196:14, 198:15, 202:6, 202:11, 205:1, 205:5, 206:12, 210:22, 214:15, 215:21, 216:4, 216:13, 217:18, 220:9, 221:1, 221:4, 221:20, 222:8, 222:22, 225:4, 225:9, 225:14, 226:9, 226:17, 226:21, 227:5, 227:20, 228:21, 228:24, 229:8, 229:13, 229:17 Chairman [29] - 1:9, 1:9, 4:7, 6:10, 6:10, 14:11, 14:11, 25:11, 25:12, 45:11, 45:11, 48:3, 48:14, 62:2, 73:16, 103:2, 121:22, 126:19, 127:2, 132:11, 132:11, 137:22, 157:11, 157:12, 180:11, 180:12, 191:11, 191:12, 201:6 challenge [1] - 122:17 chance [2] - 53:15, 57:17 change [3] - 128:11, 172:21, 221:25 changed [1] - 137:18 changes [3] - 137:1, 214:8, 224:1 changing [6] - 36:22, 136:17, 137:8, 138:17, 208:25, 209:1 channel [1] - 214:8</p>	<p>character [4] - 18:5, 20:21, 21:4, 144:21 characteristics [1] - 184:9 characters [1] - 184:15 charged [2] - 9:23, 119:11 check [4] - 70:6, 70:9, 89:16, 127:3 checks [1] - 199:7 cheesiness [1] - 173:6 cheesy [1] - 173:4 chemical [4] - 68:15, 69:12, 71:22, 91:18 children [1] - 121:17 choice [1] - 220:22 choosing [1] - 7:15 chop [1] - 112:25 chopping [1] - 207:8 Chopping [1] - 207:13 circulated [1] - 93:17 circulation [1] - 197:16 City [11] - 25:4, 33:5, 84:14, 84:16, 84:23, 84:24, 85:3, 85:25, 208:22, 213:4, 224:13 CITY [9] - 1:1, 6:1, 14:1, 25:1, 45:1, 132:1, 157:1, 180:1, 191:1 city [3] - 5:6, 41:10, 78:16 city's [1] - 3:6 City's [1] - 3:7 civil [3] - 93:24, 110:6, 125:11 claiming [1] - 96:21 clarification [2] - 51:16, 81:4 clarify [4] - 9:22, 80:15, 82:16, 111:5 clarity [1] - 78:22 Clark [1] - 62:21 classifications [1] - 224:3 classified [1] - 224:4 clean [9] - 18:16, 19:3, 59:18, 60:1, 68:10, 69:8, 73:6, 73:8, 84:5 cleaned [1] - 40:15 cleanout [1] - 120:12 cleanup [2] - 73:11, 120:17 clear [5] - 30:24, 31:9, 32:3, 107:19,</p>
---	--	--	---	---

<p>149:8 clearance [1] - 163:16 clearer [1] - 169:16 clearly [2] - 19:14, 101:21 Clerk [1] - 3:7 client [21] - 8:4, 17:7, 48:25, 49:6, 49:14, 49:16, 49:22, 50:1, 50:11, 50:16, 91:23, 125:14, 125:24, 145:6, 185:21, 186:1, 189:4, 189:9, 204:4, 207:16, 218:24 clients [2] - 96:21, 169:18 close [5] - 39:10, 83:25, 124:15, 152:16, 167:11 closed [2] - 99:22, 124:21 closely [1] - 165:12 closer [3] - 167:23, 169:11, 184:20 closeup [2] - 18:17, 18:21 closing [2] - 92:16, 124:22 clothing [2] - 160:24, 163:22 coat [1] - 30:25 coated [3] - 31:9, 161:19, 171:18 code [6] - 101:19, 183:18, 195:9, 212:12, 213:18, 215:24 collapse [1] - 111:25 collapsing [1] - 71:4 collected [1] - 94:6 color [22] - 33:12, 33:13, 140:23, 141:6, 141:8, 141:9, 141:18, 143:2, 144:20, 146:19, 148:21, 153:9, 164:5, 165:12, 208:24, 208:25, 209:3, 209:10, 221:25, 222:16, 225:6, 225:12 colored [1] - 208:19 colorized [1] - 227:6 colors [10] - 7:18, 10:12, 140:25, 141:6, 145:21, 148:25, 183:8, 183:23, 183:24, 195:25 combined [2] - 128:14, 146:18</p>	<p>Come [1] - 92:6 come [30] - 40:3, 41:22, 50:11, 54:15, 59:9, 78:5, 80:22, 85:8, 92:22, 100:10, 110:16, 121:23, 122:21, 123:2, 126:1, 126:3, 128:7, 146:16, 146:22, 149:5, 152:22, 169:19, 198:14, 199:12, 216:1, 223:12, 225:4, 226:18, 226:21 comes [9] - 41:13, 51:13, 51:17, 102:9, 198:22, 201:23, 202:13, 202:16, 217:14 comfortable [3] - 9:16, 11:1, 148:23 coming [10] - 97:20, 145:4, 162:23, 170:11, 196:16, 196:17, 200:1, 211:8, 211:15, 227:1 comment [9] - 21:6, 33:21, 96:22, 118:9, 118:24, 120:7, 172:1, 188:6, 220:11 commentary [1] - 143:19 comments [14] - 8:13, 20:25, 23:8, 31:4, 33:18, 53:15, 54:9, 120:19, 124:4, 124:10, 124:18, 124:21, 171:23, 174:8 Comments [4] - 19:17, 41:8, 41:17, 220:9 commercial [4] - 72:16, 136:3, 136:19, 136:24 commission [8] - 13:21, 24:21, 44:21, 131:21, 156:21, 179:21, 190:21, 230:21 COMMISSION [11] - 1:1, 1:3, 6:1, 14:1, 25:1, 45:1, 127:18, 132:1, 157:1, 180:1, 191:1 Commission [41] - 3:4, 20:2, 41:11, 48:24, 49:4, 49:13, 51:19, 52:17, 52:18, 52:23, 53:5, 53:6, 53:8, 53:9, 54:9, 55:17, 56:3, 56:9,</p>	<p>56:19, 59:10, 60:23, 60:25, 63:16, 71:5, 82:19, 103:3, 119:12, 120:21, 123:9, 123:14, 124:4, 125:3, 125:24, 127:5, 128:9, 144:23, 149:21, 152:23, 170:4, 183:18, 217:24 Commission's [1] - 102:5 COMMISSIONER [410] - 3:10, 3:12, 3:14, 3:16, 3:22, 4:1, 4:4, 4:7, 4:12, 4:17, 7:4, 7:7, 7:16, 8:1, 8:3, 8:8, 8:11, 8:19, 8:24, 9:6, 9:21, 10:18, 10:22, 11:9, 11:12, 11:14, 11:18, 11:20, 11:22, 12:1, 19:18, 20:1, 20:7, 20:11, 20:19, 20:22, 21:1, 21:6, 21:8, 21:10, 21:11, 21:17, 22:4, 22:7, 22:9, 22:12, 22:14, 22:18, 22:20, 22:24, 23:1, 23:2, 29:22, 30:14, 30:18, 30:21, 31:6, 31:10, 31:13, 31:15, 31:23, 32:4, 32:7, 32:12, 33:1, 33:4, 33:13, 33:17, 33:20, 34:4, 34:13, 34:16, 36:18, 36:20, 37:3, 37:10, 37:11, 39:8, 39:19, 39:22, 39:25, 41:18, 42:1, 42:6, 42:9, 42:11, 42:15, 42:17, 42:19, 42:23, 42:25, 51:2, 51:7, 53:22, 54:12, 54:19, 54:25, 55:20, 56:15, 78:9, 78:12, 78:19, 78:24, 80:15, 80:21, 81:1, 81:3, 81:8, 81:16, 82:2, 82:9, 82:15, 82:22, 83:1, 83:9, 83:15, 84:3, 85:16, 85:23, 86:8, 86:17, 87:2, 87:12, 87:21, 92:1, 92:24, 93:22, 94:21, 97:12, 97:19, 97:23, 107:16, 107:23, 108:6, 108:14, 108:18, 108:25, 109:17, 109:23, 110:5, 110:17, 110:23, 111:2, 111:3, 111:13,</p>	<p>112:1, 112:5, 112:14, 113:4, 113:7, 114:2, 114:19, 114:20, 114:23, 115:4, 115:14, 116:3, 116:8, 116:12, 116:17, 117:13, 117:25, 118:2, 118:23, 120:7, 120:20, 123:7, 127:17, 127:21, 127:22, 128:4, 128:17, 128:21, 128:25, 129:2, 129:6, 129:8, 129:10, 129:14, 129:16, 129:23, 137:22, 138:1, 138:3, 138:6, 138:7, 138:9, 139:5, 139:14, 139:19, 139:24, 140:4, 140:8, 140:9, 140:13, 140:17, 140:20, 141:1, 141:13, 141:17, 141:20, 141:22, 141:25, 142:15, 142:20, 142:24, 143:10, 143:14, 143:18, 143:20, 143:25, 144:4, 144:7, 144:10, 144:17, 145:15, 145:24, 146:2, 146:11, 146:14, 146:24, 147:3, 147:7, 147:11, 147:14, 147:18, 148:2, 148:7, 149:2, 149:12, 149:17, 150:10, 150:17, 150:21, 150:23, 150:25, 151:2, 151:5, 151:7, 151:9, 151:13, 151:16, 151:19, 151:21, 152:4, 152:12, 152:20, 152:25, 153:2, 153:5, 153:24, 154:1, 154:3, 154:7, 154:13, 154:18, 154:23, 154:25, 155:2, 155:4, 155:6, 155:8, 155:10, 155:16, 162:22, 163:5, 163:18, 163:24, 164:2, 164:11, 164:14, 165:1, 165:6, 165:11, 165:14, 165:17, 165:21, 166:4, 166:9, 166:12, 166:24, 167:7, 167:10, 167:19, 168:2, 168:7,</p>	<p>170:14, 171:9, 171:12, 171:16, 171:25, 172:10, 172:18, 172:23, 173:9, 173:15, 173:20, 173:23, 174:3, 174:9, 174:11, 176:2, 176:13, 176:18, 176:25, 177:6, 177:9, 177:13, 177:16, 177:18, 177:20, 177:23, 177:25, 178:2, 178:4, 178:6, 178:10, 178:12, 184:2, 185:14, 185:20, 185:21, 186:3, 186:7, 186:13, 186:15, 186:19, 186:21, 187:5, 187:8, 187:11, 187:13, 187:15, 187:17, 187:19, 187:23, 187:25, 188:11, 188:14, 188:19, 188:22, 189:7, 189:12, 198:24, 199:5, 199:11, 201:6, 201:20, 202:1, 202:4, 202:15, 202:22, 203:17, 204:4, 204:11, 205:9, 205:11, 205:13, 205:21, 206:3, 206:8, 206:13, 206:19, 207:7, 207:13, 207:18, 208:17, 209:4, 209:8, 209:25, 210:4, 210:11, 213:2, 214:14, 214:16, 214:19, 215:9, 216:3, 216:6, 216:10, 216:16, 217:20, 218:19, 219:6, 219:24, 220:2, 220:4, 222:4, 223:8, 223:15, 224:17, 224:23, 225:18, 225:20, 226:6, 226:13, 227:9, 227:16, 228:3, 228:5, 228:7, 228:9, 228:11, 228:13, 228:17, 228:19, 228:25, 229:4, 229:6, 229:9 Commissioner [149] - 1:10, 1:10, 1:11, 1:11, 1:12, 3:9, 3:11, 3:13, 3:15, 3:17, 3:18, 3:20, 4:3, 4:16, 6:11, 6:11, 6:12, 6:12, 6:13, 10:24, 11:11, 11:13,</p>
--	--	--	--	---

<p>11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 14:12, 14:12, 14:13, 14:13, 14:14, 22:11, 22:13, 22:15, 22:17, 22:19, 22:21, 22:23, 22:25, 23:4, 25:12, 25:13, 25:13, 25:14, 25:14, 42:8, 42:10, 42:12, 42:14, 42:16, 42:18, 42:20, 42:22, 42:24, 45:12, 45:12, 45:13, 45:13, 45:14, 81:24, 91:21, 115:12, 119:5, 123:8, 128:24, 129:1, 129:3, 129:5, 129:7, 129:9, 129:11, 129:13, 129:15, 132:12, 132:12, 132:13, 132:13, 132:14, 150:20, 150:22, 150:24, 151:1, 151:3, 151:4, 151:6, 151:8, 151:10, 152:21, 154:22, 154:24, 155:1, 155:3, 155:5, 155:7, 155:9, 155:11, 157:12, 157:13, 157:13, 157:14, 157:14, 166:25, 177:22, 177:24, 178:1, 178:3, 178:5, 178:7, 178:9, 178:11, 178:13, 180:12, 180:13, 180:13, 180:14, 180:14, 187:10, 187:12, 187:14, 187:16, 187:18, 187:20, 187:22, 187:24, 188:1, 191:12, 191:13, 191:13, 191:14, 191:14, 205:10, 206:12, 215:10, 215:12, 223:11, 227:2, 227:10, 228:4, 228:6, 228:8, 228:10, 228:12, 228:14, 228:16, 228:18, 228:20</p> <p>Commissioners ^[10] - 124:25, 138:10, 165:10, 165:13, 170:17, 171:8, 171:21, 175:21, 176:17, 226:8</p> <p>common ^[2] - 52:22, 86:3</p> <p>communication ^[1] - 145:5</p>	<p>communications ^[1] - 5:11</p> <p>communities ^[1] - 40:3</p> <p>community ^[3] - 57:22, 57:23, 176:22</p> <p>compact ^[1] - 106:7</p> <p>company ^[5] - 79:15, 99:13, 99:14, 166:8, 172:15</p> <p>compared ^[1] - 167:2</p> <p>compartment ^[2] - 203:5, 205:19</p> <p>compelled ^[1] - 40:1</p> <p>compelling ^[1] - 120:10</p> <p>complement ^[2] - 19:8, 19:10</p> <p>complete ^[3] - 66:6, 72:2, 116:5</p> <p>completely ^[6] - 35:2, 100:23, 122:11, 167:9, 211:17, 222:15</p> <p>completion ^[1] - 54:7</p> <p>complex ^[2] - 79:15, 119:4</p> <p>compliance ^[4] - 199:1, 211:19, 211:20, 211:21</p> <p>compliant ^[4] - 198:10, 205:2, 206:2, 206:9</p> <p>comply ^[1] - 199:3</p> <p>compounds ^[1] - 67:14</p> <p>compromise ^[1] - 174:13</p> <p>compromised ^[1] - 114:25</p> <p>concept ^[3] - 20:12, 21:15, 176:7</p> <p>concern ^[2] - 113:21, 118:21</p> <p>concerned ^[5] - 77:13, 89:3, 148:13, 212:16, 213:23</p> <p>concerning ^[1] - 172:3</p> <p>concerns ^[1] - 218:4</p> <p>concluded ^[7] - 12:3, 23:10, 43:5, 130:3, 155:23, 178:17, 189:17</p> <p>conclusion ^[1] - 107:6</p> <p>concrete ^[2] - 108:4, 114:16</p> <p>condition ^[5] - 120:10, 123:3, 125:25, 172:19, 195:7</p>	<p>conditioner ^[1] - 137:4</p> <p>conditions ^[8] - 55:25, 56:7, 56:13, 79:11, 125:10, 125:21, 128:6, 212:22</p> <p>condo ^[2] - 92:8, 93:11</p> <p>condominium ^[1] - 58:14</p> <p>confer ^[3] - 138:18, 165:13, 226:8</p> <p>configuration ^[2] - 153:15, 222:9</p> <p>confirm ^[2] - 210:3, 222:4</p> <p>confirmation ^[1] - 127:6</p> <p>conflict ^[1] - 115:22</p> <p>confusion ^[1] - 160:3</p> <p>connection ^[2] - 96:12, 115:19</p> <p>consensus ^[1] - 41:23</p> <p>consider ^[12] - 56:1, 121:15, 121:16, 123:18, 128:8, 173:16, 174:13, 174:14, 176:3, 186:7, 219:8, 223:19</p> <p>consideration ^[1] - 96:5</p> <p>considered ^[1] - 139:6</p> <p>consistent ^[5] - 20:20, 21:4, 146:17, 146:20, 148:14</p> <p>consolidated ^[1] - 153:2</p> <p>construction ^[4] - 18:2, 71:21, 71:22</p> <p>consultant ^[4] - 49:1, 59:13, 60:8, 61:8</p> <p>contain ^[1] - 78:13</p> <p>contaminants ^[1] - 66:11</p> <p>contaminated ^[5] - 68:24, 76:7, 76:12, 84:6, 90:3</p> <p>contaminating ^[1] - 67:13</p> <p>contamination ^[28] - 49:3, 49:18, 50:17, 50:23, 52:13, 64:6, 64:7, 64:19, 64:23, 65:11, 65:16, 66:17, 66:24, 67:9, 67:17, 68:5, 75:20, 77:3, 77:9, 77:15, 77:19, 93:8, 99:19, 100:8,</p>	<p>115:20, 118:18</p> <p>contemplating ^[2] - 68:20, 69:20</p> <p>contemporary ^[1] - 21:25</p> <p>contention ^[1] - 172:11</p> <p>contents ^[1] - 65:1</p> <p>contingent ^[1] - 100:13</p> <p>continuation ^[1] - 215:6</p> <p>Continue ^[2] - 5:15, 138:21</p> <p>continue ^[7] - 20:14, 57:23, 67:21, 96:25, 121:17, 150:17, 189:8</p> <p>continues ^[1] - 73:8</p> <p>continuing ^[1] - 69:8</p> <p>contractor ^[11] - 74:12, 79:12, 79:14, 80:17, 98:6, 98:9, 99:2, 99:15, 99:18, 99:20, 100:2</p> <p>contractors ^[4] - 61:5, 61:6, 92:19, 94:10</p> <p>contrary ^[1] - 21:14</p> <p>conversation ^[1] - 221:16</p> <p>convinced ^[2] - 84:8, 84:9</p> <p>cooler ^[1] - 147:8</p> <p>copy ^[1] - 99:13</p> <p>corner ^[5] - 19:2, 20:15, 66:2, 66:4, 89:6</p> <p>cornice ^[3] - 162:3, 174:16, 194:24</p> <p>corporate ^[10] - 144:1, 144:2, 146:21, 148:25, 167:8, 221:12, 221:17, 225:2, 226:5, 226:24</p> <p>Correct ^[11] - 61:13, 61:22, 100:1, 104:9, 135:6, 139:3, 140:3, 140:7, 140:16, 150:19, 205:4</p> <p>correct ^[16] - 55:5, 70:7, 70:15, 83:5, 87:11, 88:8, 93:4, 104:8, 104:17, 114:21, 117:22, 138:13, 150:7, 150:8, 199:21, 205:16</p> <p>correctly ^[1] - 129:18</p> <p>corridor ^[1] - 19:6</p> <p>cost ^[6] - 84:21, 84:22, 84:25, 174:1,</p>	<p>207:17</p> <p>costly ^[1] - 40:6</p> <p>could ^[66] - 5:1, 9:10, 20:12, 20:22, 23:5, 35:4, 35:7, 35:8, 35:16, 37:12, 37:14, 50:6, 50:14, 58:3, 59:22, 59:24, 60:19, 61:16, 79:22, 86:14, 86:25, 94:17, 96:24, 101:3, 102:7, 110:15, 111:11, 114:17, 115:8, 141:11, 148:18, 149:8, 152:1, 164:2, 166:14, 167:17, 168:1, 172:8, 173:13, 175:20, 175:23, 175:24, 176:25, 185:14, 185:16, 188:8, 189:7, 206:15, 206:25, 215:25, 216:1, 219:8, 219:17, 220:4, 220:7, 220:20, 221:16, 225:5, 226:2, 226:3, 226:4, 226:6, 227:5, 227:11, 227:24</p> <p>Could ^[5] - 63:1, 121:23, 138:3, 150:10, 162:22</p> <p>couldn't ^[5] - 89:2, 89:20, 92:20, 99:21, 199:17</p> <p>Council ^[1] - 213:4</p> <p>counsel ^[19] - 13:12, 13:15, 24:12, 24:15, 44:12, 44:15, 51:12, 96:16, 131:12, 131:15, 156:12, 156:15, 179:12, 179:15, 190:12, 190:15, 210:3, 230:12, 230:15</p> <p>Counsel ^[1] - 210:4</p> <p>counsel's ^[1] - 51:18</p> <p>counting ^[1] - 138:8</p> <p>counts ^[2] - 215:2, 215:20</p> <p>couple ^[9] - 58:2, 69:15, 88:17, 90:16, 110:8, 119:1, 139:7, 165:4, 224:1</p> <p>course ^[2] - 110:22, 223:8</p> <p>courses ^[1] - 9:1</p> <p>court ^[4] - 51:23, 52:13, 52:25, 54:22</p> <p>COURT ^[18] - 1:23, 1:23, 6:24, 6:24, 14:22, 14:23, 25:23,</p>
---	---	---	---	--

<p>25:23, 45:22, 45:23, 132:22, 132:23, 157:23, 157:23, 180:23, 180:23, 191:23, 191:23</p> <p>Court [31] - 2:8, 13:3, 13:4, 14:3, 14:4, 17:1, 17:7, 18:3, 18:5, 20:21, 21:4, 21:22, 24:3, 24:4, 44:3, 44:4, 52:7, 53:2, 131:3, 131:4, 156:3, 156:4, 177:12, 177:15, 179:3, 179:4, 190:3, 190:4, 217:5, 230:3, 230:4</p> <p>courtyard [2] - 20:14, 21:9</p> <p>cover [2] - 137:6, 138:12</p> <p>covered [2] - 5:2, 94:4</p> <p>crafted [1] - 127:1</p> <p>crazy [1] - 31:16</p> <p>CRCR [8] - 13:18, 24:18, 44:18, 131:18, 156:18, 179:18, 190:18, 230:18</p> <p>create [4] - 67:24, 112:24, 208:4, 213:17</p> <p>creates [2] - 83:25, 213:13</p> <p>creative [1] - 220:7</p> <p>creep [1] - 40:20</p> <p>Cricco [18] - 1:12, 4:3, 6:13, 14:14, 22:25, 25:15, 42:24, 45:14, 129:15, 132:14, 151:8, 155:9, 157:15, 178:11, 180:15, 187:24, 191:15, 228:18</p> <p>CRICCO [13] - 4:4, 23:1, 42:25, 127:18, 127:22, 129:16, 151:9, 155:10, 164:2, 178:12, 187:25, 222:4, 228:19</p> <p>Cristin [10] - 1:12, 6:13, 14:14, 25:15, 45:14, 127:13, 132:14, 157:15, 180:15, 191:15</p> <p>criteria [5] - 49:24, 72:21, 126:7, 126:8, 126:9</p> <p>cross [3] - 53:16, 54:4, 212:25</p> <p>cross-examine [2] - 53:16, 54:4</p>	<p>crowded [2] - 215:11, 220:16</p> <p>curb [3] - 201:16, 212:24, 215:13</p> <p>curling [1] - 144:11</p> <p>current [3] - 33:9, 198:11, 203:11</p> <p>Currently [2] - 195:3, 200:7</p> <p>currently [7] - 118:20, 127:5, 148:15, 198:5, 201:4, 206:15, 209:11</p> <p>curved [1] - 161:23</p> <p>customers [1] - 200:15</p> <p>cut [9] - 21:12, 117:9, 172:17, 183:7, 195:23, 212:9, 214:4, 214:9</p>	<p>90:12, 101:13, 121:10, 123:19, 125:8</p> <p>deck [1] - 99:5</p> <p>decontamination [2] - 90:19, 90:23</p> <p>decorative [4] - 18:11, 18:15, 222:20, 222:23</p> <p>deemed [3] - 118:7, 118:12</p> <p>deep [1] - 67:8</p> <p>deeper [4] - 107:22, 113:17, 113:24, 148:5</p> <p>defer [3] - 166:24, 168:8, 174:7</p> <p>defined [1] - 66:16</p> <p>Definitely [1] - 37:11</p> <p>definitely [3] - 188:17, 195:15, 203:16</p> <p>deflection [1] - 116:22</p> <p>Deka [5] - 132:4, 140:22, 142:16, 145:19, 145:24</p> <p>Deka [1] - 143:15</p> <p>demo [2] - 96:14</p> <p>demolish [7] - 49:5, 61:20, 88:11, 90:14, 101:24, 102:10, 107:10</p> <p>demolished [6] - 50:14, 77:14, 96:21, 102:13, 105:12, 126:15</p> <p>demolishing [4] - 49:9, 50:20, 84:22, 86:5</p> <p>demolition [14] - 48:18, 48:20, 48:22, 49:24, 84:17, 96:6, 96:11, 96:12, 101:19, 101:23, 102:10, 123:21, 126:22, 128:5</p> <p>demonstrable [1] - 85:9</p> <p>demonstrating [1] - 137:24</p> <p>denied [7] - 56:7, 82:12, 91:24, 92:10, 145:13, 145:16, 151:24</p> <p>Denied [1] - 151:25</p> <p>Dennis [4] - 25:5, 27:5, 28:3, 28:22</p> <p>density [3] - 30:6, 30:16, 95:7</p> <p>Density [1] - 36:14</p> <p>deny [1] - 150:6</p> <p>denying [1] - 96:6</p>	<p>DEP [18] - 66:12, 66:16, 67:19, 68:7, 69:1, 69:2, 70:14, 90:10, 90:11, 90:18, 90:22, 91:1, 91:5, 91:12, 93:2, 99:2, 100:3, 118:7</p> <p>DEP's [2] - 61:16, 66:13</p> <p>department [4] - 170:15, 198:25, 199:7, 212:19</p> <p>depending [1] - 96:10</p> <p>depends [6] - 69:4, 75:13, 90:9, 109:8, 207:1, 215:24</p> <p>depicting [1] - 164:12</p> <p>depth [3] - 60:13, 108:2, 211:21</p> <p>describe [6] - 50:17, 63:20, 64:18, 84:4, 137:14, 141:23</p> <p>described [1] - 78:1</p> <p>describes [1] - 94:3</p> <p>describing [1] - 18:24</p> <p>design [10] - 5:13, 18:2, 18:7, 19:4, 21:20, 48:25, 56:1, 128:7, 186:14, 197:10</p> <p>designation [1] - 186:22</p> <p>designed [2] - 66:15, 126:3</p> <p>designer [4] - 140:25, 141:4, 141:7, 142:6</p> <p>designers [1] - 221:12</p> <p>designs [2] - 186:8, 225:5</p> <p>desire [2] - 95:3, 95:6</p> <p>desires [2] - 123:14, 123:15</p> <p>desperately [1] - 176:12</p> <p>destabilize [3] - 111:11, 111:23, 114:1</p> <p>destroyed [2] - 120:25, 121:13</p> <p>detail [2] - 18:17, 35:3</p> <p>detailed [1] - 86:13</p> <p>detailing [2] - 18:6, 19:8</p> <p>details [1] - 200:20</p> <p>deteriorated [2] -</p>	<p>106:5, 110:3</p> <p>determination [2] - 51:11, 97:9</p> <p>determine [3] - 49:2, 59:24, 94:10</p> <p>determined [4] - 59:11, 60:3, 96:20, 118:16</p> <p>developed [1] - 58:10</p> <p>developer's [2] - 184:4, 184:5</p> <p>developers [1] - 58:11</p> <p>development [2] - 126:11, 185:24</p> <p>Development [8] - 160:7, 163:3, 180:4, 183:6, 184:2, 184:18, 185:23, 186:12</p> <p>dewater [1] - 90:2</p> <p>dewatering [7] - 71:3, 71:6, 89:24, 90:1, 105:4, 107:3, 113:25</p> <p>diagonally [1] - 65:24</p> <p>diagram [1] - 117:21</p> <p>dialog [1] - 174:4</p> <p>dialogue [1] - 120:22</p> <p>diaphragm [7] - 107:1, 111:23, 112:2, 112:12, 113:1</p> <p>Did [5] - 41:22, 155:15, 186:7, 204:4, 225:15</p> <p>did [33] - 4:6, 39:17, 55:14, 60:2, 60:7, 65:1, 81:10, 81:11, 81:21, 91:23, 92:15, 93:10, 94:8, 94:16, 94:19, 96:20, 99:14, 100:3, 101:6, 101:14, 102:18, 117:11, 126:7, 127:17, 127:18, 149:19, 165:6, 165:8, 165:9, 168:21, 171:9, 209:19, 218:24</p> <p>didn't [27] - 19:20, 21:7, 29:13, 55:22, 57:18, 63:5, 88:25, 92:12, 98:15, 98:25, 99:21, 100:9, 102:2, 102:17, 102:18, 122:23, 136:21, 143:10, 151:13, 151:16, 169:13, 198:14, 198:16, 199:8</p> <p>difference [8] - 7:18,</p>
D				
<p>D [11] - 2:1, 16:1, 27:1, 47:1, 103:10, 103:16, 134:1, 135:14, 159:1, 182:1, 193:1</p> <p>damage [2] - 79:6, 109:2</p> <p>danger [3] - 105:15, 106:13, 111:24</p> <p>dark [1] - 37:8</p> <p>darker [1] - 148:5</p> <p>data [1] - 94:6</p> <p>date [13] - 13:9, 24:9, 44:9, 81:5, 81:8, 81:10, 81:11, 104:14, 131:9, 156:9, 179:9, 190:9, 230:9</p> <p>dated [4] - 78:16, 94:2, 104:11</p> <p>dates [1] - 81:22</p> <p>datum [1] - 165:2</p> <p>David [1] - 103:16</p> <p>day [5] - 38:8, 39:11, 40:7, 203:11, 208:9</p> <p>deal [5] - 49:3, 69:16, 77:19, 97:25, 98:25</p> <p>dealing [3] - 109:7, 109:25, 188:9</p> <p>death [1] - 176:19</p> <p>decided [3] - 98:24, 121:13, 208:15</p> <p>decides [1] - 56:10</p> <p>decision [16] - 40:7, 51:20, 52:18, 54:10, 54:13, 54:18, 55:18, 56:19, 61:4, 82:19,</p>				

<p>8:21, 72:22, 73:1, 115:10, 116:14, 173:17, 210:23</p> <p>Different [1] - 186:15</p> <p>different [31] - 53:18, 68:9, 74:12, 77:17, 77:21, 78:7, 80:19, 84:24, 85:14, 86:11, 101:25, 119:1, 119:12, 136:4, 139:8, 143:4, 143:5, 173:10, 173:11, 173:13, 173:21, 174:15, 186:14, 187:3, 195:19, 195:25, 198:1, 217:12, 220:6, 222:14, 224:3</p> <p>differential [2] - 206:14, 206:22</p> <p>differentiate [1] - 114:3</p> <p>differently [1] - 114:24</p> <p>difficult [7] - 58:16, 80:9, 80:16, 86:15, 106:2, 195:8, 202:24</p> <p>difficulties [1] - 79:1</p> <p>dig [5] - 68:23, 71:9, 75:25, 99:5</p> <p>digging [1] - 113:12</p> <p>diligence [4] - 59:14, 60:2, 92:17, 100:6</p> <p>dimensional [1] - 172:16</p> <p>dimensions [1] - 202:8</p> <p>diminished [1] - 204:7</p> <p>directed [1] - 95:17</p> <p>direction [2] - 65:23, 65:24</p> <p>directly [2] - 37:21, 219:7</p> <p>dirt [2] - 31:16, 113:14</p> <p>disagree [1] - 102:14</p> <p>discovery [2] - 50:12, 52:9</p> <p>discretion [1] - 153:21</p> <p>discuss [2] - 218:18, 220:23</p> <p>discussed [1] - 115:15</p> <p>discussion [7] - 96:24, 150:14, 150:18, 152:15, 153:14, 161:2, 225:19</p> <p>discussions [1] - 218:6</p>	<p>disfigures [1] - 218:21</p> <p>dislodged [1] - 49:20</p> <p>disposed [1] - 90:4</p> <p>disrupt [5] - 106:3, 106:8, 107:4, 110:13</p> <p>disrupting [1] - 22:1</p> <p>dissident [1] - 167:4</p> <p>distance [6] - 117:4, 117:9, 164:21, 168:23, 175:11, 196:23</p> <p>distill [1] - 153:12</p> <p>distinguish [1] - 7:25</p> <p>district [3] - 101:9, 146:20, 225:21</p> <p>districts [1] - 172:5</p> <p>disturbing [1] - 75:25</p> <p>Dlugos [1] - 103:15</p> <p>Dlugosz [2] - 47:7, 103:3</p> <p>DLUGOSZ [1] - 103:9</p> <p>DO [8] - 13:11, 24:11, 44:11, 131:11, 156:11, 179:11, 190:11, 230:11</p> <p>do [138] - 5:7, 7:10, 10:11, 13:5, 17:11, 17:12, 17:17, 21:21, 22:6, 24:5, 28:16, 28:17, 28:18, 33:6, 34:6, 35:11, 35:19, 36:1, 38:4, 38:9, 38:25, 40:8, 42:1, 44:5, 50:12, 55:4, 57:4, 58:12, 59:21, 60:1, 61:6, 61:20, 62:14, 63:20, 63:24, 66:11, 68:1, 68:4, 68:10, 68:14, 68:19, 69:11, 70:18, 70:23, 71:9, 73:6, 73:9, 75:5, 89:2, 89:10, 89:15, 90:7, 91:13, 91:23, 92:12, 93:1, 93:15, 94:16, 95:12, 95:14, 95:17, 98:4, 98:15, 99:15, 101:4, 101:8, 101:16, 101:24, 103:9, 105:9, 105:25, 107:24, 109:1, 109:4, 111:17, 112:23, 113:1, 119:4, 120:1, 120:6, 120:17, 123:11, 124:17, 125:13, 127:23, 131:5, 135:11, 135:12, 142:18,</p>	<p>144:8, 152:1, 153:20, 154:8, 154:10, 156:5, 160:5, 160:8, 160:10, 168:21, 169:19, 169:21, 169:25, 170:11, 172:15, 173:2, 179:5, 186:18, 188:17, 189:2, 189:6, 190:5, 194:21, 198:16, 201:11, 203:6, 204:16, 207:9, 208:20, 210:6, 210:9, 210:10, 210:19, 213:16, 213:24, 220:14, 222:9, 222:14, 223:5, 223:12, 224:8, 224:10, 224:11, 224:14, 225:18, 226:22, 230:5</p> <p>Do [17] - 17:9, 17:15, 28:14, 31:23, 57:2, 61:1, 62:12, 85:20, 103:7, 110:5, 127:24, 135:9, 141:9, 141:17, 141:19, 160:13, 194:5</p> <p>do-it-yourself [2] - 7:10, 98:4</p> <p>doable [3] - 69:13, 70:4, 80:14</p> <p>document [1] - 145:8</p> <p>Documents [1] - 138:5</p> <p>does [15] - 31:2, 53:24, 62:2, 72:9, 89:25, 90:1, 107:24, 107:25, 114:23, 128:21, 151:23, 189:9, 196:19, 204:20, 219:4</p> <p>Does [5] - 63:11, 103:25, 115:25, 137:25, 185:21</p> <p>doesn't [17] - 10:2, 19:22, 72:21, 72:25, 75:16, 128:11, 146:3, 163:19, 167:12, 173:4, 184:14, 210:13, 213:17, 223:1, 225:21, 225:23</p> <p>doing [10] - 8:5, 8:12, 38:5, 58:12, 71:24, 76:11, 164:18, 195:11, 216:18, 218:21</p> <p>domino [1] - 216:19</p> <p>don't [98] - 4:8, 4:20, 9:5, 9:19, 10:7, 10:9, 17:9, 28:10, 32:21, 36:18, 36:23, 37:7,</p>	<p>38:14, 38:20, 40:1, 40:10, 41:19, 64:17, 70:22, 72:5, 73:3, 73:12, 77:19, 78:10, 80:13, 80:14, 83:3, 84:1, 86:17, 91:10, 92:4, 102:14, 114:4, 115:10, 116:15, 116:23, 118:8, 119:25, 120:15, 122:3, 137:23, 137:24, 139:12, 142:2, 144:22, 146:5, 147:19, 152:5, 152:6, 152:15, 153:10, 154:9, 163:9, 163:20, 164:17, 165:5, 168:10, 168:18, 170:9, 172:5, 177:9, 185:23, 185:25, 194:22, 199:7, 200:3, 201:24, 202:7, 204:12, 205:17, 207:16, 207:19, 208:14, 209:15, 209:18, 209:25, 210:7, 210:21, 210:25, 211:22, 213:2, 213:9, 213:12, 213:15, 216:21, 217:2, 217:9, 217:10, 217:11, 218:22, 218:25, 219:18, 220:13, 224:16, 224:25, 225:22, 227:22, 229:6</p> <p>Done [1] - 98:16</p> <p>done [33] - 21:21, 39:16, 64:14, 75:2, 78:9, 78:11, 81:22, 81:24, 82:24, 84:10, 86:24, 86:25, 87:6, 88:19, 88:22, 89:18, 91:7, 100:24, 101:3, 101:5, 105:8, 106:14, 107:12, 111:14, 113:11, 113:13, 118:24, 124:25, 146:21, 208:22, 214:20, 217:3</p> <p>Donuts [3] - 145:16, 208:1, 213:21</p> <p>door [23] - 19:2, 19:12, 19:13, 19:15, 39:12, 93:13, 137:5, 170:5, 170:19, 183:5, 184:20, 186:24, 195:11, 196:10, 196:19, 196:24, 197:4, 203:23, 210:20, 219:9,</p>	<p>219:10, 227:4</p> <p>doors [5] - 18:9, 18:18, 145:3, 195:5, 196:16</p> <p>doorway [3] - 218:1, 218:2, 218:13</p> <p>double [2] - 18:18, 173:24</p> <p>doubt [1] - 79:13</p> <p>down [49] - 7:8, 8:23, 20:24, 28:4, 29:23, 29:24, 38:8, 39:10, 40:21, 55:22, 58:13, 59:12, 59:19, 59:23, 60:6, 65:9, 70:18, 80:23, 87:1, 92:19, 92:20, 100:12, 100:14, 108:10, 110:16, 114:9, 117:9, 119:17, 122:24, 125:9, 138:9, 140:18, 146:6, 146:9, 146:19, 148:15, 152:16, 163:9, 164:18, 174:17, 189:5, 200:1, 203:6, 207:15, 209:18, 218:9, 220:17, 220:25, 223:12</p> <p>downing [1] - 9:25</p> <p>downside [1] - 174:23</p> <p>downstairs [3] - 205:3, 205:18, 206:7</p> <p>downstream [1] - 216:5</p> <p>dramatic [1] - 19:19</p> <p>draw [1] - 148:12</p> <p>drawing [2] - 153:3, 164:24</p> <p>drawings [3] - 168:19, 188:18, 189:1</p> <p>drifting [1] - 77:24</p> <p>drill [1] - 146:6</p> <p>drilled [1] - 65:2</p> <p>drillings [1] - 64:9</p> <p>drinking [1] - 208:3</p> <p>drive [1] - 224:11</p> <p>drive-throughs [1] - 224:11</p> <p>driving [1] - 147:4</p> <p>due [6] - 59:14, 60:2, 86:16, 92:16, 100:6, 204:19</p> <p>duly [8] - 17:18, 57:5, 62:16, 103:10, 135:14, 135:16, 160:17, 194:11</p> <p>Dunkin' [3] - 145:16, 208:1, 213:21</p>
---	--	--	--	---

<p>during [3] - 38:11, 82:25, 208:5</p>	<p>elevation [6] - 20:3, 20:5, 20:8, 153:10, 200:6, 227:6</p>	<p>endorse [1] - 5:3 enforced [1] - 199:3 engaged [1] - 92:21 engineer [18] - 49:2, 50:16, 50:19, 59:12, 62:7, 62:22, 63:13, 70:10, 70:11, 71:18, 102:21, 103:4, 103:19, 119:6, 119:10, 125:11, 125:12</p>	<p>Essentially [1] - 83:23 establish [1] - 7:18 estate [2] - 35:1, 185:24 esthetic [2] - 18:14, 166:25 esthetically [1] - 176:3 estimates [2] - 92:18, 189:5 estimating [1] - 70:23 evaluating [1] - 96:19 evaluation [1] - 93:25 even [10] - 32:2, 53:10, 101:16, 151:16, 153:18, 163:19, 205:2, 211:3, 215:7, 223:7 Even [3] - 10:14, 111:13, 225:25 evening [9] - 28:2, 48:14, 56:24, 56:25, 62:8, 62:10, 124:19, 126:1, 126:13 evenly [1] - 185:5 event [1] - 56:9 events [1] - 38:12 eventually [1] - 36:3 ever [1] - 41:22 every [8] - 31:21, 38:8, 38:22, 39:11, 86:11, 208:9, 208:21, 224:1 everybody [4] - 39:4, 62:9, 209:14, 212:23 everyone [1] - 145:7 Everyone [1] - 28:13 everything [11] - 31:20, 55:1, 58:9, 139:20, 145:7, 153:3, 171:24, 196:16, 200:11, 203:10, 203:14 everywhere [1] - 216:18 evidence [2] - 52:10, 53:3 evil [2] - 216:17, 216:24 evolving [1] - 124:7 exact [3] - 183:25, 203:15, 203:18 exactly [9] - 9:2, 9:8, 64:17, 68:14, 77:24, 86:22, 146:6, 167:15, 224:9</p>	<p>Exactly [1] - 210:25 exaggerated [1] - 164:22 examine [2] - 53:16, 54:4 example [3] - 84:13, 85:17, 86:1 excavate [8] - 59:18, 68:4, 70:19, 73:2, 88:12, 107:17, 108:1, 108:9 excavated [2] - 68:14, 77:6 excavating [1] - 70:1 excavation [10] - 71:4, 94:9, 105:4, 105:7, 108:15, 113:17, 113:25, 118:22, 120:12 excavator [1] - 68:22 excavators [1] - 113:11 exceed [1] - 66:11 except [1] - 42:4 excluded [1] - 21:16 Excuse [9] - 136:6, 146:25, 152:24, 162:7, 164:13, 166:11, 171:11, 173:19, 188:13 excused [1] - 62:1 execution [1] - 218:7 exemplary [1] - 123:12 exhibits [1] - 55:1 exist [2] - 115:23, 210:18 existing [45] - 8:22, 9:2, 33:12, 61:20, 64:19, 84:12, 105:5, 105:11, 105:13, 105:19, 105:22, 106:1, 106:9, 106:11, 106:14, 108:3, 108:17, 109:5, 109:7, 109:9, 109:19, 110:19, 111:7, 137:8, 137:10, 137:16, 137:21, 141:16, 148:14, 153:23, 194:19, 194:25, 195:13, 195:14, 196:2, 197:2, 198:8, 198:21, 200:6, 203:2, 207:8, 209:9, 212:22, 221:23, 222:2 exists [3] - 33:11, 205:2, 206:22 expanding [1] - 209:16</p>
E				
<p>E [83] - 1:8, 1:14, 1:17, 2:1, 6:9, 6:15, 6:18, 13:1, 14:10, 14:16, 15:1, 16:1, 24:1, 25:10, 25:17, 26:1, 27:1, 44:1, 45:10, 45:16, 46:1, 47:1, 103:10, 131:1, 132:10, 132:16, 133:1, 134:1, 135:14, 156:1, 157:10, 157:17, 158:1, 159:1, 179:1, 180:10, 180:17, 181:1, 182:1, 190:1, 191:10, 191:17, 192:1, 193:1, 194:11, 230:1 e [4] - 29:3, 135:21, 194:14 each [4] - 35:9, 83:25, 104:25, 105:20 earlier [5] - 64:25, 87:4, 91:16, 92:15, 118:11 easier [5] - 33:24, 81:17, 95:24, 114:11, 188:25 east [9] - 20:3, 20:5, 32:8, 85:25, 195:11, 201:22, 202:8, 211:12 East [1] - 184:17 east-west [1] - 32:8 echo [1] - 223:11 edge [2] - 35:16, 165:5 effect [8] - 67:16, 127:20, 204:5, 204:6, 211:10, 216:19, 218:24, 219:1 eight [6] - 82:10, 108:19, 155:19, 161:11, 163:16, 209:17 either [12] - 10:9, 37:8, 77:8, 93:21, 107:24, 114:12, 120:6, 124:8, 138:2, 143:11, 152:6, 172:20 electric [1] - 161:12 electrical [2] - 161:11, 164:21 element [1] - 161:23 elements [4] - 37:25, 53:22, 213:3, 222:5</p>	<p>eligible [2] - 127:5, 127:24 Ellen [13] - 1:12, 6:13, 14:14, 25:14, 45:14, 127:11, 132:14, 151:13, 155:15, 155:17, 157:14, 180:14, 191:14 else [11] - 19:24, 21:18, 33:18, 41:13, 73:4, 109:14, 109:15, 170:5, 209:14, 221:4, 226:4 email [2] - 93:16, 93:17 emotion [1] - 40:20 emphasize [2] - 172:1, 189:8 employ [1] - 176:21 employee [16] - 13:12, 13:14, 24:12, 24:14, 44:12, 44:14, 131:12, 131:14, 156:12, 156:14, 179:12, 179:14, 190:12, 190:14, 230:12, 230:14 empty [2] - 34:25, 75:17 Encompasses [1] - 132:4 encouraging [1] - 163:7 encroach [2] - 210:7, 215:4 encroaching [3] - 196:20, 201:24, 209:14 encroachment [3] - 210:2, 212:10, 215:16 encroachments [1] - 209:23 encumbering [1] - 203:1 encumbrance [1] - 201:18 end [5] - 55:22, 78:24, 81:14, 137:13, 183:13 endangered [1] - 115:17 endeavor [1] - 114:17 ended [3] - 41:19, 58:17, 61:3 endemic [1] - 77:1</p>	<p>enhance [1] - 35:4 enjoying [1] - 219:20 enough [3] - 19:22, 139:10, 196:23 enter [1] - 174:4 entire [7] - 38:21, 48:19, 140:12, 184:15, 207:14, 212:25, 213:22 entirely [3] - 20:20, 21:4, 207:14 entities [1] - 32:10 entrance [4] - 195:4, 197:3, 207:4, 227:12 entry [2] - 39:12, 140:18 environment [3] - 65:9, 83:22, 86:6 environmental [12] - 49:1, 50:10, 50:13, 50:16, 59:13, 62:7, 63:13, 63:21, 71:24, 76:20, 100:25, 125:10 EPH [1] - 66:18 equipment [11] - 68:18, 69:22, 106:24, 109:12, 111:16, 111:19, 111:21, 112:9, 112:23, 113:24, 203:9 Erik [3] - 191:5, 193:5, 194:13 ERIK [1] - 194:13 especially [7] - 20:18, 176:14, 176:19, 208:5, 213:6, 219:22, 223:21 ESQ [10] - 1:20, 6:21, 15:3, 26:3, 46:3, 46:7, 133:3, 158:3, 181:3, 192:3 essence [1] - 87:3 essentially [1] - 98:11</p>		

<p>expectancy [1] - 30:19</p> <p>expedite [1] - 145:9</p> <p>expense [1] - 79:16</p> <p>expenses [1] - 5:9</p> <p>expensive [2] - 58:7, 165:25</p> <p>experience [6] - 74:22, 74:25, 75:4, 83:4, 92:25</p> <p>expertise [1] - 215:3</p> <p>expires [8] - 13:21, 24:21, 44:21, 131:21, 156:21, 179:21, 190:21, 230:21</p> <p>explain [7] - 50:11, 50:19, 57:14, 71:7, 72:11, 163:3, 201:11</p> <p>explained [3] - 93:14, 161:3, 168:18</p> <p>explaining [1] - 8:6</p> <p>explicitly [1] - 189:9</p> <p>explored [3] - 204:9, 207:7, 208:10</p> <p>exposing [1] - 36:6</p> <p>express [1] - 19:6</p> <p>expressed [1] - 123:16</p> <p>extend [2] - 35:16, 210:17</p> <p>extends [1] - 203:19</p> <p>extensions [1] - 214:24</p> <p>extent [2] - 64:6, 65:15</p> <p>exterior [7] - 104:25, 107:5, 116:11, 136:17, 138:23, 196:2, 196:20</p> <p>externally [1] - 214:12</p> <p>Extractable [1] - 66:19</p> <p>extraordinary [1] - 119:9</p> <p>extremely [1] - 119:8</p> <p>eye [1] - 148:12</p> <p>eyebrow [2] - 142:18, 144:11</p> <p>eyelash [2] - 144:8, 144:11</p>	<p>180:10, 190:1, 191:10, 230:1</p> <p>fabricator [2] - 141:5, 142:7</p> <p>facade [14] - 20:6, 40:13, 116:9, 136:23, 161:7, 162:2, 163:2, 174:16, 183:15, 183:20, 183:23, 194:22, 227:24</p> <p>facades [1] - 185:6</p> <p>face [4] - 19:1, 34:9, 116:8, 217:6</p> <p>facility [2] - 68:7, 203:2</p> <p>facing [1] - 20:8</p> <p>fact [6] - 32:22, 50:1, 53:11, 101:2, 117:21, 120:2</p> <p>factory [2] - 165:19, 166:22</p> <p>facts [3] - 49:11, 51:10, 54:6</p> <p>factually [1] - 60:23</p> <p>fade [3] - 30:22, 30:23, 31:1</p> <p>fair [1] - 219:3</p> <p>fairly [3] - 67:9, 90:15, 137:20</p> <p>fall [3] - 36:2, 78:20, 143:1</p> <p>familiar [2] - 76:25, 83:21</p> <p>family [15] - 50:2, 58:3, 58:4, 58:6, 59:6, 59:7, 61:16, 85:14, 85:18, 95:11, 95:13, 95:18, 95:19, 120:24, 145:22</p> <p>fan [1] - 66:1</p> <p>far [17] - 41:1, 70:18, 97:21, 105:3, 110:7, 137:18, 139:9, 148:13, 195:16, 202:1, 211:12, 212:7, 212:15, 213:23, 215:24, 215:25, 222:14</p> <p>faster [1] - 188:23</p> <p>fault [1] - 175:9</p> <p>favor [2] - 123:20, 150:4</p> <p>favorable [1] - 221:16</p> <p>feasibilities [1] - 227:22</p> <p>feasibility [1] - 207:8</p> <p>feasible [5] - 49:7, 109:17, 110:18, 110:24, 125:13</p>	<p>feature [1] - 214:8</p> <p>features [2] - 119:22, 201:9</p> <p>featuring [1] - 154:9</p> <p>February [10] - 1:3, 3:2, 6:3, 14:3, 25:3, 45:3, 132:3, 157:3, 180:3, 191:3</p> <p>federal [2] - 199:1, 199:4</p> <p>feel [7] - 21:25, 40:1, 57:22, 102:17, 102:18, 106:10, 144:5</p> <p>feelings [1] - 123:25</p> <p>feels [1] - 71:18</p> <p>feet [29] - 70:25, 83:19, 83:20, 107:18, 107:23, 108:7, 108:8, 108:13, 108:15, 108:19, 108:20, 108:21, 108:23, 163:16, 175:12, 176:9, 176:10, 197:6, 203:19, 203:20, 203:22, 204:2, 211:8, 211:14, 219:14, 220:25, 223:9</p> <p>fell [1] - 39:1</p> <p>felt [3] - 55:17, 102:16, 126:6</p> <p>fence [1] - 201:23</p> <p>fences [1] - 225:25</p> <p>fencing [2] - 201:16, 202:11</p> <p>fenestration [1] - 218:12</p> <p>few [2] - 69:14, 75:23</p> <p>fibers [1] - 36:6</p> <p>field [2] - 71:16, 145:4</p> <p>fighting [1] - 122:19</p> <p>figured [1] - 144:13</p> <p>file [5] - 52:14, 91:5, 99:9, 99:13, 100:4</p> <p>filed [1] - 49:10</p> <p>filing [2] - 51:22, 95:21</p> <p>final [2] - 61:3, 103:2</p> <p>financially [9] - 13:15, 24:15, 44:15, 58:16, 131:15, 156:15, 179:15, 190:15, 230:15</p> <p>find [13] - 40:2, 55:17, 61:5, 64:5, 69:10, 80:16, 145:21, 167:1, 167:4, 170:15, 184:11, 184:16, 204:25</p> <p>fine [7] - 32:20,</p>	<p>60:21, 125:24, 198:9, 223:5, 226:2, 227:8</p> <p>finger [1] - 175:16</p> <p>finish [9] - 3:25, 32:3, 121:7, 166:22, 171:10, 171:13, 172:14, 173:13, 186:15</p> <p>finished [4] - 4:2, 206:14, 206:15, 229:12</p> <p>finishes [2] - 188:8, 188:9</p> <p>finishing [1] - 73:7</p> <p>fire [1] - 170:15</p> <p>firm [1] - 194:18</p> <p>first [21] - 28:6, 51:1, 51:4, 52:11, 56:22, 63:7, 70:4, 89:13, 90:14, 100:10, 112:3, 112:7, 138:2, 139:20, 160:8, 176:4, 184:1, 197:11, 202:23, 205:10, 205:12</p> <p>First [1] - 99:9</p> <p>fit [3] - 149:22, 200:11, 217:12</p> <p>fits [1] - 126:4</p> <p>Five [1] - 206:19</p> <p>five [15] - 64:16, 70:25, 77:7, 107:18, 107:23, 108:8, 108:21, 138:8, 162:3, 203:24, 203:25, 206:17, 207:10, 207:11, 219:14</p> <p>fixing [1] - 137:2</p> <p>fixture [4] - 164:20, 164:21, 168:24, 175:25</p> <p>fixtures [10] - 136:17, 136:25, 137:8, 137:9, 137:10, 137:19, 138:16, 138:24, 161:9, 185:1</p> <p>flashy [1] - 166:22</p> <p>flat [5] - 166:6, 166:18, 195:23, 214:4, 214:9</p> <p>flies [1] - 217:6</p> <p>floating [3] - 65:5, 84:7, 84:18</p> <p>floor [15] - 18:10, 80:2, 91:20, 106:25, 107:18, 111:22, 112:1, 112:3, 112:8, 113:10, 197:12, 198:4, 198:6, 199:15, 206:15</p> <p>floors [2] - 136:21,</p>	<p>136:22</p> <p>flow [3] - 65:22, 89:4, 201:17</p> <p>flowing [1] - 76:6</p> <p>fluctuates [1] - 65:9</p> <p>fluid [1] - 124:6</p> <p>flume [2] - 66:1</p> <p>fluorescent [1] - 137:12</p> <p>flush [2] - 164:7, 164:9</p> <p>focus [2] - 37:6, 216:14</p> <p>follow [3] - 88:2, 167:15, 188:5</p> <p>follow-up [1] - 88:2</p> <p>following [1] - 8:20</p> <p>follows [10] - 17:19, 57:6, 62:16, 99:8, 103:11, 135:15, 135:17, 160:18, 183:3, 194:12</p> <p>foot [9] - 19:15, 162:3, 203:24, 203:25, 207:11, 207:12, 211:4, 211:7, 219:11</p> <p>footage [1] - 161:15</p> <p>footing [1] - 99:5</p> <p>for [180] - 1:20, 4:18, 6:21, 7:23, 8:18, 8:25, 15:4, 17:21, 18:14, 20:12, 22:1, 26:4, 28:20, 37:13, 38:18, 41:14, 43:2, 46:4, 46:7, 48:15, 48:18, 48:19, 49:10, 49:11, 49:24, 49:25, 51:1, 51:18, 51:22, 51:25, 52:14, 52:19, 52:23, 53:13, 54:1, 54:8, 54:15, 54:22, 55:8, 56:2, 56:10, 57:8, 57:19, 58:2, 58:7, 58:16, 59:6, 60:25, 62:18, 62:24, 66:17, 66:19, 69:3, 69:5, 69:14, 71:7, 71:23, 72:15, 72:23, 75:12, 75:14, 77:8, 77:10, 79:6, 79:20, 79:22, 82:3, 83:2, 85:11, 91:1, 91:18, 93:5, 93:13, 95:13, 95:21, 96:16, 99:2, 99:5, 99:10, 99:13, 99:15, 99:20, 100:16, 101:23, 102:5, 102:9, 102:24, 103:13, 103:22, 105:12,</p>
F				
<p>F [17] - 1:8, 6:9, 13:1, 14:10, 24:1, 25:10, 44:1, 45:10, 131:1, 132:10, 156:1, 157:10, 179:1,</p>				

<p>107:15, 109:2, 111:5, 117:18, 119:25, 121:12, 121:16, 122:1, 123:21, 125:5, 126:22, 127:3, 127:5, 128:12, 129:19, 130:1, 133:4, 135:18, 136:12, 136:13, 136:18, 136:23, 137:7, 137:9, 140:11, 140:18, 140:22, 141:5, 141:18, 142:1, 143:6, 144:20, 145:6, 145:7, 149:13, 152:14, 158:4, 160:6, 160:20, 163:1, 163:8, 165:15, 165:22, 168:10, 169:12, 170:11, 170:19, 172:2, 172:13, 174:2, 181:4, 183:9, 183:22, 183:24, 184:10, 185:9, 186:16, 188:9, 189:15, 192:4, 194:9, 194:18, 196:19, 197:1, 197:22, 199:1, 200:17, 202:11, 204:17, 206:11, 209:11, 211:17, 211:18, 211:21, 212:12, 214:1, 215:13, 215:23, 218:17, 220:7, 220:24, 223:3, 223:25, 224:9, 225:5, 225:15, 225:19, 229:1</p> <p>For [6] - 33:22, 78:25, 79:18, 96:13, 206:3, 213:25</p> <p>foregoing [8] - 13:6, 24:6, 44:6, 131:6, 156:6, 179:6, 190:6, 230:6</p> <p>foresee [2] - 79:1, 209:19</p> <p>forever [2] - 71:18, 170:24</p> <p>forget [3] - 23:5, 214:17, 224:9</p> <p>forgetting [1] - 106:21</p> <p>Forte [4] - 25:5, 27:5, 28:3, 28:22</p> <p>FORTE [25] - 28:2, 28:10, 28:16, 28:24, 29:9, 29:11, 29:24, 30:2, 30:9, 30:11, 30:16, 30:19, 30:23, 31:8, 31:12, 31:14, 31:18, 32:1, 32:6,</p>	<p>32:9, 32:23, 33:10, 33:16, 35:7, 35:24</p> <p>forth [14] - 13:9, 24:9, 44:9, 72:17, 76:21, 126:1, 126:7, 126:8, 131:9, 153:4, 156:9, 179:9, 190:9, 230:9</p> <p>fortunes [1] - 40:2</p> <p>forum [1] - 153:22</p> <p>forward [4] - 145:9, 172:24, 203:10, 203:14</p> <p>found [15] - 50:13, 54:13, 58:5, 59:10, 59:22, 60:3, 60:11, 65:2, 65:4, 66:2, 89:5, 92:20, 93:1, 99:19, 195:15</p> <p>foundation [5] - 60:14, 106:1, 108:2, 115:2, 120:18</p> <p>foundations [8] - 79:7, 105:13, 105:21, 105:22, 105:24, 108:3, 108:4, 109:13</p> <p>four [12] - 9:1, 37:20, 39:1, 58:6, 71:23, 77:7, 161:18, 206:17, 211:4, 211:7, 211:14, 222:12</p> <p>Fourth [11] - 2:12, 2:13, 157:3, 160:1, 160:2, 160:25, 161:1, 177:1, 177:15, 177:16, 180:3</p> <p>frame [9] - 20:13, 102:7, 104:24, 105:2, 113:19, 114:6, 115:1, 115:16, 200:8</p> <p>framed [3] - 114:21, 115:6, 200:5</p> <p>frames [1] - 38:1</p> <p>framing [4] - 21:7, 114:15, 115:6, 117:2</p> <p>Framing [1] - 114:10</p> <p>franchise [3] - 144:1, 144:2, 144:16</p> <p>frankly [2] - 19:23, 86:18</p> <p>free [21] - 5:3, 21:25, 60:3, 60:11, 65:5, 66:8, 66:14, 66:18, 67:3, 72:23, 72:24, 84:7, 84:18, 88:12, 89:6, 97:14, 97:20, 98:20, 100:2, 168:10</p> <p>frequent [1] - 83:11</p> <p>friends [1] - 59:7</p> <p>from [78] - 9:15,</p>	<p>10:10, 10:14, 18:20, 31:19, 33:4, 37:5, 39:16, 40:24, 41:5, 49:8, 49:16, 49:17, 51:12, 52:19, 60:23, 61:8, 63:12, 64:12, 64:23, 65:23, 66:21, 67:14, 69:7, 69:9, 70:23, 70:24, 71:4, 71:11, 74:1, 74:4, 77:15, 77:22, 77:23, 78:21, 84:1, 87:13, 87:14, 91:19, 92:18, 95:22, 97:20, 97:24, 98:9, 102:21, 103:21, 108:9, 110:1, 110:6, 110:19, 118:13, 118:19, 119:2, 120:2, 122:19, 124:4, 124:11, 125:11, 126:4, 128:11, 128:19, 140:25, 141:7, 145:4, 149:5, 164:21, 165:4, 176:8, 176:9, 176:10, 177:1, 187:3, 197:11, 199:20, 214:8, 222:20, 223:9, 226:14</p> <p>From [1] - 210:15</p> <p>front [25] - 18:9, 20:6, 39:11, 56:2, 65:20, 65:21, 66:3, 66:9, 89:5, 91:11, 92:3, 110:11, 110:12, 112:17, 112:24, 116:8, 116:9, 117:18, 125:4, 153:10, 207:20, 210:8, 219:17, 227:12, 227:15</p> <p>fronting [2] - 177:11, 177:14</p> <p>fuchsia [2] - 148:6, 149:1</p> <p>full [4] - 62:21, 127:24, 203:3, 205:18</p> <p>funky [1] - 34:20</p> <p>FURTHER [8] - 13:11, 24:11, 44:11, 131:11, 156:11, 179:11, 190:11, 230:11</p> <p>further [22] - 35:17, 91:6, 97:14, 102:18, 102:23, 110:20, 114:1, 124:4, 124:10, 126:13, 153:12, 167:17, 176:5, 195:10, 195:11, 200:1, 201:17,</p>	<p>201:25, 202:14, 208:11, 211:15, 215:6</p> <p>future [1] - 142:1</p> <p style="text-align: center;">G</p> <p>G [6] - 62:15, 63:8, 103:10, 135:14, 160:17, 183:2</p> <p>g [1] - 103:16</p> <p>G-u-n-n-a-r [1] - 63:8</p> <p>galvanized [1] - 137:12</p> <p>garage [5] - 18:6, 19:1, 19:2, 19:8, 20:15</p> <p>garden [3] - 19:5, 19:7, 56:2</p> <p>Garden [1] - 77:4</p> <p>gate [4] - 18:20, 39:9, 40:1, 41:5</p> <p>gates [3] - 38:4, 38:5, 41:10</p> <p>gave [4] - 9:16, 166:1, 173:1</p> <p>generalities [4] - 86:11, 86:16, 87:17, 88:1</p> <p>generally [1] - 168:10</p> <p>generation [1] - 71:23</p> <p>gentle [1] - 39:9</p> <p>geo [1] - 64:10</p> <p>geographically [1] - 78:6</p> <p>Gerard [2] - 134:5, 135:20</p> <p>GERARD [1] - 135:21</p> <p>get [56] - 18:1, 21:2, 29:19, 31:16, 33:25, 34:21, 37:15, 38:23, 57:17, 61:8, 63:24, 64:11, 69:9, 69:22, 72:5, 72:24, 73:5, 89:14, 90:1, 91:2, 91:6, 98:5, 99:6, 105:24, 106:24, 111:16, 111:20, 112:9, 115:15, 117:2, 127:6, 139:9, 145:20, 148:4, 148:6, 162:23, 169:12, 176:15, 197:8, 199:17, 203:18, 209:1, 209:9, 210:13, 211:23, 211:24, 212:16, 212:17, 217:12,</p>	<p>217:18, 217:21, 221:11, 225:22, 227:5</p> <p>gets [4] - 67:11, 83:16, 212:7, 212:17</p> <p>getting [7] - 5:1, 60:13, 71:10, 73:1, 97:10, 171:7, 196:6</p> <p>give [14] - 35:5, 36:4, 37:13, 56:16, 57:16, 64:20, 65:17, 103:17, 104:19, 108:6, 189:4, 195:25, 216:22, 221:18</p> <p>given [4] - 3:5, 101:11, 145:11, 219:12</p> <p>Given [2] - 79:11, 105:7</p> <p>giving [2] - 176:23, 183:15</p> <p>GJS [1] - 145:1</p> <p>glass [8] - 137:3, 137:4, 162:6, 162:8, 162:17, 196:15, 199:25, 224:21</p> <p>gloss [1] - 166:21</p> <p>go [47] - 8:24, 18:4, 32:19, 36:23, 39:6, 40:3, 59:24, 60:9, 61:4, 70:25, 79:17, 79:22, 85:16, 89:1, 89:21, 90:15, 91:1, 92:9, 94:11, 95:6, 105:20, 107:22, 108:2, 108:5, 108:17, 108:21, 110:3, 113:22, 114:12, 114:16, 120:20, 121:8, 122:25, 135:1, 142:13, 174:11, 201:12, 202:2, 202:22, 204:23, 205:11, 206:21, 207:10, 208:25, 223:16, 224:13</p> <p>Go [4] - 29:10, 125:1, 136:15, 205:8</p> <p>goal [3] - 50:3, 59:5, 123:10</p> <p>God [1] - 154:10</p> <p>goes [6] - 65:24, 188:22, 212:7, 212:24, 213:21, 227:7</p> <p>going [110] - 5:13, 7:21, 10:3, 10:12, 33:6, 33:8, 33:10, 33:11, 33:23, 34:7, 34:19, 36:2, 36:7, 41:1, 49:3, 50:10, 50:15, 50:18, 59:21,</p>
---	---	---	--	--

<p>60:14, 65:10, 65:11, 65:12, 66:5, 66:8, 67:5, 71:2, 71:3, 71:12, 75:7, 76:7, 76:9, 77:10, 86:12, 90:3, 90:4, 91:14, 94:13, 94:25, 95:12, 98:24, 101:18, 105:19, 105:23, 106:2, 107:3, 108:3, 111:18, 111:21, 112:10, 112:11, 112:16, 112:24, 112:25, 117:14, 122:9, 122:23, 122:25, 125:23, 137:16, 140:17, 143:12, 143:22, 145:9, 146:7, 148:6, 148:12, 148:23, 153:4, 153:7, 153:22, 161:6, 161:10, 163:2, 163:8, 163:10, 169:6, 175:6, 184:18, 188:7, 195:19, 199:13, 204:25, 209:16, 211:23, 212:16, 215:5, 215:6, 215:21, 216:4, 217:10, 218:3, 218:8, 218:11, 219:7, 220:18, 221:20, 221:21, 221:22, 222:6, 222:20, 223:9, 223:23, 224:20, 225:11, 225:24, 229:13, 229:15</p> <p>Going [1] - 214:16</p> <p>gold [5] - 164:6, 165:17, 165:19, 166:9, 166:12</p> <p>gone [1] - 59:12</p> <p>Good [7] - 28:2, 43:4, 48:14, 56:24, 56:25, 62:8, 62:10</p> <p>good [17] - 4:13, 32:15, 32:18, 39:3, 40:18, 63:17, 65:6, 93:6, 125:20, 143:16, 146:7, 147:10, 147:13, 155:21, 174:19, 188:20, 220:3</p> <p>gooseneck [4] - 36:21, 137:9, 137:16, 139:11</p> <p>goosenecks [16] - 42:4, 139:6, 139:8, 139:25, 140:2, 143:22, 153:14, 153:18, 153:24, 154:4, 169:13,</p>	<p>194:24, 196:2, 196:3, 214:13, 222:2</p> <p>got [14] - 58:24, 60:23, 89:15, 89:16, 92:18, 93:8, 93:18, 102:21, 148:15, 153:11, 155:17, 187:2, 198:18, 226:1</p> <p>Got [1] - 139:18</p> <p>gotten [1] - 145:1</p> <p>grab [1] - 223:4</p> <p>grade [8] - 108:10, 108:15, 108:20, 163:16, 206:14, 207:1, 207:4</p> <p>gradually [2] - 76:9, 76:22</p> <p>grand [1] - 38:21</p> <p>grant [7] - 51:20, 56:10, 123:2, 126:22, 128:12, 129:18, 213:9</p> <p>granting [1] - 123:20</p> <p>great [12] - 20:18, 21:20, 30:18, 38:11, 86:18, 111:9, 123:12, 152:5, 172:15, 188:20, 224:17, 227:6</p> <p>Great [3] - 29:7, 30:15, 56:21</p> <p>greatest [1] - 84:11</p> <p>green [1] - 226:3</p> <p>grill [1] - 39:9</p> <p>ground [10] - 60:4, 60:6, 65:1, 85:2, 91:20, 92:17, 97:18, 98:1, 112:2, 140:18</p> <p>Groundwater [1] - 96:2</p> <p>groundwater [38] - 49:21, 50:4, 50:23, 59:19, 60:13, 64:13, 65:3, 65:6, 65:8, 65:12, 65:22, 66:24, 67:2, 67:4, 67:8, 67:12, 67:13, 67:15, 68:16, 69:2, 69:3, 71:2, 71:10, 73:23, 74:8, 76:5, 77:22, 84:7, 84:18, 87:9, 87:10, 89:4, 91:10, 97:1</p> <p>GROUP [9] - 1:18, 6:19, 15:2, 26:2, 46:2, 133:2, 158:2, 181:2, 192:2</p> <p>group [1] - 207:20</p> <p>guarantee [1] - 172:13</p> <p>guarantees [1] - 166:7</p>	<p>guess [8] - 20:1, 51:10, 114:17, 123:1, 126:14, 137:14, 172:1, 218:15</p> <p>guidelines [6] - 5:14, 198:11, 199:2, 203:8, 203:14, 206:2</p> <p>Gunnar [10] - 47:6, 62:6, 62:20, 62:21, 63:8, 72:7, 92:21, 99:1, 101:7, 101:8</p> <p>guy [2] - 57:21, 94:12</p> <p>guys [2] - 38:24, 148:22</p> <p>Guzman [7] - 27:7, 29:5, 157:5, 160:12, 160:22, 168:13, 180:5</p> <p>GUZMAN [25] - 28:9, 28:17, 29:5, 30:8, 30:10, 30:13, 34:2, 34:9, 35:15, 35:20, 36:5, 36:9, 36:13, 37:6, 37:12, 37:23, 43:2, 159:5, 160:3, 160:6, 160:10, 160:16, 178:16, 182:5, 183:4</p> <p>Guzman's [1] - 174:4</p>	<p>93:13, 98:5, 98:9, 99:15, 99:18, 99:20, 100:20, 101:2, 101:5, 101:11, 102:3, 117:4, 117:7, 118:5, 118:6, 118:10, 119:14, 123:8, 125:6, 128:19, 161:2, 163:25, 183:16, 184:23, 195:21, 197:19, 200:11, 205:9, 205:10, 216:7, 216:11, 218:1, 218:6, 220:22</p> <p>half [11] - 58:1, 98:14, 110:11, 139:21, 174:1, 175:6, 183:7, 183:12, 211:4, 211:8, 211:14</p> <p>half-inch [1] - 183:7</p> <p>halfway [1] - 60:10</p> <p>hallway [1] - 19:3</p> <p>hand [14] - 17:14, 28:13, 29:19, 57:1, 62:11, 94:9, 103:6, 113:12, 135:8, 162:5, 194:4, 205:10, 205:19</p> <p>handed [1] - 138:5</p> <p>handicapped [1] - 222:24</p> <p>handled [1] - 19:21</p> <p>handrail [1] - 201:10</p> <p>handsome [2] - 20:21, 21:5</p> <p>hanging [3] - 167:11, 167:20, 171:16</p> <p>happen [1] - 100:3</p> <p>happened [1] - 163:14</p> <p>happening [1] - 209:19</p> <p>happens [4] - 89:13, 99:23, 175:1, 183:5</p> <p>happy [4] - 51:1, 126:16, 145:14, 218:7</p> <p>hard [4] - 39:16, 110:12, 163:8, 198:20</p> <p>hardly [1] - 143:14</p> <p>hardship [3] - 204:12, 204:13, 208:8</p> <p>Hardware [6] - 25:4, 28:4, 30:4, 31:24, 32:11, 33:5</p> <p>has [58] - 5:2, 5:6, 18:11, 19:21, 21:13, 21:21, 21:24, 30:19, 32:2, 34:25, 39:16, 40:8, 40:24, 52:7, 57:24, 66:16, 68:5, 68:18, 72:13, 74:10,</p>	<p>77:9, 86:2, 87:19, 91:12, 93:8, 95:6, 97:15, 97:17, 102:4, 106:5, 108:9, 118:12, 118:25, 119:21, 119:22, 120:9, 121:1, 121:13, 124:10, 125:14, 136:12, 143:21, 145:1, 150:2, 162:1, 170:19, 170:23, 173:9, 176:19, 199:12, 200:20, 201:22, 203:3, 204:6, 213:21, 214:3, 217:16</p> <p>hasn't [1] - 53:12</p> <p>Have [5] - 83:10, 88:19, 88:22, 104:4, 207:7</p> <p>have [309] - 3:8, 4:5, 4:24, 5:13, 8:14, 9:13, 10:8, 20:13, 28:22, 31:23, 32:18, 33:20, 37:16, 38:3, 38:5, 38:6, 38:13, 38:20, 39:1, 40:6, 40:12, 40:20, 41:4, 50:8, 50:11, 50:15, 50:18, 51:2, 52:2, 52:24, 53:6, 53:8, 53:9, 53:15, 53:18, 53:24, 54:1, 54:5, 54:18, 55:10, 55:20, 55:21, 56:13, 56:16, 57:20, 58:21, 60:15, 61:1, 63:1, 65:11, 65:19, 66:8, 67:2, 67:7, 67:8, 68:8, 68:9, 69:1, 69:3, 69:6, 69:13, 69:24, 70:10, 70:18, 70:25, 71:3, 71:12, 71:16, 71:17, 71:20, 71:21, 71:24, 72:22, 72:24, 73:2, 73:17, 73:22, 73:23, 74:20, 74:22, 74:25, 75:2, 75:4, 75:8, 75:10, 75:11, 75:14, 75:22, 75:24, 76:5, 76:6, 76:13, 77:3, 77:22, 77:23, 78:3, 78:22, 79:9, 79:12, 82:10, 83:3, 84:1, 84:23, 86:12, 88:2, 88:15, 89:6, 89:13, 89:18, 90:4, 91:1, 91:4, 91:9, 91:10, 91:19, 93:2, 93:19, 93:20, 94:2, 95:11, 95:24, 96:4, 96:5, 96:10, 96:11, 97:8, 97:12, 97:25,</p>
--	--	---	---	---

<p>98:1, 98:15, 99:9, 99:12, 100:18, 101:6, 101:18, 101:20, 102:7, 103:21, 103:22, 103:23, 104:6, 104:18, 104:21, 105:20, 105:21, 105:23, 107:14, 107:17, 108:3, 111:6, 111:7, 111:21, 112:10, 112:11, 112:16, 112:24, 112:25, 113:4, 113:9, 113:10, 113:11, 113:13, 114:6, 114:8, 114:9, 114:11, 114:15, 117:6, 117:16, 117:18, 118:11, 118:23, 119:2, 119:21, 119:23, 120:5, 120:14, 122:20, 124:14, 124:17, 126:3, 127:24, 129:17, 129:25, 135:5, 136:3, 137:10, 137:19, 137:23, 137:25, 138:3, 138:7, 138:9, 139:21, 140:20, 141:1, 141:9, 141:17, 141:19, 145:1, 146:20, 146:21, 147:23, 147:25, 148:14, 148:22, 149:3, 149:9, 149:24, 150:4, 152:2, 152:6, 152:19, 153:10, 154:21, 155:19, 160:5, 160:6, 161:5, 161:14, 161:15, 162:4, 162:12, 162:16, 163:2, 163:25, 164:17, 164:19, 167:16, 168:18, 168:20, 169:16, 169:19, 170:10, 172:6, 173:2, 174:3, 178:15, 183:24, 184:8, 187:2, 188:25, 196:9, 196:22, 197:21, 199:8, 199:9, 200:9, 200:18, 200:19, 201:7, 201:11, 202:2, 203:3, 203:4, 204:2, 204:5, 204:9, 204:24, 205:17, 205:18, 206:6, 206:10, 206:11, 208:3, 208:22, 209:16,</p>	<p>210:7, 210:16, 211:3, 213:7, 213:24, 213:25, 214:2, 214:20, 214:23, 214:24, 215:18, 216:21, 217:10, 217:11, 217:18, 217:23, 218:6, 219:1, 219:7, 220:7, 220:13, 220:14, 221:7, 221:8, 221:11, 221:16, 222:10, 223:1, 224:8, 224:10, 224:16, 227:17, 229:7 haven't [2] - 113:12, 177:10 having [23] - 4:8, 7:10, 17:18, 54:20, 57:5, 62:15, 89:10, 95:11, 103:10, 135:14, 135:16, 146:12, 160:17, 163:18, 183:2, 194:11, 197:16, 198:20, 205:24, 211:10, 215:15, 224:12, 227:13 HDU [1] - 36:13 he's [4] - 7:12, 185:25, 186:5, 202:16 head [2] - 32:15, 102:5 hear [16] - 5:12, 8:13, 20:24, 20:25, 49:8, 49:16, 51:12, 52:23, 55:22, 61:7, 63:25, 64:3, 87:13, 121:24, 149:3, 171:23 heard [8] - 48:10, 53:4, 84:4, 119:2, 123:15, 139:21, 144:22, 149:17 hearing [9] - 4:8, 52:11, 53:13, 56:5, 82:11, 115:16, 122:17, 125:21, 126:6 heat [1] - 75:6 heating [2] - 49:20, 64:24 heavier [1] - 168:3 height [9] - 95:7, 112:10, 161:7, 162:24, 164:20, 168:22, 168:23, 169:10, 200:24 held [1] - 52:7 Held [9] - 1:6, 6:7, 14:8, 25:8, 45:8, 132:8, 157:8, 180:8, 191:8</p>	<p>help [1] - 176:21 helpful [4] - 145:6, 145:9, 188:12, 188:15 Here [10] - 3:10, 3:12, 3:16, 3:19, 3:21, 4:4, 4:12, 79:9, 79:24, 135:1 here [98] - 3:14, 7:5, 7:8, 7:11, 8:7, 8:13, 9:12, 9:16, 9:17, 9:18, 9:23, 10:8, 10:14, 17:6, 17:25, 20:24, 28:11, 31:11, 31:20, 34:23, 35:1, 48:4, 48:18, 52:6, 52:25, 53:11, 57:20, 58:3, 58:4, 58:13, 60:23, 74:20, 79:1, 79:25, 80:2, 81:23, 82:21, 83:4, 83:7, 87:7, 91:15, 94:15, 95:12, 100:11, 113:17, 115:15, 116:14, 119:7, 119:14, 120:21, 120:24, 120:25, 121:23, 122:22, 123:10, 123:16, 126:10, 127:13, 136:16, 136:18, 137:7, 138:10, 141:5, 142:11, 144:5, 145:7, 147:16, 150:16, 152:3, 155:16, 161:4, 161:7, 161:20, 162:14, 163:1, 164:18, 164:19, 168:14, 171:24, 172:8, 176:7, 183:11, 183:17, 194:21, 199:22, 202:6, 209:1, 210:14, 210:17, 211:3, 211:22, 216:14, 218:11, 218:12, 219:9 hereby [8] - 13:5, 24:5, 44:5, 131:5, 156:5, 179:5, 190:5, 230:5 hereinbefore [8] - 13:9, 24:9, 44:9, 131:9, 156:9, 179:9, 190:9, 230:9 hey [3] - 59:15, 61:4, 199:12 High [1] - 36:14 high [13] - 30:5, 30:16, 84:23, 85:3, 87:9, 109:6, 148:11, 161:6, 172:4, 183:9,</p>	<p>195:18, 200:13 high-rise [2] - 84:23, 85:3 higher [2] - 72:19, 213:8 highlight [1] - 37:8 him [7] - 41:9, 58:19, 59:15, 59:23, 63:1, 92:4, 187:3 himself [3] - 50:1, 56:23, 136:13 hired [2] - 59:13, 95:16 historic [18] - 40:9, 80:3, 85:7, 85:10, 86:2, 101:9, 101:10, 119:22, 123:22, 126:4, 126:11, 126:16, 144:21, 145:21, 146:20, 172:5, 186:16, 225:21 HISTORIC [10] - 1:1, 1:3, 6:1, 14:1, 25:1, 45:1, 132:1, 157:1, 180:1, 191:1 Historic [4] - 3:4, 119:12, 123:9, 123:13 historical [3] - 121:1, 121:9, 218:17 historically [1] - 122:10 history [6] - 121:12, 123:13, 123:23, 124:6, 124:7, 124:8 History [1] - 124:7 hit [2] - 199:13, 204:22 HOBOKEN [19] - 1:1, 1:1, 1:3, 6:1, 6:1, 14:1, 14:1, 25:1, 25:1, 45:1, 45:1, 132:1, 132:1, 157:1, 157:1, 180:1, 180:1, 191:1, 191:1 Hoboken [37] - 1:6, 3:4, 6:7, 14:8, 18:13, 25:9, 29:6, 38:18, 45:8, 57:19, 73:23, 74:22, 74:25, 75:2, 75:4, 75:5, 75:21, 77:2, 78:1, 83:4, 83:10, 83:13, 88:7, 113:8, 114:24, 115:5, 115:17, 120:23, 121:4, 122:4, 132:8, 157:9, 160:23, 176:19, 176:23, 180:9, 191:9 Hoboken's [3] - 18:5, 123:13, 123:23</p>	<p>Hold [1] - 136:11 hold [3] - 145:20, 146:9, 198:25 holding [1] - 110:14 hole [1] - 64:9 holes [1] - 98:20 holistically [1] - 213:13 HOLTZAN [1] - 201:3 HOLTZMAN [67] - 3:24, 7:19, 8:6, 8:9, 10:21, 11:6, 37:18, 37:24, 88:15, 88:17, 88:22, 89:8, 89:18, 89:23, 90:6, 90:10, 90:18, 90:22, 91:8, 93:7, 96:1, 96:4, 101:17, 101:21, 118:5, 118:10, 118:15, 123:4, 123:24, 139:23, 141:9, 148:4, 148:8, 148:20, 164:4, 166:16, 166:23, 170:3, 170:7, 170:13, 170:18, 171:4, 177:11, 177:14, 177:17, 184:25, 185:5, 185:9, 185:12, 185:18, 198:4, 199:6, 200:25, 211:16, 212:3, 212:6, 212:13, 213:17, 213:19, 214:10, 220:24, 221:2, 221:5, 221:13, 222:18, 229:2, 229:10 Holtzman [14] - 1:15, 6:16, 14:17, 25:18, 40:18, 45:17, 91:22, 122:16, 132:17, 157:18, 170:25, 180:18, 191:18, 217:16 home [3] - 58:13, 59:6, 64:24 homeowner [1] - 80:7 homes [2] - 75:5, 122:5 honestly [2] - 18:19, 32:21 hoods [1] - 161:18 hope [1] - 40:4 hopefully [2] - 150:15, 152:2 hoping [2] - 57:17, 78:12 horizontal [1] - 18:22 horrible [1] - 154:8 horror [1] - 121:3</p>
---	---	--	--	--

<p>hose ^[1] - 32:1 hospital ^[2] - 222:23, 225:22 hot ^[4] - 144:3, 144:5, 147:7, 153:23 hour ^[1] - 208:5 hours ^[2] - 162:9, 170:4 House ^[6] - 84:13, 84:15, 85:8, 85:17, 86:21 house ^[5] - 18:3, 21:23, 85:14, 85:18, 95:13 houses ^[1] - 77:5 housing ^[1] - 123:17 how ^[35] - 23:5, 49:2, 50:19, 50:20, 51:13, 59:24, 60:23, 61:5, 66:7, 66:11, 68:1, 70:18, 71:16, 77:17, 86:13, 90:11, 94:5, 94:10, 94:16, 104:20, 113:13, 127:23, 152:1, 153:11, 163:4, 169:9, 175:21, 198:12, 199:9, 200:5, 202:1, 204:7, 211:12, 215:25, 219:1 How ^[12] - 36:21, 64:14, 73:9, 90:7, 91:13, 98:7, 107:25, 108:7, 110:9, 114:23, 202:24, 226:18 However ^[2] - 115:2, 218:23 however ^[1] - 223:24 HPC ^[1] - 139:20 Hudson ^[8] - 2:7, 2:14, 6:3, 7:1, 191:3, 194:1, 194:18, 201:18 huge ^[1] - 175:3 huh ^[2] - 37:10, 123:4 Hum ^[2] - 151:5, 206:13 hum ^[1] - 76:19 hundred ^[3] - 9:8, 83:20 hundred-year-old ^[1] - 9:8 hung ^[1] - 102:4 hurt ^[1] - 203:16 Hydrocarbons ^[1] - 66:19 hypothetical ^[1] - 86:18</p>	<p style="text-align: center;">I</p> <p>I'd ^[2] - 51:4, 84:8 I'll ^[3] - 99:1, 119:20, 187:5 I'm ^[5] - 3:23, 4:10, 21:11, 22:4, 29:1, 31:19, 32:6, 34:2, 35:1, 35:18, 36:17, 36:25, 37:1, 48:12, 50:18, 70:9, 81:7, 82:3, 82:8, 86:1, 89:2, 91:9, 101:17, 104:12, 106:16, 108:18, 111:15, 115:18, 116:1, 118:15, 118:24, 121:20, 125:4, 139:9, 141:4, 141:5, 142:7, 142:11, 147:6, 153:17, 155:16, 160:12, 163:20, 175:10, 177:1, 177:13, 201:10, 201:21, 205:7, 210:11 I've ^[5] - 31:19, 39:14, 113:7, 208:22, 227:23 idea ^[6] - 19:4, 20:18, 108:7, 152:6, 153:22, 199:9 ideal ^[1] - 147:12 ideas ^[2] - 128:7, 166:25 identified ^[1] - 4:19 identity ^[2] - 146:21, 167:8 If ^[42] - 5:1, 8:23, 18:8, 35:3, 35:7, 38:24, 53:6, 60:19, 78:9, 80:17, 84:15, 86:24, 90:14, 96:7, 96:17, 97:8, 99:5, 106:18, 110:13, 111:10, 113:22, 114:11, 116:3, 120:25, 124:10, 124:24, 128:10, 147:9, 150:14, 154:9, 163:1, 189:7, 200:11, 206:10, 207:9, 216:22, 217:1, 219:16, 220:22, 226:1, 227:7, 227:20 if ^[112] - 5:2, 8:24, 9:9, 10:12, 19:6, 20:12, 21:15, 34:17, 37:18, 39:12, 40:7, 41:13, 41:25, 48:5,</p>	<p>52:5, 53:5, 53:7, 53:9, 53:13, 54:13, 57:16, 67:7, 69:10, 80:16, 85:4, 85:7, 85:13, 88:2, 89:16, 91:5, 93:1, 93:3, 93:7, 94:11, 94:17, 101:2, 101:11, 101:16, 105:16, 106:14, 108:8, 108:17, 109:4, 109:9, 112:9, 115:18, 116:10, 117:14, 117:21, 120:13, 123:1, 124:23, 126:4, 128:18, 129:17, 141:11, 145:7, 147:8, 147:19, 147:21, 148:4, 149:7, 150:3, 150:5, 150:12, 150:15, 152:7, 153:15, 167:14, 169:18, 169:19, 172:19, 174:5, 177:2, 183:13, 184:19, 188:6, 197:6, 197:19, 198:21, 199:3, 199:24, 200:3, 201:10, 202:6, 204:12, 204:17, 205:3, 205:16, 207:3, 207:10, 208:13, 208:17, 209:19, 210:8, 213:9, 215:17, 218:25, 219:4, 219:8, 221:17, 222:14, 222:19, 223:4, 223:5, 224:13, 227:1, 227:5, 227:24 ignorance ^[1] - 209:9 ignoring ^[1] - 76:14 ill ^[1] - 80:17 illuminate ^[2] - 140:5, 154:5 illuminated ^[3] - 196:1, 214:6 illuminates ^[1] - 154:5 illuminating ^[1] - 144:23 illumination ^[2] - 214:1, 214:10 immediately ^[2] - 93:3, 152:15 impact ^[8] - 67:21, 80:23, 84:12, 104:21, 213:6, 214:21, 214:25, 219:4 impacting ^[1] - 110:8 important ^[5] - 53:11, 60:25, 84:5,</p>	<p>94:22, 208:7 importantly ^[1] - 120:11 impossible ^[1] - 80:10 impression ^[2] - 8:17, 170:10 improvement ^[2] - 19:19, 207:22 In ^[6] - 50:1, 51:18, 56:9, 84:23, 111:20, 197:8 in ^[314] - 3:5, 4:19, 5:7, 5:8, 7:18, 9:20, 13:15, 13:21, 17:9, 17:10, 18:5, 18:13, 18:20, 19:21, 24:15, 24:21, 28:8, 29:15, 29:17, 30:2, 30:4, 30:20, 32:17, 33:9, 34:7, 35:19, 37:1, 37:20, 37:21, 39:12, 44:15, 44:21, 50:6, 50:12, 51:24, 51:25, 52:4, 55:18, 56:2, 56:4, 56:16, 57:10, 57:24, 58:4, 59:7, 59:25, 60:3, 60:8, 60:10, 61:12, 62:23, 65:4, 65:20, 65:23, 66:2, 66:4, 66:9, 67:14, 68:10, 68:16, 68:25, 69:5, 70:20, 71:3, 71:12, 71:14, 71:15, 71:16, 71:20, 71:21, 72:1, 72:2, 72:21, 72:22, 72:24, 73:7, 73:22, 74:7, 74:8, 74:15, 74:22, 74:25, 75:1, 75:4, 75:5, 75:8, 75:14, 75:15, 75:16, 75:20, 75:21, 75:23, 76:8, 76:19, 76:22, 78:5, 79:2, 79:17, 79:19, 80:4, 80:8, 80:11, 80:12, 80:13, 80:19, 80:22, 81:23, 81:25, 83:4, 83:10, 83:12, 83:13, 83:17, 84:13, 84:16, 84:24, 85:8, 86:10, 86:15, 86:16, 87:4, 87:5, 87:16, 87:25, 88:7, 88:10, 89:5, 89:15, 90:25, 91:9, 91:16, 92:2, 92:9, 92:17, 93:2, 93:10, 95:25, 96:12, 96:17, 97:18, 100:10, 101:9, 102:7, 102:20,</p>	<p>103:16, 103:23, 105:9, 105:18, 105:20, 106:1, 106:15, 106:19, 106:20, 106:24, 107:6, 107:12, 107:18, 108:4, 109:5, 109:19, 111:9, 111:16, 111:21, 112:9, 112:18, 112:24, 113:8, 113:9, 113:14, 113:15, 113:22, 113:23, 114:12, 114:16, 115:17, 115:22, 116:21, 116:22, 117:10, 117:13, 117:14, 117:15, 119:1, 119:24, 120:14, 120:22, 121:6, 121:15, 121:17, 122:9, 122:17, 123:20, 123:22, 125:4, 125:17, 126:8, 126:10, 126:17, 127:3, 131:15, 131:21, 135:2, 136:3, 136:25, 137:3, 137:11, 137:20, 137:24, 138:1, 138:24, 139:1, 141:6, 142:10, 144:18, 144:20, 145:3, 145:4, 145:10, 145:15, 145:22, 147:1, 147:9, 147:15, 148:5, 148:19, 150:4, 153:13, 153:14, 154:15, 156:15, 156:21, 162:20, 162:23, 163:7, 167:17, 167:23, 169:6, 169:7, 169:20, 172:3, 172:5, 174:23, 175:24, 176:19, 179:15, 179:21, 184:22, 185:22, 190:15, 190:21, 196:19, 197:10, 197:14, 198:14, 198:23, 199:12, 200:6, 203:3, 203:4, 203:12, 204:17, 205:23, 207:14, 207:20, 207:22, 208:21, 209:2, 209:5, 210:2, 210:8, 211:3, 212:3, 213:6, 215:2, 215:6, 215:25, 217:3, 217:6, 217:12,</p>
---	---	--	--	--

<p>217:15, 218:4, 219:13, 219:17, 219:20, 219:22, 219:23, 220:18, 221:12, 223:3, 223:6, 223:10, 223:13, 223:23, 224:10, 224:15, 224:25, 226:1, 227:21, 227:23, 230:15, 230:21</p> <p>inappropriate [2] - 144:20, 149:13</p> <p>inch [11] - 30:5, 139:14, 139:16, 161:7, 161:16, 161:17, 164:10, 164:20, 174:16, 183:7, 211:5</p> <p>inches [40] - 148:11, 161:6, 161:8, 161:11, 161:18, 161:19, 161:24, 161:25, 163:10, 163:15, 164:22, 165:4, 168:24, 174:17, 174:20, 175:4, 175:5, 183:9, 183:10, 183:11, 183:13, 184:13, 184:14, 184:16, 200:12, 200:13, 202:3, 202:16, 206:18, 206:19, 207:10, 211:8, 211:14, 211:22, 220:17, 220:18, 221:1, 222:12, 223:20</p> <p>inclined [1] - 123:2</p> <p>included [1] - 55:24</p> <p>includes [1] - 128:18</p> <p>including [2] - 108:10, 197:7</p> <p>incorporated [1] - 56:1</p> <p>incredibly [2] - 119:3, 167:1</p> <p>independent [1] - 70:11</p> <p>indicate [1] - 125:12</p> <p>indicated [3] - 49:4, 102:20, 139:13</p> <p>individual [2] - 105:20, 110:1</p> <p>industrial [3] - 71:21, 72:16, 122:8</p> <p>infilled [1] - 195:13</p> <p>infiltration [1] - 71:11</p> <p>information [18] -</p>	<p>52:16, 54:20, 55:2, 55:16, 93:23, 94:3, 94:18, 96:19, 100:17, 100:18, 100:19, 100:20, 100:23, 101:15, 102:3, 125:6, 126:12</p> <p>informer [1] - 144:19</p> <p>infrequent [1] - 83:11</p> <p>inherent [2] - 52:8, 115:21</p> <p>initial [2] - 49:12, 63:8</p> <p>initially [2] - 59:13, 91:25</p> <p>injection [4] - 69:15, 91:17, 91:18, 91:20</p> <p>injections [2] - 69:12</p> <p>inline [3] - 224:5, 224:7</p> <p>inlines [3] - 224:7, 224:8, 224:13</p> <p>input [1] - 10:8</p> <p>inside [15] - 18:21, 64:9, 66:5, 198:5, 198:9, 201:12, 203:15, 204:6, 207:12, 217:10, 218:25, 224:21, 226:7, 227:3, 227:17</p> <p>inspected [2] - 99:6, 104:4</p> <p>inspection [1] - 99:4</p> <p>install [1] - 197:24</p> <p>installation [1] - 33:7</p> <p>installed [1] - 162:2</p> <p>installing [1] - 117:10</p> <p>instead [2] - 36:2, 165:22</p> <p>institutional [1] - 222:23</p> <p>instruction [1] - 150:11</p> <p>insufficient [2] - 116:21, 116:24</p> <p>insulting [1] - 225:23</p> <p>integrity [2] - 104:8, 104:21</p> <p>intend [2] - 10:5, 49:23</p> <p>intended [1] - 61:10</p> <p>intends [1] - 50:1</p> <p>intent [2] - 95:14, 149:6</p> <p>intention [1] - 202:19</p> <p>intentional [1] - 184:20</p> <p>interest [2] - 172:7,</p>	<p>202:7</p> <p>interested [8] - 13:15, 24:15, 44:15, 131:15, 156:15, 179:15, 190:15, 230:15</p> <p>Interestingly [1] - 146:2</p> <p>interests [1] - 54:14</p> <p>interior [10] - 105:1, 195:8, 197:18, 197:20, 198:6, 198:22, 199:10, 201:11, 205:24, 227:16</p> <p>intermediate [2] - 113:20, 117:3</p> <p>internally [2] - 93:17, 214:5</p> <p>interpret [1] - 189:1</p> <p>interrupt [2] - 78:10, 117:18</p> <p>intertwined [1] - 50:19</p> <p>into [42] - 18:9, 19:5, 19:7, 20:14, 40:21, 49:20, 49:21, 59:8, 60:13, 61:8, 64:8, 64:11, 65:1, 67:11, 69:23, 78:20, 98:1, 110:8, 110:20, 146:6, 153:11, 153:22, 154:11, 174:4, 184:8, 195:4, 197:6, 198:22, 199:17, 202:17, 203:19, 209:16, 210:7, 211:5, 213:4, 216:5, 216:24, 218:16, 219:8, 219:14, 223:16, 225:22</p> <p>intrinsic [1] - 115:21</p> <p>introducing [1] - 53:4</p> <p>introduced [1] - 55:2</p> <p>invasive [1] - 84:10</p> <p>inventory [1] - 98:1</p> <p>investigation [3] - 64:5, 64:8, 94:5</p> <p>investigations [3] - 62:25, 70:24, 94:8</p> <p>invex [1] - 104:25</p> <p>inviting [1] - 219:21</p> <p>involved [8] - 69:2, 71:21, 72:6, 74:15, 74:16, 86:13, 97:7, 145:7</p> <p>ironwork [2] - 18:14, 19:19</p> <p>irrelevant [1] -</p>	<p>123:18</p> <p>Irrespective [1] - 142:24</p> <p>isn't [4] - 55:6, 106:19, 177:11, 205:2</p> <p>isometric [1] - 18:24</p> <p>issue [8] - 10:22, 82:20, 123:8, 123:17, 163:3, 183:15, 183:17, 205:24</p> <p>issues [13] - 50:10, 61:7, 69:2, 79:8, 86:13, 100:25, 121:9, 121:11, 126:11, 204:18, 218:11</p> <p>It [83] - 3:1, 3:2, 8:14, 18:14, 21:8, 21:15, 21:23, 30:23, 31:1, 31:8, 32:2, 34:15, 39:19, 51:17, 53:1, 54:5, 54:10, 55:8, 57:10, 58:7, 63:15, 67:10, 67:13, 67:23, 69:4, 73:20, 77:7, 79:25, 94:1, 104:24, 114:22, 119:22, 128:21, 141:7, 143:2, 143:15, 143:25, 144:4, 144:16, 147:3, 148:3, 149:7, 152:12, 154:7, 162:2, 162:25, 163:22, 164:22, 164:24, 165:3, 167:12, 168:25, 169:1, 169:10, 172:14, 173:4, 174:14, 175:19, 185:24, 186:20, 188:22, 199:8, 200:5, 200:25, 203:21, 206:25, 211:24, 212:17, 213:17, 214:4, 215:2, 215:24, 220:16, 220:20, 226:2, 226:3, 226:6, 227:14</p> <p>it [490] - 4:20, 5:3, 5:4, 7:8, 7:10, 8:14, 9:11, 9:13, 9:14, 9:20, 10:1, 10:3, 10:8, 10:11, 10:15, 11:8, 18:4, 18:11, 18:15, 18:16, 19:3, 19:9, 19:13, 19:16, 19:21, 19:22, 19:23, 20:15, 20:20, 21:3, 21:20, 21:21, 21:24, 30:21, 30:25, 31:1, 31:2, 31:6, 31:16, 32:2, 32:3, 32:14, 32:15,</p>	<p>32:16, 32:21, 32:23, 33:9, 33:22, 33:23, 33:25, 34:6, 34:7, 34:8, 34:11, 34:18, 34:21, 34:22, 35:4, 35:5, 35:10, 35:17, 35:19, 36:1, 36:3, 37:14, 37:15, 37:25, 39:6, 39:15, 40:2, 40:5, 40:8, 40:11, 41:13, 41:25, 48:6, 49:7, 52:22, 52:25, 53:4, 53:5, 53:18, 53:20, 54:6, 54:22, 54:23, 55:13, 55:21, 55:22, 55:24, 58:15, 58:16, 59:2, 59:11, 60:14, 61:15, 61:23, 63:5, 64:6, 64:11, 64:16, 65:3, 65:9, 65:24, 65:25, 66:8, 66:18, 66:22, 67:5, 67:9, 67:10, 67:11, 67:13, 67:19, 67:21, 68:13, 68:23, 68:24, 69:8, 69:13, 69:17, 70:3, 70:4, 71:7, 71:12, 71:18, 72:6, 72:21, 72:25, 73:2, 73:5, 73:6, 73:8, 73:14, 73:25, 74:3, 74:10, 74:18, 74:20, 75:8, 75:9, 75:13, 75:15, 75:16, 75:17, 75:23, 75:25, 76:4, 76:6, 76:14, 76:18, 76:25, 77:1, 77:6, 77:9, 77:15, 77:21, 78:4, 78:20, 80:4, 80:5, 80:9, 80:14, 80:16, 80:17, 81:18, 81:23, 84:20, 85:14, 86:3, 86:14, 86:18, 86:19, 86:22, 86:24, 86:25, 87:16, 87:20, 89:17, 91:2, 91:3, 91:5, 91:6, 91:12, 93:6, 93:14, 93:17, 93:21, 94:2, 94:4, 94:11, 94:25, 95:10, 95:12, 95:14, 95:18, 98:4, 99:6, 99:15, 99:20, 99:22, 100:3, 100:17, 101:4, 101:16, 101:21, 101:24, 102:9, 102:21, 104:12, 105:15, 106:1, 106:14, 106:19, 107:21, 107:25, 108:12, 109:8,</p>
---	--	---	--	---

<p>109:17, 109:19, 109:25, 110:7, 110:19, 110:23, 110:24, 110:25, 111:1, 111:4, 111:8, 112:19, 113:11, 113:13, 113:22, 114:16, 117:20, 118:7, 118:11, 118:14, 118:16, 118:17, 118:20, 119:3, 119:17, 119:21, 119:24, 120:2, 120:3, 120:4, 120:5, 121:5, 121:13, 122:23, 123:13, 123:25, 125:7, 125:12, 125:15, 126:3, 126:4, 126:16, 126:17, 128:11, 128:12, 128:18, 135:2, 137:14, 137:15, 137:24, 137:25, 138:14, 139:9, 139:17, 139:18, 140:17, 141:5, 141:23, 143:1, 143:4, 143:7, 143:9, 143:12, 143:21, 143:25, 144:1, 144:2, 144:5, 144:7, 144:8, 145:1, 145:6, 145:9, 146:3, 146:6, 146:7, 146:14, 147:15, 147:19, 148:3, 148:13, 148:17, 148:18, 148:23, 148:25, 149:8, 149:12, 149:22, 150:1, 150:4, 150:13, 152:6, 152:8, 152:14, 152:16, 154:5, 161:3, 161:4, 161:8, 161:12, 161:13, 161:16, 162:1, 163:1, 163:8, 163:17, 163:19, 164:16, 164:18, 164:23, 165:9, 165:20, 166:4, 166:6, 166:18, 167:4, 167:15, 167:17, 167:19, 167:23, 167:25, 168:21, 169:1, 169:6, 169:16, 169:17, 169:25, 170:3, 170:23, 172:5, 172:10, 172:21, 172:23, 173:3, 173:5, 173:16, 174:1, 174:19, 174:20, 175:9, 175:14,</p>	<p>175:25, 176:5, 176:8, 176:10, 183:13, 183:24, 184:10, 184:11, 184:14, 184:16, 184:19, 186:19, 186:25, 187:3, 189:2, 189:5, 194:23, 195:7, 195:15, 195:25, 197:3, 197:8, 197:12, 197:25, 198:3, 198:5, 198:17, 199:3, 199:11, 199:16, 200:18, 202:24, 203:16, 203:23, 204:6, 204:7, 204:11, 204:12, 204:18, 204:22, 205:2, 205:6, 206:23, 207:1, 207:14, 207:23, 207:24, 208:14, 208:17, 209:20, 210:1, 210:6, 210:9, 210:10, 210:12, 210:16, 210:17, 211:5, 211:10, 211:14, 212:5, 212:7, 212:9, 212:17, 212:25, 213:13, 213:16, 215:17, 215:22, 215:25, 216:8, 216:18, 216:19, 216:20, 217:2, 217:10, 217:14, 218:15, 218:18, 219:4, 219:11, 219:25, 220:15, 220:16, 221:10, 221:24, 222:20, 223:1, 223:5, 223:19, 225:5, 225:7, 225:20, 225:23, 226:13, 226:15, 227:7, 227:21, 227:23, 229:10 it's [80] - 4:8, 4:18, 10:3, 10:15, 32:22, 36:3, 36:6, 36:9, 58:24, 67:5, 67:8, 67:12, 73:2, 76:8, 76:18, 77:15, 80:14, 81:23, 84:24, 86:22, 91:7, 94:13, 96:13, 96:15, 98:4, 98:14, 105:10, 106:10, 108:19, 108:24, 110:18, 114:11, 114:17, 115:1, 124:8, 140:14, 140:15, 144:3, 147:14, 148:6, 151:22, 153:7,</p>	<p>153:19, 161:5, 164:10, 165:1, 165:2, 165:4, 166:21, 169:10, 171:19, 172:9, 173:6, 173:23, 175:16, 175:21, 177:3, 177:4, 177:7, 184:19, 184:24, 185:2, 197:13, 198:1, 198:19, 198:21, 200:6, 207:10, 207:24, 208:24, 213:12, 219:23, 220:22, 222:13, 223:6, 224:15, 226:1, 226:2, 227:20 It's [39] - 18:15, 30:18, 31:12, 36:13, 53:25, 86:21, 97:4, 101:10, 110:12, 114:16, 138:1, 138:2, 139:14, 140:24, 143:14, 144:11, 147:7, 149:15, 154:8, 161:25, 165:19, 166:21, 166:22, 167:5, 167:11, 168:16, 169:11, 173:22, 177:14, 177:15, 184:25, 198:10, 206:17, 212:13, 215:17, 219:21, 222:18, 229:4 items [3] - 114:10, 136:4, 137:5 its [6] - 21:23, 40:9, 51:20, 82:19, 101:13, 144:21 itself [6] - 35:12, 50:21, 80:3, 106:21, 214:8, 217:3 ivory [1] - 161:25</p>	<p>Jefferson [1] - 78:4 Jersey [39] - 1:6, 1:19, 3:5, 6:7, 6:20, 13:5, 13:20, 14:8, 15:3, 24:5, 24:20, 25:9, 26:3, 44:5, 44:20, 45:8, 46:3, 46:6, 53:2, 62:23, 103:23, 131:5, 131:20, 132:8, 133:3, 156:5, 156:20, 157:9, 158:3, 179:5, 179:20, 180:9, 181:3, 190:5, 190:20, 191:9, 192:3, 230:5, 230:20 Jessica [1] - 122:6 jibe [1] - 225:23 Jim [1] - 217:22 Joan [13] - 1:16, 6:17, 14:18, 25:18, 45:18, 127:4, 127:10, 127:23, 129:17, 132:18, 157:18, 180:18, 191:18 job [5] - 61:7, 86:14, 98:14, 98:15, 124:8 jobs [1] - 79:16 John [9] - 7:12, 16:5, 17:4, 17:22, 40:23, 55:20, 94:23, 136:12, 155:20 JOHN [9] - 1:20, 6:21, 15:3, 26:3, 46:3, 133:3, 158:3, 181:3, 192:3 joist [2] - 117:6, 117:8 joists [4] - 116:21, 116:23, 117:17, 117:20 Jon [9] - 1:9, 6:10, 14:11, 25:12, 45:11, 132:11, 157:12, 180:12, 191:12 Journal [1] - 3:5 June [4] - 78:17, 81:18, 115:15, 128:19 Just [10] - 32:1, 48:17, 82:3, 88:17, 136:12, 143:20, 148:16, 214:12, 222:4, 225:9 just [148] - 3:22, 3:23, 4:17, 4:23, 7:13, 7:20, 8:6, 8:17, 8:20, 9:3, 9:6, 9:9, 9:10, 9:13, 9:21, 9:24, 10:1, 10:4, 20:14, 20:23, 21:12, 29:17, 31:1, 32:2, 32:9, 32:16,</p>	<p>33:14, 34:6, 34:7, 35:4, 35:5, 35:8, 35:9, 35:11, 35:13, 35:18, 37:1, 38:23, 39:25, 40:5, 41:5, 54:19, 57:13, 58:6, 58:7, 58:19, 58:21, 60:15, 60:22, 60:24, 63:1, 63:19, 65:20, 67:7, 69:16, 71:6, 75:25, 77:25, 78:13, 78:20, 79:3, 82:16, 86:19, 88:4, 91:3, 91:21, 95:18, 97:12, 97:23, 101:18, 101:24, 102:8, 103:17, 106:20, 107:16, 108:6, 109:18, 114:11, 116:25, 120:11, 124:5, 127:2, 127:3, 127:6, 128:10, 136:11, 137:11, 139:1, 139:22, 139:24, 140:11, 141:4, 142:1, 142:7, 142:15, 143:5, 143:15, 146:12, 147:21, 149:16, 150:10, 152:14, 154:8, 162:22, 162:24, 170:1, 170:9, 170:11, 170:24, 172:2, 172:3, 186:17, 186:18, 188:5, 189:8, 196:7, 201:10, 202:7, 204:1, 204:19, 208:8, 208:24, 209:1, 209:7, 209:12, 209:22, 209:25, 210:12, 213:12, 215:6, 216:16, 216:18, 216:23, 217:11, 217:13, 217:20, 218:3, 218:11, 218:19, 219:13, 220:15, 220:16, 220:20, 223:9, 226:17 justified [1] - 165:2 justifies [1] - 119:16 juxtaposition [1] - 19:10</p>
		J		
		<p>J [2] - 17:18, 103:10 jack [1] - 110:4 jacket [1] - 141:7 jamb [1] - 21:13 James [12] - 1:11, 6:12, 14:13, 25:13, 45:13, 47:7, 103:3, 103:15, 132:13, 157:13, 180:13, 191:13 JAMES [1] - 103:16 January [1] - 94:2 JASON [1] - 46:7 Jason [2] - 48:15, 95:16</p>	<p style="text-align: center;">K</p> <p>K [1] - 194:11 keep [12] - 10:3, 33:8, 33:10, 37:20, 48:6, 54:20, 58:3, 71:4, 106:20, 120:14, 171:22, 225:2</p>	

<p>Keeping [1] - 138:15 keeping [6] - 18:13, 36:25, 107:7, 109:5, 120:16, 204:6 keeps [2] - 67:13 kept [1] - 218:25 Kevin [1] - 6:4 key [1] - 226:1 kid [1] - 39:17 kids [2] - 57:21, 57:25 kind [36] - 9:3, 18:14, 21:12, 34:20, 35:24, 38:5, 39:2, 41:22, 71:13, 76:19, 108:24, 109:19, 111:16, 112:22, 115:22, 139:1, 139:10, 143:5, 145:2, 148:17, 173:10, 186:1, 199:17, 200:18, 201:15, 207:22, 208:18, 209:5, 210:12, 216:22, 217:6, 220:6, 220:7, 223:21, 223:25 kitchen [5] - 203:3, 203:8, 205:14, 205:18, 219:2 knew [2] - 92:17, 100:7 knock [5] - 59:11, 59:23, 100:12, 122:23, 125:8 knocked [1] - 93:12 knocking [4] - 58:13, 59:19, 100:13, 119:17 know [122] - 5:3, 5:5, 5:8, 9:9, 9:10, 9:11, 10:7, 10:9, 21:22, 21:24, 30:25, 31:18, 33:4, 34:8, 35:5, 35:13, 36:18, 38:9, 38:14, 40:2, 40:3, 40:10, 41:19, 52:22, 58:9, 58:12, 58:24, 58:25, 59:15, 60:23, 65:7, 66:7, 67:5, 68:13, 70:2, 70:22, 70:24, 71:6, 72:6, 72:19, 75:8, 75:24, 76:14, 85:15, 85:20, 86:14, 88:2, 89:2, 90:11, 90:15, 91:6, 92:5, 97:21, 102:4, 108:10, 110:4, 111:19, 118:8, 119:24, 119:25, 122:4, 123:15, 124:6, 137:23, 143:4,</p>	<p>145:11, 145:20, 146:12, 147:17, 147:19, 148:17, 149:15, 152:14, 153:9, 154:10, 163:20, 168:1, 169:18, 169:22, 175:22, 177:10, 184:7, 184:9, 184:13, 184:15, 186:5, 197:9, 197:18, 197:19, 199:7, 199:15, 200:3, 200:14, 201:8, 202:8, 204:12, 204:20, 204:21, 204:22, 204:23, 204:24, 207:1, 207:3, 209:15, 209:16, 211:1, 213:9, 216:24, 217:4, 217:9, 217:11, 218:10, 219:1, 220:16, 220:17, 223:1, 224:16, 224:25, 226:3, 227:21, 227:22 knowing [3] - 94:6, 148:23, 211:12 knowledge [1] - 61:19 known [4] - 49:11, 51:10, 100:25, 101:1 knows [1] - 39:4 KRATZ [84] - 3:12, 4:7, 7:16, 8:1, 8:3, 8:8, 8:11, 11:14, 21:6, 21:10, 21:17, 22:9, 22:14, 36:18, 39:22, 42:11, 51:2, 51:7, 53:22, 54:12, 54:19, 83:1, 83:9, 83:15, 84:3, 85:16, 85:23, 86:8, 86:17, 87:12, 87:21, 111:3, 111:13, 112:1, 112:5, 112:14, 113:4, 113:7, 114:2, 114:19, 118:2, 123:7, 129:2, 129:23, 137:22, 138:3, 138:7, 139:19, 142:15, 142:20, 143:14, 145:15, 145:24, 146:14, 146:24, 147:18, 149:2, 149:12, 149:17, 150:23, 154:25, 163:24, 177:25, 187:8, 187:13, 205:9, 205:13, 205:21, 206:3, 206:8, 210:4, 214:14, 214:16, 214:19, 215:9, 216:3,</p>	<p>216:6, 216:10, 220:2, 227:9, 227:16, 228:3, 228:7, 229:4 Kratz [19] - 1:10, 3:11, 6:11, 11:13, 14:12, 22:13, 25:13, 42:10, 45:12, 129:1, 132:12, 150:22, 154:24, 157:13, 177:24, 180:13, 187:12, 191:13, 228:6 Krtaz' [1] - 119:5</p>	<p>141:24, 142:6, 142:10, 146:25, 147:6, 152:24 laser [2] - 172:17, 183:7 lash [2] - 141:18, 143:2 Lash [5] - 132:4, 140:22, 140:23, 142:16, 145:19 Last [3] - 57:17, 63:8, 228:24 last [25] - 17:25, 18:24, 20:10, 28:11, 29:11, 55:23, 57:11, 57:19, 59:9, 79:17, 80:1, 102:16, 122:17, 122:22, 125:21, 126:6, 127:12, 127:14, 194:13, 198:14, 198:15, 199:15, 207:20, 214:17, 218:8 lasted [1] - 199:16 lasting [1] - 172:11 lateral [2] - 112:12, 113:3 latest [2] - 78:15, 197:24 Laughter [23] - 23:6, 31:25, 32:25, 38:10, 39:5, 63:6, 71:19, 83:8, 142:12, 143:17, 144:6, 144:15, 145:25, 151:15, 155:18, 162:11, 163:13, 164:3, 168:12, 169:23, 173:8, 186:2, 222:25 LAW [9] - 1:18, 6:19, 15:2, 26:2, 46:2, 133:2, 158:2, 181:2, 192:2 law [2] - 40:25, 53:1 lawsuit [1] - 199:4 layout [2] - 220:8, 227:3 lays [2] - 67:3 leading [2] - 20:14, 32:10 leak [3] - 75:14, 77:23, 97:24 leaked [1] - 64:25 leaking [2] - 73:25, 74:3 learned [3] - 49:6, 49:7, 50:12 least [1] - 39:9, 65:4, 66:9, 68:22, 84:10, 84:11, 89:11,</p>	<p>144:25, 205:6, 225:1, 228:24 leave [4] - 35:21, 152:8, 172:19, 227:4 leaving [4] - 19:15, 35:6, 80:3, 194:23 Ledger [1] - 3:6 leeway [1] - 221:18 left [13] - 9:3, 69:11, 119:22, 121:2, 121:13, 145:4, 152:7, 153:18, 153:20, 197:18, 202:21, 217:11, 219:10 legal [8] - 9:15, 10:10, 40:24, 41:5, 52:19, 125:14, 128:11, 210:15 legally [4] - 49:15, 60:1, 109:18, 109:22 length [6] - 19:3, 140:12, 212:25, 215:13, 219:11, 223:10 less [7] - 89:2, 145:24, 166:3, 175:5, 176:22, 208:18, 215:7 lesser [1] - 113:23 Let [5] - 3:24, 81:13, 81:21, 86:19, 226:17 let [9] - 39:6, 59:15, 60:19, 90:20, 90:24, 121:7, 169:18, 202:22, 217:25 let's [7] - 9:20, 150:3, 189:6, 200:17, 206:19, 218:18, 226:22 Let's [6] - 40:4, 42:1, 160:10, 171:22, 183:1, 226:21 letter [12] - 30:7, 69:9, 91:6, 161:10, 161:14, 162:23, 167:16, 168:23, 168:24, 176:1, 183:9, 221:7 Letter [1] - 175:25 lettering [11] - 140:5, 172:14, 172:16, 177:3, 195:17, 200:7, 200:12, 214:5, 220:14, 222:6 letters [22] - 29:13, 139:13, 148:10, 148:11, 154:9, 161:6, 161:10, 162:1, 164:4, 164:20, 164:25, 167:2, 174:10, 183:7, 183:9, 183:20,</p>
L		<p>I [2] - 63:9, 103:16 L [15] - 1:14, 6:15, 14:16, 25:17, 45:16, 62:15, 103:10, 132:16, 135:16, 135:23, 157:17, 180:17, 191:17, 194:11, 194:14 L-a-r-i-n-o [1] - 135:23 L-i-e-t-i-n-s [1] - 194:14 l-u-g-o-s-z [1] - 103:16 lamine [2] - 33:24, 34:5 lamp [2] - 138:16 lamps [13] - 37:13, 37:16, 137:16, 137:21, 138:23, 139:1, 148:15, 161:16, 161:20, 171:15, 183:22, 183:25 land [2] - 41:1, 51:25 landing [6] - 195:5, 197:5, 197:7, 203:24, 203:25, 207:11 landings [2] - 196:24, 204:2 landlord [1] - 183:6 large [6] - 18:19, 111:22, 148:9, 175:3, 175:18, 175:21 larger [4] - 161:13, 168:14, 200:17, 212:2 largest [1] - 5:9 Larino [2] - 134:6, 135:22 LARINO [14] - 135:12, 135:22, 139:16, 140:24, 141:3, 141:15, 141:19, 141:21,</p>		

<p>186:16, 214:2, 214:9, 221:6, 221:14, 224:24</p> <p>level [21] - 33:25, 71:1, 71:2, 71:3, 71:10, 73:23, 76:5, 85:3, 87:9, 90:19, 90:23, 105:7, 105:8, 108:10, 108:15, 108:19, 112:3, 112:6, 113:16, 119:16, 198:7</p> <p>levels [2] - 72:13, 222:10</p> <p>Lewis [8] - 13:18, 24:18, 44:18, 131:18, 156:18, 179:18, 190:18, 230:18</p> <p>LEWIS [25] - 1:22, 6:23, 13:3, 13:20, 14:22, 24:3, 24:20, 25:22, 44:3, 44:20, 45:22, 131:3, 131:20, 132:22, 156:3, 156:20, 157:22, 179:3, 179:20, 180:22, 190:3, 190:20, 191:22, 230:3, 230:20</p> <p>liability [2] - 79:13, 99:25</p> <p>license [3] - 98:9, 98:12, 99:13</p> <p>licensed [5] - 62:22, 62:23, 98:6, 99:2, 103:23</p> <p>Lietins [4] - 191:5, 193:5, 214:18, 214:19</p> <p>lieu [1] - 30:4</p> <p>life [2] - 30:19, 164:17</p> <p>lifetime [2] - 166:7, 172:13</p> <p>light [14] - 18:16, 37:1, 136:17, 137:20, 139:10, 140:12, 140:24, 148:16, 161:25, 167:2, 167:3, 171:23, 185:1, 185:3</p> <p>lighter [1] - 7:22</p> <p>lighting [20] - 37:7, 40:17, 136:25, 137:8, 137:9, 140:14, 142:22, 142:25, 146:18, 148:13, 152:5, 154:6, 161:9, 161:15, 165:15, 168:24, 169:12, 169:16, 175:25, 183:21</p> <p>lights [3] - 36:21, 40:20, 185:7</p>	<p>Like [1] - 168:7</p> <p>like [107] - 3:23, 9:1, 9:7, 10:2, 19:15, 19:20, 19:21, 19:22, 29:14, 32:10, 32:13, 32:14, 32:22, 32:23, 35:3, 35:10, 35:12, 36:14, 38:12, 38:22, 38:23, 39:1, 40:11, 40:14, 41:10, 51:4, 51:12, 51:15, 56:22, 57:16, 57:22, 58:14, 62:6, 64:10, 65:25, 66:1, 67:11, 68:3, 68:12, 68:13, 69:6, 70:25, 71:18, 76:7, 79:15, 81:23, 82:24, 84:8, 86:15, 87:13, 90:16, 98:4, 108:14, 110:7, 111:20, 112:7, 120:20, 121:4, 130:1, 139:24, 140:24, 141:8, 143:15, 143:25, 144:2, 145:2, 145:4, 145:8, 145:22, 146:5, 146:8, 146:11, 147:17, 153:8, 161:8, 163:24, 165:17, 167:19, 168:18, 174:1, 175:16, 183:19, 184:19, 197:18, 200:25, 204:17, 204:18, 208:11, 209:12, 210:12, 211:14, 211:23, 213:3, 217:4, 219:12, 220:17, 221:9, 222:23, 223:18, 223:20, 224:11, 225:1, 227:2, 227:10</p> <p>liked [1] - 58:5</p> <p>likely [2] - 90:4, 219:17</p> <p>likewise [1] - 223:19</p> <p>limit [6] - 66:15, 66:16, 66:17, 66:18</p> <p>limited [1] - 201:15</p> <p>line [8] - 37:22, 60:12, 80:6, 126:17, 201:16, 201:23, 207:21, 209:23</p> <p>list [1] - 145:20</p> <p>listed [3] - 161:4, 183:23, 184:24</p> <p>listening [1] - 126:20</p> <p>lit [3] - 146:13, 214:2, 222:6</p> <p>literally [1] - 93:12</p> <p>litigation [1] - 76:16</p>	<p>little [27] - 5:1, 5:7, 5:13, 35:5, 35:17, 36:4, 38:17, 38:22, 40:21, 48:17, 57:25, 58:22, 64:2, 78:13, 161:2, 161:13, 168:25, 175:15, 184:20, 209:1, 218:5, 219:21, 220:15, 220:20, 221:11, 221:18, 223:6</p> <p>live [4] - 50:1, 57:24, 61:17, 78:3</p> <p>lived [1] - 58:18</p> <p>lives [2] - 125:16, 188:25</p> <p>living [2] - 57:20, 123:16</p> <p>LLP [9] - 1:18, 6:19, 15:2, 26:2, 46:2, 133:2, 158:2, 181:2, 192:2</p> <p>load [1] - 68:23</p> <p>local [2] - 58:11, 198:24</p> <p>located [3] - 48:19, 49:18, 50:24</p> <p>location [1] - 208:13</p> <p>locations [8] - 137:20, 138:17, 138:24, 163:7, 204:16, 224:6, 224:7, 224:8</p> <p>lock [1] - 39:11</p> <p>lookup [2] - 221:9, 221:19</p> <p>lockups [1] - 200:9</p> <p>logo [13] - 137:20, 141:6, 167:22, 168:6, 183:8, 183:10, 183:24, 184:13, 184:18, 186:18, 208:13, 218:18, 223:13</p> <p>logos [2] - 168:10, 220:25</p> <p>long [13] - 5:1, 31:1, 71:16, 75:12, 75:14, 83:7, 83:20, 90:7, 90:11, 91:13, 172:11, 199:9, 217:24</p> <p>longevity [1] - 172:4</p> <p>look [26] - 18:6, 18:9, 19:22, 32:10, 34:15, 37:4, 86:12, 92:13, 121:4, 122:2, 126:16, 146:7, 153:6, 153:8, 163:1, 165:11, 173:4, 173:5, 175:7, 183:18, 184:10, 202:6, 204:5,</p>	<p>209:10, 214:21, 218:24</p> <p>looked [7] - 19:7, 58:2, 58:9, 70:3, 83:13, 139:7, 213:12</p> <p>Looking [2] - 66:20, 140:1</p> <p>looking [15] - 4:25, 40:5, 58:12, 66:1, 85:13, 105:4, 110:10, 112:23, 143:5, 174:19, 175:3, 176:15, 221:25, 222:24, 227:21</p> <p>looks [14] - 19:5, 81:23, 121:3, 143:15, 143:25, 144:2, 161:12, 168:25, 169:10, 175:3, 184:10, 200:25, 220:16</p> <p>loose [1] - 60:4</p> <p>lose [2] - 37:20, 71:13</p> <p>losing [2] - 70:2, 205:24</p> <p>lost [1] - 148:6</p> <p>lot [28] - 32:14, 33:24, 34:25, 35:1, 51:24, 51:25, 72:10, 74:6, 74:22, 74:25, 75:4, 75:8, 77:16, 81:24, 83:4, 117:20, 161:8, 167:23, 169:21, 169:25, 172:9, 175:21, 177:2, 188:22, 197:10, 203:5, 203:9, 204:16</p> <p>lots [1] - 83:19</p> <p>Louder [1] - 63:25</p> <p>louder [1] - 64:2</p> <p>love [3] - 32:17, 38:25, 167:25</p> <p>lower [8] - 72:19, 113:10, 164:24, 164:25, 200:18, 200:22, 201:4, 223:3</p> <p>lowering [1] - 200:22</p> <p>luck [1] - 43:4</p> <p>lucky [1] - 75:24</p> <p>lunch [2] - 204:24, 219:21</p> <p>luxury [1] - 95:11</p>	<p>ma'am [1] - 118:9</p> <p>machinery [3] - 94:9, 105:9, 105:12</p> <p>made [13] - 36:10, 40:7, 52:18, 56:19, 64:8, 82:19, 97:9, 102:7, 102:16, 120:3, 121:10, 121:12, 147:18</p> <p>Madison [8] - 2:10, 45:3, 45:4, 48:1, 48:13, 48:20, 58:17, 87:10</p> <p>magenta [2] - 141:23, 145:13</p> <p>magnet [1] - 223:25</p> <p>magnitude [2] - 119:15, 173:17</p> <p>mail [1] - 171:7</p> <p>mailbox [1] - 171:3</p> <p>maintain [4] - 101:3, 102:19, 201:12, 202:24</p> <p>maintained [2] - 101:2, 101:12</p> <p>maintaining [2] - 82:18, 204:8</p> <p>maintenance [1] - 31:21</p> <p>major [1] - 218:10</p> <p>majority [2] - 40:10, 41:10</p> <p>make [45] - 4:23, 9:3, 22:5, 39:8, 41:18, 42:3, 58:16, 64:5, 69:16, 72:21, 72:25, 73:8, 90:11, 93:10, 101:22, 102:2, 102:12, 107:11, 112:19, 115:19, 115:25, 119:25, 121:11, 124:22, 125:3, 126:16, 128:4, 143:19, 149:13, 149:15, 164:19, 168:2, 177:3, 177:19, 183:18, 187:5, 188:25, 195:8, 197:8, 197:12, 200:14, 200:17, 206:1, 220:11</p> <p>Make [4] - 11:3, 11:7, 41:24, 146:23</p> <p>makes [5] - 40:18, 54:10, 67:11, 117:20, 195:7</p> <p>making [7] - 55:18, 61:4, 87:21, 87:22, 102:3, 124:6, 188:7</p> <p>management [1] - 153:21</p>
M				
<p>M [4] - 62:15, 103:10, 160:17, 183:2</p> <p>m [1] - 63:9</p>				

<p>manner [2] - 59:25, 107:12</p> <p>manufacturer's [1] - 145:20</p> <p>many [12] - 38:6, 64:14, 73:9, 79:1, 102:6, 108:7, 110:9, 127:23, 166:8, 172:2, 197:19</p> <p>March [2] - 11:8, 228:2</p> <p>mark [1] - 199:13</p> <p>Martin [9] - 1:10, 6:11, 14:12, 25:12, 45:12, 132:12, 157:12, 180:12, 191:12</p> <p>Marty [1] - 78:8</p> <p>masonry [4] - 114:24, 116:4, 116:6, 116:11</p> <p>Masonry [1] - 115:4</p> <p>massing [1] - 52:1</p> <p>masters [1] - 103:21</p> <p>mat [1] - 41:25</p> <p>match [8] - 9:2, 167:12, 195:13, 196:3, 221:6, 221:24, 222:2, 225:16</p> <p>matchable [1] - 195:15</p> <p>matches [1] - 9:8</p> <p>material [1] - 32:18</p> <p>materiality [1] - 20:3</p> <p>math [1] - 219:12</p> <p>matte [2] - 166:13, 171:20</p> <p>matter [18] - 12:3, 23:10, 43:5, 48:9, 48:17, 50:9, 51:13, 56:18, 84:21, 84:24, 117:21, 130:3, 146:3, 152:8, 154:16, 155:23, 178:17, 189:17</p> <p>matters [1] - 51:25</p> <p>may [25] - 10:15, 33:22, 40:3, 40:9, 41:12, 41:13, 52:2, 55:21, 68:14, 70:25, 95:23, 117:6, 120:5, 128:10, 129:23, 186:9, 199:8, 207:4, 207:5, 208:18, 209:10, 210:23, 213:7</p> <p>May [1] - 154:20</p> <p>maybe [30] - 20:12, 35:7, 35:12, 37:3, 39:9, 39:11, 68:13, 78:22, 81:16, 83:19,</p>	<p>90:16, 109:18, 110:8, 110:11, 115:19, 144:18, 144:25, 173:17, 184:19, 186:8, 186:16, 188:8, 202:17, 208:11, 209:5, 209:9, 210:3, 216:18, 224:24, 226:15</p> <p>Maybe [6] - 21:1, 39:18, 96:15, 172:8, 204:25, 225:9</p> <p>McFarland's [1] - 186:4</p> <p>MDO [2] - 34:11, 36:6</p> <p>me [47] - 13:8, 18:4, 24:8, 44:8, 51:1, 52:5, 55:5, 64:4, 80:5, 81:13, 81:21, 86:19, 93:14, 93:16, 94:11, 100:19, 108:6, 111:5, 121:7, 122:1, 131:8, 136:6, 146:15, 146:25, 149:13, 152:24, 156:8, 161:3, 162:7, 163:19, 164:13, 166:1, 166:11, 171:11, 172:3, 173:19, 179:8, 186:17, 188:13, 190:8, 199:24, 200:25, 202:22, 210:8, 211:13, 226:17, 230:8</p> <p>mean [42] - 8:24, 10:11, 19:19, 30:11, 30:25, 34:6, 34:14, 35:10, 38:17, 72:9, 86:22, 102:1, 108:8, 112:2, 115:8, 120:2, 147:2, 147:15, 148:25, 153:6, 168:6, 170:6, 171:19, 172:18, 173:1, 173:5, 174:15, 174:18, 174:19, 175:5, 198:19, 204:11, 206:15, 208:1, 210:3, 210:8, 212:15, 213:21, 215:1, 215:15, 217:22, 220:4</p> <p>means [7] - 50:5, 60:4, 60:14, 72:11, 164:1, 175:14, 226:2</p> <p>measure [1] - 168:21</p> <p>measured [1] - 177:10</p> <p>measures [1] - 119:9</p> <p>measuring [1] -</p>	<p>175:10</p> <p>medical [1] - 4:9</p> <p>meet [2] - 203:7, 203:13</p> <p>meeting [10] - 3:3, 4:18, 11:5, 11:8, 59:9, 127:12, 127:14, 150:13, 228:2, 229:19</p> <p>MEETING [1] - 1:3</p> <p>Meeting [1] - 4:19</p> <p>megaphone [1] - 21:2</p> <p>Members [1] - 48:15</p> <p>members [11] - 9:13, 9:14, 53:6, 53:8, 53:9, 71:5, 103:2, 124:13, 124:17, 127:5, 138:18</p> <p>memory [1] - 121:14</p> <p>mention [4] - 3:23, 4:18, 85:24, 215:10</p> <p>mentioned [13] - 29:17, 51:8, 51:9, 52:4, 83:3, 85:1, 89:24, 91:15, 118:6, 214:20, 216:3, 216:8, 216:11</p> <p>Merchant [3] - 84:13, 84:15, 85:17</p> <p>merely [1] - 199:4</p> <p>mess [2] - 67:12, 73:3</p> <p>met [3] - 56:13, 57:21, 58:19</p> <p>metal [4] - 172:20, 173:11, 212:24, 217:5</p> <p>method [2] - 84:9, 84:17</p> <p>Metsch [1] - 3:17</p> <p>micro [1] - 64:10</p> <p>middle [3] - 37:21, 114:10, 117:10</p> <p>might [14] - 8:13, 20:15, 21:14, 37:18, 38:19, 71:6, 85:6, 92:24, 118:11, 121:10, 176:3, 210:5, 217:3, 223:3</p> <p>MILLER [74] - 1:20, 6:21, 9:9, 10:10, 15:3, 17:11, 17:13, 17:20, 17:24, 26:3, 28:12, 28:19, 29:1, 29:4, 40:23, 41:11, 46:3, 51:17, 53:25, 54:17, 54:21, 55:4, 56:6, 56:18, 56:25, 57:7, 57:12, 62:10, 62:17, 63:15, 82:3, 82:7, 87:15, 87:19, 87:24, 97:4, 103:5, 103:12,</p>	<p>124:3, 124:13, 127:2, 127:9, 127:19, 127:23, 128:2, 128:10, 128:16, 129:17, 129:21, 133:3, 135:7, 135:13, 135:24, 136:11, 147:23, 149:9, 149:21, 150:8, 151:22, 155:13, 158:3, 160:13, 160:19, 181:3, 192:3, 194:3, 194:8, 210:5, 210:15, 210:25, 213:15, 213:18, 215:19, 215:22</p> <p>mind [6] - 119:1, 119:24, 120:14, 144:18, 173:6, 223:22</p> <p>Minervini [1] - 7:11</p> <p>minimalist [1] - 208:18</p> <p>minimum [1] - 108:8</p> <p>ministerial [1] - 10:15</p> <p>minor [2] - 18:7, 21:16</p> <p>minutes [1] - 130:1</p> <p>misleading [3] - 168:16, 168:25, 212:21</p> <p>miss [1] - 155:15</p> <p>missed [1] - 34:23</p> <p>missing [3] - 144:14, 155:13, 155:20</p> <p>mistake [2] - 52:1, 125:4</p> <p>mitigate [1] - 205:23</p> <p>mix [1] - 221:5</p> <p>Mobile [3] - 144:18, 145:13, 148:9</p> <p>modern [2] - 21:25, 217:13</p> <p>modify [1] - 195:2</p> <p>modifying [1] - 36:21</p> <p>mold [1] - 36:5</p> <p>molding [3] - 35:24, 36:2, 36:10</p> <p>moment [1] - 8:25</p> <p>Monday [9] - 1:3, 6:3, 14:3, 25:3, 45:3, 132:3, 157:3, 180:3, 191:3</p> <p>money [1] - 5:7</p> <p>monitoring [7] - 69:3, 69:6, 69:7, 69:14, 70:20, 77:8, 91:17</p> <p>month [8] - 17:25, 18:25, 20:10, 91:2,</p>	<p>146:16, 149:5, 152:3, 229:11</p> <p>months [5] - 39:1, 48:18, 82:10, 90:16, 102:6</p> <p>Moore [1] - 32:11</p> <p>moot [1] - 205:6</p> <p>more [43] - 18:11, 21:8, 32:5, 52:16, 60:9, 60:16, 63:3, 63:12, 65:7, 73:15, 79:16, 94:13, 95:6, 95:7, 114:17, 117:1, 117:4, 118:23, 122:9, 138:10, 143:19, 145:21, 146:19, 165:11, 165:24, 177:3, 203:9, 203:10, 208:3, 208:18, 209:5, 209:10, 211:9, 213:5, 213:19, 217:4, 217:12, 217:15, 219:21, 222:16, 223:6, 227:13</p> <p>mortar [2] - 106:5, 110:2</p> <p>Most [1] - 117:1</p> <p>most [11] - 5:5, 78:1, 84:10, 90:4, 104:14, 113:18, 114:5, 115:5, 164:1, 209:22, 219:17</p> <p>motif [1] - 19:23</p> <p>Motion [5] - 22:7, 127:1, 128:3, 129:21, 154:14</p> <p>motion [54] - 11:3, 11:7, 22:5, 39:24, 41:19, 41:24, 42:3, 49:10, 51:18, 51:22, 52:14, 52:19, 52:23, 54:22, 55:8, 55:15, 55:24, 56:10, 95:21, 100:16, 127:3, 128:5, 128:12, 129:18, 143:19, 146:23, 147:17, 147:19, 147:23, 147:25, 148:3, 149:3, 149:6, 149:9, 149:13, 149:18, 149:22, 149:25, 150:2, 150:4, 150:6, 151:23, 151:24, 152:11, 153:13, 154:12, 176:12, 177:19, 187:5, 226:11, 228:1</p> <p>Motions [2] - 174:8, 226:10</p> <p>motions [2] - 41:17, 149:15</p>
---	--	--	--	--

<p>mount ^[1] - 161:17 mounted ^[5] - 164:8, 164:9, 183:20, 195:17 move ^[8] - 7:4, 58:3, 109:10, 110:16, 172:23, 203:8, 217:9, 227:4 Move ^[1] - 102:25 moved ^[3] - 119:23, 146:24, 219:9 movement ^[1] - 111:24 moves ^[1] - 67:4 moving ^[13] - 39:16, 48:6, 65:22, 67:10, 76:2, 76:18, 195:10, 195:11, 203:14, 216:22, 218:2, 218:13 Mr ^[61] - 4:7, 7:11, 7:16, 8:1, 21:13, 28:3, 34:17, 37:13, 48:3, 48:14, 51:2, 51:7, 51:9, 51:24, 52:4, 52:5, 52:13, 52:15, 53:10, 53:12, 53:16, 53:23, 55:5, 55:10, 62:2, 62:3, 63:12, 63:19, 73:16, 74:21, 74:24, 75:3, 81:17, 82:4, 83:1, 87:25, 96:20, 101:7, 101:15, 102:24, 103:2, 104:16, 113:4, 121:22, 124:22, 126:19, 127:2, 129:23, 137:22, 142:15, 146:14, 147:18, 168:13, 174:4, 201:6, 205:9, 214:14, 214:17, 227:9, 228:25 MR ^[258] - 9:9, 10:10, 17:4, 17:11, 17:12, 17:13, 17:17, 17:20, 17:24, 23:7, 28:2, 28:9, 28:10, 28:12, 28:16, 28:17, 28:18, 28:19, 28:24, 28:25, 29:1, 29:2, 29:4, 29:5, 29:9, 29:11, 29:24, 30:2, 30:8, 30:9, 30:10, 30:11, 30:13, 30:16, 30:19, 30:23, 31:8, 31:12, 31:14, 31:18, 32:1, 32:6, 32:9, 32:23, 33:8, 33:10, 33:16, 34:2, 34:9, 34:15, 34:21, 35:7, 35:15, 35:20, 35:24, 36:5, 36:9,</p>	<p>36:13, 36:25, 37:6, 37:12, 37:23, 38:11, 38:20, 39:14, 40:23, 41:11, 43:2, 48:3, 48:11, 48:14, 51:4, 51:17, 53:25, 54:17, 54:21, 55:4, 55:13, 56:6, 56:18, 56:21, 56:24, 56:25, 57:4, 57:7, 57:12, 57:13, 60:22, 61:10, 61:14, 61:19, 62:2, 62:5, 62:8, 62:10, 62:14, 62:17, 63:3, 63:11, 63:15, 63:18, 63:25, 64:2, 64:14, 64:18, 65:14, 66:10, 66:23, 67:16, 67:20, 67:25, 68:17, 69:18, 70:7, 70:13, 70:17, 71:5, 71:15, 72:1, 72:7, 73:9, 73:13, 73:16, 74:19, 81:11, 81:15, 81:22, 82:3, 82:6, 82:7, 82:14, 82:16, 82:24, 85:20, 87:15, 87:19, 87:24, 88:4, 88:9, 91:21, 92:4, 92:7, 93:12, 94:1, 94:15, 95:2, 95:5, 95:10, 95:16, 96:7, 97:4, 98:16, 98:19, 100:1, 100:7, 100:11, 100:21, 101:20, 102:14, 103:1, 103:5, 103:9, 103:12, 103:17, 103:25, 104:4, 104:7, 104:10, 104:14, 104:19, 105:15, 106:12, 106:18, 107:6, 107:13, 118:8, 121:19, 121:22, 121:25, 122:20, 123:1, 123:5, 124:3, 124:13, 124:24, 125:2, 127:2, 127:9, 127:15, 127:19, 127:23, 128:2, 128:10, 128:14, 128:16, 128:20, 129:17, 129:21, 129:22, 135:6, 135:7, 135:11, 135:12, 135:13, 135:20, 135:22, 135:24, 136:2, 136:11, 136:16, 138:15, 138:22, 139:3, 139:7, 139:16, 140:3, 140:7, 140:11, 140:16,</p>	<p>140:19, 140:24, 141:3, 141:15, 141:19, 141:21, 141:24, 142:6, 142:10, 142:18, 143:24, 144:16, 146:25, 147:6, 147:9, 147:23, 149:9, 149:21, 150:8, 151:22, 152:24, 155:13, 160:3, 160:6, 160:10, 160:13, 160:16, 160:19, 178:16, 183:4, 194:3, 194:8, 210:5, 210:15, 210:25, 213:15, 213:18, 215:19, 215:22 Ms ^[4] - 40:18, 91:22, 170:25, 217:16 MS ^[172] - 3:9, 3:11, 3:13, 3:15, 3:17, 3:20, 3:24, 4:3, 4:5, 4:10, 4:14, 7:6, 7:12, 7:17, 7:19, 8:6, 8:9, 8:16, 10:21, 11:6, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 22:11, 22:13, 22:15, 22:17, 22:19, 22:21, 22:23, 22:25, 23:4, 37:18, 37:24, 38:3, 38:7, 38:9, 38:14, 41:9, 42:8, 42:10, 42:12, 42:14, 42:16, 42:18, 42:20, 42:22, 42:24, 88:15, 88:17, 88:22, 89:8, 89:18, 89:23, 90:6, 90:10, 90:18, 90:22, 91:8, 93:7, 96:1, 96:4, 101:17, 101:21, 118:5, 118:10, 118:15, 123:4, 123:24, 127:8, 127:11, 128:1, 128:24, 129:1, 129:3, 129:5, 129:7, 129:9, 129:11, 129:13, 129:15, 129:20, 139:23, 141:9, 148:4, 148:8, 148:20, 150:20, 150:22, 150:24, 151:1, 151:3, 151:6, 151:8, 151:10, 151:18, 151:20, 154:22, 154:24, 155:1, 155:3, 155:5, 155:7, 155:9, 155:11, 155:17, 164:4, 166:16, 166:23,</p>	<p>170:3, 170:7, 170:13, 170:18, 171:4, 177:11, 177:14, 177:17, 177:22, 177:24, 178:1, 178:3, 178:5, 178:7, 178:9, 178:11, 178:13, 184:25, 185:5, 185:9, 185:12, 185:18, 187:10, 187:12, 187:14, 187:16, 187:18, 187:20, 187:22, 187:24, 188:1, 198:4, 199:6, 200:25, 201:3, 211:16, 212:3, 212:6, 212:13, 213:17, 213:19, 214:10, 220:24, 221:2, 221:5, 221:13, 222:18, 228:4, 228:6, 228:8, 228:10, 228:12, 228:14, 228:16, 228:18, 228:20, 229:2, 229:10 Mt ^[1] - 85:8 much ^[36] - 17:20, 17:24, 23:7, 28:19, 29:8, 29:25, 32:14, 32:16, 34:24, 38:21, 57:12, 62:17, 66:11, 72:22, 72:25, 73:3, 103:12, 107:13, 113:17, 114:11, 117:6, 126:24, 165:24, 167:11, 169:11, 169:14, 170:7, 172:6, 173:16, 174:10, 188:3, 200:14, 204:7, 213:5, 219:1, 228:22 mullions ^[2] - 38:1, 225:11 multiple ^[5] - 60:7, 92:9, 92:18, 94:8, 94:10 Museum ^[3] - 84:13, 84:15, 85:17 muted ^[1] - 209:10 My ^[14] - 13:21, 24:21, 39:1, 44:21, 49:22, 61:3, 62:20, 125:14, 131:21, 152:20, 156:21, 179:21, 190:21, 230:21 my ^[61] - 4:8, 17:7, 36:15, 48:25, 49:14, 49:16, 50:1, 50:16, 51:1, 57:21, 59:5,</p>	<p>59:6, 59:12, 60:8, 62:21, 63:7, 63:24, 72:4, 77:8, 80:12, 80:13, 80:16, 83:9, 83:16, 85:16, 88:13, 91:13, 91:16, 91:23, 92:10, 92:16, 92:25, 94:4, 95:18, 98:14, 107:20, 107:21, 113:21, 119:1, 122:1, 122:9, 125:24, 137:24, 138:1, 163:10, 164:19, 175:9, 175:15, 189:1, 199:19, 200:16, 202:23, 205:13, 205:22, 207:16, 211:7, 212:18, 215:2, 215:3, 218:3 myself ^[5] - 40:5, 136:8, 227:2, 229:1, 229:7</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>n ^[4] - 63:8, 135:23, 194:14 N ^[38] - 1:14, 1:17, 2:1, 6:15, 6:18, 14:16, 15:1, 16:1, 17:5, 17:18, 17:23, 25:17, 26:1, 27:1, 45:16, 46:1, 47:1, 62:15, 132:16, 133:1, 134:1, 135:16, 157:17, 158:1, 159:1, 160:17, 180:17, 181:1, 182:1, 183:2, 191:17, 192:1, 193:1, 194:11 N-a-s-t-a-s-i ^[1] - 17:5 N-a-s-t-a-s-i ^[1] - 17:23 name ^[21] - 17:3, 17:21, 28:20, 29:15, 30:4, 57:8, 57:11, 62:18, 62:20, 62:21, 63:2, 63:3, 63:8, 103:13, 160:20, 163:19, 194:9, 194:13, 200:10, 214:17 namely ^[1] - 49:1 names ^[2] - 135:18, 167:3 narrow ^[2] - 117:1, 208:5 narrower ^[1] - 177:2 Nastasi ^[5] - 14:4, 16:5, 17:4, 17:22,</p>
---	---	--	---	--

<p>21:13 NASTASI [4] - 17:4, 17:12, 17:17, 23:7 national [2] - 199:12, 200:9 nature [2] - 137:11, 144:21 nearby [1] - 79:7 necessarily [3] - 124:8, 198:25, 210:13 necessary [6] - 72:3, 140:10, 212:10, 216:17, 216:24, 227:3 necessity [1] - 196:25 need [36] - 31:20, 38:4, 38:25, 59:16, 61:4, 69:5, 77:5, 84:8, 101:22, 101:23, 102:12, 107:22, 115:20, 117:5, 123:22, 123:25, 136:8, 138:10, 142:3, 146:5, 149:14, 165:7, 166:16, 176:12, 197:25, 203:22, 203:24, 207:11, 211:22, 216:13, 222:11, 222:12, 223:22, 226:23, 226:24, 229:1 needed [4] - 40:8, 73:7, 86:4, 219:16 needs [16] - 33:5, 53:23, 77:14, 96:21, 102:13, 105:8, 105:9, 145:19, 145:23, 195:6, 195:12, 198:23, 208:10, 212:9, 220:15, 220:21 negatively [1] - 67:21 negotiable [1] - 152:7 negotiating [1] - 119:19 neighbor [1] - 183:5 neighborhood [1] - 78:3 neighboring [6] - 76:11, 89:21, 109:2, 196:21, 215:4 neighbors [2] - 21:24, 93:1 neither [17] - 13:11, 13:14, 24:11, 24:14, 44:11, 44:14, 131:11, 131:14, 156:11, 156:14, 179:11, 179:14, 190:11,</p>	<p>190:14, 222:5, 230:11, 230:14 Net [1] - 138:12 net [1] - 138:12 never [1] - 227:23 new [35] - 7:24, 21:24, 33:7, 34:10, 34:19, 35:2, 36:23, 51:14, 52:9, 53:3, 54:20, 55:2, 55:16, 56:1, 68:25, 93:22, 93:25, 94:3, 94:18, 100:17, 100:18, 100:19, 100:23, 101:14, 121:16, 136:18, 143:22, 194:25, 196:4, 196:5, 198:22, 222:1, 222:3 New [47] - 1:6, 1:19, 6:7, 6:20, 13:5, 13:20, 14:8, 15:3, 24:5, 24:20, 25:9, 26:3, 44:5, 44:20, 45:8, 46:3, 46:6, 53:2, 62:23, 84:13, 84:16, 84:23, 84:24, 85:3, 85:25, 103:23, 131:5, 131:20, 132:8, 133:3, 156:5, 156:20, 157:9, 158:3, 179:5, 179:20, 180:9, 181:3, 190:5, 190:20, 191:9, 192:3, 208:21, 224:13, 230:5, 230:20 Newark [1] - 201:20 news [4] - 39:3, 65:6, 143:16, 224:18 next [18] - 5:15, 11:4, 62:5, 86:3, 102:25, 103:1, 117:16, 146:16, 149:5, 152:3, 152:22, 154:16, 183:5, 188:6, 199:19, 210:20, 220:25, 229:11 NFA [1] - 69:9 nice [8] - 19:23, 36:3, 38:12, 93:13, 149:7, 215:18, 224:15, 227:24 nicely [1] - 21:23 nicer [1] - 21:15 nine [1] - 127:24 NJAC [8] - 13:22, 24:22, 44:22, 131:22, 156:22, 179:22, 190:22, 230:22 NJDEP [6] - 62:24, 69:9, 72:13, 76:17, 98:9, 98:12</p>	<p>NJSA [1] - 49:14 no [49] - 32:4, 32:7, 32:9, 40:19, 41:15, 50:5, 54:21, 56:18, 66:14, 70:1, 76:15, 91:6, 95:2, 95:5, 95:6, 97:19, 99:2, 99:3, 101:10, 116:15, 119:11, 119:21, 121:5, 122:20, 124:3, 129:19, 144:24, 146:3, 150:5, 150:14, 150:18, 151:5, 151:19, 153:10, 162:10, 167:24, 168:9, 199:9, 202:21, 204:15, 214:5, 214:10, 214:24, 216:1, 224:20 No [56] - 7:12, 18:23, 32:9, 35:11, 39:14, 39:22, 41:11, 54:17, 54:21, 59:1, 61:2, 62:4, 63:14, 63:17, 73:20, 74:11, 76:17, 83:12, 85:22, 87:24, 88:25, 89:20, 95:10, 97:22, 116:17, 116:19, 129:2, 129:10, 129:16, 129:20, 136:25, 140:19, 141:21, 144:10, 150:21, 151:2, 151:9, 151:11, 162:10, 162:13, 162:16, 165:16, 166:14, 167:24, 168:9, 171:16, 178:6, 178:10, 186:17, 198:4, 198:10, 200:2, 200:23, 203:21, 206:4, 222:7 nobody [2] - 98:11, 124:10 nodding [1] - 118:2 non [7] - 10:22, 51:25, 72:15, 72:18, 85:6, 195:3, 196:1 non-issue [1] - 10:22 none [3] - 124:15, 124:20, 222:5 None [2] - 10:21, 96:1 nor [32] - 13:12, 13:14, 24:12, 24:14, 44:12, 44:14, 131:12, 131:14, 156:12, 156:14, 179:12, 179:14, 190:12, 190:14, 230:12,</p>	<p>230:14 normally [1] - 77:2 north [3] - 88:20, 88:23, 89:3 nos [2] - 94:12, 151:22 Not [7] - 38:6, 75:1, 101:23, 141:25, 162:12, 173:15, 204:24 not [208] - 5:4, 7:7, 7:12, 8:9, 9:13, 9:15, 13:15, 17:10, 18:5, 18:14, 18:15, 20:13, 24:15, 28:9, 30:23, 31:15, 32:1, 37:11, 39:10, 39:12, 40:4, 40:9, 40:13, 41:6, 41:11, 44:15, 48:4, 48:22, 49:5, 49:11, 50:14, 51:10, 52:22, 52:24, 56:7, 59:3, 59:11, 59:22, 65:6, 67:17, 70:4, 72:20, 73:20, 75:18, 75:20, 77:6, 78:3, 80:23, 83:12, 85:3, 85:18, 86:20, 86:21, 86:22, 87:6, 87:9, 87:14, 87:23, 89:18, 91:16, 92:11, 93:18, 94:16, 95:12, 95:14, 97:8, 98:4, 99:3, 100:21, 101:1, 101:5, 101:6, 101:9, 101:10, 102:10, 106:10, 109:25, 110:18, 110:21, 110:24, 111:1, 111:3, 111:9, 111:15, 112:10, 113:14, 116:1, 117:6, 119:24, 120:3, 120:5, 123:12, 123:17, 123:20, 124:8, 125:12, 127:4, 131:15, 136:23, 137:17, 138:1, 138:17, 139:21, 140:14, 140:15, 140:17, 141:4, 142:4, 142:6, 145:5, 145:10, 145:14, 146:13, 147:1, 147:19, 148:10, 151:23, 153:19, 153:25, 154:8, 156:15, 161:13, 162:10, 162:16, 164:11, 164:16, 164:23, 165:14, 166:22,</p>	<p>167:5, 168:10, 172:25, 173:7, 173:23, 174:19, 174:23, 176:10, 176:18, 177:4, 177:7, 177:14, 179:15, 184:3, 184:14, 184:15, 188:25, 190:15, 195:5, 196:19, 197:3, 197:5, 197:13, 197:19, 198:10, 199:3, 199:21, 199:23, 200:14, 202:19, 204:9, 204:13, 204:25, 205:22, 206:2, 206:8, 207:5, 207:23, 208:15, 208:25, 210:10, 210:11, 210:23, 211:5, 212:21, 213:7, 213:11, 213:16, 214:20, 215:1, 215:2, 215:5, 215:15, 216:20, 217:24, 217:25, 218:4, 218:7, 218:11, 218:17, 218:24, 219:18, 221:5, 221:15, 221:25, 222:22, 224:8, 224:10, 224:14, 225:10, 225:15, 228:24, 229:2, 229:17, 229:19, 230:15 Notary [16] - 13:5, 13:20, 24:5, 24:20, 44:5, 44:20, 131:5, 131:20, 156:5, 156:20, 179:5, 179:20, 190:5, 190:20, 230:5, 230:20 note [1] - 229:10 notes [3] - 164:19, 229:14, 229:16 nothing [12] - 17:16, 28:15, 57:3, 62:13, 67:10, 103:8, 121:4, 135:10, 160:14, 164:1, 170:5, 194:6 Notice [1] - 3:5 notice [4] - 18:8, 53:12, 75:15, 151:17 noticeably [1] - 174:15 noticed [1] - 31:19 notation [2] - 126:14, 153:11 November [1] - 78:16</p>
--	--	---	--	---

<p>Now ^[5] - 68:12, 69:10, 110:23, 119:2, 168:5</p> <p>now ^[45] - 5:5, 10:20, 35:15, 36:6, 49:4, 56:6, 71:24, 73:17, 76:2, 93:3, 96:5, 98:2, 100:19, 102:3, 106:6, 107:18, 111:8, 118:14, 119:19, 122:19, 124:7, 136:20, 138:7, 138:20, 138:23, 141:16, 145:10, 152:1, 169:10, 188:6, 196:13, 196:19, 197:9, 197:25, 198:13, 203:22, 204:15, 205:2, 210:18, 211:8, 217:12, 218:1, 218:8, 219:13</p> <p>number ^[4] - 69:3, 75:2, 109:25, 176:9</p> <p>numbering ^[1] - 170:18</p> <p>numbers ^[3] - 203:15, 203:18, 204:19</p>	<p>occupied ^[1] - 87:5</p> <p>occurred ^[2] - 57:24, 105:17</p> <p>of ^[599] - 3:3, 5:4, 5:5, 5:9, 8:4, 8:22, 9:1, 9:3, 9:14, 10:19, 13:5, 13:7, 13:13, 13:14, 13:20, 14:5, 17:7, 18:2, 18:5, 18:7, 18:13, 18:14, 18:17, 18:21, 18:24, 18:25, 19:1, 19:3, 19:8, 19:9, 20:2, 20:3, 20:12, 20:13, 20:15, 20:21, 21:4, 21:12, 21:22, 24:5, 24:7, 24:13, 24:14, 24:20, 25:5, 29:15, 30:4, 30:7, 30:20, 33:7, 33:14, 33:23, 33:25, 34:8, 34:18, 34:20, 34:23, 34:25, 35:1, 35:6, 35:9, 35:24, 36:2, 36:10, 37:4, 38:5, 38:22, 39:2, 39:10, 40:1, 40:2, 40:9, 40:16, 40:19, 41:2, 41:6, 41:10, 41:22, 42:5, 44:5, 44:7, 44:13, 44:14, 44:20, 45:5, 48:3, 48:9, 48:15, 48:21, 49:3, 49:18, 49:19, 49:20, 49:23, 49:24, 50:6, 50:13, 51:10, 51:21, 51:22, 51:24, 51:25, 52:1, 52:8, 52:9, 52:10, 53:5, 53:8, 53:10, 53:23, 54:7, 55:6, 55:11, 55:12, 56:6, 57:22, 57:23, 58:6, 58:7, 58:10, 58:16, 60:3, 60:9, 60:13, 61:7, 61:11, 64:6, 64:10, 64:20, 65:4, 65:5, 65:15, 65:17, 65:20, 65:21, 66:3, 66:7, 66:9, 66:22, 67:3, 67:16, 68:5, 68:18, 69:3, 69:13, 69:15, 69:22, 69:23, 69:25, 70:19, 71:1, 71:11, 71:12, 71:13, 71:22, 72:10, 72:13, 72:24, 73:1, 73:2, 73:5, 73:9, 73:10, 73:19, 73:20, 73:22, 74:6, 74:22, 74:25, 75:2, 75:4, 75:5, 75:8, 75:16, 75:19, 76:6, 76:19,</p>	<p>76:22, 77:1, 77:8, 77:16, 77:18, 77:22, 78:1, 78:13, 78:25, 79:16, 80:5, 80:23, 81:4, 81:5, 81:9, 81:14, 81:24, 81:25, 82:4, 82:18, 83:4, 83:21, 84:9, 84:13, 84:17, 84:21, 84:22, 84:25, 85:17, 85:25, 86:1, 86:18, 87:3, 87:23, 88:12, 88:17, 88:20, 88:23, 89:6, 89:9, 89:10, 89:14, 89:19, 90:4, 90:12, 90:16, 90:19, 90:23, 92:2, 92:3, 92:16, 92:25, 93:2, 93:7, 93:24, 94:5, 94:16, 94:25, 95:11, 95:15, 95:17, 96:3, 96:24, 97:2, 97:6, 97:10, 97:14, 99:13, 100:5, 100:16, 101:15, 101:23, 102:2, 102:4, 102:12, 103:2, 103:18, 104:8, 104:20, 104:21, 105:1, 105:5, 105:7, 105:8, 105:10, 105:13, 105:20, 105:22, 105:24, 106:1, 106:8, 106:13, 106:25, 107:2, 107:4, 107:25, 108:24, 109:7, 109:9, 109:19, 109:25, 110:8, 110:11, 110:14, 110:22, 111:8, 111:16, 111:20, 111:22, 111:24, 112:11, 112:17, 112:22, 112:24, 113:1, 113:3, 113:16, 114:9, 114:10, 114:13, 115:17, 115:20, 115:21, 115:22, 116:21, 116:24, 117:19, 117:20, 117:21, 117:22, 118:18, 118:24, 119:14, 119:15, 119:16, 120:3, 120:4, 120:11, 120:12, 120:23, 121:1, 121:6, 121:20, 122:1, 122:3, 122:4, 122:5, 122:6, 123:12, 123:13, 123:14, 123:15, 123:17, 123:20, 123:23,</p>	<p>124:13, 124:17, 124:18, 124:24, 125:4, 125:10, 125:16, 125:20, 125:23, 127:4, 127:5, 127:6, 128:7, 128:18, 131:5, 131:7, 131:13, 131:14, 131:20, 132:5, 136:17, 137:11, 137:23, 139:7, 139:10, 139:13, 140:12, 142:4, 142:17, 142:24, 142:25, 143:5, 144:21, 144:24, 145:2, 145:20, 145:21, 146:7, 146:12, 146:13, 146:18, 146:19, 147:4, 147:15, 148:17, 148:24, 149:3, 149:6, 150:4, 153:8, 153:16, 153:21, 153:22, 154:4, 156:5, 156:7, 156:13, 156:14, 156:20, 157:5, 161:2, 161:10, 162:2, 162:24, 163:7, 163:16, 163:19, 164:20, 164:24, 165:22, 167:1, 167:2, 167:18, 167:23, 168:22, 168:23, 171:10, 171:13, 172:4, 172:9, 172:15, 172:20, 173:10, 173:17, 174:1, 174:4, 174:6, 174:19, 174:23, 175:6, 175:11, 175:14, 175:15, 175:21, 176:1, 176:4, 179:5, 179:7, 179:13, 179:14, 179:20, 180:5, 183:12, 184:9, 184:15, 185:13, 186:1, 187:3, 189:12, 190:5, 190:7, 190:13, 190:14, 190:20, 191:5, 194:23, 195:25, 196:6, 196:15, 197:10, 197:14, 198:3, 198:6, 198:23, 199:1, 199:13, 199:17, 200:18, 200:22, 201:8, 201:9, 201:15, 201:23, 202:7, 203:5, 203:13, 203:25, 204:16, 204:21,</p>	<p>205:5, 205:24, 207:4, 207:8, 207:20, 207:22, 207:24, 208:2, 208:18, 208:20, 209:2, 209:5, 209:9, 209:15, 209:17, 209:20, 209:23, 210:2, 210:7, 210:8, 210:12, 211:5, 211:11, 211:21, 212:3, 212:8, 212:13, 213:4, 213:5, 213:20, 214:8, 215:3, 215:5, 215:7, 215:13, 215:18, 215:22, 215:25, 216:15, 216:19, 216:21, 216:22, 216:23, 216:24, 217:6, 217:7, 217:13, 217:14, 217:22, 217:23, 218:3, 218:7, 218:10, 218:12, 218:15, 219:1, 219:11, 219:17, 220:1, 220:6, 220:7, 221:10, 221:11, 221:18, 221:19, 221:25, 222:5, 222:12, 222:16, 223:8, 223:10, 223:22, 223:23, 223:25, 224:1, 224:4, 224:9, 224:14, 226:4, 226:7, 226:15, 227:13, 227:21, 229:19, 230:5, 230:7, 230:13, 230:14, 230:20</p> <p>OF ^[10] - 1:1, 1:3, 6:1, 14:1, 25:1, 45:1, 132:1, 157:1, 180:1, 191:1</p> <p>off ^[14] - 9:7, 33:15, 36:1, 36:2, 86:20, 87:6, 91:12, 112:25, 176:23, 201:23, 204:1, 217:21, 221:12, 222:12</p> <p>offered ^[1] - 173:3</p> <p>office ^[13] - 83:7, 148:19, 149:4, 152:8, 153:21, 154:15, 170:23, 184:4, 184:6, 186:4, 212:18, 221:17</p> <p>Office ^[1] - 3:7</p> <p>officer ^[1] - 95:12</p> <p>Officer ^[10] - 1:15, 6:16, 14:17, 25:18, 45:17, 122:16, 132:17, 157:18,</p>
O				
<p>O ^[24] - 1:8, 1:14, 6:9, 6:15, 14:10, 14:16, 17:18, 25:10, 25:17, 45:10, 45:16, 62:15, 103:10, 132:10, 132:16, 135:16, 157:10, 157:17, 180:10, 180:17, 191:10, 191:17, 199:1</p> <p>o ^[3] - 63:9, 103:16, 135:23</p> <p>O-1 ^[1] - 139:23</p> <p>object ^[3] - 19:1, 19:4, 19:9</p> <p>objection ^[1] - 147:5</p> <p>obligated ^[2] - 49:15, 60:1</p> <p>obligation ^[2] - 125:14, 216:2</p> <p>observed ^[2] - 113:8, 113:13</p> <p>obtrusive ^[1] - 40:2</p> <p>Obviously ^[1] - 208:25</p> <p>obviously ^[2] - 88:6, 198:2</p>	<p>45:5, 48:3, 48:9, 48:15, 48:21, 49:3, 49:18, 49:19, 49:20, 49:23, 49:24, 50:6, 50:13, 51:10, 51:21, 51:22, 51:24, 51:25, 52:1, 52:8, 52:9, 52:10, 53:5, 53:8, 53:10, 53:23, 54:7, 55:6, 55:11, 55:12, 56:6, 57:22, 57:23, 58:6, 58:7, 58:10, 58:16, 60:3, 60:9, 60:13, 61:7, 61:11, 64:6, 64:10, 64:20, 65:4, 65:5, 65:15, 65:17, 65:20, 65:21, 66:3, 66:7, 66:9, 66:22, 67:3, 67:16, 68:5, 68:18, 69:3, 69:13, 69:15, 69:22, 69:23, 69:25, 70:19, 71:1, 71:11, 71:12, 71:13, 71:22, 72:10, 72:13, 72:24, 73:1, 73:2, 73:5, 73:9, 73:10, 73:19, 73:20, 73:22, 74:6, 74:22, 74:25, 75:2, 75:4, 75:5, 75:8, 75:16, 75:19, 76:6, 76:19,</p>	<p>106:1, 106:8, 106:13, 106:25, 107:2, 107:4, 107:25, 108:24, 109:7, 109:9, 109:19, 109:25, 110:8, 110:11, 110:14, 110:22, 111:8, 111:16, 111:20, 111:22, 111:24, 112:11, 112:17, 112:22, 112:24, 113:1, 113:3, 113:16, 114:9, 114:10, 114:13, 115:17, 115:20, 115:21, 115:22, 116:21, 116:24, 117:19, 117:20, 117:21, 117:22, 118:18, 118:24, 119:14, 119:15, 119:16, 120:3, 120:4, 120:11, 120:12, 120:23, 121:1, 121:6, 121:20, 122:1, 122:3, 122:4, 122:5, 122:6, 123:12, 123:13, 123:14, 123:15, 123:17, 123:20, 123:23,</p>	<p>166:2, 167:1, 167:2, 167:18, 167:23, 168:22, 168:23, 171:10, 171:13, 172:4, 172:9, 172:15, 172:20, 173:10, 173:17, 174:1, 174:4, 174:6, 174:19, 174:23, 175:6, 175:11, 175:14, 175:15, 175:21, 176:1, 176:4, 179:5, 179:7, 179:13, 179:14, 179:20, 180:5, 183:12, 184:9, 184:15, 185:13, 186:1, 187:3, 189:12, 190:5, 190:7, 190:13, 190:14, 190:20, 191:5, 194:23, 195:25, 196:6, 196:15, 197:10, 197:14, 198:3, 198:6, 198:23, 199:1, 199:13, 199:17, 200:18, 200:22, 201:8, 201:9, 201:15, 201:23, 202:7, 203:5, 203:13, 203:25, 204:16, 204:21,</p>	<p>226:15, 227:13, 227:21, 229:19, 230:5, 230:7, 230:13, 230:14, 230:20</p> <p>OF ^[10] - 1:1, 1:3, 6:1, 14:1, 25:1, 45:1, 132:1, 157:1, 180:1, 191:1</p> <p>off ^[14] - 9:7, 33:15, 36:1, 36:2, 86:20, 87:6, 91:12, 112:25, 176:23, 201:23, 204:1, 217:21, 221:12, 222:12</p> <p>offered ^[1] - 173:3</p> <p>office ^[13] - 83:7, 148:19, 149:4, 152:8, 153:21, 154:15, 170:23, 184:4, 184:6, 186:4, 212:18, 221:17</p> <p>Office ^[1] - 3:7</p> <p>officer ^[1] - 95:12</p> <p>Officer ^[10] - 1:15, 6:16, 14:17, 25:18, 45:17, 122:16, 132:17, 157:18,</p>

<p>180:18, 191:18 official [1] - 41:13 often [1] - 77:6 oh [2] - 136:21, 189:6 Oh [13] - 20:17, 23:4, 34:16, 35:20, 142:20, 143:10, 151:13, 153:7, 170:18, 172:12, 185:18, 205:7, 229:6 oil [34] - 49:20, 60:3, 60:4, 64:24, 65:5, 65:13, 66:2, 66:4, 66:8, 66:14, 67:3, 67:14, 68:6, 73:18, 73:19, 74:1, 74:4, 74:9, 75:6, 75:10, 75:11, 75:20, 76:2, 76:6, 77:2, 77:16, 77:18, 77:23, 89:6, 97:24, 110:7 Okay [65] - 4:15, 7:25, 10:6, 10:17, 23:9, 28:12, 36:8, 36:12, 36:15, 38:15, 39:6, 39:23, 41:7, 41:16, 42:1, 60:19, 61:9, 61:23, 63:23, 65:14, 66:10, 66:23, 67:25, 68:17, 70:17, 78:19, 81:13, 82:7, 82:15, 89:8, 89:23, 90:6, 91:8, 103:1, 104:15, 108:25, 111:2, 123:5, 128:2, 128:21, 128:22, 135:1, 136:9, 138:19, 138:21, 139:15, 139:17, 140:8, 148:1, 149:20, 151:24, 152:4, 154:20, 160:10, 162:21, 166:23, 169:21, 177:17, 183:1, 196:11, 196:14, 202:4, 207:18, 220:9, 224:23 okay [9] - 37:15, 57:17, 117:12, 121:22, 130:1, 135:3, 147:15, 149:24, 210:18 old [9] - 9:8, 38:17, 39:15, 58:1, 106:4, 110:1, 111:9, 197:24 On [5] - 21:10, 81:15, 140:22, 220:24, 227:16 on [233] - 5:15, 7:13,</p>	<p>8:4, 8:9, 9:2, 18:1, 18:8, 18:10, 18:21, 18:23, 19:13, 20:9, 21:11, 21:12, 29:13, 32:3, 32:5, 32:8, 34:18, 35:9, 35:12, 37:8, 37:20, 37:25, 38:1, 39:11, 48:17, 50:8, 50:9, 50:24, 51:19, 52:18, 54:2, 54:3, 55:11, 55:14, 55:21, 56:12, 56:17, 59:14, 60:5, 64:5, 64:19, 65:5, 66:5, 67:3, 67:17, 68:1, 68:23, 68:24, 69:4, 73:23, 75:14, 76:6, 77:4, 77:8, 77:10, 77:16, 78:4, 78:16, 79:12, 79:17, 79:22, 79:25, 80:1, 81:5, 81:9, 81:12, 81:20, 82:4, 83:10, 83:19, 84:7, 84:18, 85:25, 87:4, 87:8, 87:10, 87:14, 87:23, 88:19, 88:22, 89:16, 90:12, 91:12, 91:23, 92:1, 92:10, 92:11, 92:16, 93:12, 93:20, 94:8, 94:12, 94:25, 96:10, 96:22, 96:24, 97:9, 98:21, 98:22, 100:4, 100:13, 101:6, 102:3, 102:25, 104:21, 104:25, 105:2, 105:16, 106:9, 107:24, 111:8, 115:2, 119:14, 120:7, 120:21, 121:5, 121:18, 122:5, 122:7, 122:11, 122:24, 124:12, 124:14, 124:18, 125:7, 125:9, 137:16, 139:20, 140:5, 143:5, 144:22, 145:8, 146:9, 148:6, 149:22, 150:6, 150:18, 152:9, 152:21, 153:3, 160:3, 160:24, 161:4, 162:1, 162:2, 162:3, 162:6, 162:8, 163:2, 163:3, 164:24, 165:5, 165:18, 165:20, 166:8, 167:10, 167:17, 167:19, 168:21, 169:12, 170:5, 170:19, 170:21, 172:2, 172:14, 173:1,</p>	<p>175:17, 175:25, 176:5, 176:14, 177:12, 177:14, 177:15, 183:8, 183:14, 183:16, 184:11, 184:24, 186:22, 186:24, 188:5, 189:8, 195:22, 195:23, 196:20, 198:5, 199:2, 199:13, 201:4, 201:11, 201:18, 201:20, 202:7, 204:5, 204:7, 206:5, 207:1, 208:5, 209:13, 209:14, 209:20, 209:23, 211:10, 211:11, 213:6, 214:10, 214:22, 215:2, 215:3, 215:4, 215:10, 216:14, 217:5, 217:15, 217:23, 219:1, 221:12, 224:20, 225:24, 225:25, 226:7, 227:17, 229:3, 229:18 once [18] - 30:4, 35:23, 49:6, 65:1, 73:1, 82:19, 92:23, 115:13, 118:21, 160:20, 165:10, 170:17, 171:8, 171:21, 176:17, 209:8, 210:24 Once [1] - 59:22 one [66] - 3:23, 5:9, 19:10, 19:20, 32:9, 35:9, 48:3, 49:24, 52:24, 58:1, 58:14, 60:16, 63:3, 64:10, 66:9, 72:15, 78:15, 80:17, 82:23, 85:6, 87:22, 91:22, 93:13, 104:15, 115:22, 115:23, 118:23, 121:1, 122:1, 122:6, 136:4, 136:6, 138:9, 140:4, 142:8, 143:20, 145:3, 147:16, 153:3, 154:4, 155:13, 160:8, 170:22, 178:15, 187:3, 189:6, 196:22, 198:7, 200:19, 201:8, 207:3, 213:12, 213:24, 215:1, 217:13, 217:22, 218:3, 218:10, 219:8, 220:18, 221:9, 221:11, 221:19, 222:11, 222:13 One [8] - 3:24, 4:24,</p>	<p>30:8, 30:10, 53:11, 72:14, 81:3, 94:12 one-and-a-half-year-old [1] - 58:1 one-third [1] - 66:9 ones [7] - 37:1, 86:9, 139:8, 143:22, 147:2, 208:24, 213:20 ongoing [1] - 39:2 only [32] - 20:11, 30:4, 36:16, 37:4, 37:21, 50:20, 55:2, 67:8, 77:12, 80:23, 82:23, 88:10, 91:16, 99:3, 110:7, 121:1, 127:13, 136:3, 137:13, 140:4, 140:15, 142:25, 147:2, 148:11, 171:25, 173:3, 174:20, 197:23, 197:24, 209:6, 210:22, 219:22 onto [4] - 89:1, 89:21, 183:20, 223:4 open [10] - 19:15, 53:14, 93:13, 123:25, 195:4, 197:4, 203:23, 219:10, 222:15, 222:16 opened [1] - 152:14 opening [1] - 112:24 opens [1] - 19:13 operating [4] - 198:2, 198:13, 198:19, 198:21 operation [1] - 184:3 opine [1] - 146:8 opinion [20] - 63:24, 71:16, 72:2, 72:5, 80:9, 80:13, 80:22, 85:5, 88:10, 88:14, 102:20, 104:20, 107:7, 122:9, 152:13, 152:18, 152:20, 163:11, 174:7 opinions [1] - 166:25 opportunity [2] - 34:23, 54:8 opposed [1] - 34:5 option [3] - 204:10, 209:6, 221:16 Options [1] - 147:13 options [3] - 94:7, 147:10, 209:5 or [162] - 7:10, 9:3, 9:24, 9:25, 11:8, 13:14, 17:10, 17:15, 24:14, 28:14, 31:7, 31:16, 35:3, 36:17,</p>	<p>36:22, 37:13, 39:24, 41:1, 41:20, 44:14, 48:21, 48:24, 49:6, 51:11, 51:25, 52:1, 54:9, 55:6, 55:10, 55:25, 57:2, 58:14, 62:12, 64:16, 66:16, 68:22, 70:1, 72:19, 73:13, 74:10, 75:11, 77:7, 80:9, 81:18, 82:19, 83:11, 84:11, 85:8, 85:9, 87:9, 90:5, 90:16, 90:23, 92:2, 93:25, 96:6, 96:11, 96:14, 97:15, 99:15, 101:23, 103:7, 107:19, 108:13, 108:15, 108:20, 109:8, 109:10, 110:24, 112:5, 117:6, 117:8, 117:9, 118:3, 118:7, 118:17, 120:4, 120:12, 123:9, 124:4, 125:13, 126:14, 131:14, 135:9, 137:18, 138:4, 139:2, 139:20, 142:22, 143:23, 144:19, 144:25, 145:22, 146:8, 146:9, 147:1, 147:2, 147:19, 148:5, 150:6, 152:18, 153:10, 153:13, 153:21, 156:14, 160:13, 164:8, 165:2, 165:7, 166:13, 166:18, 166:25, 170:19, 170:24, 172:20, 172:24, 173:10, 173:24, 174:20, 176:9, 179:14, 183:18, 184:14, 184:21, 187:1, 190:14, 194:5, 198:3, 199:1, 200:12, 204:12, 204:13, 206:17, 206:23, 207:19, 207:20, 207:24, 208:9, 208:18, 209:7, 209:17, 210:3, 210:18, 211:8, 211:20, 219:2, 219:3, 220:19, 220:22, 221:21, 221:24, 222:5, 222:9, 222:16, 223:13, 224:7, 224:20, 224:21, 230:14 Or [1] - 168:2 orange [1] - 145:17</p>
---	--	---	---	--

<p>order [13] - 71:4, 72:2, 73:7, 75:17, 105:18, 107:18, 111:20, 112:19, 116:21, 119:15, 137:23, 173:17, 197:8</p> <p>ordinance [7] - 96:9, 96:11, 96:12, 126:8, 166:5, 189:9, 210:8</p> <p>original [6] - 32:13, 66:20, 66:21, 94:4, 185:13, 217:25</p> <p>originally [3] - 82:11, 122:7, 207:2</p> <p>ornamental [1] - 18:15</p> <p>other [40] - 5:11, 8:22, 19:20, 38:12, 38:24, 41:12, 50:25, 53:11, 67:23, 77:18, 83:6, 83:13, 83:25, 88:7, 89:1, 89:16, 95:22, 97:20, 115:24, 123:17, 137:1, 139:6, 139:21, 140:9, 146:21, 154:14, 208:2, 209:6, 209:23, 210:6, 211:6, 212:15, 213:7, 213:20, 214:23, 221:13, 222:1, 223:14, 225:23</p> <p>otherwise [1] - 71:13</p> <p>ought [2] - 146:15, 163:6</p> <p>Our [2] - 107:9, 136:2</p> <p>our [39] - 5:9, 28:5, 33:23, 37:15, 48:3, 51:12, 58:3, 58:4, 58:6, 58:7, 59:16, 60:2, 62:6, 93:19, 94:7, 100:12, 102:19, 103:3, 105:11, 123:10, 123:17, 123:18, 123:22, 124:8, 125:11, 125:12, 166:5, 167:5, 172:15, 195:16, 197:10, 200:12, 202:19, 203:16, 207:24, 210:1, 210:21, 218:5, 226:7</p> <p>ourselves [1] - 97:10</p> <p>out [65] - 29:19, 36:1, 36:10, 50:13, 58:7, 59:10, 59:22, 61:5, 64:5, 65:2, 65:4, 65:25, 68:6, 68:23, 69:13, 71:12, 72:24, 73:2, 73:5, 74:10,</p>	<p>74:11, 74:14, 74:18, 75:25, 78:5, 92:20, 96:25, 98:10, 98:12, 98:19, 99:17, 99:18, 100:4, 113:14, 121:20, 137:8, 137:12, 138:5, 139:9, 188:7, 196:17, 198:17, 198:22, 200:5, 202:1, 202:3, 202:13, 202:16, 207:8, 207:13, 210:17, 211:8, 211:12, 211:15, 213:12, 215:5, 215:12, 215:22, 216:1, 217:14, 218:1, 221:10, 224:21, 226:4</p> <p>outdoor [5] - 201:23, 202:12, 204:19, 208:3, 215:7</p> <p>outermost [1] - 42:4</p> <p>outfit [1] - 185:24</p> <p>outflow [1] - 97:14</p> <p>outlets [3] - 185:4, 185:9, 185:11</p> <p>outside [11] - 3:6, 20:2, 33:23, 37:20, 40:19, 84:2, 198:6, 201:13, 202:17, 220:1, 226:7</p> <p>Over [1] - 66:17</p> <p>over [33] - 7:5, 30:25, 31:16, 36:23, 37:2, 37:7, 37:17, 40:17, 64:12, 65:3, 66:22, 70:1, 77:4, 77:16, 85:2, 89:7, 91:11, 99:19, 102:5, 106:5, 114:25, 115:23, 117:20, 122:19, 140:2, 144:5, 147:16, 169:8, 183:17, 183:22, 186:18, 194:19, 211:3</p> <p>overall [2] - 21:15, 144:24</p> <p>overlooked [1] - 52:2</p> <p>overtime [1] - 189:8</p> <p>overview [2] - 64:20, 65:17</p> <p>own [2] - 40:9, 89:14</p> <p>owner [10] - 17:7, 58:18, 81:20, 98:17, 99:20, 120:23, 121:15, 139:8, 146:12, 199:3</p> <p>owner's [2] - 29:15, 79:20</p> <p>owners [2] - 99:16,</p>	<p>113:8</p> <p style="text-align: center;">P</p> <p>P [36] - 1:14, 1:17, 1:20, 6:15, 6:18, 6:21, 14:16, 15:1, 15:3, 25:17, 26:1, 26:3, 45:16, 46:1, 46:3, 132:16, 133:1, 133:3, 157:17, 158:1, 158:3, 180:17, 181:1, 181:3, 191:17, 192:1, 192:3</p> <p>p.m [10] - 1:3, 6:3, 14:3, 25:3, 45:3, 130:2, 132:3, 157:3, 180:3, 191:3</p> <p>pack [1] - 114:16</p> <p>package [4] - 138:2, 145:3, 146:18, 167:8</p> <p>packet [1] - 137:25</p> <p>Page [3] - 19:14, 51:19, 82:4</p> <p>PAGE [8] - 2:3, 16:3, 27:3, 47:3, 134:3, 159:3, 182:3, 193:3</p> <p>page [3] - 5:15, 122:12, 172:3</p> <p>Paint [2] - 25:4, 33:5</p> <p>paint [13] - 30:24, 33:12, 33:15, 34:6, 34:11, 34:18, 145:20, 165:18, 172:14, 173:9, 188:8, 196:3, 222:2</p> <p>painted [14] - 29:12, 30:6, 30:20, 31:7, 31:8, 31:12, 31:13, 161:19, 161:25, 183:25, 185:17, 225:10</p> <p>painting [1] - 221:24</p> <p>panel [3] - 33:5, 161:24, 195:24</p> <p>panels [4] - 35:8, 35:9, 37:8, 196:16</p> <p>pantone [5] - 140:25, 141:6, 141:18, 141:20, 142:3</p> <p>Pantone [1] - 142:14</p> <p>papers [3] - 51:18, 51:24, 52:4</p> <p>paragraph [1] - 79:17</p> <p>parallel [4] - 219:11, 227:11, 227:14, 227:17</p> <p>parameters [1] - 143:1</p>	<p>Pardon [4] - 74:2, 74:23, 88:21, 90:21</p> <p>Park [1] - 77:4</p> <p>parking [1] - 48:4</p> <p>parry [1] - 87:3</p> <p>parsed [1] - 145:2</p> <p>Parsippany [18] - 1:19, 1:19, 6:20, 6:20, 15:2, 15:3, 26:2, 26:3, 46:2, 46:3, 133:2, 133:3, 158:2, 158:3, 181:2, 181:3, 192:2, 192:3</p> <p>part [20] - 8:22, 38:22, 41:6, 42:5, 49:23, 55:12, 57:22, 57:23, 70:19, 82:18, 89:9, 92:16, 93:23, 100:5, 122:5, 123:13, 123:23, 142:4, 185:13, 212:8</p> <p>partial [3] - 96:11, 96:14, 108:24</p> <p>particular [6] - 79:3, 117:14, 136:25, 183:22, 184:24, 217:6</p> <p>particularly [3] - 75:1, 83:12, 218:7</p> <p>parties [8] - 13:13, 24:13, 44:13, 131:13, 156:13, 179:13, 190:13, 230:13</p> <p>parts [4] - 106:25, 107:1, 113:1, 144:24</p> <p>party [1] - 86:3</p> <p>pass [6] - 8:23, 29:22, 29:24, 121:5, 141:11, 215:16</p> <p>passes [1] - 41:25</p> <p>past [2] - 120:22, 145:15</p> <p>patch [3] - 33:12, 34:5, 34:18</p> <p>patching [1] - 221:24</p> <p>patina [1] - 31:1</p> <p>pattern [3] - 18:11, 18:12, 175:24</p> <p>patterns [1] - 188:18</p> <p>pedestrian [3] - 201:17, 215:2, 215:19</p> <p>peeling [1] - 33:15</p> <p>Pekar [20] - 1:13, 6:14, 10:24, 11:25, 14:15, 22:23, 25:15, 42:22, 45:15, 129:13, 132:15, 151:3, 151:4, 155:7, 157:15, 178:9, 180:15, 187:22, 191:15, 228:16</p> <p>PEKAR [29] - 12:1,</p>	<p>22:24, 42:6, 42:23, 120:20, 129:14, 140:9, 140:13, 140:17, 143:25, 144:7, 144:10, 146:11, 151:5, 152:20, 152:25, 154:18, 155:8, 165:11, 166:24, 167:10, 167:19, 168:2, 168:7, 178:10, 185:21, 187:23, 223:8, 228:17</p> <p>Pekar's [1] - 144:23</p> <p>Penn [1] - 103:22</p> <p>People [2] - 35:23, 92:23</p> <p>people [14] - 72:10, 75:24, 76:13, 80:2, 92:9, 120:1, 164:1, 198:16, 204:23, 209:16, 209:22, 213:6, 216:17, 219:20</p> <p>people's [2] - 89:1, 168:10</p> <p>per [3] - 53:2, 70:14, 79:20</p> <p>percent [3] - 173:22, 175:18, 212:13</p> <p>percentage [1] - 75:5</p> <p>percolate [1] - 76:9</p> <p>perfectly [1] - 184:11</p> <p>perform [4] - 59:14, 68:19, 69:19, 70:14</p> <p>perhaps [3] - 79:24, 149:4, 227:11</p> <p>period [1] - 217:4</p> <p>permanent [4] - 201:16, 210:23, 212:24, 213:21</p> <p>perming [1] - 144:12</p> <p>permission [1] - 89:21</p> <p>permit [10] - 10:19, 48:19, 48:22, 52:9, 91:1, 91:3, 95:15, 98:5, 123:21, 126:23</p> <p>permitted [12] - 49:24, 51:23, 52:14, 52:25, 53:1, 53:2, 53:3, 53:4, 53:20, 61:12, 125:17, 210:9</p> <p>permitting [1] - 213:10</p> <p>perpendicular [2] - 227:12, 227:18</p> <p>PERRY [61] - 3:16, 7:4, 7:7, 8:19, 11:18, 20:22, 23:2, 33:1, 33:4, 33:13, 33:17,</p>
---	---	--	---	--

<p>42:15, 55:20, 56:15, 97:12, 97:19, 97:23, 107:16, 107:23, 108:6, 108:14, 108:18, 108:25, 120:7, 128:4, 129:6, 138:1, 138:6, 138:9, 139:5, 139:24, 140:4, 140:8, 141:13, 150:10, 150:17, 151:2, 151:13, 153:2, 153:24, 154:3, 155:4, 165:14, 176:13, 177:18, 178:4, 184:2, 187:5, 187:17, 201:6, 201:20, 202:1, 202:4, 202:15, 202:22, 203:17, 204:4, 204:11, 217:20, 218:19, 228:11</p> <p>Perry [20] - 1:11, 3:15, 6:12, 11:17, 14:13, 23:4, 25:13, 42:14, 45:13, 129:5, 132:13, 151:1, 155:3, 157:13, 178:3, 180:13, 187:16, 191:13, 227:2, 228:10</p> <p>person [4] - 145:4, 163:8, 176:8, 222:24</p> <p>personal [1] - 79:7</p> <p>Personally [1] - 32:20</p> <p>personally [8] - 19:20, 37:19, 152:5, 152:10, 153:17, 153:19, 174:7, 219:25</p> <p>perspective [1] - 21:12</p> <p>pertaining [1] - 52:10</p> <p>pertinent [2] - 56:4, 56:8</p> <p>petroleum [1] - 66:17</p> <p>Petroleum [1] - 66:19</p> <p>phone [1] - 9:20</p> <p>photographs [2] - 199:21, 212:22</p> <p>photos [1] - 137:11</p> <p>PHYLLIS [25] - 1:22, 6:23, 13:3, 13:20, 14:22, 24:3, 24:20, 25:22, 44:3, 44:20, 45:22, 131:3, 131:20, 132:22, 156:3, 156:20, 157:22, 179:3, 179:20, 180:22, 190:3,</p>	<p>190:20, 191:22, 230:3, 230:20</p> <p>Phyllis [2] - 171:23, 229:12</p> <p>physical [1] - 184:8</p> <p>picking [1] - 215:10</p> <p>picture [6] - 8:25, 29:20, 37:5, 66:7, 175:3, 202:7</p> <p>pieces [3] - 111:22, 112:11</p> <p>pier [2] - 114:14, 114:15</p> <p>piers [22] - 69:24, 69:25, 105:1, 105:21, 106:4, 107:4, 110:1, 110:8, 110:9, 111:8, 113:12, 113:20, 114:3, 114:9, 115:3, 116:22, 117:3, 117:10, 117:19, 117:22</p> <p>pilaster [1] - 19:15</p> <p>pin [4] - 41:20, 164:8, 183:20, 195:17</p> <p>pink [17] - 140:24, 141:25, 144:3, 146:5, 146:6, 147:4, 147:8, 147:15, 148:24, 152:7, 152:23, 152:25, 153:16, 153:20, 153:23, 154:15, 196:6</p> <p>pinkish [1] - 141:8</p> <p>pinkish-purple [1] - 141:8</p> <p>pinks [1] - 147:1</p> <p>pipe [1] - 137:12</p> <p>pitch [1] - 137:18</p> <p>place [25] - 13:8, 24:8, 44:8, 79:2, 79:19, 80:4, 80:11, 80:19, 94:17, 106:1, 106:15, 106:19, 106:20, 107:8, 109:5, 109:20, 131:8, 139:12, 156:8, 179:8, 190:8, 197:9, 199:16, 204:23, 230:8</p> <p>Place [5] - 2:14, 191:3, 194:1, 194:19, 201:18</p> <p>placed [1] - 56:12</p> <p>places [3] - 75:8, 75:23, 83:14</p> <p>plan [15] - 21:12, 37:12, 50:8, 59:16, 59:18, 59:24, 79:13, 79:21, 92:22, 93:25, 94:4, 95:8, 96:13,</p>	<p>100:13, 216:21</p> <p>Planning [2] - 96:9, 96:22</p> <p>plans [3] - 91:16, 121:16, 122:14</p> <p>planter [2] - 18:10, 18:22</p> <p>planting [1] - 125:23</p> <p>plants [3] - 71:22, 71:23</p> <p>plastic [10] - 165:22, 165:25, 166:2, 166:5, 166:7, 172:2, 172:6, 173:11, 188:6, 189:13</p> <p>play [1] - 224:25</p> <p>playing [1] - 168:5</p> <p>plays [2] - 21:23, 32:16</p> <p>Plaza [1] - 46:6</p> <p>plea [1] - 121:11</p> <p>plead [1] - 121:15</p> <p>Please [17] - 17:13, 17:21, 22:6, 28:20, 57:1, 57:8, 62:11, 62:18, 103:5, 103:13, 111:5, 135:7, 135:18, 135:25, 194:3, 194:9, 194:15</p> <p>please [16] - 3:8, 11:3, 11:10, 17:2, 22:10, 48:2, 48:13, 102:10, 121:7, 121:24, 128:23, 138:21, 154:20, 170:2, 177:21, 194:2</p> <p>pluck [1] - 112:11</p> <p>plus [5] - 167:1, 167:3, 168:2, 203:24, 227:25</p> <p>pms [1] - 183:24</p> <p>POB [1] - 224:8</p> <p>point [27] - 3:23, 9:10, 40:18, 52:3, 77:22, 77:23, 81:4, 87:22, 87:23, 88:5, 94:22, 97:5, 100:1, 116:20, 119:5, 119:21, 137:23, 165:7, 176:4, 176:14, 202:7, 202:18, 208:16, 209:17, 215:11, 215:18, 224:9</p> <p>pointing [2] - 21:11, 36:19</p> <p>points [2] - 153:13, 215:12</p> <p>policy [1] - 84:5</p> <p>polish [1] - 68:13</p> <p>polishing [1] - 68:15</p> <p>portion [3] - 124:16,</p>	<p>124:20, 207:5</p> <p>pose [3] - 105:15, 106:13, 111:24</p> <p>poses [2] - 69:19, 109:5</p> <p>positing [1] - 86:1</p> <p>position [1] - 145:10</p> <p>positioned [1] - 37:21</p> <p>possess [1] - 52:8</p> <p>possibility [2] - 109:2, 165:22</p> <p>possible [8] - 39:13, 80:9, 101:16, 106:20, 111:1, 111:24, 125:13, 226:14</p> <p>possibly [2] - 86:25, 94:17</p> <p>post [1] - 92:19</p> <p>postage [2] - 183:14, 183:19</p> <p>posted [1] - 161:20</p> <p>potential [3] - 80:23, 94:7, 109:9</p> <p>potentially [2] - 69:15, 215:7</p> <p>Potentially [1] - 112:18</p> <p>powder [2] - 161:19, 171:18</p> <p>power [2] - 52:8, 71:22</p> <p>powerwash [2] - 31:21, 32:2</p> <p>powerwashers [1] - 31:24</p> <p>practical [1] - 80:14</p> <p>practicing [1] - 103:22</p> <p>pragmatically [1] - 40:5</p> <p>precedent [2] - 8:15, 144:19</p> <p>precise [1] - 78:14</p> <p>predominantly [1] - 18:12</p> <p>preexisted [1] - 199:8</p> <p>prefer [4] - 37:19, 219:25, 223:13</p> <p>preference [1] - 160:9</p> <p>preliminary [1] - 70:24</p> <p>premise [1] - 100:16</p> <p>premises [3] - 202:25, 203:19, 204:8</p> <p>premium [1] - 199:15</p> <p>prep [6] - 203:3, 203:4, 205:18,</p>	<p>205:19, 205:23, 206:6</p> <p>prepare [1] - 91:4</p> <p>prepared [10] - 13:21, 24:21, 44:21, 104:10, 131:21, 156:21, 177:18, 179:21, 190:21, 230:21</p> <p>prescribed [1] - 222:9</p> <p>present [4] - 10:24, 94:20, 120:23, 125:5</p> <p>presentation [3] - 5:13, 7:10, 8:22</p> <p>presentations [1] - 188:7</p> <p>presented [13] - 9:24, 22:8, 41:4, 42:3, 52:17, 93:23, 96:18, 120:9, 153:23, 154:14, 177:19, 187:6, 214:21</p> <p>Presenter [4] - 25:5, 157:5, 180:5, 191:5</p> <p>presenting [4] - 8:4, 8:9, 32:17, 201:9</p> <p>Presently [1] - 36:20</p> <p>PRESERVATION [10] - 1:1, 1:3, 6:1, 14:1, 25:1, 45:1, 132:1, 157:1, 180:1, 191:1</p> <p>Preservation [3] - 3:4, 123:9, 123:14</p> <p>preservationists [1] - 123:22</p> <p>preserve [2] - 121:11, 123:23</p> <p>pressure [1] - 217:9</p> <p>presupposed [1] - 139:11</p> <p>pretty [10] - 5:1, 19:14, 101:21, 118:25, 144:4, 148:10, 170:7, 207:25, 208:4, 208:8</p> <p>Pretty [1] - 202:4</p> <p>prevent [1] - 110:19</p> <p>previous [14] - 54:25, 55:6, 58:18, 64:24, 81:20, 98:16, 99:16, 99:17, 118:11, 128:18, 184:23, 194:19, 218:6</p> <p>previously [6] - 28:8, 118:6, 126:17, 183:2, 206:24, 213:11</p> <p>price [6] - 58:7, 94:11, 99:22, 173:17, 173:21, 174:2</p>
---	---	---	--	---

<p>pricing [2] - 94:12, 173:1</p> <p>primary [1] - 148:11</p> <p>Primary [1] - 125:18</p> <p>PRIME [1] - 46:5</p> <p>prime [1] - 34:11</p> <p>principal [1] - 125:18</p> <p>prints [1] - 143:5</p> <p>prior [5] - 92:15, 97:24, 102:1, 102:4, 107:17</p> <p>prison [1] - 19:23</p> <p>probably [18] - 5:6, 36:9, 37:6, 37:16, 98:21, 114:14, 119:23, 145:19, 145:21, 162:10, 168:1, 170:18, 173:6, 173:22, 173:25, 188:7, 199:16, 202:15</p> <p>Probably [3] - 162:9, 172:25, 186:24</p> <p>probes [1] - 64:11</p> <p>problem [17] - 36:5, 59:1, 67:1, 67:12, 67:18, 69:19, 69:22, 77:1, 77:7, 80:10, 84:1, 152:6, 213:14, 213:19, 217:2, 220:13, 220:14</p> <p>problems [5] - 67:24, 79:5, 111:12, 122:20, 176:20</p> <p>procedural [2] - 51:15, 139:22</p> <p>procedures [1] - 113:25</p> <p>proceed [4] - 80:18, 107:22, 149:5, 183:1</p> <p>proceedings [8] - 13:7, 24:7, 44:7, 131:7, 156:7, 179:7, 190:7, 230:7</p> <p>process [8] - 10:16, 39:2, 70:19, 76:22, 95:23, 96:17, 99:8, 212:8</p> <p>product [17] - 9:7, 30:15, 60:3, 60:11, 66:14, 66:18, 72:23, 72:24, 84:7, 84:18, 88:12, 97:15, 97:20, 98:20, 100:2, 163:20, 174:6</p> <p>professional [12] - 62:22, 63:24, 71:15, 71:18, 72:1, 80:8, 80:13, 85:5, 88:14, 102:20, 104:20, 107:7</p> <p>professionals [2] -</p>	<p>49:17, 60:17</p> <p>profitable [1] - 79:16</p> <p>progress [2] - 124:9, 216:5</p> <p>prohibit [2] - 48:20, 189:10</p> <p>prohibition [1] - 50:5</p> <p>project [13] - 49:4, 79:15, 79:21, 89:9, 98:5, 136:1, 136:2, 162:24, 183:22, 184:1, 184:23, 189:4, 194:16</p> <p>projecting [1] - 213:3</p> <p>projection [5] - 161:16, 161:18, 161:23, 169:15, 212:4</p> <p>projections [2] - 211:18, 211:19</p> <p>proof [2] - 53:23, 210:16</p> <p>proofs [5] - 54:2, 101:22, 102:2, 102:12, 102:16</p> <p>proper [6] - 109:12, 195:5, 195:9, 197:5, 197:7, 213:10</p> <p>properly [4] - 50:22, 88:11, 107:11, 109:10</p> <p>properties [30] - 67:24, 72:16, 75:10, 76:11, 77:7, 77:16, 77:18, 83:10, 83:13, 83:18, 83:24, 88:7, 88:19, 88:23, 89:1, 91:9, 91:24, 97:21, 106:22, 113:8, 115:21, 120:13, 120:15, 172:5, 210:6, 213:10, 214:23, 215:4, 226:1</p> <p>property [78] - 17:7, 49:8, 49:15, 49:19, 49:22, 49:23, 50:4, 50:7, 50:18, 50:21, 50:24, 57:14, 58:19, 59:6, 59:14, 59:15, 59:17, 60:8, 60:12, 61:11, 64:19, 67:22, 68:2, 77:6, 77:17, 78:4, 79:20, 81:12, 83:19, 84:12, 84:17, 85:2, 85:7, 85:10, 85:12, 85:20, 85:24, 86:4, 86:5, 88:6, 88:9, 88:11, 88:20, 88:24, 89:3, 89:14, 89:16, 89:21, 92:2, 92:3, 92:7, 92:11, 92:16,</p>	<p>93:8, 93:19, 93:20, 94:14, 94:25, 97:20, 98:24, 100:4, 100:6, 101:9, 101:10, 123:21, 123:23, 124:12, 125:10, 125:15, 125:19, 140:12, 140:14, 195:6, 196:21, 201:23, 207:21, 210:10</p> <p>proportion [2] - 167:16, 221:19</p> <p>proportions [2] - 167:15, 200:10</p> <p>proposal [2] - 146:16, 162:4</p> <p>propose [2] - 68:1, 149:4</p> <p>proposed [16] - 29:12, 30:3, 34:24, 36:23, 49:12, 97:6, 99:22, 105:3, 106:19, 140:1, 153:25, 154:1, 154:2, 161:21, 197:10, 225:20</p> <p>proposing [8] - 84:10, 165:15, 183:7, 183:11, 194:21, 195:2, 195:9, 196:3</p> <p>propping [1] - 113:12</p> <p>provide [6] - 53:15, 54:9, 113:2, 173:16, 196:23, 216:2</p> <p>Provided [1] - 124:3</p> <p>provided [7] - 52:12, 53:7, 53:12, 53:16, 101:14, 124:19, 126:13</p> <p>provides [1] - 112:12</p> <p>proximity [1] - 105:10</p> <p>prudent [1] - 106:10</p> <p>pseudo [1] - 208:2</p> <p>Public [16] - 13:5, 13:20, 24:5, 24:20, 44:5, 44:20, 131:5, 131:20, 156:5, 156:20, 179:5, 179:20, 190:5, 190:20, 230:5, 230:20</p> <p>public [13] - 9:14, 53:13, 53:14, 54:8, 84:5, 124:1, 124:11, 124:13, 124:15, 124:17, 124:20, 207:22</p> <p>pull [2] - 87:6, 226:4</p> <p>pulled [1] - 39:10</p>	<p>pump [3] - 71:12, 96:25, 108:4</p> <p>pumped [1] - 90:1</p> <p>pumps [2] - 71:12, 96:24</p> <p>punched [1] - 20:18</p> <p>purchase [1] - 59:5</p> <p>purchased [3] - 49:22, 59:17, 99:24</p> <p>purchasing [1] - 59:15</p> <p>purity [1] - 20:12</p> <p>purple [10] - 141:8, 195:24, 208:12, 208:22, 208:23, 209:2, 209:11, 220:21, 223:14, 226:3</p> <p>purpose [1] - 149:2</p> <p>pursuing [1] - 142:22</p> <p>purview [11] - 20:2, 33:23, 40:16, 41:14, 95:24, 97:2, 207:24, 210:1, 210:21, 218:5, 226:7</p> <p>push [1] - 220:5</p> <p>pushes [2] - 203:10, 203:14</p> <p>put [29] - 7:8, 20:9, 33:15, 34:18, 35:8, 36:14, 38:7, 54:3, 56:17, 58:4, 69:5, 71:12, 74:7, 89:15, 91:16, 116:22, 120:4, 120:15, 122:8, 122:18, 122:24, 154:11, 162:19, 170:21, 197:7, 198:23, 215:25, 220:18, 223:23</p> <p>Put [1] - 35:24</p> <p>puts [1] - 54:2</p> <p>putting [11] - 30:3, 34:10, 37:1, 58:13, 70:20, 90:24, 96:24, 117:19, 183:16, 185:22, 202:16</p> <p>PVC [4] - 36:10, 161:25, 172:9, 189:3</p>	<p>33:2, 38:3, 38:16, 51:3, 53:10, 55:21, 76:25, 78:22, 79:10, 80:16, 81:17, 83:9, 83:16, 86:20, 86:24, 88:1, 88:15, 91:13, 91:22, 92:15, 96:16, 97:13, 98:14, 101:6, 113:5, 115:9, 139:22, 139:25, 140:21, 142:16, 142:25, 143:21, 144:23, 149:24, 152:1, 197:22, 199:19, 200:17, 201:7, 202:23, 205:13, 205:22, 211:7, 213:24, 216:7, 216:11, 218:15, 219:3</p> <p>questions [23] - 9:14, 10:13, 19:17, 31:4, 33:19, 50:25, 53:7, 53:8, 53:15, 54:4, 54:5, 54:9, 62:3, 88:18, 102:23, 107:15, 124:4, 124:14, 124:16, 139:4, 142:21, 212:16, 216:5</p> <p>quick [3] - 4:23, 88:17, 143:20</p> <p>quickly [2] - 90:15, 150:15</p> <p>quite [5] - 75:23, 77:3, 78:14, 169:2, 213:13</p> <p>quorum [1] - 4:5</p> <p>quote [1] - 94:11</p> <p>quoting [1] - 174:2</p>
R				
<p>r [4] - 63:8, 63:9, 135:21, 135:23</p> <p>R [48] - 1:8, 1:14, 1:17, 6:9, 6:15, 6:18, 13:1, 14:10, 14:16, 15:1, 24:1, 25:10, 25:17, 26:1, 29:3, 44:1, 45:10, 45:16, 46:1, 46:7, 57:5, 62:15, 131:1, 132:10, 132:16, 133:1, 135:14, 135:16, 156:1, 157:10, 157:17, 158:1, 160:7, 160:17, 179:1, 180:10, 180:17, 181:1, 183:2, 190:1, 191:10, 191:17,</p>				
Q				
<p>qualifications [3] - 63:12, 103:18, 104:1</p> <p>quality [2] - 172:4, 173:10</p> <p>quarter [2] - 34:11, 175:14</p> <p>question [49] - 8:12,</p>				

<p>192:1, 194:11, 230:1 R-1 [1] - 172:2 R-1(H) [4] - 6:4, 157:4, 180:4, 191:4 R-3 [3] - 45:4, 49:25, 125:17 R-e-y-e-s [1] - 29:3 rail [2] - 225:16, 227:7 railing [8] - 212:24, 215:13, 217:6, 217:16, 218:20, 222:8, 223:3, 223:9 railings [2] - 210:17, 211:6 rails [1] - 222:10 raise [9] - 17:13, 28:13, 57:1, 58:3, 62:11, 103:5, 121:17, 135:7, 194:3 raised [4] - 35:8, 123:8, 216:6, 216:10 raising [1] - 120:24 ramp [58] - 195:5, 195:8, 195:10, 196:20, 197:1, 197:4, 197:7, 197:18, 197:20, 198:5, 198:8, 198:22, 199:10, 201:9, 201:12, 202:2, 202:16, 202:20, 203:15, 203:18, 203:22, 203:24, 204:6, 204:19, 205:5, 205:25, 207:10, 207:12, 207:21, 208:1, 209:13, 210:24, 211:21, 213:21, 214:22, 216:14, 216:17, 217:1, 217:3, 217:8, 218:4, 218:12, 218:20, 218:25, 219:7, 219:10, 219:17, 219:19, 219:22, 220:6, 222:8, 225:5, 226:14, 226:25, 227:11, 227:17, 227:25 ramped [1] - 198:4 range [1] - 58:8 raspberry [1] - 145:16 rather [10] - 8:14, 85:7, 153:4, 186:16, 201:12, 202:25, 219:20, 219:25, 227:12, 227:18 RAY [2] - 159:5, 182:5</p>	<p>Ray [9] - 27:7, 29:5, 157:5, 160:12, 160:22, 165:14, 171:9, 180:5, 185:14 Rayes [1] - 37:14 re [1] - 92:21 re-engaged [1] - 92:21 reaches [1] - 137:12 reaction [1] - 110:15 read [5] - 78:21, 101:18, 127:11, 127:15, 167:17 reading [1] - 143:4 reads [1] - 34:8 Ready [1] - 29:9 ready [5] - 22:4, 48:11, 48:12, 143:18, 152:9 real [7] - 35:1, 40:19, 119:21, 176:20, 185:24, 204:12 realized [1] - 58:15 really [47] - 19:20, 19:23, 20:12, 38:23, 38:25, 53:25, 54:10, 55:2, 55:6, 72:4, 72:21, 72:25, 97:4, 102:2, 119:13, 119:18, 121:19, 121:25, 122:3, 123:11, 123:17, 123:18, 126:12, 142:3, 146:8, 153:10, 163:1, 163:2, 167:5, 184:8, 194:22, 194:23, 199:2, 201:17, 202:21, 206:23, 207:5, 207:25, 209:18, 213:13, 215:15, 217:17, 218:17, 219:2, 219:4, 219:16 REALTIME [9] - 1:23, 6:24, 14:23, 25:23, 45:23, 132:23, 157:23, 180:23, 191:23 Realtime [8] - 13:4, 24:4, 44:4, 131:4, 156:4, 179:4, 190:4, 230:4 reason [6] - 76:24, 91:8, 95:21, 200:8, 206:21, 215:9 reasons [4] - 78:25, 79:18, 121:12, 217:23 rebranding [1] - 139:2 recall [2] - 64:17,</p>	<p>73:12 received [2] - 94:12, 213:10 recent [1] - 40:25 recess [2] - 129:24, 130:1 Recess [1] - 130:2 recessed [1] - 218:1 reclad [1] - 119:23 recognize [1] - 79:11 recommend [9] - 79:18, 86:5, 109:25, 110:21, 110:24, 111:1, 111:4, 127:9, 188:8 recommendation [2] - 105:11, 107:9 recommendations [1] - 55:25 recommended [1] - 34:10 recommending [4] - 84:16, 85:11, 116:4 reconsider [1] - 51:20 reconsideration [15] - 49:10, 51:18, 51:23, 52:8, 52:15, 52:20, 52:24, 54:16, 54:23, 55:8, 56:10, 60:24, 95:22, 100:16, 128:13 record [20] - 17:21, 20:10, 28:21, 55:12, 55:14, 55:15, 55:19, 56:13, 56:17, 57:9, 62:19, 66:20, 71:7, 82:4, 103:14, 120:21, 135:19, 136:12, 160:21, 194:10 recorded [1] - 229:20 recovering [3] - 138:12, 138:14, 139:1 rectangular [1] - 18:12 recuse [3] - 136:8, 229:7 Recused [1] - 132:11 recused [2] - 136:10, 136:13 recycle [1] - 68:8 recycling [1] - 68:7 red [1] - 145:22 redesign [3] - 18:4, 29:16, 30:2 redesigning [2] - 41:1, 226:25 redo [2] - 38:21, 55:6 reduce [2] - 221:14, 225:3</p>	<p>reemphasize [1] - 88:4 reevaluated [1] - 125:8 refer [1] - 83:23 reference [1] - 142:2 referenced [1] - 82:4 referring [1] - 116:7 refineries [1] - 71:22 refresher [1] - 48:17 refuge [1] - 215:18 refused [1] - 61:6 regard [1] - 96:5 regarding [2] - 144:23, 207:21 regardless [1] - 125:16 REGULAR [1] - 1:3 regular [4] - 3:3, 32:1, 67:7 regulations [4] - 61:16, 76:17, 76:20, 199:14 rehabbed [1] - 69:17 rehash [1] - 55:6 reimagine [1] - 21:22 reinforce [1] - 109:19 reinvestigate [1] - 59:23 reiterate [1] - 102:8 relate [1] - 186:8 relationship [1] - 57:14 relative [16] - 13:12, 13:14, 24:12, 24:14, 44:12, 44:14, 131:12, 131:14, 156:12, 156:14, 179:12, 179:14, 190:12, 190:14, 230:12, 230:14 relevant [1] - 55:18 reliable [1] - 142:4 relocating [1] - 218:12 reluctance [1] - 92:25 remain [2] - 33:14, 94:18 remainder [1] - 229:19 remains [1] - 91:13 remedial [2] - 91:4, 120:17 remediate [20] - 49:7, 49:15, 50:3, 50:23, 61:5, 61:15, 64:7, 68:2, 80:10, 85:8, 88:10, 89:13,</p>	<p>91:3, 92:19, 93:3, 93:9, 94:5, 107:19, 125:15 remediated [2] - 79:19, 91:11 remediating [6] - 59:24, 70:19, 72:8, 79:1, 104:20, 125:19 remediation [34] - 50:13, 59:16, 59:18, 62:24, 68:19, 68:20, 69:19, 70:14, 71:25, 72:3, 72:14, 72:18, 72:25, 76:21, 79:6, 80:18, 84:9, 84:17, 84:22, 85:4, 86:4, 89:10, 90:15, 90:23, 94:16, 96:23, 100:13, 101:4, 105:16, 106:12, 106:18, 107:8, 119:3, 119:4 remedies [1] - 95:22 remember [4] - 32:13, 142:2, 212:23, 217:24 remembrance [1] - 121:14 remind [2] - 170:1, 201:14 remolded [1] - 35:8 removal [5] - 66:21, 73:19, 73:21, 99:10, 99:13 remove [11] - 34:9, 40:6, 41:10, 76:11, 77:18, 77:20, 99:3, 106:7, 110:4, 111:22, 112:17 removed [9] - 18:11, 38:19, 42:4, 64:24, 73:10, 75:11, 77:2, 81:19, 97:17 removes [1] - 98:4 Removing [1] - 109:11 removing [8] - 34:10, 67:17, 72:2, 106:25, 107:2, 194:25, 201:1, 221:23 rendered [1] - 101:13 rendering [7] - 141:10, 141:12, 146:7, 164:12, 164:15, 168:14, 175:17 renderings [3] - 122:21, 147:16, 174:23 renovation [1] -</p>
---	---	--	---	---

<p>218:8 repaint [1] - 221:21 repainted [1] - 33:6 repair [1] - 33:11 repairing [1] - 137:3 repeat [3] - 5:4, 115:8, 150:11 repeated [1] - 56:16 rephrase [1] - 200:16 replace [3] - 40:7, 68:10, 73:6 replaced [2] - 137:17, 185:6 replacement [3] - 42:5, 122:15, 138:16 replacing [7] - 32:15, 36:22, 137:4, 137:15, 138:24, 138:25, 194:24 replication [1] - 29:15 report [9] - 78:15, 78:25, 80:5, 82:5, 91:5, 94:1, 100:3, 104:10, 110:7 Reporter [16] - 13:4, 24:4, 44:4, 131:4, 156:4, 179:4, 190:4, 230:4 REPORTER [23] - 1:23, 1:23, 6:24, 6:24, 14:22, 14:23, 25:23, 25:23, 45:22, 45:23, 63:1, 63:5, 63:10, 121:23, 132:22, 132:23, 157:23, 157:23, 180:23, 180:23, 186:25, 191:23, 191:23 reports [1] - 55:9 representation [1] - 153:8 representative [2] - 9:18, 10:14 represented [1] - 209:11 representing [4] - 7:22, 17:6, 28:3, 160:23 represents [1] - 122:11 request [10] - 10:18, 39:9, 41:9, 51:19, 79:20, 91:23, 91:24, 93:10, 126:21, 126:22 requested [3] - 96:14, 139:8, 195:21 Requesting [7] - 14:5, 25:5, 45:5, 132:5, 157:5, 180:5,</p>	<p>191:5 requests [1] - 39:24 require [4] - 110:5, 111:19, 204:20, 213:4 required [6] - 70:14, 100:3, 196:24, 211:20, 211:25, 213:8 requirement [2] - 99:2, 223:5 requirements [6] - 66:12, 66:14, 66:22, 96:12, 195:9, 217:13 requires [2] - 67:19, 69:2 reserved [2] - 185:25, 186:6 resident [1] - 57:19 residential [14] - 49:25, 50:4, 61:11, 61:15, 72:8, 72:14, 72:15, 72:18, 72:20, 125:16, 125:18, 125:19, 136:21, 136:22 Residential [1] - 45:4 residual [2] - 68:16, 97:24 residue [1] - 69:11 resolution [5] - 48:24, 48:25, 51:9, 56:20, 144:22 resolve [5] - 34:1, 34:8, 147:21, 149:25, 152:8 resolved [2] - 148:19, 150:15 respect [3] - 5:8, 63:21, 86:16 respectful [1] - 146:19 respectfully [1] - 126:21 responded [1] - 149:18 response [1] - 93:18 rest [2] - 146:13, 198:6 restaurant [2] - 205:2, 216:21 restricting [1] - 201:17 restroom [3] - 197:11, 205:15, 206:4 restrooms [1] - 216:23 result [4] - 49:19, 73:10, 73:19, 73:20 resupport [1] - 114:15 resupporting [1] -</p>	<p>107:1 retail [3] - 163:7, 176:19, 184:3 retained [4] - 50:16, 63:20, 82:17, 101:8 retractable [2] - 201:1, 221:23 return [1] - 7:20 returns [1] - 35:12 revamped [1] - 76:20 review [6] - 8:18, 96:11, 126:3, 148:20, 165:6, 165:7 reviewed [2] - 104:16, 154:15 reviews [1] - 141:12 revised [1] - 212:17 revision [2] - 18:7, 195:22 revisit [2] - 59:16, 82:20 reward [1] - 119:7 Reyes [6] - 27:6, 28:3, 28:25, 29:2, 29:3, 34:17 REYES [11] - 28:18, 28:25, 29:2, 33:8, 34:15, 34:21, 36:25, 38:7, 38:11, 38:20, 39:14 rid [2] - 89:14, 196:6 riding [1] - 80:6 Right [26] - 30:13, 35:15, 74:9, 78:2, 84:3, 87:18, 98:13, 99:11, 106:6, 106:23, 111:8, 112:4, 112:7, 117:5, 117:12, 128:16, 136:20, 141:3, 145:18, 149:23, 153:5, 154:7, 167:21, 169:9, 175:19, 205:21 right [81] - 3:1, 5:10, 7:1, 10:3, 10:19, 10:23, 10:25, 17:9, 17:13, 28:4, 28:13, 30:1, 31:3, 39:4, 39:6, 43:1, 54:18, 56:6, 57:1, 57:13, 62:11, 63:18, 73:17, 75:15, 81:23, 85:23, 92:2, 95:1, 95:15, 95:18, 96:5, 97:6, 98:2, 103:5, 109:13, 112:21, 118:14, 128:15, 128:16, 135:2, 135:7, 135:25, 136:15, 141:3, 146:10, 149:11,</p>	<p>150:9, 150:19, 151:12, 152:17, 153:16, 161:20, 165:5, 168:17, 169:10, 170:9, 175:13, 176:11, 178:15, 185:2, 194:3, 196:11, 197:9, 198:23, 203:22, 204:1, 204:15, 207:22, 208:14, 209:15, 210:2, 210:7, 211:5, 211:11, 213:4, 214:25, 215:5, 215:25, 226:9, 229:8 right-of-way [11] - 92:2, 198:23, 207:22, 209:15, 210:2, 210:7, 211:5, 211:11, 213:4, 215:5, 215:25 rights [1] - 52:21 rigidity [1] - 112:13 rise [2] - 84:23, 85:3 risk [7] - 79:6, 109:6, 119:6, 120:11, 120:12, 120:15, 174:19 riskier [1] - 114:17 Road [9] - 1:19, 6:20, 15:2, 26:2, 46:2, 133:2, 158:2, 181:2, 192:2 role [2] - 123:22, 126:10 roll [1] - 3:8 Roll [7] - 4:13, 11:10, 22:10, 128:22, 150:9, 177:21, 187:9 rolls [1] - 19:15 room [4] - 169:12, 200:17, 202:21, 215:16 Roosevelt [2] - 85:24, 86:21 rough [2] - 173:16, 173:20 routed [1] - 35:12 routing [1] - 36:1 row [1] - 122:4 rows [3] - 69:25, 105:1, 111:8 RS [7] - 163:3, 180:4, 183:6, 184:2, 184:18, 185:23, 186:11 rule [3] - 35:4, 35:12, 35:17 rules [7] - 51:23, 52:13, 53:1, 53:5, 53:21, 54:22, 211:17 run [5] - 35:17,</p>	<p>113:19, 117:17, 174:18, 216:4 running [3] - 59:8, 60:11, 117:22 runs [4] - 19:2, 114:6, 114:10, 115:6 rush [1] - 208:5 Rush [1] - 70:5 RUSHAB [1] - 57:10 Rushabh [3] - 47:5, 51:5, 56:23</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s [7] - 17:5, 17:23, 29:3, 63:9, 103:16, 194:14 S [30] - 1:14, 6:15, 14:16, 17:18, 25:17, 45:16, 57:5, 57:11, 62:15, 103:10, 132:16, 135:14, 135:21, 157:17, 160:7, 180:17, 191:17, 194:11 S-c-h-u-b-e-r-t [1] - 135:21 S-h-a-h [1] - 57:11 s/Phyllis [8] - 13:18, 24:18, 44:18, 131:18, 156:18, 179:18, 190:18, 230:18 safe [4] - 59:25, 105:13, 107:12, 118:21 safety [1] - 79:7 sag [1] - 114:23 said [32] - 10:7, 70:4, 73:13, 80:7, 82:25, 87:16, 87:24, 87:25, 92:11, 94:13, 118:10, 122:17, 126:19, 136:20, 137:13, 145:12, 146:17, 149:4, 151:19, 162:17, 162:19, 163:19, 167:23, 167:24, 168:7, 168:17, 173:2, 177:16, 186:18, 217:16, 223:12, 225:22 salvage [1] - 101:4 same [28] - 33:12, 34:15, 36:13, 37:1, 53:25, 54:10, 55:14, 59:8, 72:23, 96:4, 96:19, 98:9, 122:11, 137:20, 138:24,</p>
--	--	---	---	---

<p>141:15, 145:8, 160:6, 163:3, 171:1, 183:21, 183:25, 189:3, 200:24, 212:12, 214:5, 214:7</p> <p>sample [5] - 30:7, 152:23, 166:15, 166:20, 173:14</p> <p>samples [2] - 64:13, 170:2</p> <p>Samples [4] - 188:11, 188:14, 188:16, 188:20</p> <p>sand [1] - 62:24</p> <p>Sandy [1] - 38:12</p> <p>satisfied [1] - 63:14</p> <p>satisfy [2] - 53:23, 208:7</p> <p>save [5] - 5:7, 86:5, 86:8, 119:9, 120:13</p> <p>saved [1] - 80:1</p> <p>saw [5] - 98:20, 100:2, 147:16, 167:22</p> <p>Say [2] - 34:2, 106:16</p> <p>say [47] - 20:11, 21:23, 32:13, 32:18, 34:19, 40:1, 40:12, 55:13, 72:10, 78:25, 79:18, 83:15, 84:11, 86:19, 101:18, 110:12, 114:18, 116:6, 119:11, 124:5, 136:21, 141:22, 143:3, 144:17, 149:18, 153:7, 163:6, 166:21, 170:24, 171:2, 173:5, 175:21, 177:1, 189:6, 196:5, 199:12, 206:15, 206:20, 213:16, 215:21, 218:3, 218:20, 223:1, 223:22, 225:15, 225:21, 226:17</p> <p>saying [21] - 9:16, 10:1, 34:17, 35:16, 35:18, 77:13, 80:22, 93:18, 100:22, 102:15, 116:10, 119:6, 120:21, 120:24, 121:20, 122:1, 122:12, 169:5, 210:17, 210:19, 213:11</p> <p>says [1] - 222:24</p> <p>scale [14] - 32:20, 153:9, 162:24, 164:12, 167:18, 168:19, 168:20, 175:24, 177:3, 177:4,</p>	<p>177:7, 183:16, 199:21, 199:23</p> <p>scaled [3] - 168:17, 188:18, 220:20</p> <p>scape [2] - 21:5, 22:1</p> <p>scheduled [1] - 3:3</p> <p>school [2] - 38:18, 58:4</p> <p>Schubert [2] - 134:5, 135:20</p> <p>SCHUBERT [17] - 135:6, 135:11, 136:2, 136:16, 138:15, 138:22, 139:3, 139:7, 140:3, 140:7, 140:11, 140:16, 140:19, 142:18, 143:24, 144:16, 147:9</p> <p>scope [3] - 41:2, 82:18, 215:20</p> <p>scrape [1] - 33:14</p> <p>scraped [1] - 33:6</p> <p>seam [2] - 19:13, 19:14</p> <p>seat [2] - 204:24, 204:25</p> <p>seating [12] - 197:8, 197:10, 197:14, 203:12, 203:16, 204:7, 204:19, 205:24, 217:11, 219:2, 220:5, 227:13</p> <p>seats [3] - 197:19, 204:21</p> <p>second [15] - 3:24, 18:10, 28:5, 42:6, 126:20, 128:17, 136:7, 136:11, 144:25, 148:2, 149:10, 154:18, 163:25, 177:20, 227:10</p> <p>Second [7] - 11:9, 22:9, 32:5, 148:3, 187:7, 187:8, 228:3</p> <p>seconded [2] - 147:19, 150:2</p> <p>Secretary [9] - 1:16, 6:17, 14:18, 25:18, 45:18, 132:18, 157:18, 180:18, 191:18</p> <p>Section [1] - 211:3</p> <p>section [2] - 18:24, 184:24</p> <p>security [3] - 38:4, 38:5, 38:17</p> <p>see [49] - 7:3, 7:8, 7:13, 18:18, 18:21, 19:12, 19:13, 36:20,</p>	<p>37:19, 40:15, 41:25, 51:25, 60:5, 69:6, 69:8, 81:13, 81:21, 90:19, 90:22, 102:19, 126:4, 137:24, 139:12, 143:10, 146:6, 147:21, 150:3, 152:2, 153:3, 163:9, 171:10, 172:2, 175:20, 185:15, 204:6, 208:11, 209:20, 218:24, 219:19, 219:20, 219:25, 221:17, 223:2, 223:13, 224:14, 224:15, 226:21, 227:2, 227:22</p> <p>See [2] - 73:22, 91:15</p> <p>seeing [6] - 31:11, 138:2, 199:23, 212:22, 216:20, 219:22</p> <p>Seeing [2] - 124:15, 124:20</p> <p>seem [2] - 10:15, 87:5</p> <p>seemed [1] - 147:15</p> <p>seemingly [1] - 85:6</p> <p>seems [12] - 8:14, 77:15, 110:7, 143:1, 143:2, 146:15, 184:19, 199:20, 211:14, 219:12, 223:18, 223:19</p> <p>seen [6] - 53:19, 77:3, 78:3, 98:21, 113:13, 119:21</p> <p>seepage [1] - 75:10</p> <p>seeped [1] - 110:7</p> <p>sees [2] - 149:22, 176:8</p> <p>selected [1] - 137:19</p> <p>selecting [4] - 210:9, 210:11, 210:16, 210:18</p> <p>sell [1] - 98:24</p> <p>semi [2] - 166:21, 172:3</p> <p>semi-concerning [1] - 172:3</p> <p>semi-gloss [1] - 166:21</p> <p>sense [3] - 58:16, 115:25, 117:20</p> <p>sensitive [1] - 21:3</p> <p>sentences [1] - 79:23</p> <p>separate [4] - 30:12, 32:10, 137:6, 211:17</p>	<p>September [3] - 81:24, 81:25, 104:13</p> <p>sequence [1] - 86:14</p> <p>series [3] - 114:9, 117:19, 117:22</p> <p>serious [1] - 79:6</p> <p>seriously [1] - 126:9</p> <p>session [1] - 135:3</p> <p>set [12] - 13:9, 24:9, 44:9, 66:16, 125:25, 126:7, 126:8, 131:9, 156:9, 179:9, 190:9, 230:9</p> <p>sets [2] - 8:15, 19:4</p> <p>seven [1] - 108:20</p> <p>several [4] - 48:18, 49:9, 49:17, 203:19</p> <p>Shade [3] - 56:2, 125:24, 128:9</p> <p>Shah [5] - 47:5, 51:5, 56:23, 57:11, 62:3</p> <p>SHAH [14] - 56:24, 57:4, 92:7, 93:12, 94:1, 95:16, 98:16, 98:19, 100:1, 100:7, 100:11, 121:19, 121:25, 122:20</p> <p>shall [1] - 143:3</p> <p>shallow [1] - 67:2</p> <p>shallower [1] - 65:3</p> <p>shape [2] - 33:9, 111:9</p> <p>shaped [1] - 85:5</p> <p>share [3] - 122:14, 128:7, 138:11</p> <p>sheet [2] - 37:13, 220:24</p> <p>Sheet [6] - 18:8, 18:17, 18:21, 18:23, 21:10, 21:12</p> <p>sheeting [1] - 111:13</p> <p>Sheeting [1] - 111:18</p> <p>shelf [1] - 9:7</p> <p>shift [3] - 109:8, 109:10, 110:16</p> <p>shifts [1] - 111:11</p> <p>shiny [2] - 166:13, 166:18</p> <p>shoring [2] - 111:14, 111:18</p> <p>short [1] - 153:6</p> <p>shorter [2] - 58:25</p> <p>shot [2] - 30:24, 176:23</p> <p>should [25] - 9:12, 9:17, 9:18, 10:13, 34:5, 80:22, 84:11, 87:22, 90:16, 121:4, 126:15, 127:3, 137:19, 140:25,</p>	<p>141:6, 155:19, 169:1, 170:1, 185:17, 207:19, 212:23, 219:3, 219:4, 223:12, 223:21</p> <p>Should [2] - 7:4, 139:23</p> <p>shoulders [1] - 32:16</p> <p>shouldn't [1] - 207:25</p> <p>shove [2] - 39:12, 218:16</p> <p>show [3] - 7:21, 175:25, 223:22</p> <p>showed [1] - 145:7</p> <p>showing [7] - 10:5, 18:23, 142:8, 200:21, 211:4, 211:5, 212:1</p> <p>shown [2] - 21:13, 200:6</p> <p>SHUBERT [1] - 135:20</p> <p>si [1] - 17:23</p> <p>side [20] - 35:9, 37:9, 77:8, 85:25, 105:1, 105:22, 107:24, 114:6, 114:7, 114:9, 114:11, 114:13, 115:6, 115:7, 117:17, 176:15, 196:22, 218:14, 219:9</p> <p>sides [2] - 71:14, 162:1</p> <p>sidewalk [20] - 92:11, 108:23, 154:6, 195:10, 196:23, 201:15, 202:20, 203:1, 206:14, 206:25, 207:3, 208:2, 208:6, 209:24, 212:14, 213:1, 214:22, 214:24, 215:12, 215:17</p> <p>sidewalks [2] - 77:5, 98:22</p> <p>sightly [1] - 219:18</p> <p>Sign [2] - 29:6, 160:23</p> <p>sign [80] - 29:17, 32:10, 33:5, 33:7, 33:11, 33:15, 33:24, 34:5, 34:7, 34:19, 35:2, 35:9, 35:19, 35:20, 35:21, 36:24, 37:2, 37:17, 37:23, 38:23, 39:1, 39:4, 40:13, 40:14, 40:16, 42:5, 91:12, 136:18, 137:17, 139:10, 140:1, 146:13,</p>
---	--	--	---	---

<p>161:21, 161:22, 161:24, 162:3, 163:11, 164:1, 165:15, 167:1, 167:4, 167:11, 167:13, 167:18, 167:20, 168:3, 168:15, 169:6, 169:7, 170:11, 171:17, 175:4, 175:5, 175:14, 176:4, 176:5, 184:23, 194:25, 195:1, 195:18, 199:22, 200:3, 200:18, 200:21, 201:4, 209:10, 213:23, 214:6, 214:11, 216:14, 217:19, 217:22, 220:10, 220:12, 221:12, 221:23, 222:1, 226:24</p> <p>sign's [1] - 184:15</p> <p>signage [12] - 32:5, 32:8, 144:24, 145:3, 146:18, 154:5, 195:16, 196:8, 199:20, 214:8, 223:20, 223:23</p> <p>significance [3] - 40:9, 80:3, 121:2</p> <p>significant [8] - 49:18, 60:12, 105:5, 111:19, 176:20, 207:25, 208:4, 208:8</p> <p>signing [2] - 214:7, 224:20</p> <p>signs [5] - 29:12, 30:3, 30:9, 37:7, 172:8</p> <p>silver [1] - 196:12</p> <p>similar [6] - 79:16, 83:13, 83:16, 83:17, 87:4, 90:5</p> <p>simple [1] - 102:10</p> <p>simply [6] - 41:6, 105:11, 113:18, 113:19, 114:6, 216:7</p> <p>Since [2] - 48:23, 169:25</p> <p>since [7] - 39:15, 39:17, 52:24, 58:19, 71:18, 103:23, 214:4</p> <p>single [3] - 57:21, 85:14, 85:18</p> <p>single-family [2] - 85:14, 85:18</p> <p>singling [1] - 213:11</p> <p>singular [1] - 54:22</p> <p>sink [1] - 205:19</p> <p>sinking [1] - 110:19</p>	<p>sinks [5] - 203:4, 203:5, 205:19, 205:23</p> <p>sir [7] - 19:25, 28:7, 28:23, 29:4, 51:6, 57:1, 214:15</p> <p>sit [1] - 74:7</p> <p>Site [1] - 95:8</p> <p>site [26] - 59:25, 64:5, 64:8, 67:1, 67:8, 67:17, 68:12, 72:8, 79:2, 79:19, 81:6, 81:9, 81:10, 89:24, 90:7, 91:4, 91:14, 96:3, 96:13, 96:24, 104:5, 104:20, 110:20, 119:3, 144:2, 168:21</p> <p>sits [3] - 105:2, 111:8, 115:2</p> <p>sitting [6] - 60:5, 98:20, 184:11, 201:4, 202:17, 219:20</p> <p>situate [1] - 196:22</p> <p>situated [1] - 196:19</p> <p>situation [8] - 5:6, 59:8, 75:19, 78:7, 84:6, 95:25, 113:9, 113:15</p> <p>situations [2] - 87:4, 113:9</p> <p>six [9] - 36:21, 37:4, 64:17, 92:8, 108:23, 129:18, 151:22, 161:18, 197:19</p> <p>six-unit [1] - 92:8</p> <p>size [10] - 32:22, 137:18, 139:13, 164:17, 174:24, 175:15, 183:25, 220:25, 223:12, 223:15</p> <p>sizes [1] - 183:17</p> <p>skeptical [1] - 9:7</p> <p>skittish [1] - 176:22</p> <p>slab [2] - 207:8, 207:14</p> <p>slight [1] - 195:21</p> <p>slightly [7] - 20:1, 20:16, 21:14, 78:7, 172:8, 186:8, 195:19</p> <p>slippery [1] - 218:9</p> <p>slope [4] - 195:6, 196:24, 204:3, 218:9</p> <p>slopes [2] - 197:5, 203:23</p> <p>sloping [1] - 207:3</p> <p>slow [1] - 75:14</p> <p>slowed [1] - 102:6</p> <p>small [10] - 148:10, 163:12, 174:21,</p>	<p>175:7, 175:8, 184:10, 197:8, 204:17, 205:23</p> <p>smaller [7] - 164:23, 169:1, 172:8, 177:3, 216:25, 220:15, 223:17</p> <p>smallest [2] - 223:18, 223:20</p> <p>smears [1] - 65:10</p> <p>Smith [1] - 6:4</p> <p>SMOLY [1] - 92:1</p> <p>Smolyn [23] - 1:11, 4:11, 6:12, 11:19, 14:13, 22:17, 25:14, 42:16, 45:13, 115:12, 129:7, 132:13, 151:6, 155:5, 157:14, 178:5, 180:14, 187:18, 191:14, 205:9, 205:10, 206:12, 228:12</p> <p>SMOLYN [112] - 4:12, 8:24, 9:6, 10:18, 10:22, 11:20, 20:1, 20:7, 20:11, 20:19, 21:1, 21:8, 21:11, 22:18, 31:6, 31:10, 31:13, 31:15, 31:23, 32:4, 32:7, 36:20, 37:3, 37:11, 39:8, 39:19, 42:17, 54:25, 81:3, 81:8, 81:16, 82:2, 82:9, 82:15, 82:22, 93:22, 94:21, 109:17, 109:23, 110:5, 110:17, 110:23, 111:2, 114:20, 114:23, 115:4, 115:14, 116:3, 116:8, 116:12, 116:17, 128:17, 128:21, 129:8, 141:17, 141:20, 141:22, 144:17, 148:2, 151:7, 155:6, 164:11, 164:14, 165:1, 165:6, 165:17, 165:21, 166:4, 170:14, 171:9, 171:12, 171:16, 171:25, 172:18, 172:23, 173:9, 173:15, 173:20, 173:23, 178:6, 186:7, 186:13, 186:15, 186:19, 186:21, 187:19, 188:11, 188:14, 189:7, 189:12, 198:24, 205:11, 206:13,</p>	<p>206:19, 207:7, 207:13, 207:18, 208:17, 209:4, 209:8, 209:25, 210:11, 213:2, 219:6, 219:24, 220:4, 223:15, 224:17, 224:23, 226:6, 226:13, 228:13</p> <p>Smolyn's [2] - 215:11, 227:10</p> <p>So [160] - 3:8, 9:15, 10:4, 10:7, 10:25, 17:25, 19:6, 29:11, 30:2, 31:10, 33:13, 34:22, 37:12, 37:16, 38:18, 39:7, 40:9, 49:6, 49:14, 49:15, 50:25, 52:12, 52:19, 53:13, 53:18, 54:19, 55:11, 56:22, 57:16, 57:24, 59:5, 60:7, 60:15, 61:3, 62:5, 63:19, 65:15, 66:23, 67:16, 68:1, 68:18, 70:13, 71:15, 72:1, 73:18, 73:25, 74:3, 74:6, 75:19, 76:10, 77:2, 77:12, 77:17, 78:6, 78:20, 82:2, 82:9, 83:1, 84:4, 85:16, 86:22, 89:9, 91:13, 93:22, 94:8, 95:20, 98:3, 98:11, 99:1, 99:24, 100:5, 100:9, 102:1, 102:8, 103:1, 106:9, 107:6, 107:23, 108:1, 108:6, 108:14, 110:17, 111:6, 112:9, 112:20, 113:7, 114:5, 115:1, 115:8, 117:19, 118:13, 118:19, 122:6, 123:20, 124:17, 125:2, 126:19, 127:23, 135:2, 137:15, 138:25, 139:19, 142:1, 143:12, 145:12, 145:19, 146:1, 146:24, 149:24, 150:2, 150:12, 150:17, 151:22, 152:1, 154:11, 161:5, 173:23, 174:22, 175:14, 175:23, 183:15, 185:7, 186:5, 194:17, 194:21, 195:7, 196:15, 196:22, 197:14, 197:17, 197:23,</p>	<p>198:8, 198:12, 199:19, 200:2, 200:16, 203:2, 203:8, 204:1, 205:5, 205:13, 205:22, 211:7, 211:10, 211:11, 212:1, 212:7, 212:15, 214:3, 214:10, 218:10, 220:11, 221:22, 223:4, 224:12, 224:13, 224:19, 224:24, 228:1</p> <p>so [150] - 5:9, 5:14, 9:20, 18:6, 18:19, 19:3, 19:9, 22:1, 28:8, 29:17, 29:19, 32:18, 36:7, 36:9, 38:2, 40:14, 48:5, 50:10, 53:14, 60:13, 61:8, 61:16, 63:25, 64:2, 64:12, 65:1, 65:4, 65:10, 65:24, 66:21, 69:13, 71:3, 72:16, 72:23, 73:13, 75:17, 76:21, 87:10, 87:19, 88:1, 88:11, 92:12, 92:17, 93:21, 96:24, 97:6, 97:9, 97:17, 99:22, 100:4, 101:10, 107:10, 108:13, 108:15, 108:23, 110:7, 112:7, 112:23, 114:8, 117:3, 117:4, 117:15, 121:24, 122:8, 122:11, 122:24, 124:7, 139:21, 141:5, 142:7, 142:11, 143:5, 145:13, 147:24, 149:10, 151:23, 152:2, 152:15, 153:3, 160:7, 161:3, 161:8, 161:12, 163:20, 164:18, 164:22, 164:23, 164:24, 165:4, 166:2, 167:16, 167:17, 168:13, 168:19, 168:24, 169:12, 169:14, 169:15, 170:15, 170:24, 171:5, 171:19, 171:23, 172:2, 172:22, 174:15, 174:16, 174:20, 175:4, 175:8, 175:15, 175:16, 175:17, 175:20, 177:2, 183:19, 183:21, 184:16, 184:19, 185:24, 185:25, 187:3,</p>
---	--	--	---	--

<p>188:10, 189:1, 189:13, 194:23, 195:6, 195:9, 196:6, 198:6, 198:16, 200:22, 201:16, 201:24, 202:16, 208:21, 210:7, 210:17, 211:8, 211:22, 212:19, 212:25, 213:5, 216:6, 223:10, 224:3, 227:3</p> <p>so.. [1] - 120:18</p> <p>soaked [2] - 65:13, 68:6</p> <p>soil [39] - 49:18, 49:21, 50:3, 50:23, 59:19, 60:1, 60:5, 64:12, 65:10, 65:11, 66:23, 67:8, 67:11, 68:5, 68:8, 68:10, 68:11, 68:24, 68:25, 69:13, 70:20, 72:13, 73:6, 73:9, 75:20, 76:8, 76:9, 76:12, 84:6, 88:12, 106:3, 106:7, 107:3, 107:4, 107:19, 108:17, 111:11, 114:1, 114:25</p> <p>solid [6] - 18:25, 19:1, 19:9, 19:10, 67:14, 195:24</p> <p>soluble [1] - 67:14</p> <p>solution [1] - 220:3</p> <p>some [39] - 35:24, 40:7, 40:25, 41:12, 51:15, 52:1, 61:7, 68:14, 69:11, 75:14, 75:15, 75:24, 76:13, 77:9, 78:22, 84:5, 90:12, 120:10, 121:15, 125:20, 128:7, 137:11, 137:15, 138:3, 145:20, 147:16, 148:23, 154:6, 154:16, 172:20, 176:15, 195:12, 196:9, 202:17, 208:2, 208:11, 208:23, 215:7, 225:4</p> <p>Some [1] - 125:23</p> <p>somebody [10] - 5:2, 9:12, 10:2, 18:19, 41:13, 98:3, 118:10, 174:19, 220:18, 223:3</p> <p>somehow [4] - 87:6, 105:24, 198:18, 226:1</p> <p>someone [3] - 118:5, 220:17, 225:22</p> <p>something [44] -</p>	<p>8:12, 33:25, 34:18, 35:3, 35:4, 35:10, 35:13, 35:14, 36:4, 36:14, 38:18, 40:11, 52:3, 68:3, 78:21, 80:6, 85:9, 86:15, 90:5, 90:16, 90:20, 90:24, 101:25, 115:15, 119:11, 122:18, 144:14, 145:21, 145:22, 148:5, 149:4, 153:7, 153:19, 162:12, 170:21, 171:2, 207:23, 210:13, 217:3, 222:19, 223:4, 225:10, 226:4, 227:20</p> <p>sometimes [5] - 38:13, 69:10, 90:12, 173:10, 207:3</p> <p>Sometimes [1] - 149:14</p> <p>somewhat [3] - 40:6, 80:9, 115:17</p> <p>somewhere [3] - 52:2, 74:20, 186:22</p> <p>soon [4] - 195:4, 197:4, 203:23, 219:9</p> <p>sorry [22] - 4:10, 21:1, 29:1, 32:6, 34:3, 36:17, 70:9, 81:7, 82:3, 82:8, 101:7, 101:17, 104:13, 106:16, 121:20, 125:3, 125:4, 147:6, 177:13, 201:21, 205:7, 217:22</p> <p>Sorry [5] - 20:7, 64:1, 78:8, 104:14, 118:4</p> <p>sort [17] - 18:13, 18:25, 19:8, 19:9, 20:13, 21:21, 34:22, 40:1, 52:1, 78:13, 80:5, 83:21, 118:24, 120:4, 205:5, 216:19, 216:23</p> <p>sounds [2] - 161:8, 175:2</p> <p>source [5] - 65:20, 65:23, 77:23, 89:14, 93:7</p> <p>south [6] - 88:20, 88:23, 89:4, 89:5, 89:11, 92:8</p> <p>southeast [1] - 89:4</p> <p>southeasterly [1] - 65:24</p> <p>southerly [1] - 65:23</p> <p>southern [3] - 66:3,</p>	<p>66:4, 89:6</p> <p>space [21] - 34:25, 58:5, 136:3, 136:24, 162:25, 167:25, 169:14, 195:4, 197:6, 197:8, 199:15, 206:2, 206:16, 206:22, 206:23, 207:12, 207:14, 208:4, 216:22, 218:16, 219:13</p> <p>spaced [1] - 185:5</p> <p>spaces [2] - 167:23, 216:25</p> <p>spacing [2] - 167:3, 167:11</p> <p>span [1] - 174:16</p> <p>spares [1] - 69:16</p> <p>speak [22] - 20:23, 21:19, 57:18, 87:16, 87:25, 88:7, 93:5, 95:6, 109:21, 119:20, 123:24, 124:7, 124:12, 127:8, 169:18, 203:15, 204:14, 207:5, 207:20, 210:5, 215:2, 225:2</p> <p>speaking [15] - 35:23, 79:3, 85:21, 86:7, 86:10, 92:23, 115:13, 121:20, 124:25, 165:10, 170:17, 170:25, 171:8, 171:21, 176:17</p> <p>speaks [1] - 80:6</p> <p>spec [2] - 220:24, 227:6</p> <p>Special [1] - 4:19</p> <p>species [1] - 115:17</p> <p>specific [3] - 86:13, 90:23, 213:7</p> <p>specifically [2] - 92:2, 95:17</p> <p>speculative [1] - 97:4</p> <p>speed [1] - 138:20</p> <p>spell [8] - 28:20, 57:8, 62:18, 63:2, 63:5, 103:13, 135:18, 194:9</p> <p>Spell [1] - 63:3</p> <p>spill [1] - 73:18</p> <p>spilled [1] - 64:25</p> <p>spoke [1] - 87:15</p> <p>spray [1] - 165:18</p> <p>spread [3] - 66:7, 67:5, 140:2</p> <p>spreads [1] - 65:25</p> <p>square [2] - 161:14,</p>	<p>162:3</p> <p>squeeze [1] - 219:13</p> <p>stability [2] - 109:7, 113:3</p> <p>stable [2] - 106:6, 118:21</p> <p>staff [3] - 153:21, 206:10, 206:11</p> <p>stages [3] - 108:5, 113:23, 114:12</p> <p>stainless [3] - 171:19, 172:17, 225:6</p> <p>stairwell [4] - 117:15, 117:16, 117:19, 118:1</p> <p>stamp [2] - 183:14, 183:19</p> <p>stand [4] - 35:10, 55:1, 67:9, 224:9</p> <p>standalone [1] - 154:16</p> <p>standard [2] - 170:8, 221:8</p> <p>standards [12] - 50:5, 54:1, 54:11, 61:15, 72:8, 72:14, 72:15, 72:19, 72:23, 93:2, 125:16, 125:19</p> <p>standing [1] - 120:16</p> <p>standoff [1] - 195:23</p> <p>standpoint [11] - 9:15, 10:11, 40:24, 41:5, 52:19, 60:24, 118:14, 118:20, 126:4, 128:11, 210:15</p> <p>stands [6] - 66:19, 118:14, 118:20, 197:3, 197:12, 205:6</p> <p>Star [1] - 3:6</p> <p>Star-Ledger [1] - 3:6</p> <p>start [15] - 4:24, 69:25, 70:23, 71:10, 73:1, 90:20, 90:24, 96:25, 106:7, 110:13, 110:15, 111:10, 111:21, 112:11, 113:2</p> <p>starting [1] - 40:20</p> <p>state [7] - 17:21, 28:20, 57:8, 62:18, 103:13, 135:18, 194:9</p> <p>State [19] - 13:5, 13:20, 17:3, 24:5, 24:20, 44:5, 44:20, 103:22, 131:5, 131:20, 156:5, 156:20, 160:20, 179:5, 179:20, 190:5, 190:20, 230:5, 230:20</p> <p>stated [5] - 51:24, 52:15, 53:12, 78:25,</p>	<p>128:6</p> <p>statement [1] - 124:23</p> <p>statements [1] - 53:10</p> <p>states [1] - 101:22</p> <p>stationary [1] - 67:10</p> <p>status [1] - 10:19</p> <p>stay [4] - 67:9, 73:8, 120:25, 209:22</p> <p>stays [3] - 79:2, 200:23, 214:7</p> <p>stealing [1] - 177:1</p> <p>steel [10] - 18:4, 18:8, 18:14, 161:22, 171:10, 171:13, 171:19, 172:16, 172:17, 225:9</p> <p>Steel [1] - 225:8</p> <p>stenographically [9] - 13:8, 24:8, 44:8, 131:8, 156:8, 179:8, 190:8, 229:20, 230:8</p> <p>step [1] - 218:8</p> <p>steps [2] - 65:21, 66:5</p> <p>Steve [19] - 1:9, 4:6, 4:10, 4:11, 6:10, 14:11, 20:22, 25:11, 45:11, 55:21, 81:2, 82:8, 132:11, 157:11, 161:3, 177:1, 180:11, 186:3, 191:11</p> <p>Steve's [2] - 9:10, 170:23</p> <p>Steven [11] - 1:11, 6:12, 14:13, 25:14, 36:17, 45:13, 109:16, 132:13, 157:14, 180:14, 191:14</p> <p>STEWART [37] - 3:14, 11:22, 22:20, 29:22, 37:10, 42:19, 127:17, 127:21, 129:10, 140:20, 141:1, 141:25, 143:10, 143:20, 144:4, 150:25, 151:16, 151:19, 151:21, 155:2, 155:16, 166:9, 166:12, 174:9, 176:25, 177:6, 177:9, 177:13, 177:16, 178:2, 185:14, 185:20, 187:15, 188:22, 228:9, 228:25, 229:6</p> <p>Stewart [19] - 1:12, 3:13, 6:13, 11:21,</p>
---	--	--	--	--

<p>14:14, 22:19, 25:14, 42:18, 45:14, 129:9, 132:14, 150:24, 155:1, 157:14, 178:1, 180:14, 187:14, 191:14, 228:8</p> <p>stick [3] - 18:20, 215:5, 221:21</p> <p>sticking [1] - 220:1</p> <p>still [24] - 10:15, 18:15, 18:16, 20:3, 38:7, 55:1, 56:4, 56:13, 61:10, 69:11, 72:23, 74:10, 76:22, 91:12, 97:18, 105:17, 116:4, 125:22, 153:13, 153:14, 188:9, 200:4, 214:1, 227:13</p> <p>stop [4] - 58:21, 60:15, 124:8, 124:9</p> <p>stopped [2] - 97:15, 122:22</p> <p>storage [1] - 203:5</p> <p>store [14] - 39:15, 144:18, 160:24, 163:23, 175:11, 175:15, 177:5, 177:8, 198:2, 198:12, 198:21, 201:12, 204:17, 227:23</p> <p>storefront [29] - 40:13, 40:21, 137:3, 145:2, 165:7, 167:13, 184:9, 186:23, 195:3, 195:10, 196:4, 196:6, 196:13, 213:22, 217:25, 218:22, 219:11, 219:15, 219:22, 222:1, 222:3, 222:19, 222:21, 223:16, 223:17, 224:20, 227:18, 227:19</p> <p>storefronts [1] - 223:24</p> <p>stores [1] - 38:6</p> <p>stories [2] - 85:2, 121:6</p> <p>story [5] - 58:25, 59:3, 85:15, 104:24, 138:4</p> <p>straddle [1] - 118:1</p> <p>strategy [1] - 76:21</p> <p>streamlined [1] - 161:17</p> <p>street [9] - 21:5, 22:1, 28:4, 31:18, 32:8, 148:16, 176:15, 211:11, 223:10</p>	<p>Street [56] - 1:6, 2:7, 2:8, 2:9, 2:10, 2:11, 2:12, 2:13, 6:3, 6:7, 7:2, 14:3, 14:4, 14:8, 17:1, 17:8, 18:3, 18:5, 20:21, 21:5, 21:22, 25:3, 25:8, 28:1, 45:3, 45:4, 45:8, 48:1, 48:9, 48:13, 58:17, 87:5, 87:9, 87:10, 132:3, 132:8, 136:14, 144:20, 157:3, 157:8, 160:1, 160:2, 160:25, 161:1, 165:20, 166:8, 176:6, 176:8, 177:2, 177:12, 177:15, 180:3, 180:8, 191:8, 201:21, 217:5</p> <p>stringent [1] - 72:20</p> <p>stripping [1] - 41:20</p> <p>strive [1] - 204:21</p> <p>stroke [1] - 30:7</p> <p>strong [3] - 72:4, 143:3, 147:15</p> <p>strongly [1] - 166:5</p> <p>struck [1] - 213:25</p> <p>structural [19] - 49:2, 50:10, 50:19, 70:10, 70:11, 102:21, 103:3, 103:18, 104:7, 104:21, 115:21, 118:13, 118:19, 119:2, 119:10, 121:9, 121:11, 125:12</p> <p>structurally [2] - 118:17, 118:21</p> <p>structure [37] - 7:24, 48:19, 49:5, 49:10, 69:18, 70:3, 71:14, 72:2, 76:8, 79:2, 79:19, 80:1, 80:2, 80:11, 80:18, 80:22, 80:24, 82:18, 84:25, 104:25, 105:5, 105:19, 106:1, 106:11, 106:14, 106:15, 106:20, 106:21, 107:2, 109:5, 109:8, 109:19, 111:7, 111:24, 117:15, 118:12, 118:17</p> <p>structures [10] - 80:24, 105:6, 105:10, 105:14, 105:16, 106:10, 107:11, 107:24, 109:9, 111:7</p> <p>Studio [3] - 29:6, 145:1, 160:23</p> <p>studs [1] - 164:10</p> <p>study [3] - 209:20,</p>	<p>214:20, 216:12</p> <p>stuff [9] - 39:12, 106:8, 148:21, 162:14, 162:20, 199:18, 212:8, 217:12, 226:5</p> <p>style [2] - 184:1, 222:15</p> <p>sub [1] - 62:24</p> <p>Subdistrict [1] - 14:4</p> <p>subdued [1] - 143:8</p> <p>subject [2] - 88:20, 88:23</p> <p>submissions [1] - 52:11</p> <p>submit [3] - 8:17, 37:12, 37:14</p> <p>submission [1] - 214:4</p> <p>submitted [7] - 9:11, 18:6, 30:5, 55:10, 137:2, 195:20</p> <p>substantial [3] - 79:13, 202:5, 203:12</p> <p>such [9] - 13:14, 24:14, 44:14, 131:14, 156:14, 179:14, 190:14, 223:6, 230:14</p> <p>Such [1] - 79:5</p> <p>sudden [1] - 175:6</p> <p>suggest [3] - 35:7, 129:24, 175:23</p> <p>suggested [2] - 79:25, 147:17</p> <p>suggesting [1] - 153:17</p> <p>suggestion [3] - 36:16, 152:19, 152:21</p> <p>suggestions [1] - 222:17</p> <p>suit [1] - 145:23</p> <p>suitable [1] - 147:8</p> <p>suites [1] - 218:17</p> <p>summer [1] - 81:14</p> <p>super [2] - 145:8, 188:19</p> <p>supplemented [1] - 55:19</p> <p>supplementing [1] - 55:15</p> <p>support [3] - 70:1, 117:16, 176:21</p> <p>supported [1] - 69:24</p> <p>supposed [2] - 120:6, 186:25</p> <p>Supreme [2] - 52:7, 53:2</p> <p>sure [15] - 7:7, 69:16, 73:8, 75:22, 107:12, 111:15, 116:1, 127:4,</p>	<p>145:10, 145:13, 164:11, 188:25, 207:23, 209:19, 209:22</p> <p>Sure [11] - 29:21, 33:3, 48:8, 58:23, 59:1, 60:18, 78:23, 103:20, 104:23, 122:20, 124:24</p> <p>surface [2] - 62:24, 222:12</p> <p>surmise [1] - 120:5</p> <p>surprised [1] - 32:21</p> <p>surrounding [2] - 50:22, 225:17</p> <p>suspect [2] - 223:24, 225:6</p> <p>swatch [5] - 141:18, 141:20, 142:3, 142:14, 153:1</p> <p>swear [10] - 17:9, 17:15, 28:14, 57:2, 62:12, 103:7, 135:9, 160:13, 194:5</p> <p>sworn [10] - 17:18, 28:8, 57:5, 62:16, 103:10, 135:15, 135:16, 160:17, 183:2, 194:11</p> <p>system [4] - 161:9, 161:11, 183:21, 217:6</p>	<p>144:18, 145:13, 148:9</p> <p>table [3] - 9:20, 11:8, 150:5</p> <p>tabling [1] - 11:1</p> <p>Taco [18] - 191:4, 194:18, 195:1, 195:16, 199:22, 199:25, 200:7, 200:8, 200:21, 208:9, 208:12, 208:21, 209:17, 214:2, 218:16, 223:16, 223:19, 223:24</p> <p>Take [1] - 68:6</p> <p>take [19] - 36:10, 48:5, 64:6, 64:12, 68:24, 79:12, 92:20, 94:17, 98:11, 99:17, 99:18, 113:2, 115:20, 164:17, 169:14, 184:8, 222:20, 229:14, 229:15</p> <p>taken [16] - 13:7, 24:7, 44:7, 74:10, 74:11, 74:13, 74:18, 130:2, 131:7, 156:7, 179:7, 190:7, 197:15, 216:14, 218:1, 230:7</p> <p>takes [2] - 90:11, 91:2</p> <p>taking [5] - 86:25, 92:19, 107:8, 194:19, 219:14</p> <p>talk [8] - 50:9, 61:4, 112:20, 117:14, 121:18, 217:1, 226:23, 226:24</p> <p>talked [2] - 94:9, 125:21</p> <p>talking [11] - 106:25, 107:1, 107:2, 113:24, 162:13, 163:20, 171:14, 186:11, 217:4, 218:2, 219:7</p> <p>tall [1] - 224:24</p> <p>taller [2] - 117:6, 117:8</p> <p>tank [20] - 62:24, 64:24, 66:21, 73:19, 74:1, 74:4, 74:10, 75:12, 75:17, 77:2, 77:19, 81:19, 97:17, 98:4, 98:10, 98:19, 99:3, 99:17, 99:18</p> <p>tanks [5] - 65:21, 74:6, 75:11, 91:10, 98:12</p> <p>target [1] - 76:18</p> <p>task [1] - 119:4</p> <p>tastefulness [1] -</p>
T				
<p>t [5] - 17:5, 17:23, 63:9, 135:21, 194:14</p> <p>T [68] - 1:14, 1:22, 6:15, 6:23, 13:1, 13:3, 13:18, 13:20, 14:16, 14:22, 17:18, 24:1, 24:3, 24:18, 24:20, 25:17, 25:22, 44:1, 44:3, 44:18, 44:20, 45:16, 45:22, 62:15, 131:1, 131:3, 131:18, 131:20, 132:16, 132:22, 135:14, 135:16, 144:18, 145:13, 148:9, 156:1, 156:3, 156:18, 156:20, 157:17, 157:22, 179:1, 179:3, 179:18, 179:20, 180:17, 180:22, 190:1, 190:3, 190:18, 190:20, 191:17, 191:22, 194:11, 230:1, 230:3, 230:18, 230:20</p> <p>T-Mobile [3] -</p>				

<p>174:6 team [2] - 49:1, 55:10 tear [1] - 37:13 technical [1] - 60:9 technically [5] - 109:18, 109:24, 110:18, 110:24, 110:25 Technically [1] - 109:23 techniques [1] - 68:9 tell [16] - 17:15, 28:14, 52:5, 57:2, 62:12, 103:7, 135:9, 135:25, 160:14, 163:19, 164:2, 169:24, 194:5, 194:15, 211:16, 219:4 telling [3] - 100:19, 199:24, 211:13 temperature [2] - 147:4, 153:15 tempered [1] - 186:9 ten [10] - 57:20, 75:6, 77:10, 130:1, 176:10, 183:9, 203:22, 204:2, 221:14, 223:20 tenant [3] - 136:19, 186:10, 201:22 tenants [1] - 196:21 tend [1] - 174:7 tends [2] - 67:5, 67:9 terms [11] - 34:8, 50:6, 50:12, 72:21, 75:16, 84:25, 144:20, 172:2, 172:4, 212:3, 227:21 test [3] - 92:10, 93:21, 171:9 tested [1] - 93:3 testified [12] - 17:19, 57:6, 62:16, 76:1, 103:11, 135:15, 135:17, 160:18, 183:3, 194:12, 214:22, 218:23 testify [5] - 60:17, 60:20, 70:12, 166:17, 174:5 testimony [19] - 52:12, 53:7, 54:3, 54:8, 55:1, 55:9, 56:12, 78:14, 83:2, 87:13, 97:5, 107:17, 110:17, 118:11, 119:14, 120:10, 124:19, 125:11, 224:19 Thaler [9] - 1:13,</p>	<p>6:14, 14:15, 25:15, 45:15, 132:15, 157:15, 180:15, 191:15 than [41] - 32:15, 32:16, 33:25, 34:24, 53:18, 73:15, 77:17, 83:6, 85:7, 94:13, 114:24, 119:12, 122:10, 137:1, 148:5, 153:4, 154:15, 164:23, 168:14, 168:25, 175:5, 176:5, 177:2, 186:16, 195:20, 201:12, 201:25, 202:25, 211:9, 211:18, 212:5, 213:8, 213:19, 215:7, 219:21, 220:1, 223:14, 223:17, 227:12, 227:18 Thank [51] - 4:15, 4:21, 12:2, 17:20, 17:24, 21:17, 22:3, 23:7, 23:9, 28:19, 29:7, 29:25, 33:17, 43:2, 43:4, 48:7, 57:7, 57:12, 61:24, 61:25, 62:4, 62:17, 63:10, 63:18, 73:16, 81:1, 94:21, 104:3, 107:13, 108:25, 112:14, 114:19, 126:24, 126:25, 129:22, 135:4, 135:13, 138:6, 151:21, 155:22, 160:19, 178:14, 183:4, 185:20, 188:3, 189:15, 189:16, 194:8, 201:5, 228:22, 228:23 thank [4] - 22:1, 83:2, 125:2, 142:20 Thanks [2] - 103:12, 135:24 That's [23] - 30:16, 32:9, 34:20, 36:25, 69:21, 73:17, 80:20, 88:13, 99:14, 103:15, 112:22, 118:15, 138:14, 144:10, 153:8, 153:9, 165:25, 167:25, 168:16, 171:18, 188:19, 224:2, 224:17 that's [40] - 36:10, 50:17, 50:24, 53:7, 57:17, 58:10, 71:1, 78:15, 80:19, 87:1, 87:11, 88:3, 90:3,</p>	<p>92:21, 93:23, 94:2, 94:18, 94:22, 98:1, 98:23, 100:4, 108:19, 119:18, 129:18, 148:5, 148:17, 153:7, 174:25, 196:7, 198:9, 199:22, 200:5, 200:19, 206:8, 213:16, 219:7, 219:18, 222:19, 226:2, 227:7 THE [268] - 1:3, 17:22, 17:25, 20:5, 20:9, 20:17, 22:3, 57:10, 57:15, 58:23, 59:1, 59:4, 60:18, 60:21, 61:2, 61:13, 61:18, 61:22, 61:25, 62:20, 63:1, 63:5, 63:7, 63:10, 63:23, 64:1, 64:4, 64:16, 64:22, 65:19, 66:13, 66:25, 67:18, 67:23, 68:3, 68:21, 69:21, 70:8, 70:16, 70:21, 71:8, 71:17, 72:4, 72:12, 73:12, 73:14, 73:20, 74:2, 74:5, 74:11, 74:15, 74:20, 74:23, 75:1, 75:7, 75:13, 75:22, 76:4, 76:13, 76:17, 77:11, 77:21, 78:17, 78:23, 80:12, 80:20, 80:25, 81:7, 81:13, 81:19, 82:1, 82:13, 83:6, 83:12, 83:23, 84:20, 85:13, 85:19, 85:22, 86:7, 86:10, 88:8, 88:13, 88:21, 88:25, 89:12, 89:20, 90:2, 90:9, 90:13, 90:21, 90:25, 91:15, 93:5, 97:16, 97:22, 97:25, 98:8, 99:7, 99:12, 103:15, 103:20, 104:6, 104:9, 104:12, 104:18, 104:23, 105:18, 106:16, 106:23, 107:9, 107:20, 108:1, 108:12, 108:16, 108:22, 109:4, 109:21, 109:24, 110:10, 110:21, 110:25, 111:6, 111:15, 112:4, 112:7, 112:15, 112:18, 112:22, 113:16, 114:5, 114:22, 115:1, 115:5, 116:1, 116:6,</p>	<p>116:10, 116:13, 116:19, 116:23, 117:8, 117:24, 118:4, 118:13, 118:19, 121:23, 160:22, 161:1, 162:7, 162:9, 162:13, 162:16, 162:25, 163:15, 163:22, 164:6, 164:7, 164:9, 164:13, 164:16, 165:3, 165:16, 165:19, 165:24, 166:6, 166:11, 166:14, 166:19, 167:14, 167:21, 168:4, 168:16, 169:4, 169:7, 169:11, 169:21, 169:24, 170:21, 171:2, 171:6, 171:11, 171:14, 171:18, 172:12, 172:21, 172:25, 173:12, 173:19, 173:22, 173:25, 174:14, 174:25, 175:8, 175:12, 175:19, 175:23, 184:5, 184:22, 185:2, 185:11, 185:19, 185:23, 186:5, 186:11, 186:14, 186:17, 186:20, 186:24, 186:25, 187:2, 188:3, 188:13, 188:16, 188:21, 188:24, 189:11, 189:14, 194:13, 194:17, 196:9, 196:12, 196:18, 197:2, 198:10, 200:2, 200:23, 201:2, 201:19, 201:22, 202:3, 202:10, 202:13, 202:19, 203:2, 203:21, 204:9, 204:14, 205:4, 205:17, 206:1, 206:6, 206:10, 206:17, 206:25, 207:9, 207:16, 208:15, 208:20, 209:6, 209:12, 214:3, 214:12, 214:18, 215:1, 219:16, 221:8, 221:15, 221:22, 222:7, 222:11, 224:2, 224:22, 225:1, 225:8, 225:13, 225:15, 227:14, 228:23 their [40] - 10:19,</p>	<p>18:20, 41:6, 41:14, 48:25, 49:1, 49:2, 54:2, 54:3, 66:15, 77:18, 91:24, 92:10, 93:13, 93:20, 102:20, 105:21, 113:10, 122:14, 141:5, 145:13, 145:16, 145:23, 148:25, 152:18, 153:15, 167:22, 168:6, 168:19, 172:22, 183:6, 185:13, 185:22, 186:9, 196:7, 200:10, 205:17, 219:21, 220:24 them [44] - 7:4, 7:20, 10:8, 29:13, 29:14, 29:22, 29:24, 36:25, 38:6, 38:8, 38:25, 58:4, 60:20, 81:24, 91:2, 93:5, 102:3, 107:11, 110:4, 111:12, 117:18, 121:18, 125:23, 138:10, 138:11, 166:1, 166:2, 168:20, 169:18, 169:24, 170:4, 170:10, 170:16, 172:13, 172:20, 173:1, 176:9, 185:10, 188:17, 188:21, 199:7, 210:12, 210:19 themselves [1] - 113:20 then [63] - 8:11, 19:7, 21:19, 30:21, 30:24, 31:7, 31:9, 34:12, 37:14, 50:18, 54:9, 56:11, 63:8, 64:7, 64:9, 65:1, 65:23, 66:6, 67:4, 68:6, 68:9, 68:25, 69:15, 69:23, 73:6, 75:17, 76:5, 78:21, 85:17, 88:5, 91:2, 91:3, 91:4, 91:5, 92:20, 96:22, 99:18, 109:6, 110:4, 114:15, 121:13, 121:14, 127:23, 127:25, 129:19, 147:16, 147:22, 149:5, 150:6, 150:14, 164:18, 168:20, 200:21, 203:24, 204:2, 204:13, 205:1, 206:1, 207:10, 211:10, 226:16, 229:6 Then [10] - 18:23, 50:15, 54:7, 65:22,</p>
---	---	---	---	--

<p>66:5, 67:4, 69:1, 70:5, 82:19, 89:15</p> <p>There [16] - 29:14, 40:24, 41:12, 41:13, 52:16, 95:2, 138:22, 139:17, 142:13, 142:21, 161:21, 197:2, 211:17, 224:6, 229:10</p> <p>there [139] - 7:23, 8:25, 10:13, 19:12, 19:14, 30:12, 32:4, 34:25, 35:3, 38:24, 40:18, 40:19, 49:17, 50:1, 50:5, 50:6, 50:25, 52:1, 52:3, 52:12, 52:15, 56:19, 60:4, 61:17, 64:12, 65:4, 65:7, 66:4, 66:23, 67:24, 69:7, 69:10, 70:1, 72:24, 73:5, 74:7, 74:10, 75:12, 77:3, 77:9, 77:14, 78:21, 87:9, 87:10, 89:7, 96:23, 97:8, 97:14, 97:18, 97:19, 98:8, 98:21, 98:23, 100:4, 100:7, 101:10, 106:24, 111:16, 111:21, 112:10, 115:10, 116:13, 116:16, 116:17, 117:19, 119:1, 119:6, 121:5, 121:8, 121:9, 122:10, 124:3, 124:11, 125:17, 139:5, 141:16, 143:19, 145:5, 146:1, 146:17, 149:5, 161:12, 161:13, 161:20, 161:21, 162:17, 164:21, 164:22, 165:21, 167:22, 170:22, 172:7, 174:16, 183:16, 183:22, 183:23, 185:2, 185:12, 195:3, 195:5, 195:12, 195:14, 196:7, 196:13, 197:4, 197:9, 200:4, 201:15, 201:16, 202:20, 203:6, 203:12, 204:18, 208:3, 208:18, 208:23, 209:4, 210:6, 210:19, 211:4, 211:18, 212:23, 213:14, 213:20, 215:13, 215:16, 216:18,</p>	<p>217:8, 218:11, 219:25, 220:16, 220:18, 221:21, 223:15, 224:3, 224:19</p> <p>There's [4] - 32:7, 160:3, 197:5, 208:24</p> <p>there's [15] - 30:24, 31:20, 40:10, 66:24, 67:10, 75:11, 76:15, 99:2, 99:3, 100:4, 117:22, 172:13, 202:11, 220:6, 223:5</p> <p>Theresa [1] - 132:4</p> <p>These [4] - 60:16, 110:1, 111:8, 142:4</p> <p>these [35] - 10:12, 29:12, 29:17, 29:19, 64:10, 66:7, 76:25, 79:11, 79:18, 90:12, 96:3, 106:4, 106:8, 110:3, 111:10, 113:23, 114:7, 114:10, 115:16, 120:1, 137:14, 163:7, 166:7, 172:11, 199:13, 204:16, 208:2, 210:16, 210:23, 211:5, 216:5, 222:9, 223:23, 224:12, 224:14</p> <p>They [38] - 21:14, 28:12, 36:23, 38:1, 38:7, 38:11, 49:22, 52:9, 54:3, 55:4, 72:19, 96:4, 98:5, 98:19, 98:20, 111:9, 113:11, 117:5, 125:15, 128:14, 142:18, 148:10, 148:11, 148:14, 148:15, 148:16, 162:19, 172:15, 172:25, 175:8, 196:9, 200:9, 203:3, 203:4, 205:17, 221:8, 224:10</p> <p>they [129] - 7:13, 7:23, 8:16, 8:17, 8:20, 9:11, 9:16, 9:17, 10:4, 10:5, 21:15, 21:23, 28:10, 37:4, 37:21, 40:3, 40:4, 40:8, 49:2, 51:19, 55:2, 56:15, 63:25, 64:2, 65:21, 68:8, 68:9, 72:22, 74:7, 74:8, 75:15, 75:17, 75:23, 76:19, 76:21, 83:17, 87:5, 90:19, 90:24, 91:5, 91:24, 92:8, 92:10, 92:11, 93:1, 93:2,</p>	<p>93:20, 93:21, 94:10, 94:11, 96:18, 96:19, 97:3, 98:22, 98:23, 99:14, 99:17, 99:18, 99:22, 100:2, 106:4, 106:6, 109:9, 111:15, 113:10, 113:13, 115:20, 116:20, 116:22, 116:24, 117:4, 117:6, 117:9, 117:11, 117:16, 120:16, 140:13, 144:8, 145:14, 148:21, 154:9, 162:19, 164:7, 166:1, 167:24, 168:17, 168:19, 169:14, 169:19, 170:10, 170:11, 173:2, 175:6, 175:7, 176:22, 185:6, 186:7, 186:9, 189:6, 197:25, 198:5, 198:16, 198:18, 199:8, 200:4, 200:25, 204:23, 205:18, 210:8, 210:18, 213:16, 215:4, 216:21, 216:22, 217:10, 218:25, 221:17, 223:4, 223:22, 224:9, 226:18</p> <p>they're [1] - 142:10</p> <p>They're [6] - 33:10, 33:11, 38:12, 110:1, 164:6, 164:9</p> <p>they've [1] - 93:3</p> <p>thick [3] - 148:10, 164:10, 183:7</p> <p>thin [1] - 18:19</p> <p>thing [15] - 3:23, 39:10, 61:3, 77:12, 80:17, 80:19, 124:6, 125:20, 142:25, 163:8, 170:8, 175:16, 188:8, 189:3, 212:20</p> <p>things [19] - 38:24, 39:17, 60:16, 66:7, 68:16, 69:4, 90:12, 106:8, 110:15, 111:20, 113:2, 119:1, 119:23, 122:2, 122:6, 148:22, 183:16, 217:14, 225:23</p> <p>think [185] - 4:8, 5:5, 7:17, 7:22, 8:14, 8:16, 9:12, 9:17, 9:19, 10:10, 18:12, 18:16, 19:18, 19:21, 19:23, 20:9, 20:17, 20:19, 21:3, 21:20, 28:7,</p>	<p>28:10, 32:13, 32:18, 32:20, 33:23, 34:4, 34:7, 34:22, 35:1, 36:1, 36:19, 37:3, 37:7, 38:19, 39:20, 40:5, 40:8, 40:14, 40:15, 40:17, 40:18, 40:20, 41:14, 52:22, 70:25, 72:5, 73:14, 75:6, 75:7, 77:21, 77:25, 78:6, 79:24, 80:12, 80:13, 80:14, 82:4, 85:2, 86:18, 87:1, 87:2, 87:12, 87:15, 87:16, 87:19, 88:1, 88:2, 91:14, 91:22, 92:14, 96:23, 97:9, 102:1, 104:12, 107:16, 108:12, 109:1, 109:4, 110:10, 113:16, 115:10, 116:16, 116:23, 116:24, 118:5, 118:24, 118:25, 119:10, 119:13, 119:18, 120:3, 120:9, 120:11, 122:3, 122:4, 122:16, 122:23, 123:7, 123:21, 125:18, 126:12, 127:3, 140:11, 142:25, 144:22, 144:25, 145:6, 145:9, 146:5, 147:20, 148:4, 149:15, 152:4, 152:5, 152:7, 153:12, 153:17, 155:13, 163:6, 163:8, 163:9, 163:11, 164:14, 167:7, 172:5, 174:9, 174:10, 176:3, 176:7, 176:13, 176:20, 176:23, 184:7, 184:23, 185:24, 185:25, 194:22, 198:15, 199:11, 201:24, 207:16, 207:19, 208:7, 208:10, 208:14, 208:17, 209:8, 209:15, 210:1, 210:12, 210:21, 211:20, 213:12, 213:15, 215:19, 216:13, 216:16, 216:17, 216:23, 217:2, 217:3, 217:5, 217:10, 217:13, 218:20, 218:22, 219:2, 219:6, 219:24, 220:2, 220:21,</p>	<p>222:13, 222:19, 223:12, 223:21, 225:18, 225:21, 226:13, 226:19, 227:1, 227:21</p> <p>thinking [1] - 226:10</p> <p>thinks [1] - 108:9</p> <p>third [5] - 31:19, 66:9, 110:12, 144:25, 174:17</p> <p>This [33] - 3:3, 7:19, 13:21, 24:21, 28:4, 28:6, 30:14, 34:23, 39:15, 41:3, 44:21, 78:17, 92:14, 97:23, 114:8, 114:20, 117:3, 131:21, 148:10, 156:21, 163:24, 166:14, 179:21, 184:3, 184:5, 190:21, 194:19, 199:22, 207:25, 222:24, 223:18, 224:4, 230:21</p> <p>this [247] - 7:9, 7:23, 9:20, 10:1, 11:1, 13:13, 19:21, 24:13, 31:18, 31:19, 32:13, 32:22, 33:22, 34:1, 34:18, 37:5, 39:2, 40:12, 40:21, 41:11, 41:14, 41:19, 44:13, 48:17, 48:21, 49:3, 49:15, 49:19, 50:9, 50:20, 51:13, 51:14, 52:6, 52:23, 53:3, 53:12, 53:13, 53:14, 55:6, 55:22, 55:23, 56:4, 57:22, 57:23, 59:9, 60:10, 61:3, 61:5, 65:12, 66:1, 67:1, 67:22, 68:4, 68:12, 70:14, 71:16, 72:22, 73:10, 73:18, 73:22, 75:19, 76:11, 77:3, 77:17, 78:6, 78:13, 78:15, 79:3, 79:13, 79:15, 79:25, 80:1, 80:6, 80:10, 80:18, 80:22, 80:24, 82:11, 84:15, 85:11, 86:20, 87:6, 88:6, 88:9, 88:20, 89:9, 90:25, 91:9, 91:14, 93:8, 93:24, 94:25, 95:23, 95:25, 96:17, 97:5, 98:7, 100:5, 100:9, 100:16, 100:20, 101:6, 102:4, 102:5, 102:7, 105:9, 107:7, 107:12,</p>
---	---	---	--	---

<p>107:15, 109:5, 111:7, 112:23, 113:15, 115:19, 115:22, 116:3, 117:14, 117:21, 118:6, 118:25, 119:4, 119:8, 119:15, 119:16, 119:25, 120:13, 120:25, 121:12, 121:17, 122:2, 122:3, 122:7, 122:10, 123:11, 123:21, 123:23, 124:12, 124:19, 125:15, 126:1, 126:13, 126:14, 129:17, 131:13, 136:13, 136:24, 138:2, 138:12, 141:18, 144:25, 145:10, 145:11, 146:15, 147:21, 150:15, 152:2, 152:22, 153:11, 156:13, 162:14, 164:20, 164:22, 164:24, 166:8, 169:21, 170:20, 172:2, 172:24, 173:13, 174:4, 174:22, 175:17, 176:19, 177:1, 177:11, 179:13, 183:12, 183:14, 183:15, 183:18, 183:22, 184:10, 186:3, 189:8, 190:13, 197:23, 198:14, 199:17, 199:25, 200:17, 201:18, 204:5, 204:17, 204:18, 205:1, 206:21, 206:22, 207:19, 207:21, 207:22, 208:7, 208:13, 208:16, 208:21, 210:1, 210:9, 211:8, 211:12, 211:13, 211:16, 211:23, 212:1, 213:5, 213:6, 213:11, 214:21, 214:24, 215:11, 215:14, 215:15, 215:16, 216:14, 216:17, 216:21, 216:23, 217:5, 217:13, 217:17, 218:5, 218:9, 220:5, 222:23, 223:17, 224:2, 225:6, 226:14, 226:17, 227:3, 227:4,</p>	<p>230:13 thorough [1] - 118:25 those [29] - 9:1, 36:22, 38:4, 41:10, 54:6, 56:4, 56:7, 56:13, 87:23, 92:15, 102:2, 105:20, 107:4, 108:4, 110:13, 110:14, 121:6, 125:22, 126:9, 127:13, 136:23, 140:1, 175:17, 187:4, 196:3, 208:8, 217:23, 224:10 Those [1] - 137:5 though [11] - 10:15, 31:2, 54:18, 126:6, 153:18, 168:14, 172:24, 205:12, 207:20, 211:3, 217:9 thought [10] - 4:1, 59:20, 60:24, 80:2, 100:15, 101:11, 146:3, 146:4, 149:17, 227:10 threading [2] - 142:19, 144:11 Threading [1] - 144:9 three [25] - 18:7, 29:14, 30:12, 31:21, 34:11, 37:16, 50:8, 58:1, 85:2, 104:24, 108:13, 129:19, 138:23, 138:24, 140:2, 148:15, 151:22, 161:17, 161:20, 172:16, 187:2, 189:5, 203:4, 203:20, 205:18 three-dimensional [1] - 172:16 three-quarter [1] - 34:11 three-story [1] - 104:24 three-year-old [1] - 58:1 threshold [1] - 20:13 through [8] - 60:9, 94:5, 114:12, 117:22, 137:16, 213:25, 214:12, 224:13 throughout [1] - 60:7 throughs [1] - 224:11 throw [2] - 98:22, 221:10 thumbs [4] - 9:25,</p>	<p>146:8, 146:9 tide [1] - 78:5 tie [1] - 79:14 tiers [1] - 189:6 tight [1] - 213:1 tightening [2] - 76:22, 76:23 tighter [1] - 167:12 time [53] - 13:8, 24:8, 28:11, 29:11, 31:1, 31:17, 31:19, 43:3, 44:8, 48:23, 49:12, 51:10, 52:17, 55:16, 55:23, 57:17, 59:10, 59:17, 60:16, 63:4, 71:13, 75:12, 75:15, 80:1, 82:23, 82:25, 83:7, 89:2, 89:22, 94:15, 99:21, 100:12, 101:1, 101:8, 102:7, 102:17, 114:25, 115:23, 122:22, 126:2, 126:21, 131:8, 136:24, 152:22, 154:16, 156:8, 171:1, 179:8, 188:6, 189:15, 190:8, 198:20, 230:8 times [3] - 51:24, 166:8, 174:1 tiny [2] - 163:2, 167:16 today [8] - 29:18, 122:11, 197:3, 197:12, 197:15, 200:2, 200:4, 209:21 together [1] - 108:7 told [1] - 162:16 Toll [1] - 58:10 tone [3] - 148:5, 148:24, 166:9 toned [1] - 146:19 tonight [14] - 49:8, 55:3, 56:16, 93:23, 123:16, 145:11, 146:17, 149:8, 163:25, 213:9, 219:12, 223:22, 224:19, 226:16 tons [2] - 73:9, 73:13 too [24] - 23:3, 37:5, 38:6, 40:9, 58:7, 73:3, 120:8, 120:14, 137:14, 147:7, 147:15, 153:23, 163:11, 169:14, 170:14, 173:16, 174:10, 175:21, 202:16, 217:24, 218:20, 222:19, 222:22</p>	<p>took [7] - 60:8, 64:12, 98:10, 98:19, 106:18, 126:8, 201:14 top [16] - 34:18, 65:5, 67:3, 76:6, 136:20, 136:22, 161:10, 162:3, 164:24, 169:12, 176:1, 200:22, 203:25, 207:11, 222:13 topic [1] - 5:2 torn [1] - 91:12 total [2] - 161:14, 162:4 totally [5] - 76:19, 85:14, 207:23, 207:24, 226:7 touch [3] - 35:5, 60:5, 209:13 touched [1] - 55:21 towards [1] - 39:18 Towards [1] - 78:24 town [9] - 58:20, 59:7, 77:5, 77:16, 91:9, 98:22, 99:9, 121:17, 122:5 townhouse [2] - 85:25, 113:9 townhouses [4] - 83:18, 113:18, 114:5, 117:1 traction [1] - 176:20 traditionally [1] - 68:21 traffic [6] - 31:20, 209:20, 211:11, 214:20, 216:12, 217:2 trafficked [1] - 219:23 transcribe [1] - 171:23 transcript [17] - 13:7, 13:21, 24:7, 24:21, 44:7, 44:21, 127:12, 131:7, 131:21, 156:7, 156:21, 179:7, 179:21, 190:7, 190:21, 230:7, 230:21 transcripts [4] - 4:25, 5:8, 127:16 transom [1] - 137:5 transported [1] - 68:7 travel [2] - 67:6, 67:23 travels [1] - 67:15 traverse [1] - 117:4 treat [1] - 68:15 Tree [3] - 56:3, 125:24, 128:9</p>	<p>trees [1] - 125:23 tremendous [1] - 217:2 tri [1] - 68:24 tri-axes [1] - 68:24 tribunals [1] - 52:7 triple [1] - 173:24 trouble [1] - 4:8 truck [1] - 90:5 true [9] - 13:6, 24:6, 44:6, 131:6, 156:6, 179:6, 190:6, 224:2, 230:6 truss [1] - 117:9 truth [25] - 17:16, 28:15, 52:10, 57:3, 62:13, 103:8, 135:10, 160:14, 160:15, 194:6 Truthfully [1] - 38:20 try [11] - 5:4, 33:25, 109:4, 111:10, 112:11, 120:4, 120:13, 120:16, 149:25, 171:22, 225:2 trying [12] - 5:7, 35:1, 93:15, 115:14, 119:13, 122:7, 139:9, 147:21, 203:6, 208:25, 209:1, 218:16 tube [1] - 161:22 tune [1] - 122:9 turn [1] - 121:21 turned [1] - 219:10 turns [1] - 19:2 TUVEL [84] - 46:5, 46:7, 48:3, 48:11, 48:14, 51:4, 55:13, 56:21, 57:13, 60:22, 61:10, 61:14, 61:19, 62:2, 62:5, 63:3, 63:11, 63:18, 63:25, 64:2, 64:14, 64:18, 65:14, 66:10, 66:23, 67:16, 67:20, 67:25, 68:17, 69:18, 70:7, 70:13, 70:17, 71:5, 71:15, 72:1, 72:7, 73:9, 73:13, 73:16, 74:19, 81:11, 81:15, 81:22, 82:6, 82:14, 82:16, 82:24, 85:20, 88:4, 88:9, 91:21, 92:4, 94:15, 95:2, 95:5, 95:10, 96:7, 100:21, 101:20, 102:14, 103:1, 103:17, 103:25, 104:4, 104:7, 104:10, 104:14, 104:19, 105:15, 106:12,</p>
---	---	--	--	---

<p>106:18, 107:6, 107:13, 118:8, 121:22, 123:1, 123:5, 124:24, 125:2, 127:15, 128:14, 128:20, 129:22</p> <p>Tuvel [14] - 48:15, 51:7, 51:9, 52:5, 52:13, 52:15, 53:12, 53:17, 53:23, 55:5, 75:3, 81:17, 96:20, 124:22</p> <p>Tuvel's [4] - 51:24, 52:4, 53:10, 55:10</p> <p>tweak [1] - 168:10</p> <p>twelve [1] - 163:1</p> <p>twice [1] - 66:22</p> <p>Two [1] - 221:1</p> <p>two [63] - 4:23, 19:15, 21:13, 30:3, 30:5, 30:9, 30:11, 31:21, 32:10, 35:8, 37:4, 37:8, 37:20, 57:21, 57:25, 58:14, 61:6, 65:4, 69:25, 72:13, 79:23, 94:12, 95:11, 95:13, 105:1, 108:23, 111:8, 114:6, 115:11, 117:22, 127:13, 136:4, 136:20, 136:22, 138:10, 140:6, 140:10, 145:5, 154:4, 154:16, 160:6, 163:9, 167:3, 167:12, 173:18, 173:21, 174:1, 175:17, 183:22, 195:25, 200:18, 203:19, 211:4, 211:7, 211:14, 220:25, 221:1, 221:2, 221:3, 221:9, 221:19</p> <p>two-bedroom [1] - 57:25</p> <p>two-family [2] - 95:11, 95:13</p> <p>two-inch [1] - 30:5</p> <p>type [7] - 68:18, 105:8, 122:8, 142:17, 172:20, 198:3, 210:1</p> <p>types [3] - 106:13, 163:7, 224:4</p> <p>typical [3] - 114:24, 176:4, 184:3</p>	<p>103:10, 135:14, 160:17, 183:2</p> <p>Uh [2] - 37:10, 123:4</p> <p>Uh-huh [2] - 37:10, 123:4</p> <p>ultimately [1] - 122:21</p> <p>unattractive [1] - 201:8</p> <p>unbalanced [1] - 167:4</p> <p>uncommon [3] - 59:3, 75:9, 75:20</p> <p>Under [1] - 54:21</p> <p>under [18] - 8:16, 41:14, 49:14, 51:23, 52:13, 52:25, 53:1, 53:21, 55:14, 61:15, 65:24, 69:7, 77:24, 89:13, 96:8, 98:1, 137:5, 216:1</p> <p>undercapitalized [1] - 199:17</p> <p>underground [1] - 98:12</p> <p>underneath [8] - 49:19, 50:17, 75:10, 76:8, 114:16, 120:17, 161:24, 163:16</p> <p>underpin [14] - 105:19, 105:20, 105:22, 106:10, 107:11, 108:4, 109:18, 110:3, 110:18, 111:10, 113:23, 114:12, 114:13, 114:14</p> <p>underpinned [1] - 109:10</p> <p>underpinning [5] - 105:5, 105:13, 107:3, 109:12, 110:6</p> <p>understand [13] - 8:8, 21:7, 59:2, 60:25, 74:17, 114:4, 116:2, 126:10, 172:7, 213:3, 216:20, 217:8, 218:4</p> <p>understandable [1] - 76:3</p> <p>understanding [3] - 107:21, 198:20</p> <p>understated [2] - 18:13, 209:5</p> <p>Understood [1] - 67:20</p> <p>unfortunately [2] - 57:18, 125:9</p> <p>uninterrupted [1] - 227:24</p> <p>uniquely [1] - 144:19</p>	<p>unit [3] - 30:8, 30:10, 92:8</p> <p>units [5] - 58:14, 136:21, 136:22, 136:23, 161:17</p> <p>universal [1] - 85:9</p> <p>University [1] - 46:6</p> <p>unless [6] - 50:25, 61:20, 95:13, 143:19, 143:21, 162:12</p> <p>Unless [1] - 10:2</p> <p>unlock [1] - 18:20</p> <p>unordinary [1] - 8:14</p> <p>Unrecused [1] - 229:9</p> <p>unsafe [6] - 118:7, 118:12, 118:16, 118:17</p> <p>until [2] - 70:22, 75:6</p> <p>Up [1] - 225:19</p> <p>up [80] - 7:8, 8:20, 9:25, 19:4, 20:23, 33:25, 35:10, 36:3, 37:5, 40:15, 41:19, 50:11, 53:14, 58:13, 58:17, 59:18, 60:1, 61:3, 63:15, 65:9, 75:6, 75:16, 76:9, 76:22, 76:23, 79:14, 84:5, 88:2, 91:12, 92:6, 92:22, 99:22, 100:10, 104:14, 105:17, 107:19, 110:4, 110:14, 113:12, 116:11, 121:5, 121:23, 122:21, 136:11, 137:20, 138:19, 140:12, 142:9, 145:8, 146:9, 152:14, 162:3, 165:4, 168:20, 168:22, 169:14, 174:1, 183:13, 185:8, 188:5, 197:5, 197:15, 197:16, 197:17, 198:14, 203:7, 203:13, 203:23, 205:10, 205:14, 205:20, 205:22, 215:10, 216:22, 219:10, 219:14, 220:5, 225:4, 226:22, 227:4</p> <p>up-to-date [1] - 104:14</p> <p>updated [3] - 78:17, 79:20, 214:3</p> <p>upgrade [1] - 39:11</p> <p>upon [5] - 55:9, 56:11, 56:12, 215:24</p>	<p>upstairs [4] - 199:14, 203:8, 203:9, 216:23</p> <p>urban [7] - 204:16, 224:3, 224:5, 224:6, 224:7, 224:13</p> <p>Urban [1] - 224:8</p> <p>Urethane [1] - 36:14</p> <p>urethane [5] - 30:6, 30:15, 30:17, 32:3, 34:1</p> <p>urges [1] - 166:5</p> <p>us [27] - 7:13, 7:21, 9:16, 10:5, 48:5, 51:13, 51:17, 58:7, 58:16, 60:8, 87:14, 87:23, 93:21, 125:5, 126:20, 136:1, 142:3, 146:22, 148:21, 169:19, 183:15, 194:15, 197:6, 215:23, 217:23, 219:4, 223:23</p> <p>usage [1] - 198:3</p> <p>use [19] - 7:23, 10:5, 40:19, 41:1, 49:23, 49:25, 50:6, 51:25, 61:10, 63:7, 84:12, 90:4, 125:17, 125:18, 169:13, 172:19, 183:13, 189:12, 222:19</p> <p>used [11] - 68:19, 68:22, 91:18, 116:21, 122:7, 165:20, 166:8, 169:14, 171:2, 172:12, 173:3</p> <p>uses [1] - 49:24</p> <p>using [2] - 165:22, 175:15</p> <p>usually [7] - 90:18, 90:22, 91:2, 166:24, 168:8, 199:7, 204:18</p> <p>utilitarian [2] - 137:11, 137:13</p> <p>UV [2] - 30:25</p>	<p>variances [2] - 95:4, 95:13</p> <p>various [1] - 68:8</p> <p>vehemently [1] - 10:2</p> <p>vent [1] - 200:20</p> <p>vernacular [1] - 85:6</p> <p>Vernon [1] - 85:8</p> <p>version [1] - 153:6</p> <p>versus [6] - 35:5, 84:21, 84:22, 114:3, 166:2, 173:11</p> <p>vertical [2] - 37:25, 222:16</p> <p>very [44] - 17:20, 17:24, 21:16, 23:7, 28:19, 29:7, 29:25, 37:4, 57:12, 58:15, 60:12, 62:17, 65:6, 71:7, 75:20, 76:25, 77:6, 81:3, 84:4, 85:6, 86:14, 103:12, 106:2, 106:4, 107:13, 126:9, 126:24, 143:8, 148:9, 167:4, 167:16, 173:1, 173:13, 176:14, 185:25, 186:6, 188:3, 208:5, 213:1, 215:11, 219:23, 228:22</p> <p>Vesey [20] - 1:9, 3:18, 6:10, 11:15, 14:11, 22:15, 25:12, 42:12, 45:11, 129:3, 132:11, 136:10, 136:12, 157:12, 178:7, 180:12, 187:20, 191:12, 215:12, 228:14</p> <p>VESEY [76] - 3:19, 11:2, 11:4, 11:7, 11:16, 22:16, 40:12, 42:13, 73:18, 73:25, 74:3, 74:9, 74:13, 74:17, 74:21, 74:24, 75:3, 75:9, 75:19, 76:1, 76:10, 76:15, 76:24, 77:12, 77:25, 78:11, 94:24, 95:4, 95:8, 95:20, 96:2, 96:15, 97:11, 100:5, 100:9, 100:15, 124:2, 129:4, 136:6, 165:9, 168:13, 169:2, 169:5, 169:9, 174:22, 175:2, 175:10, 175:13, 175:20, 178:8, 184:17, 185:7, 187:7, 187:21, 196:15, 196:25, 197:21, 198:8, 198:12,</p>
U			V	
<p>u [3] - 63:8, 103:16, 135:21</p> <p>U [6] - 57:5, 62:15,</p>			<p>vacant [2] - 90:8, 91:14</p> <p>vacated [1] - 200:4</p> <p>vacation [1] - 7:13</p> <p>vacuum [1] - 90:5</p> <p>valid [1] - 176:14</p> <p>validating [1] - 9:1</p> <p>validity [1] - 52:10</p> <p>valuable [1] - 55:18</p> <p>variance [2] - 96:8, 96:13</p>	

<p>198:18, 199:19, 200:16, 201:5, 211:2, 212:1, 212:5, 212:11, 212:20, 216:9, 217:21, 226:12, 226:19, 226:23, 228:1, 228:15, 229:15</p> <p>Vesey's [1] - 119:5</p> <p>vestibule [2] - 18:10, 39:12</p> <p>viability [1] - 174:6</p> <p>viable [1] - 172:11</p> <p>vibrate [1] - 106:7</p> <p>VICE [76] - 3:19, 11:2, 11:4, 11:7, 11:16, 22:16, 40:12, 42:13, 73:18, 73:25, 74:3, 74:9, 74:13, 74:17, 74:21, 74:24, 75:3, 75:9, 75:19, 76:1, 76:10, 76:15, 76:24, 77:12, 77:25, 78:11, 94:24, 95:4, 95:8, 95:20, 96:2, 96:15, 97:11, 100:5, 100:9, 100:15, 124:2, 129:4, 136:6, 165:9, 168:13, 169:2, 169:5, 169:9, 174:22, 175:2, 175:10, 175:13, 175:20, 178:8, 184:17, 185:7, 187:7, 187:21, 196:15, 196:25, 197:21, 198:8, 198:12, 198:18, 199:19, 200:16, 201:5, 211:2, 212:1, 212:5, 212:11, 212:20, 216:9, 217:21, 226:12, 226:19, 226:23, 228:1, 228:15, 229:15</p> <p>Vice [11] - 1:9, 6:10, 14:11, 25:12, 45:11, 87:3, 132:11, 136:10, 157:12, 180:12, 191:12</p> <p>view [4] - 77:22, 122:3, 176:4, 216:21</p> <p>vinyl [2] - 29:13, 162:1</p> <p>violation [1] - 93:2</p> <p>visibility [2] - 176:16, 200:15</p> <p>visible [1] - 143:15</p> <p>visions [1] - 122:14</p> <p>visual [1] - 164:18</p> <p>visualizations [1] - 215:3</p> <p>visually [1] - 168:21</p>	<p>voice [1] - 152:18</p> <p>VOICE [1] - 194:7</p> <p>void [4] - 18:25, 19:5, 19:7, 19:11</p> <p>volume [2] - 20:15, 75:16</p> <p>vote [12] - 48:21, 127:6, 127:24, 149:22, 150:3, 150:5, 150:12, 150:14, 150:18, 151:14, 154:21</p> <p>voted [4] - 48:20, 151:18, 151:20, 172:19</p> <p>votes [2] - 129:18, 129:19</p> <p>voting [7] - 9:25, 139:19, 139:20, 150:4, 150:5, 150:13, 229:17</p>	<p>101:24, 102:8, 110:12, 112:9, 117:16, 120:15, 121:11, 122:8, 124:5, 125:2, 125:15, 152:15, 152:18, 153:6, 154:9, 160:8, 162:19, 165:5, 169:13, 169:19, 170:1, 170:10, 170:12, 176:3, 188:5, 194:23, 198:5, 198:16, 201:14, 203:18, 204:22, 209:10, 219:19, 222:14, 225:16, 225:22</p> <p>Want [1] - 29:24</p> <p>wanted [10] - 4:17, 7:13, 19:6, 60:22, 64:4, 91:21, 94:19, 113:10, 127:6, 218:19</p> <p>wants [6] - 7:17, 72:5, 90:18, 90:22, 108:20, 120:24</p> <p>Was [4] - 81:18, 92:1, 118:7, 149:12</p> <p>was [142] - 3:5, 4:2, 7:19, 7:21, 8:20, 8:21, 9:11, 13:21, 17:25, 18:5, 18:24, 21:8, 21:21, 24:21, 28:9, 34:24, 36:19, 39:15, 39:17, 40:7, 44:21, 48:10, 49:12, 49:19, 51:9, 52:12, 55:24, 56:7, 56:12, 57:17, 58:6, 58:7, 58:15, 59:5, 59:14, 59:18, 59:20, 60:13, 60:14, 60:25, 64:16, 64:24, 66:4, 66:21, 73:19, 73:20, 73:25, 74:3, 74:11, 74:13, 74:18, 79:25, 80:1, 81:5, 81:8, 81:19, 82:11, 87:3, 87:21, 91:23, 92:14, 93:14, 95:2, 95:12, 95:14, 95:16, 95:18, 96:17, 96:23, 97:8, 98:7, 98:8, 98:24, 99:19, 100:2, 100:5, 100:7, 100:13, 100:16, 100:17, 101:1, 101:8, 101:9, 101:10, 101:15, 101:16, 104:12, 105:17, 106:15, 107:17, 108:12, 108:22, 116:3,</p>	<p>116:25, 117:3, 118:16, 119:6, 120:3, 120:4, 121:6, 121:18, 122:7, 122:10, 122:17, 125:7, 125:25, 126:17, 131:21, 137:2, 139:10, 145:13, 145:16, 147:19, 148:3, 148:9, 149:3, 149:6, 149:18, 152:14, 156:21, 167:22, 171:10, 175:15, 175:16, 179:21, 185:13, 190:21, 195:20, 197:23, 199:10, 199:16, 200:5, 206:23, 215:21, 217:25, 223:2, 229:19, 230:21</p> <p>wash [1] - 148:15</p> <p>Washington [27] - 1:6, 2:9, 2:11, 6:7, 14:8, 25:3, 25:8, 28:1, 45:8, 48:9, 132:3, 132:8, 135:5, 136:3, 136:13, 144:20, 157:8, 163:9, 165:20, 166:8, 176:6, 176:8, 177:2, 180:8, 191:8, 229:1, 229:2</p> <p>wasn't [7] - 49:7, 52:17, 55:16, 74:15, 82:17, 127:12, 175:19</p> <p>wasteful [1] - 40:6</p> <p>watch [1] - 78:5</p> <p>water [6] - 71:2, 71:11, 76:2, 89:25, 90:1, 90:3</p> <p>Wave [1] - 29:5</p> <p>way [35] - 19:22, 34:8, 37:15, 39:15, 50:21, 65:2, 88:10, 92:2, 99:19, 102:17, 102:18, 106:19, 109:13, 116:11, 121:15, 137:14, 140:18, 147:10, 198:23, 206:21, 207:22, 209:15, 210:2, 210:7, 211:5, 211:11, 213:4, 215:5, 215:22, 215:25, 216:20, 220:18, 223:6, 224:15, 227:13</p> <p>ways [1] - 143:4</p> <p>Waze [1] - 160:22</p> <p>we'd [1] - 173:2</p> <p>we'll [1] - 221:24</p>	<p>we're [4] - 110:10, 117:14, 119:18, 194:24</p> <p>We're [2] - 120:16, 215:6</p> <p>We've [1] - 172:12</p> <p>weather [2] - 30:20, 36:7</p> <p>website [1] - 3:6</p> <p>weeks [2] - 154:17, 224:1</p> <p>weigh [1] - 119:14</p> <p>weight [2] - 167:1, 167:2</p> <p>WEINER [9] - 1:18, 6:19, 15:2, 26:2, 46:2, 133:2, 158:2, 181:2, 192:2</p> <p>welcoming [2] - 197:9, 204:23</p> <p>Well [62] - 8:11, 9:9, 21:19, 31:18, 32:12, 37:18, 39:25, 65:19, 67:18, 68:3, 68:21, 75:13, 76:13, 83:6, 83:9, 84:20, 85:1, 85:13, 86:7, 86:17, 87:2, 87:12, 87:15, 89:12, 90:2, 90:25, 92:24, 93:7, 97:16, 98:8, 99:7, 105:18, 106:24, 117:13, 118:10, 147:20, 147:23, 148:1, 148:18, 149:2, 149:9, 149:21, 163:5, 166:6, 166:16, 171:4, 172:21, 174:25, 176:2, 176:25, 177:9, 198:15, 198:24, 199:6, 202:1, 202:6, 203:17, 205:1, 208:20, 210:22, 221:13, 226:12</p> <p>well [30] - 30:9, 30:11, 37:24, 49:16, 49:21, 50:21, 58:11, 60:5, 80:7, 93:20, 104:17, 120:8, 120:17, 125:11, 127:18, 137:3, 137:20, 138:10, 146:3, 170:15, 195:18, 196:7, 199:9, 201:24, 205:15, 206:11, 210:19, 223:2, 223:10, 227:7</p> <p>wells [8] - 69:6, 69:7, 69:15, 69:16, 70:20, 91:17, 91:20</p>
W				
<p>W [2] - 62:15, 63:9</p> <p>W-a-h-l-s-t-r-o-m [1] - 63:9</p> <p>Wahlstrom [13] - 47:6, 62:6, 62:21, 62:22, 63:9, 63:12, 63:19, 74:21, 74:24, 83:1, 87:25, 101:7, 102:24</p> <p>WAHLSTROM [2] - 62:8, 62:14</p> <p>Wahlstrom's [3] - 82:5, 101:15, 104:16</p> <p>wait [1] - 175:16</p> <p>walk [1] - 98:23</p> <p>walking [6] - 58:19, 163:9, 208:9, 213:6, 215:17, 219:19</p> <p>wall [8] - 86:3, 113:19, 113:22, 114:3, 161:17</p> <p>walls [12] - 104:25, 105:22, 107:5, 113:23, 114:6, 114:7, 114:9, 114:11, 114:13, 115:3, 115:7, 116:11</p> <p>want [60] - 3:22, 4:23, 8:23, 32:21, 35:25, 37:8, 40:4, 48:5, 57:22, 61:14, 62:3, 63:11, 63:23, 68:4, 69:14, 73:3, 73:5, 78:10, 78:21, 89:1, 92:12, 98:25,</p>				

<p>went ^[10] - 7:13, 29:16, 48:25, 60:10, 64:8, 92:18, 96:7, 163:1, 165:25, 220:17</p> <p>were ^[58] - 8:16, 8:20, 10:12, 18:1, 21:15, 28:8, 28:10, 29:14, 30:12, 32:17, 38:11, 48:18, 49:2, 49:11, 53:5, 59:20, 63:20, 64:14, 79:3, 81:22, 81:24, 82:23, 82:24, 83:17, 83:18, 83:19, 84:15, 85:7, 94:7, 94:15, 96:18, 100:11, 100:24, 100:25, 101:2, 106:14, 116:11, 116:24, 120:25, 122:6, 122:23, 123:1, 125:23, 127:13, 142:21, 144:13, 153:13, 153:14, 167:14, 170:10, 172:25, 197:6, 207:9, 208:13, 208:18, 217:1, 217:4</p> <p>Were ^[2] - 83:17, 139:5</p> <p>weren't ^[2] - 28:12, 127:14</p> <p>west ^[6] - 20:7, 32:8, 184:17, 202:9, 202:10, 211:13</p> <p>whack ^[1] - 221:10</p> <p>What's ^[1] - 173:20</p> <p>what's ^[6] - 96:14, 107:6, 121:13, 208:5, 209:11, 227:22</p> <p>Whatever ^[1] - 35:25</p> <p>whatever ^[16] - 35:13, 41:21, 73:7, 94:2, 95:17, 97:18, 108:2, 121:10, 122:8, 122:21, 170:22, 176:9, 176:21, 196:7, 203:20, 204:2</p> <p>wheelchair ^[1] - 223:3</p> <p>When ^[7] - 11:4, 59:9, 60:2, 74:13, 101:13, 116:6, 196:5</p> <p>when ^[42] - 36:5, 50:13, 59:10, 59:14, 65:8, 66:6, 67:4, 69:1, 69:25, 71:9, 74:18, 75:10, 77:2, 81:21, 83:15, 86:3, 89:25, 90:2, 92:21, 98:3, 98:23, 100:2, 100:6,</p>	<p>102:9, 106:6, 112:20, 122:2, 122:3, 126:2, 146:21, 148:21, 164:19, 167:22, 168:17, 169:18, 173:5, 176:14, 184:10, 207:1, 212:7, 219:23, 223:22</p> <p>Where ^[1] - 89:25</p> <p>where ^[41] - 18:25, 19:13, 19:14, 40:4, 41:19, 52:1, 52:2, 58:3, 65:3, 65:21, 67:8, 68:8, 75:23, 77:5, 77:9, 77:23, 78:3, 79:9, 84:25, 90:1, 91:11, 96:10, 110:15, 115:23, 139:13, 145:1, 145:2, 163:25, 164:17, 164:20, 168:22, 171:6, 172:18, 175:25, 176:1, 176:22, 199:23, 204:23, 207:2, 210:23, 226:20</p> <p>Whether ^[1] - 64:16</p> <p>whether ^[3] - 146:12, 184:13, 222:15</p> <p>Which ^[3] - 118:8, 185:5, 202:13</p> <p>which ^[56] - 18:9, 18:12, 19:4, 21:21, 36:2, 40:19, 49:8, 49:23, 49:25, 50:5, 56:1, 58:13, 60:1, 60:4, 60:12, 61:11, 65:3, 66:19, 76:2, 82:11, 82:20, 85:17, 91:23, 95:14, 95:23, 99:19, 100:3, 101:15, 107:3, 111:23, 112:15, 113:8, 113:25, 115:16, 117:6, 117:10, 117:25, 121:12, 126:1, 137:10, 137:17, 149:18, 153:11, 160:8, 161:6, 185:13, 199:20, 200:14, 201:3, 203:9, 206:3, 208:13, 221:9, 221:15</p> <p>while ^[8] - 79:2, 96:25, 105:17, 106:14, 107:8, 120:16, 208:6, 217:24</p> <p>white ^[16] - 29:12, 31:10, 35:15, 141:7, 143:9, 143:23,</p>	<p>148:12, 186:16, 186:19, 186:20, 195:22, 208:24, 209:7, 220:22, 223:13, 226:2</p> <p>White ^[2] - 85:8, 86:21</p> <p>who ^[10] - 39:4, 58:18, 59:7, 59:13, 61:6, 70:12, 103:3, 118:16, 125:16, 183:5</p> <p>whole ^[14] - 17:16, 28:15, 57:3, 62:13, 71:13, 76:8, 76:20, 98:15, 100:16, 103:8, 116:25, 135:10, 160:14, 194:6</p> <p>Why ^[5] - 87:6, 113:14, 140:9, 197:25, 198:14</p> <p>why ^[25] - 8:12, 36:25, 55:19, 82:20, 100:9, 102:12, 106:19, 111:3, 113:7, 118:15, 149:18, 161:3, 162:23, 164:19, 165:25, 174:20, 198:22, 199:7, 203:17, 207:6, 210:9, 213:3, 217:8, 227:3</p> <p>wide ^[3] - 83:20, 209:17</p> <p>wider ^[3] - 114:8, 116:25, 117:3</p> <p>width ^[4] - 116:21, 116:24, 175:11, 212:14</p> <p>wife ^[2] - 57:21, 122:1</p> <p>will ^[78] - 7:8, 7:23, 21:2, 21:19, 23:2, 30:22, 30:23, 31:1, 31:15, 32:2, 33:13, 33:14, 34:15, 37:6, 38:15, 39:6, 39:18, 41:25, 42:6, 49:8, 49:16, 53:13, 53:14, 60:9, 60:17, 61:7, 67:23, 70:2, 71:14, 78:22, 95:24, 111:23, 111:25, 113:25, 121:5, 124:15, 126:1, 128:4, 128:12, 128:17, 129:25, 137:5, 138:11, 140:5, 140:6, 148:2, 148:20, 150:15, 154:18, 161:11, 163:3, 166:19, 170:21,</p>	<p>173:15, 174:19, 175:5, 176:24, 177:20, 186:22, 187:3, 188:16, 188:17, 188:21, 188:24, 189:2, 189:11, 189:14, 195:12, 195:13, 196:1, 208:14, 211:16, 212:9, 212:17, 216:14, 220:11</p> <p>willing ^[5] - 79:14, 122:14, 174:5, 207:17, 221:18</p> <p>window ^[8] - 20:18, 38:1, 137:4, 162:20, 196:9, 200:22, 200:23, 225:11</p> <p>windows ^[13] - 37:25, 169:8, 169:20, 170:12, 175:17, 185:22, 210:13, 213:3, 219:18, 219:20, 220:5, 223:25, 224:11</p> <p>wish ^[1] - 124:23</p> <p>wishes ^[2] - 54:6, 124:11</p> <p>wit ^[1] - 117:13</p> <p>With ^[4] - 37:23, 67:2, 95:4, 209:14</p> <p>with ^[177] - 8:20, 8:25, 9:23, 10:7, 13:21, 18:13, 18:19, 19:8, 20:18, 20:20, 21:4, 21:23, 24:21, 29:12, 30:3, 30:24, 32:17, 33:7, 33:24, 34:1, 35:2, 35:12, 37:22, 38:1, 38:6, 40:10, 40:23, 41:19, 44:21, 49:3, 49:11, 50:2, 55:15, 56:1, 57:25, 59:7, 63:21, 65:9, 65:13, 67:1, 67:12, 67:15, 68:3, 68:6, 68:12, 68:13, 68:24, 69:17, 70:9, 72:6, 73:3, 73:6, 74:7, 76:25, 77:19, 79:1, 79:2, 79:5, 79:13, 79:15, 79:19, 80:10, 80:18, 83:21, 84:11, 89:3, 91:5, 91:18, 92:22, 95:6, 96:5, 96:8, 96:12, 97:25, 98:25, 99:9, 99:12, 99:15, 99:21, 100:19, 102:14, 105:1,</p>	<p>105:25, 109:7, 109:25, 111:13, 113:19, 113:23, 114:25, 115:22, 115:23, 117:2, 119:11, 120:1, 120:22, 121:15, 122:9, 122:14, 122:22, 125:25, 126:11, 126:17, 126:19, 127:4, 128:5, 128:7, 128:8, 131:21, 137:4, 137:12, 137:15, 141:8, 144:18, 144:24, 145:12, 146:16, 146:17, 146:20, 148:8, 148:14, 148:23, 152:6, 153:19, 153:22, 156:21, 161:2, 161:16, 161:22, 162:23, 166:2, 167:3, 168:6, 168:22, 170:12, 173:12, 175:24, 179:21, 188:9, 189:3, 190:21, 194:17, 194:25, 195:8, 195:13, 195:23, 196:1, 196:2, 196:24, 197:18, 198:21, 199:1, 199:3, 199:4, 201:18, 202:20, 204:1, 206:2, 206:23, 216:19, 218:7, 218:9, 219:12, 220:13, 220:14, 221:7, 221:17, 221:18, 221:21, 225:2, 225:4, 225:23, 226:22, 227:11, 229:12, 230:21</p> <p>within ^[16] - 21:9, 40:15, 49:25, 52:11, 52:20, 126:4, 126:17, 143:1, 154:16, 200:11, 202:25, 204:8, 206:16, 207:24, 209:22, 210:1</p> <p>without ^[16] - 8:12, 10:8, 21:25, 39:4, 49:9, 75:25, 86:25, 89:21, 98:12, 113:11, 113:19, 117:2, 121:8, 196:20, 208:23, 211:12</p> <p>witness ^[9] - 51:1, 51:4, 56:22, 62:5, 102:25, 103:2, 107:15, 115:12, 170:25</p>
---	---	---	---	--

<p>Witness [1] - 62:1 WITNESS [269] - 16:3, 17:22, 17:25, 20:5, 20:9, 20:17, 22:3, 27:3, 47:3, 57:10, 57:15, 58:23, 59:1, 59:4, 60:18, 60:21, 61:2, 61:13, 61:18, 61:22, 61:25, 62:20, 63:7, 63:23, 64:1, 64:4, 64:16, 64:22, 65:19, 66:13, 66:25, 67:18, 67:23, 68:3, 68:21, 69:21, 70:8, 70:16, 70:21, 71:8, 71:17, 72:4, 72:12, 73:12, 73:14, 73:20, 74:2, 74:5, 74:11, 74:15, 74:20, 74:23, 75:1, 75:7, 75:13, 75:22, 76:4, 76:13, 76:17, 77:11, 77:21, 78:17, 78:23, 80:12, 80:20, 80:25, 81:7, 81:13, 81:19, 82:1, 82:13, 83:6, 83:12, 83:23, 84:20, 85:13, 85:19, 85:22, 86:7, 86:10, 88:8, 88:13, 88:21, 88:25, 89:12, 89:20, 90:2, 90:9, 90:13, 90:21, 90:25, 91:15, 93:5, 97:16, 97:22, 97:25, 98:8, 99:7, 99:12, 103:15, 103:20, 104:6, 104:9, 104:12, 104:18, 104:23, 105:18, 106:16, 106:23, 107:9, 107:20, 108:1, 108:12, 108:16, 108:22, 109:4, 109:21, 109:24, 110:10, 110:21, 110:25, 111:6, 111:15, 112:4, 112:7, 112:15, 112:18, 112:22, 113:16, 114:5, 114:22, 115:1, 115:5, 116:1, 116:6, 116:10, 116:13, 116:19, 116:23, 117:8, 117:24, 118:4, 118:13, 118:19, 134:3, 159:3, 160:22, 161:1, 162:7, 162:9, 162:13, 162:16, 162:25, 163:15, 163:22, 164:6, 164:7, 164:9, 164:13,</p>	<p>164:16, 165:3, 165:16, 165:19, 165:24, 166:6, 166:11, 166:14, 166:19, 167:14, 167:21, 168:4, 168:16, 169:4, 169:7, 169:11, 169:21, 169:24, 170:21, 171:2, 171:6, 171:11, 171:14, 171:18, 172:12, 172:21, 172:25, 173:12, 173:19, 173:22, 173:25, 174:14, 174:25, 175:8, 175:12, 175:19, 175:23, 182:3, 184:5, 184:22, 185:2, 185:11, 185:19, 185:23, 186:5, 186:11, 186:14, 186:17, 186:20, 186:24, 187:2, 188:3, 188:13, 188:16, 188:21, 188:24, 189:11, 189:14, 193:3, 194:13, 194:17, 196:9, 196:12, 196:18, 197:2, 198:10, 200:2, 200:23, 201:2, 201:19, 201:22, 202:3, 202:10, 202:13, 202:19, 203:2, 203:21, 204:9, 204:14, 205:4, 205:17, 206:1, 206:6, 206:10, 206:17, 206:25, 207:9, 207:16, 208:15, 208:20, 209:6, 209:12, 214:3, 214:12, 214:18, 215:1, 219:16, 221:8, 221:15, 221:22, 222:7, 222:11, 224:2, 224:22, 225:1, 225:8, 225:13, 225:15, 227:14, 228:23 witnesses [7] - 48:4, 49:9, 50:8, 53:9, 53:16, 54:5, 55:11 woman [1] - 93:13 women's [2] - 160:24, 163:22 won't [5] - 31:1, 31:16, 61:8, 94:4, 152:2 wonder [1] - 174:20</p>	<p>wondering [3] - 85:4, 115:18, 201:10 wood [13] - 19:1, 19:9, 29:17, 30:5, 104:24, 114:20, 115:1, 115:6, 115:16, 117:2, 117:8, 120:3 Wood [1] - 115:6 wooden [2] - 162:2, 217:25 word [4] - 143:2, 153:14, 153:16, 173:5 wording [1] - 146:13 words [1] - 167:12 work [13] - 18:4, 18:9, 38:7, 39:18, 73:7, 105:8, 113:15, 119:16, 122:7, 174:5, 197:16, 198:16, 217:5 working [4] - 74:22, 74:25, 75:4, 166:2 works [3] - 18:16, 99:8, 163:4 world [1] - 58:11 worth [5] - 4:18, 33:22, 94:14, 119:8, 184:15 would [203] - 5:9, 19:7, 20:2, 20:11, 21:15, 32:12, 32:23, 35:11, 36:3, 36:15, 37:4, 37:13, 37:16, 37:19, 38:22, 38:23, 38:25, 39:19, 40:6, 40:14, 40:23, 41:4, 41:18, 49:4, 51:1, 51:12, 51:15, 52:1, 53:6, 54:14, 54:17, 54:23, 55:13, 55:17, 56:13, 56:15, 56:19, 56:22, 57:16, 58:6, 59:11, 59:16, 61:11, 61:14, 62:5, 64:6, 68:12, 69:14, 70:25, 73:10, 73:15, 78:20, 79:12, 79:14, 80:8, 82:2, 82:9, 84:12, 84:16, 85:5, 85:10, 86:4, 86:12, 87:13, 91:1, 91:3, 91:16, 94:10, 94:11, 94:17, 95:9, 95:10, 95:14, 95:17, 95:23, 96:4, 96:22, 97:3, 97:6, 104:21, 105:15, 105:21, 106:13, 107:17, 109:24, 110:21, 110:24, 111:1, 113:14, 114:14, 116:4,</p>	<p>116:13, 116:16, 117:5, 119:10, 119:11, 119:25, 120:1, 120:20, 121:14, 122:18, 123:2, 126:21, 127:9, 127:19, 128:6, 139:24, 144:17, 145:6, 145:8, 145:9, 145:14, 145:22, 146:11, 146:12, 147:10, 147:11, 149:7, 149:25, 152:7, 152:9, 152:21, 153:20, 154:8, 154:9, 163:1, 163:5, 164:1, 166:21, 167:15, 169:17, 170:3, 172:1, 172:19, 172:21, 173:25, 174:3, 174:6, 174:14, 174:15, 175:4, 175:7, 175:8, 175:21, 183:13, 183:18, 188:11, 188:14, 188:20, 189:8, 195:22, 197:6, 197:18, 200:12, 200:13, 200:14, 201:11, 202:2, 202:24, 203:16, 203:21, 204:5, 204:7, 205:23, 206:1, 206:4, 206:6, 207:10, 207:12, 207:17, 208:11, 209:12, 211:10, 211:21, 211:24, 213:4, 213:5, 214:21, 214:24, 217:15, 218:25, 219:1, 219:13, 219:25, 221:10, 221:11, 221:14, 223:4, 223:7, 223:13, 223:16, 223:19, 223:20, 223:24, 225:1, 227:2, 227:6, 227:9, 227:23, 227:25 Would [7] - 67:21, 97:2, 122:13, 141:22, 172:23, 174:11, 174:13 wouldn't [9] - 93:21, 97:7, 110:12, 116:18, 198:25, 209:20, 211:23, 211:24, 225:16 wow [3] - 34:19, 147:17, 175:6 wrap [1] - 220:6 wrappings [1] -</p>	<p>196:10 write [1] - 93:16 writing [1] - 93:11 written [1] - 56:20 wrong [2] - 52:6, 153:13 wrote [1] - 93:17</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X [26] - 1:2, 1:4, 2:1, 6:2, 6:5, 14:2, 14:6, 16:1, 25:2, 25:6, 27:1, 45:2, 45:6, 47:1, 132:2, 132:6, 134:1, 157:2, 157:6, 159:1, 180:2, 180:6, 182:1, 191:2, 191:6, 193:1 Xerox [1] - 141:2 XI01333 [8] - 13:20, 24:20, 44:20, 131:20, 156:20, 179:20, 190:20, 230:20</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>y [1] - 29:3 Y [3] - 135:16, 160:17, 183:2 yard [1] - 91:11 Yeah [22] - 57:15, 64:4, 64:22, 70:21, 71:8, 72:12, 77:11, 80:20, 81:22, 82:1, 82:13, 108:18, 165:3, 167:7, 167:14, 169:2, 174:25, 185:11, 199:5, 220:2, 221:15, 222:22 yeah [4] - 35:21, 70:8, 147:14, 172:12 year [6] - 9:8, 58:1, 91:11, 197:24, 199:16 years [16] - 30:20, 31:21, 31:22, 39:15, 49:19, 49:20, 57:20, 58:2, 71:20, 71:24, 75:6, 77:10, 103:23, 106:5, 122:19, 172:13 Yes [155] - 3:14, 4:14, 4:21, 7:6, 8:2, 9:19, 11:2, 11:12, 11:14, 11:16, 11:18, 11:20, 11:22, 11:24, 12:1, 19:25, 22:12, 22:14, 22:16, 22:18, 22:20, 22:22, 22:24, 23:1, 28:24, 31:5, 31:14, 33:8, 33:16,</p>
--	--	--	--	---

<p>36:17, 42:9, 42:11, 42:13, 42:15, 42:17, 42:19, 42:21, 42:23, 42:25, 48:12, 51:6, 53:20, 54:24, 56:18, 57:4, 59:4, 61:18, 62:14, 66:25, 70:16, 74:5, 80:25, 82:6, 82:14, 88:8, 88:13, 88:16, 90:13, 93:12, 95:2, 98:18, 101:20, 104:2, 107:20, 112:22, 113:6, 116:12, 117:24, 118:4, 121:7, 123:6, 124:2, 127:9, 127:21, 127:22, 128:1, 128:20, 128:25, 129:4, 129:6, 129:8, 129:12, 129:14, 129:20, 129:25, 141:1, 141:11, 141:15, 141:24, 150:23, 150:25, 151:7, 151:19, 154:13, 154:23, 154:25, 155:2, 155:4, 155:6, 155:8, 155:10, 155:12, 155:17, 160:16, 162:15, 164:16, 166:4, 169:4, 170:6, 170:13, 177:23, 177:25, 178:2, 178:4, 178:8, 178:12, 178:16, 184:22, 185:2, 185:3, 185:9, 185:19, 186:5, 186:13, 187:11, 187:13, 187:15, 187:17, 187:19, 187:21, 187:23, 187:25, 188:2, 188:21, 188:24, 194:7, 196:18, 201:2, 208:23, 212:6, 214:15, 217:18, 221:2, 224:22, 228:5, 228:7, 228:9, 228:11, 228:13, 228:15, 228:17, 228:19, 228:21, 229:13, 229:17</p> <p>yes ^[31] - 4:16, 10:4, 10:11, 10:12, 20:10, 23:2, 30:17, 33:16, 34:16, 55:4, 55:11, 56:11, 82:25, 102:11, 104:6, 111:1, 112:18, 118:2, 118:3, 127:17, 150:3, 150:12, 151:18, 151:20,</p>	<p>153:10, 169:24, 176:2, 185:10, 185:18, 202:10, 217:1</p> <p>yeses ^[1] - 151:23</p> <p>yet ^[5] - 21:24, 48:4, 76:16, 89:19, 91:12</p> <p>York ^[9] - 62:23, 84:13, 84:16, 84:23, 84:24, 85:3, 85:25, 208:22, 224:13</p> <p>you'd ^[1] - 111:16</p> <p>You'd ^[1] - 219:19</p> <p>You're ^[11] - 100:18, 102:3, 107:1, 107:2, 109:6, 109:25, 112:10, 118:2, 138:14, 171:14, 229:15</p> <p>you're ^[23] - 5:3, 33:4, 36:6, 68:20, 71:11, 78:9, 80:21, 84:9, 85:11, 89:25, 93:18, 100:19, 105:19, 112:23, 112:25, 138:25, 176:14, 176:15, 188:9, 212:21, 219:19, 221:21</p> <p>you've ^[1] - 219:12</p> <p>You've ^[1] - 98:21</p> <p>young ^[1] - 57:21</p> <p>yourself ^[3] - 7:10, 98:4, 218:23</p> <p>Yu ^[1] - 132:4</p>	<p>59:2, 60:15, 60:19, 61:9, 61:23, 62:4, 63:14, 63:17, 78:2, 81:2, 85:1, 86:19, 87:8, 87:18, 88:16, 94:23, 98:3, 98:13, 98:18, 99:1, 99:11, 99:24, 102:23, 104:2, 107:14, 109:1, 109:14, 112:16, 112:20, 113:6, 116:20, 117:5, 117:12, 119:20, 120:19, 122:13, 123:6, 124:5, 125:1, 126:25, 128:3, 128:22, 129:12, 129:25, 135:1, 135:25, 136:9, 136:15, 138:11, 138:19, 138:25, 139:4, 139:12, 139:15, 139:17, 142:1, 142:8, 142:13, 142:21, 143:7, 143:12, 143:16, 144:9, 144:13, 145:12, 145:18, 146:1, 146:10, 146:23, 147:13, 147:20, 147:25, 148:18, 149:7, 149:11, 149:14, 149:20, 149:23, 150:9, 150:12, 150:19, 151:11, 151:25, 152:11, 152:17, 154:2, 154:11, 154:20, 155:12, 155:20, 160:1, 160:5, 160:9, 160:25, 162:6, 162:8, 162:10, 162:15, 162:21, 163:14, 165:8, 167:5, 168:5, 168:9, 169:17, 169:22, 169:25, 170:6, 170:9, 171:22, 174:8, 174:18, 176:11, 177:4, 177:7, 177:21, 178:14, 183:1, 184:7, 185:3, 185:16, 187:9, 188:2, 189:16, 194:1, 194:15, 196:5, 196:11, 196:14, 198:15, 202:6, 202:11, 205:1, 205:5, 206:12, 210:22, 214:15, 215:21, 216:4, 216:13,</p>	<p>217:18, 220:9, 221:1, 221:4, 221:20, 222:8, 222:22, 225:4, 225:9, 225:14, 225:18, 226:9, 226:17, 226:21, 227:5, 227:20, 228:21, 228:24, 229:8, 229:13, 229:17</p> <p>Zane ^[21] - 1:9, 3:20, 6:10, 11:23, 14:11, 22:21, 25:11, 42:20, 45:11, 129:11, 132:11, 151:10, 155:11, 157:11, 166:25, 178:13, 180:11, 188:1, 191:11, 223:11, 228:20</p> <p>zeroing ^[1] - 217:15</p> <p>zone ^[3] - 49:25, 61:12, 125:17</p> <p>Zone ^[8] - 6:4, 14:4, 25:4, 45:4, 132:4, 157:4, 180:4, 191:4</p> <p>zoning ^[3] - 95:11, 216:15, 217:17</p> <p>Zoning ^[16] - 1:15, 6:16, 14:17, 25:18, 45:17, 95:24, 96:7, 96:9, 96:18, 97:2, 97:7, 122:16, 132:17, 157:18, 180:18, 191:18</p>
Z			
	<p>Z ^[3] - 103:10, 160:17, 183:2</p> <p>z ^[1] - 103:16</p> <p>ZANE ^[222] - 3:1, 3:21, 4:13, 4:15, 4:21, 7:1, 7:9, 7:11, 7:15, 7:25, 8:2, 9:5, 9:19, 10:4, 10:17, 10:25, 11:3, 11:10, 11:24, 12:2, 17:1, 19:17, 19:24, 21:18, 22:6, 22:10, 22:22, 23:9, 28:1, 28:7, 29:7, 29:10, 29:21, 30:1, 31:3, 33:3, 33:18, 34:22, 35:11, 35:18, 35:21, 35:25, 36:8, 36:12, 36:15, 38:15, 39:3, 39:21, 39:23, 41:7, 41:16, 41:24, 42:21, 43:1, 43:4, 48:1, 48:8, 48:12, 51:6, 58:21, 58:24,</p>	<p>150:19, 151:11, 151:25, 152:11, 152:17, 154:2, 154:11, 154:20, 155:12, 155:20, 160:1, 160:5, 160:9, 160:25, 162:6, 162:8, 162:10, 162:15, 162:21, 163:14, 165:8, 167:5, 168:5, 168:9, 169:17, 169:22, 169:25, 170:6, 170:9, 171:22, 174:8, 174:18, 176:11, 177:4, 177:7, 177:21, 178:14, 183:1, 184:7, 185:3, 185:16, 187:9, 188:2, 189:16, 194:1, 194:15, 196:5, 196:11, 196:14, 198:15, 202:6, 202:11, 205:1, 205:5, 206:12, 210:22, 214:15, 215:21, 216:4, 216:13,</p>	