

**In The Matter Of:**  
*Re: Matters and Decisions*

---

*Proceedings*  
*May 21, 2019*

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW JERSEY  
COUNTY OF MORRIS  
TOWNSHIP OF ROCKAWAY  
BOARD OF ADJUSTMENT

RE:

MATTERS AND DECISIONS  
RENDERED

Tuesday, May 21, 2019  
Municipal Building  
65 Mt. Hope Road  
Rockaway Township, NJ  
Commencing at 7:30 pm

B E F O R E:

THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP  
OF ROCKAWAY

P R E S E N T:

- JASON SMOLINSKI, Chairman
- MATTHEW YAWGER, Vice Chairman
- JIM LOFTUS, Member
- TIMOTHY SCHERWA, Member
- PHYLLIS HANTMAN, Secty/Alt.
- ADAM LUSARDI, Alt. 2
- MANUEL DEUS, Alt. 3
- DAVE NOVAK, P.P.
- WILLIAM DIMIN, ESQ., Bd. Attorney
- JOSEPH J. BELL, JR., ESQ.

JOSEPH NATALE, C.S.R.  
30 Cedar Island Drive  
Brick, New Jersey 08723  
(732) 477-6710

1    A P P E A R A N C E S :

2

3    DAVID C. PENNELLA, ESQ.  
4    1201 Sussex Turnpike  
5    Randolph, New Jersey 07926  
6    Attorney for Applicant, Tucker Kelley

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1                   CHAIRMAN SMOLINSKI: This meeting  
2 of the Rockaway Township Board of  
3 Adjustment is called to order.

4                   This meeting is being held  
5 pursuant to the New Jersey Open Public  
6 Meeting Act.

7                   Notice has been properly posted  
8 and filed with the Municipal Clerk of the  
9 Township of Rockaway, mailed to all those  
10 persons requesting notification and  
11 provided to The Citizen of Morris County  
12 and to The Daily Record on December 12th,  
13 2018.

14                  Notice to the paper was via  
15 e-mail, formal action being taken  
16 tonight.

17                  MS. MURRAY: Mr. Smolinski.

18                  CHAIRMAN SMOLINSKI: Present.

19                  MS. MURRAY: Mr. Yawger.

20                  MR. YAWGER: Here.

21                  MS. MURRAY: Mr. Loftus.

22                  MR. LOFTUS: Here.

23                  MS. MURRAY: Mr. Scherwa.

24                  MR. SCHERWA: Here.

25                  MS. MURRAY: Ms. Hantman.

1 MS. HANTMAN: Present.

2 MS. MURRAY: Mr. Lusardi.

3 MR. LUSARDI: Present.

4 MS. MURRAY: Mr. Deus.

5 MR. DEUS: Here.

6 MS. MURRAY: Oh, Mr. Novak.

7 MR. NOVAK: That's okay, here.

8 MR. BELL: I'm here.

9

10 (Whereupon the flag salute  
11 commences.)

12

13 CHAIRMAN SMOLINSKI: Okay.

14 At this point, has everybody had  
15 the opportunity to review the minutes  
16 that were provided for the meetings as it  
17 relates to May 1st, 2018, July 3rd, 2018,  
18 July 17th, 2018, September 4th, 2018,  
19 October 2nd, 2018, November 20th, 2018,  
20 December 18th, 2018, January 15th, 2019,  
21 and March 19th, 2019?

22 MR. BELL: Only those members that  
23 were Board members at the time can  
24 participate in the vote on those motions.

25 So you may have to take them --

1 CHAIRMAN SMOLINSKI: Take them.

2 MS. MURRAY: Individually.

3 MR. BELL: Individually.

4 CHAIRMAN SMOLINSKI: Individual  
5 motions here, which I believe are for May  
6 1st, yeah, so, May 1st -- the first  
7 motion for -- first if there is any  
8 comments on any of the meeting minutes  
9 from May 1st, 2018 through December 18th,  
10 2018?

11 Okay, none.

12 Did I have a motion to approve  
13 those minutes?

14 MS. MURRAY: The individual.

15 MR. BELL: By individual.

16 MS. HANTMAN: By the individual,  
17 you want -- can Erin tell who is voting  
18 on each one?

19 CHAIRMAN SMOLINSKI: Yes.

20 MS. MURRAY: Mr. Smolinski, Mr.  
21 Yawger and Ms. Hantman were the voting --  
22 or present at those meetings.

23 MS. HANTMAN: Okay.

24 CHAIRMAN SMOLINSKI: That's  
25 correct.

1 MS. HANTMAN: So one of us would  
2 have to make a motion?

3 CHAIRMAN SMOLINSKI: Correct.

4 MS. HANTMAN: So moved.

5 MR. YAWGER: I will second.

6 MR. BELL: Second by Mr. Yawger.

7 Roll call.

8 CHAIRMAN SMOLINSKI: Yes.

9 MS. MURRAY: Mr. Yawger and Ms.  
10 Hantman.

11 MS. HANTMAN: Yes. Yes.

12 MS. MURRAY: So that was from May  
13 1st through December 18, 2018.

14 CHAIRMAN SMOLINSKI: Yes.

15 Correct.

16 Now the next motion will be for  
17 the minutes of January 15th, 2019, in  
18 which Jim and Adam were present at that  
19 meeting and active members of the Board.

20 MR. LOFTUS: I'll move --

21 CHAIRMAN SMOLINSKI: The original  
22 three --

23 MS. HANTMAN: A lot of changes in  
24 the Board members over the last few  
25 years.

1                   CHAIRMAN SMOLINSKI: Yes. Are  
2 there any comments on those minutes?

3                   Can I have a motion to approve the  
4 minutes January 15, 2019?

5                   MS. HANTMAN: So moved.

6                   MR. LOFTUS: Second.

7                   CHAIRMAN SMOLINSKI: Second?

8                   Roll call.

9                   MS. MURRAY: Mr. Smolinski.

10                  CHAIRMAN SMOLINSKI: Yes.

11                  MS. MURRAY: Mr. Yawger.

12                  MR. YAWGER: Yes.

13                  MS. MURRAY: Ms. Hantman.

14                  MS. HANTMAN: Yes.

15                  MS. MURRAY: Mr. Lusardi.

16                  MR. LUSARDI: Yes.

17                  MS. MURRAY: Mr. Loftus.

18                  MR. LOFTUS: Yes.

19                  MS. MURRAY: That was for January  
20 15th and March 19th, 2019.

21                  CHAIRMAN SMOLINSKI: Okay.

22                  Now we have March 19th, 2019, in  
23 which Mr. Scherwa, Mr. Deus --

24                  MS. MURRAY: No -- -

25                  CHAIRMAN SMOLINSKI: That was for

1 both of them.

2 MS. MURRAY: That was for both of  
3 them --

4 CHAIRMAN SMOLINSKI: Okay, we  
5 don't have --

6 MS. MURRAY: No.

7 CHAIRMAN SMOLINSKI: That's it.  
8 That's it, we're good.

9 MS. HANTMAN: Thank you for your  
10 efforts to, I know you were out for a  
11 long time with surgery so thank you for  
12 catching up.

13 It was great of you.

14 CHAIRMAN SMOLINSKI: All right.

15 Next order on the agenda would be  
16 correspondence --

17 MR. BELL: The only -- I don't  
18 know if it falls under the ambit of  
19 correspondence, but as everybody has  
20 noted, we did receive a copy of the  
21 lawsuit that's been instituted against  
22 the Board, we are prepared to file a  
23 proper defense for this Board and also  
24 the Environmental Board, and we are --  
25 I've requested that the Mayor and Council

1           make the appropriate funds for staffing  
2           purposes.

3                     I think additional staffing is  
4           needed, it would make our minutes more  
5           readily available at the conclusion of  
6           our meetings.

7                     The minutes were done, but they  
8           were not in a format that we could review  
9           -- we'll take the appropriate steps to  
10          make sure that we are compliant with all  
11          of the provisions of the Open Public  
12          Meetings Act.

13                    Defenses will be filed by the end  
14          of this week, and we will move forward in  
15          the proper direction, maybe even  
16          streamline some of our procedures as a  
17          Board, itself.

18                    MS. HANTMAN:   Okay.

19                    MR. BELL:    That's all I have on  
20          that issue.

21                    CHAIRMAN SMOLINSKI:   Okay.

22                    MR. BELL:    I don't know if we're  
23          going to close, we have never gone into  
24          closed, we've always been open and  
25          transparent, so that's the way we'll

1 continue to be.

2 That concludes my report on that.

3 CHAIRMAN SMOLINSKI: Okay.

4 I guess at this point in time,  
5 we're going to open up the meeting to any  
6 of the public here wishing to speak on  
7 any item that's not on this evening's  
8 agenda.

9 If there's any members of the  
10 public that wishes to do that, please  
11 step up, state your name.

12 If there is not, at this point  
13 I'll --

14 MR. BELL: The public.

15 CHAIRMAN SMOLINSKI: Close that  
16 portion to the public.

17 MR. BELL: I think that ends my,  
18 my involvement for this evening.

19 Good night, everyone.

20 CHAIRMAN SMOLINSKI: Good night,  
21 Joe.

22  
23 (Whereupon the record notes the  
24 departure of Joseph J. Bell, Jr., Esq.  
25 and the appearance of William Dimin,

1 Esq.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN SMOLINSKI: At this point Mr. Dimin is going to be substituting in for Mr. Bell, he's very familiar with this case, Mr. Bell has a conflict with this matter which is about to be called, and at this time, we're going to call application number 16-22, Tucker Kelley, 388 Green Pond Road, Block 30503, Lot number 12.

It's , the matter has been carried from April 2nd, 2019, I believe the matter has been properly noticed --

MS. MURRAY: It has, correct.

MS. HANTMAN: Twice.

MS. MURRAY: Twice.

CHAIRMAN SMOLINSKI: A few occasions.

MR. DIMIN: As I understand this, this application was originally filed back in '17 --

CHAIRMAN SMOLINSKI: Yes --

MR. DIMIN: And it's been carried virtually ever since that time at every

1 meeting that it was listed for because  
2 there was never a quorum, notice was  
3 given at these particular meetings that  
4 this matter was going to be carried going  
5 forward.

6 MS. HANTMAN: Yes, to my  
7 understanding -- my understanding was  
8 that he was asked to notice again,  
9 because it had been carried and he did  
10 notice again.

11 Is that correct, sir?

12 MR. PENNELLA: That's absolutely  
13 correct.

14 For the record, my name is David  
15 Pennella, I'm the attorney for Mr. Kelley  
16 on this application.

17 MR. DIMIN: Before we move forward  
18 on this, members of the Board, if you are  
19 unfamiliar with this application, this is  
20 an application that came before this  
21 Board back, I think, in 2012, if I'm not  
22 mistaken.

23 MR. PENNELLA: '11, I think.

24 MR. DIMIN: '11 or 2012, and it  
25 wound its way up through the -- from this

1 Board to the Morris County Court to the  
2 Appellate Division and the Appellate  
3 Division rendered a decision in this  
4 matter, with directions to the Board on  
5 how it's to address this matter.

6 And, so, we're -- we have an  
7 ability to short-circuit a lot of the  
8 factual findings, because that was  
9 already made in the prior hearings, and I  
10 believe that Mr. Pennella and I, we've  
11 discussed this matter, at great length,  
12 both yesterday and today, about, nothing  
13 that, that, talking about how we can have  
14 a proffer of proofs, regarding  
15 stipulations.

16 So, what we did, and, so everyone  
17 is aware of it, we looked to Judge --

18 MR. PENNELLA: Weisenbeck.

19 MR. DIMIN: What Judge?

20 MR. PENNELLA: Judge Weisenbeck.

21 MR. DIMIN: Judge Weisenbeck, who  
22 was the Judge below, in the initial go  
23 around, as far as facts that are to be  
24 accepted by the Board.

25 And, basically, this is from his

1 decision, dated April 16, 2014, which was  
2 at the trial Court level, and I'm going  
3 to read it into the record at this time,  
4 the following.

5 That, on November 20th, 1998, Mr.  
6 Kelley purchased the Estate from the  
7 Estate of Catherine Flanigan, property  
8 located at 388 Green Pond Road, with an  
9 unattached garage located at 62 Meggins  
10 Road, hereinafter the property.

11 The property was marketed as a  
12 single-family home, with an oversized  
13 detached garage with a dormer second  
14 floor apartment (the garage or carriage  
15 house).

16 In December of 1999, plaintiff,  
17 and that would be Mr. Kelley, applied for  
18 a building permit to renovate the  
19 apartment.

20 Andrew Sanfilippo, the Zoning  
21 Officer, required the plaintiff to  
22 furnish proof that the apartment was a  
23 preexisting non-conforming use before  
24 issuing any permits, because the  
25 apartment constituted a second principal

1 structure on the property in violation of  
2 the Township R-13 zones' prohibition  
3 against more than one principal structure  
4 on the same property.

5 Plaintiff, Mr. Kelley, provided  
6 tax records dated back to 1969, showed  
7 the zoning officer that the electrical  
8 panel dated back to 1948, and submitted  
9 seven written statements from persons  
10 purporting to have personal knowledge  
11 that there is an existing cottage house  
12 in the rear of the property located at  
13 388 Green Pond Road, Rockaway, New  
14 Jersey, that has been rented from time to  
15 time in the past, to substantiate his  
16 claim that the apartment was a  
17 pre-existing non-conforming use before  
18 the Township forbade two principal  
19 structures on one property in the R-13  
20 zone.

21 I will put in that the zoning  
22 change, that I believe in 1967, if I'm  
23 not mistaken --

24 MR. PENNELLA: '67 or '68, there  
25 was --

1 MR. DIMIN: '67 or '68.

2 MR. PENNELLA: Mr. Buzak had --

3 MR. DIMIN: That's what I was --

4 MR. PENNELLA: Mr. Buzak had

5 represented the '68 --

6 MR. DIMIN: Either of those two  
7 years, whether it be '67 or '68 is not  
8 critical.

9 In addition, in an affidavit  
10 notarized on September 2nd, 1999, David  
11 Buchanan swore that he had rented the  
12 apartment and had lived there from April  
13 1st, 1997 to August 1st, 1998.

14 On December 10th, 1999, Mr.  
15 Sanfilippo determined that the apartment  
16 was a pre-existing non-conforming use,  
17 and issued zoning approval, which  
18 permitted plaintiff to perform  
19 alterations to the garage and apartment  
20 -- and the apartment.

21 After construction was finished,  
22 the apartment was issued a Certificate of  
23 Occupancy on November 16, 2000.

24 By letter dated February 28th,  
25 approximately eleven years later, Phillip

1 J. Tobaygo, Rockaway Township's current  
2 Zoning Officer, and Mr. Sanfilippo, who  
3 now serves as the Township's Construction  
4 Official, informed the plaintiff that  
5 based upon "new information", the  
6 apartment is not a prior non-conforming  
7 use as originally represented to the  
8 Township, and that, in any event,  
9 plaintiff's application for a valid  
10 non-conforming use was untimely made to  
11 the Construction Official, and, that was  
12 the 2011 reversal.

13 After that, application was made  
14 to this Board for a ruling to overturn  
15 that decision and that's what the  
16 Appellate -- that's what took it up to  
17 the Court, having to do with the validity  
18 or non-validity of the decision that was  
19 made by Zoning Officer in 2011.

20 Now, understand that the matter  
21 was -- there was testimony below, there  
22 was issues that were before the Court  
23 that really are not here now, at this  
24 point, with the first application.

25 Tonight what we're doing is we're

1 bifurcating the two applications. The  
2 first application is for a D variance.  
3 If this Board grants the D variance, then  
4 we're done, we don't have go onto the  
5 next issue, which is whether or not there  
6 is, was a non-conforming use.

7 So the real issue is, is whether  
8 or not, on this application, the  
9 applicant, with the testimony of the  
10 planner, satisfies the requirement under  
11 the Medici standard, which is for a, I  
12 believe D(1), a D(1) application --

13 MR. PENNELLA: Right.

14 MR. DIMIN: Which you, as members  
15 of this Board, are more familiar with  
16 than I am, all right, whether or not they  
17 satisfy that requirement, and if they do,  
18 then clearly, the application should be  
19 granted.

20 If, however, the Board finds that  
21 the application does not satisfy the  
22 D(1), then we're going to have additional  
23 testimony on whether or not this is a  
24 prior non-conforming use, and that would  
25 be under a different standard, but I'm

1 not sure we have to get to that point.

2 So let's just deal, first, with  
3 the testimony of the planner, because I  
4 don't think, other than the fact that,  
5 and this is also another stipulation that  
6 I agreed to, that since 2011, Mr. Kelley  
7 has, and we will submit -- back in '99 or  
8 2000, spent a substantial sum of money to  
9 renovate the upstairs, that, the carriage  
10 house, and that building has been rented  
11 since that time, continuously, though  
12 that is not the basis for the  
13 non-conforming use.

14 But understanding that there has  
15 been a tenant in there, continuously,  
16 from 2000, minimally, from 2000 until  
17 today, the dispute, if we get into it,  
18 would be what happened prior to that, but  
19 hopefully we don't have to get to that  
20 point, okay?

21 So, why don't we just, I think,  
22 with that stipulation of facts, do we  
23 need testimony, I don't believe we need  
24 testimony at this time from Mr. Kelley,  
25 unless the board has some questions after

1 we hear from the planner.

2 Why don't we do it that way.

3 MR. PENNELLA: Mr. Dimin, I agree  
4 with that statement. I believe that's  
5 what we discussed in order to try and  
6 expedite and move this matter forward.

7 I don't think it's required at  
8 this point in time, we reserve the right,  
9 obviously, to call Mr. Kelley if we have  
10 to proceed beyond the D variance  
11 application.

12 Also, if I may, there is a couple  
13 of housekeeping issues.

14 Can I approach?

15 MR. DIMIN: Please.

16

17 (Whereupon there is a short  
18 discussion off the record.)

19

20 MR. PENNELLA: I'd just like to  
21 present, I know I already sent a copy of  
22 the Affidavit of Publication, but I'd  
23 like to present the original.

24 MR. DIMIN: All right.

25 MR. PENNELLA: And the certified

1 mail cards were already sent over,  
2 hand-delivered, the originals.

3 And I'd like to enter into the  
4 record the Trial Order of Judge  
5 Weisenbeck dated April 16th, 2014.

6 And the --

7 CHAIRMAN SMOLINSKI: For the  
8 record, that's the same one that --

9 MR. DIMIN: Yes.

10 CHAIRMAN SMOLINSKI: Part of the  
11 application --

12 MR. DIMIN: Yes.

13 CHAIRMAN SMOLINSKI: That all the  
14 members should have.

15 MR. DIMIN: And the Appellate  
16 Division.

17 Do you have the Appellate Division  
18 decision?

19 MR. PENNELLA: I have the  
20 Appellate Division --

21 CHAIRMAN SMOLINSKI: That one I'm  
22 not --

23 MR. DIMIN: Okay.

24 MR. PENNELLA: This is the  
25 Appellate Division decision of that lower

1 case --

2 MR. DIMIN: Okay.

3 MR. PENNELLA: Matter.

4 MR. DIMIN: So what we're going to  
5 do is, we -- the Affidavit of Publication  
6 we don't have to mark.

7 But what we're going to do is mark  
8 the Trial Order as Kelley-1 and the  
9 Appellate decision as Kelley-2.

10 I don't think we need an actual  
11 marking on it.

12 So with that said, Mr. Pennella,  
13 why don't we, I will say this also.

14 Ladies and gentlemen, initially,  
15 the planner in this matter had been Mr.  
16 Zimmerman, Mr. David Zimmerman, and he  
17 did render a report. Unfortunately,  
18 Zimmerman passed away untimely, which  
19 actually led to one of the adjournments  
20 of this matter.

21 Mr. Zimmerman passed away about a  
22 year and half, two years ago.

23 And, so, a substitute, an  
24 alternate planner is before the Board and  
25 I'm assuming she will incorporate by

1 reference Mr. Zimmerman's report --

2 THE WITNESS: Yes, I will.

3 MR. DIMIN: Ma'am, would you mind  
4 standing?

5

6 J E S S I C A C A L D W E L L, PP, having  
7 offices at 145 Spring Street, Newton, New  
8 Jersey, having been duly sworn, testified as  
9 follows:

10

11 MR. DIMIN: For the record, Ma'am,  
12 would you please state your full name,  
13 spell your last name and give us the  
14 benefit of your business address.

15 THE WITNESS: Jessica Caldwell,  
16 C-A-L-D-W-E-L-L, 145 Spring Street, Suite  
17 E, Newton, New Jersey.

18 MR. DIMIN: Ladies and gentlemen,  
19 Ms. Caldwell has appeared before my  
20 Board, the Planning Board, numerous times  
21 and was qualified as an expert in the  
22 field of planning, zoning and planning,  
23 so I would -- so, she should so be  
24 accepted by this Board.

25 CHAIRMAN SMOLINSKI: Briefly, for

1 the record, you're a planner in the State  
2 of New Jersey and your license is  
3 current, correct?

4 THE WITNESS: Yes, I'm licensed in  
5 New Jersey and I am certified by the  
6 American Institute of Certified Planners  
7 and both are current.

8 Thank you.

9 CHAIRMAN SMOLINSKI: We  
10 recognize --

11 THE WITNESS: Thank you.

12 CHAIRMAN SMOLINSKI: Professional  
13 planning in the State of New Jersey.

14 MR. PENNELLA: Thank you, Mr.  
15 Chairman.

16 MR. DIMIN: We're going to ask you  
17 just keep your voice up.

18 THE WITNESS: Okay.

19 MR. DIMIN: We all have to hear  
20 you and I'm old and hard of hearing.

21 THE WITNESS: No problem, I'll do  
22 my best, just remind me if I --

23 MR. PENNELLA: Thank you very much  
24 for qualifying the witness, you saved  
25 about ten of my questions.

1

2 DIRECT EXAMINATION BY MR. PENNELLA:

3

4 Q. So Miss Caldwell, are you familiar  
5 with the subject property?

6 A. Yes, I am.

7 Q. Okay.

8 Can you describe it?

9 A. Yes.

10 It's Block 30503, Lot 12, the main  
11 address is on 388 Green Pond Road, it also has a  
12 secondary address, 62 Meggins Road.

13 It's essentially a corner property  
14 with access to both Green Pond Road and Meggins  
15 Road.

16 There are two residential  
17 dwellings on the site. A principal  
18 single-family dwelling, and a separate, carriage  
19 house with an apartment located within it.

20 The single-family has access to  
21 Green Pond Road and the carriage house has  
22 access to Meggins Road.

23 Q. Do you know what the size of the  
24 property is?

25 A. Yeah.

1           The site is sixteen thousand seven  
2 hundred and forty-six square feet, or point  
3 three eight acres in size.

4           Q.       What is the shape of the property?

5           A.       It's an irregular shaped lot.  
6 It's essentially on the corner.

7           However, there is a smaller  
8 portion of the corner was cut out at some point.  
9 There is about a six thousand square foot lot  
10 that's owned by the State, it's open space, but  
11 it's directly on the corner, so surrounding that  
12 is kind of two rectangular shapes put together  
13 with frontage on both, both streets.

14          Q.       Can you discuss where the property  
15 is located and what the neighborhood has been  
16 designated?

17          A.       It's in the Hibernia neighborhood,  
18 which according to the State plan, is what's  
19 known as a hamlet, which is a community or  
20 place.

21                 Hamlets are primarily residential  
22 in character, but they're more sort of compact  
23 densely populated areas compared to the rest of  
24 the area surrounding it with a mix of uses,  
25 typically, the community uses such as houses of

1 worships, schools, a small neighborhood,  
2 commercial-type uses as well as mixed use and a  
3 little bit more dense residential character.

4 Q. What is the subject zoning?

5 A. The zoning is R-13, which is  
6 primarily single-family residential.

7 There is also nurseries, golf  
8 courses, parks, those types of uses are  
9 permitted as principal uses. Conditional uses,  
10 houses of worship, elementary schools, secondary  
11 schools, municipal uses.

12 Also accessory dwelling units are  
13 permitted for affordable housing, as well.

14 Q. Now I should have asked you this  
15 as a precursor, but the Hibernia hamlet  
16 neighborhood, is that all in the R-13 or does it  
17 fall in another zone?

18 A. It has two zones. It has the  
19 R-13, which is the single family residential  
20 district. It also has the B-1 neighborhood  
21 business district, as well.

22 Q. And what are the uses permitted in  
23 the B-1 district?

24 A. B-1, among general neighborhood  
25 commercial also permits residential over

1 apartments -- apartments over commercial, mixed  
2 use, also single-family subject to the R-13  
3 requirements, as well as some conditional uses  
4 for gas stations, Municipal uses, home  
5 professional offices and accessory apartments  
6 are permitted in the B-1, as well.

7 Q. What is the minimum lot size in  
8 the R-13 zone?

9 A. The R-13 is thirteen thousand one  
10 hundred and twenty-five square feet and in the  
11 B-1, it's seventeen thousand five hundred for a  
12 commercial use.

13 However, if you have a  
14 single-family dwelling it reverts back to the  
15 R-13.

16 The subject property is just a  
17 little bit larger than the R-13 district, which  
18 is the sixteen thousand seven hundred forty-six  
19 square feet.

20 Q. Does the R-13 or the B-1 zone  
21 permit multiple or permit market multiple family  
22 dwellings attached or detached?

23 A. The B-1 does permit apartments and  
24 as I noted, the R-13 does if they were  
25 restricted to affordable housing.

1 Q. Now you also had a chance to  
2 review the Board of Adjustment's professional  
3 planner's memorandum on this project?

4 A. Yes, I did.

5 Q. And there is a question asked  
6 about the size of the property.

7 Can you discuss the concern raised  
8 by the planner? The Municipal Planner.

9 A. The, the planner was asking  
10 essentially if the property compares to  
11 surrounding properties and if the lot size is  
12 similar.

13 So --

14 Q. What's the response to that?

15 A. In the report submitted to the  
16 Board, we note that in the R-13, it's generally  
17 just below the median or mean lot size, so it is  
18 similar, it's not the largest, it's not the  
19 smallest, it's sort of somewhere in the middle.

20 Q. Again, there was another reference  
21 in the Novak memorandum from the Municipality  
22 about other nearby apartment units.

23 Can you discuss that?

24 A. So there was a study conducted to  
25 see how many other multifamily uses were also in

1 the Hibernia district.

2 In addition to this use, there  
3 were eight others found in the district. Five  
4 of them were located in the B-1 zone and three  
5 were located in the R-13 zone.

6 Q. How about multifamily properties  
7 in the R-13 zone?

8 A. So there are three in addition to  
9 this existing use, one of which has a larger lot  
10 size, one of which has a smaller one, which is  
11 relatively similar.

12 Q. Okay, are there -- did you also  
13 look at the Lake Telemark B-1 and R-13 zone?

14 A. Yes.

15 The Lake Telemark district has  
16 four multifamily properties within that, that  
17 area.

18 Q. And --

19 A. Two of which are in the B-1 and  
20 two of which the R-13.

21 Q. Were there any planning  
22 conclusions as a result of this survey and  
23 information?

24 A. Yeah.

25 Essentially what we found was that

1 the Hibernia neighborhood is a neighborhood of  
2 mixed uses.

3 There are other multi family  
4 residents, there are single-family residents,  
5 there is neighborhood commercial type uses, and  
6 it's really consistent with a hamlet district.

7 So this use is really indicative  
8 of the character of the area. It's not an  
9 outlier, it consistently fits in with the  
10 character of the hamlet, the Hibernia hamlet.

11 Q. Moving along to the statutory  
12 criteria.

13 Could you discuss the criteria  
14 under N.J.S.A. 40:55D-70(d)(1)?

15 A. Sure.

16 So all D(1) variances, it's  
17 essentially a variance from a use or principal  
18 structure in the zone.

19 So it is a single family detached  
20 zone. We have two principal structures and we  
21 have a second single-family use, essentially on  
22 the same property, so we require a D(1) use  
23 variance in order for that to be approved.

24 All D(1) use variances have to  
25 meet the positive and negative criteria, as the

1 Board is familiar with.

2 And there is also, for D(1) use  
3 variances, those, the Medici case law that  
4 requires particular suitability of the parcel,  
5 as well.

6 Q. Does the provision of the modern  
7 carriage house apartment widen the variety and  
8 choice of housing in Hibernia?

9 A. Yes.

10 That's one of the positive aspects  
11 of it.

12 There is several others, as well.

13 Q. And the use of the modern carriage  
14 house is neither unique nor singular to the  
15 Hibernia hamlet neighborhood.

16 Is that correct?

17 A. Yes.

18 We found that the property is  
19 really particularly suited to the use. It does  
20 fit in well with the character of the  
21 neighborhood, the hamlet aspect. It also has on  
22 two separate frontages and each unit accesses  
23 each frontage.

24 The property looks larger than it  
25 actually is, because of that little cutout

1 that's on State designated.

2 So while it's point three seven  
3 acres in size, it appears to be a half acre,  
4 with that extra six thousand square feet.

5 So it's, it's uniquely and  
6 particularly suited to this property.

7 Q. Does it promote any purposes of  
8 the Municipal Land Use Law?

9 A. Yes, we found that it promotes  
10 purpose A, which is general welfare.

11 A property, and Medici case law  
12 essentially found that a property that is  
13 particularly suited to the use promotes a  
14 general welfare of it's developed for that use.

15 Purpose C is another purpose, to  
16 provide adequate light, air and open space.

17 The property generally conforms to  
18 the R-13 standards which were set up to promote  
19 light, air and open space. So it conforms to  
20 those bulk standards.

21 Also purpose E, to promote the  
22 establishment of appropriate population  
23 densities and concentrations in neighborhoods  
24 and communities for the preservation of the  
25 environment.

1           The density of the subject site is  
2 actually lower than similar multi family  
3 densities because it has a larger lot area.

4           And then purpose G, to provide  
5 sufficient space and appropriate locations for a  
6 variety of uses, including residential.

7           Providing for this use promotes  
8 that multi family use in this hamlet  
9 neighborhood, which fits in and provides for  
10 that continued residential variety in that area.

11           Q.       Can you speak to the negative  
12 criteria required under the Medici case?

13           A.       So we have the first prong of the  
14 negative criteria is no substantial detriment to  
15 the public good, so we really look to impact on  
16 the neighborhood.

17           As I mentioned before, we have  
18 separate driveways on two separate streets,  
19 which essentially helps each of those units  
20 function as a single residence.

21           It cuts the traffic in half,  
22 really, limits any impact to the neighborhood.

23           They're both relatively small  
24 structures that fit in well with the  
25 neighborhood.

1           There is really gone over quite a  
2 long period of time and even referenced in the  
3 case findings for this application, that there  
4 has really been no impact on the neighborhood  
5 and no substantial complaints from neighbors.

6           Also, in terms of -- the other  
7 prong is substantial impairment to the zone plan  
8 and the ordinance.

9           So the existing neighborhood, and  
10 the characteristic pattern really kind of  
11 prevail in this case in the R-13 zone.

12           The application doesn't have a  
13 really unique piece of property, a unique  
14 scenario, where the site is particularly suited  
15 to this particular use, where it doesn't  
16 negatively impact the master plan or the  
17 ordinance.

18           In your planning report, also,  
19 there were several goals and objectives for the  
20 master plan that were noted that were in keeping  
21 with this case.

22           Goal one, for instance, to  
23 maintain and enhance existing areas of stability  
24 in the community, encourage proper distribution  
25 of a variety of uses, including residential.

1           Goal seven, to provide a variety  
2 of housing types, similar to what's referenced  
3 in the Municipal Land Use Law.

4           And goal seventeen, to support the  
5 overall philosophy of the State Development and  
6 Redevelopment Plan which we referenced in the  
7 hamlet designation for the area.

8           So for all those reasons, I think  
9 that it meets the positive criteria and it meets  
10 the negative criteria, and also the heightened  
11 requirements of the Medici case law and  
12 therefore feel that the Board is well within its  
13 rights to grant the D(1) use variance.

14           MR. PENNELLA: Mr. Chairman, I  
15 have no further questions of the witness.

16           MR. DIMIN: Mr. Novak, do you  
17 have, can you give us an opinion, your  
18 opinion, as to whether or not this  
19 application meets the criteria for a D(1)  
20 variance?

21           MR. NOVAK: I just have a question  
22 or two.

23           MR. DIMIN: Well, if you have a  
24 question, first let's --

25           MR. NOVAK: And thank you very

1 much for your testimony, Miss Caldwell.

2 Just regarding the particular  
3 suitability of the of the site, I know  
4 that you addressed access from both Green  
5 Pond Road and Meggins Road.

6 Can you just address how the  
7 parking works on site, are there two  
8 separate parking areas, as well?

9 MS. CALDWELL: There is really one  
10 combined parking area on the site.

11 But it is a substantial size to  
12 suit both, both of the uses.

13 MR. NOVAK: And is it your opinion  
14 that there is sufficient parking on site  
15 for both dwellings?

16 MS. CALDWELL: Yes.

17 As was noted in the earlier  
18 testimony, or not testimony, but  
19 recitation of the earlier case, this  
20 apartment has been occupied for eleven  
21 years with, with no issues with parking.

22 MR. NOVAK: Okay.

23 Do you know how many combined  
24 bedrooms will be on site, with the -- or  
25 are on site, pardon me, with the existing

1 dwelling and carriage house?

2 MS. CALDWELL: No, I do not have  
3 that information.

4 MR. PENNELLA: Mr. Chairman?

5 MR. DIMIN: Do you have a proffer?

6 MR. PENNELLA: I do.

7 There is three bedrooms in the  
8 single-family house and one bedroom in  
9 the carriage house.

10 MS. HANTMAN: So a total of four.

11 MR. DIMIN: Total of four.

12 MR. NOVAK: Total of four  
13 bedrooms. Thank you very much.

14 And each dwelling has a legal, its  
15 own separate address.

16 MS. CALDWELL: Yes.

17 MR. NOVAK: Thank you.

18 I will, I could provide just a  
19 very brief summary of the statutory  
20 criteria.

21 I generally don't tell the Board  
22 how to vote one way or the other.

23 Again, what the applicant is  
24 seeking right now is variance pursuant to  
25 N.J.S.A. 40:55D-70(d)(1), and I apologize

1 for speaking very quickly there.

2 And I also apologize for not  
3 announcing myself for the record, name is  
4 David Novak, Burgess Associates, I'm a  
5 professional planner and also a licensed  
6 member of at the American Institute of  
7 Certified Planners, and I'm the Zoning  
8 Board's planning consultant.

9 So just like Miss Caldwell had  
10 stated, an applicant that's requesting a  
11 D variance must demonstrate that there is  
12 special reasons for the granting of the  
13 variance and that the granting of the  
14 variance will further the purposes of the  
15 Municipal Land Use Law.

16 On the flip side of that,  
17 applicant also needs to demonstrate that  
18 the granting of the variance will have no  
19 substantial detriment to the public good,  
20 and no substantial impairment to the  
21 intent of the zone plan or our master  
22 plan.

23 And Miss Caldwell also discussed  
24 that if it's not an inherently beneficial  
25 use, i.e., it's not used to promote the

1 public goodness, for lack of a better  
2 word, like a church or a house of worship  
3 or a hospital, it has an enhanced burden  
4 of proof, where the applicant needs to  
5 show that the site is particularly suited  
6 for the use, and that the use is not  
7 inconsistent with the master plan.

8 Generally when I discuss and look  
9 at particular suitability, I look, I like  
10 to look at it two ways, which is the  
11 outside looking in, and the inside  
12 looking out.

13 From the outside looking in, does  
14 the actual site, itself, accommodate this  
15 sort of use, whatever that use might be?

16 And then from the inside looking  
17 out, does this use kind of sort of fit in  
18 to the surrounding neighborhood pattern.

19 So that would be what I would  
20 offer the Board to look at and really  
21 weigh regarding the testimony. I do  
22 thank Miss Caldwell, she addressed, I  
23 believe my comments that were identified  
24 in my November 15th, 2016 memorandum, I  
25 believe it was a different president at

1 the time, but I can answer any questions  
2 from the Board, as well can.

3 CHAIRMAN SMOLINSKI: Well just for  
4 as a matter of cleanup because I know we  
5 got quickly into this.

6 I would like to just address for  
7 matter of the record, just to get through  
8 the, I believe in your report you have a  
9 five waiver items.

10 MR. NOVAK: Yes.

11 CHAIRMAN SMOLINSKI: For  
12 completeness purposes, I would just like  
13 to just quickly address them with the  
14 applicant, to just get them as a matter  
15 of --

16 MR. PENNELLA: We, we had asked  
17 for waivers on all of those items, I  
18 believe, and we're hoping that the Board  
19 will grant them, as I don't believe that  
20 they are essential.

21 Let me just take another look at  
22 the report.

23 MR. NOVAK: And that's on page 2  
24 of my memorandum.

25 MR. PENNELLA: Okay.

1           The applicant requests a waiver  
2           from a key map.

3           We showed and provided part of a  
4           tax map, I think, in the report, which I  
5           think takes care of that, we don't have  
6           to have -- I don't think it's necessary  
7           for this Board's decision on whether or  
8           not a use variance is granted because  
9           it's specific to the site.

10          Our issue, our issue is whether  
11          the carriage house apartment can stay or  
12          not stay, so I don't think a key map is  
13          going to be of assistance.

14          The zoning district, that would  
15          table, parts of that were included in the  
16          report, I think that's been submitted.

17          Contours, we're not talking about  
18          development of land, so I request a  
19          waiver there.

20          The preliminary floor plans and  
21          facade elevations, I happen to have them  
22          with me if you want to see them, but I  
23          don't think that's going to assist you  
24          --

25          MR. DIMIN: Pictures, we have a

1 picture --

2 MR. PENNELLA: Okay.

3 MR. DIMIN: Before.

4 MR. PENNELLA: I have the original  
5 plans.

6 MR. DIMIN: A color picture  
7 that's, that shows the subject property  
8 which shows that, basically, the house of  
9 modest size and a carriage house in the  
10 back.

11 MR. PENNELLA: Right.

12 MR. DIMIN: That is an extension  
13 but that's also of modest size.

14 MR. PENNELLA: Right, and  
15 hopefully the Board is satisfied with  
16 that picture as being responsive to this  
17 waiver.

18 And, finally, location description  
19 of existing proposed landscaping.

20 Nothing is going to change. And  
21 we deem it not to be necessary to submit  
22 anything further.

23 CHAIRMAN SMOLINSKI: Yes.

24 MS. HANTMAN: I move that we grant  
25 the waivers requested by the applicant,

1 is it five total?

2 MR. DIMIN: Five total.

3 MS. HANTMAN: Five total waivers  
4 as specified in the application, so, I  
5 believe it's sufficient testimony as to  
6 those items, and information within the  
7 application, itself, has been provided  
8 for the items that are not necessary.

9 CHAIRMAN SMOLINSKI: Second?

10 MR. LUSARDI: I second  
11 (indicating).

12 MR. DIMIN: Unless I hear to the  
13 contrary, I assume that that's unanimous.

14 MR. PENNELLA: Thank you.

15 CHAIRMAN SMOLINSKI: Thank you.

16 I just want to make sure.

17 MR. DIMIN: Is that all you have,  
18 Mr. Novak?

19 MR. NOVAK: That's all I have,  
20 thank you.

21 MR. DIMIN: Maybe, anybody on the  
22 Board have any questions of this witness?

23 Anybody have any questions?

24 My next question would be, does  
25 anyone on the Board wish to hear from Mr.

1           Kelley, while I don't think it's  
2           necessary, I think that the criteria has  
3           been established for the Board to act  
4           with the stipulations on the record,  
5           unless I hear to the contrary, I'm going  
6           to assume that we don't have to hear from  
7           Mr. Kelley, so he basically testified as  
8           to the stipulations.

9                     Does anyone on the Board?   Seeing  
10           none, we, I guess we need a motion now to  
11           see if anyone --

12                    CHAIRMAN SMOLINSKI:    Yes.

13                     Is there any members of the public  
14           wishing to speak for or against this  
15           application or to --

16                    MR. DIMIN:   Seeing there is no one  
17           out there, I guess we need to --

18                    CHAIRMAN SMOLINSKI:   We're going  
19           to close the, this matter to the public  
20           and --

21                    MS. HANTMAN:   Do we have to put --

22                    MR. DIMIN:   No, no, we don't have  
23           to have a motion.

24                     Now we need a motion to close the  
25           public.

1 MS. HANTMAN: I make a motion --

2 CHAIRMAN SMOLINSKI: Okay.

3 MS. HANTMAN: To close public  
4 hearing.

5 MR. DIMIN: Second?

6 MR. YAWGER: Second.

7 MR. DIMIN: Unless I hear to the  
8 contrary, I'll assume that's unanimous?

9 Now we need a motion on the  
10 application.

11 CHAIRMAN SMOLINSKI: Phyllis.

12 MS. HANTMAN: I would like to move  
13 that the application be approved, based  
14 upon the information that the Board has  
15 received, which I think satisfies the  
16 criteria.

17 The structures have been there for  
18 a long time, they are consistent with the  
19 zone, they are also consistent with  
20 several other use variances that this  
21 Board has granted on similar properties  
22 in the B-1 and R-13 zones in White Meadow  
23 Lake and in the Hibernia/Green Pond area  
24 in past years on similar lots, and, in  
25 fact, this is perhaps a less intense use

1 and is very similar to the uses in the  
2 B-1 zone where we allow accessory  
3 apartments over businesses.

4 Since this is very similar, and  
5 the lot size is substantial for the use,  
6 that's the basis for my --

7 MR. DIMIN: Wait until I ask for  
8 comments.

9 MS. HANTMAN: I'm sorry.

10 MR. DIMIN: We need a second on  
11 the motion.

12 MR. LUSARDI: I second.

13 MR. DIMIN: Now does anyone wish  
14 to make any comment in favor or against  
15 the motion that was made.

16 Miss Hantman, we don't have to  
17 hear from you.

18 MS. HANTMAN: I'm not saying.

19 MR. DIMIN: She incorporates by  
20 reference her vote in favor predicated  
21 upon what she previously said.

22 Anyone else on the Board have any  
23 commentary about this application?

24 CHAIRMAN SMOLINSKI: And for the  
25 other reasons stated on the record, and

1 stipulated to on the record, I would --

2 MR. DIMIN: In favor.

3 CHAIRMAN SMOLINSKI: Favor of this  
4 application as well.

5 MR. DIMIN: Anyone else have any  
6 comment?

7 Seeing none, I ask for a call of  
8 the roll call, please.

9 MS. MURRAY: Mr. Deus.

10 MR. DEUS: Yes.

11 MS. MURRAY: Mr. Lusardi.

12 MR. LUSARDI: Yes.

13 MS. MURRAY: Miss Hantman.

14 MS. HANTMAN: Yes.

15 MS. MURRAY: Miss -- Mr. Scherwa,  
16 I'm sorry.

17 MR. SCHERWA: Yes.

18 MS. MURRAY: Mr. Loftus.

19 MR. LOFTUS: Yes.

20 MS. MURRAY: Mr. Yawger.

21 MR. YAWGER: Yes.

22 MS. MURRAY: Mr. Smolinski.

23 CHAIRMAN SMOLINSKI: Yes.

24 That's seven yesses with no nos.

25 MR. DIMIN: Does this Board have

1 any other business this evening?

2 CHAIRMAN SMOLINSKI: I don't think  
3 we have any old business or new business,  
4 unless there is -- we have no  
5 resolutions, so do I have a motion to  
6 adjourn the hearing.

7 MR. DEUS: So move.

8 MR. PENNELLA: I'd like to thank  
9 you before you --

10 CHAIRMAN SMOLINSKI: Oh, hold on.

11 MR. PENNELLA: I --

12 CHAIRMAN SMOLINSKI: This matter.

13 MR. PENNELLA: Appreciate the time  
14 and effort this Board put in, it's so  
15 wonderful to have seven people finally  
16 after a year and a half.

17 We've been adjourning for a long  
18 time. I appreciate Mr. Dimin's due  
19 diligence and hard work on this  
20 throughout, even though he's my adversary  
21 in the Superior Court and the Appellate  
22 Division.

23 MR. DIMIN: Not adversary, just  
24 opposite sides.

25 MR. PENNELLA: Right.

1                   But it's been a tough journey, but  
2                   I appreciate where we ended up and I  
3                   thank you all very much.

4                   CHAIRMAN SMOLINSKI: Thank you.

5                   MR. DIMIN: Thank you, Mr.

6                   Pennella.

7                   Motion to adjourn.

8                   MS. HANTMAN: So move.

9                   CHAIRMAN SMOLINSKI: We have a  
10                  motion to adjourn tonight, and a second?

11                  MR. LUSARDI: Second.

12                  MR. DIMIN: Unless I hear to the  
13                  contrary, I assume that's unanimous.

14

15                  (Whereupon the hearing is  
16                  adjourned.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, JOSEPH NATALE, a Certified  
Shorthand Reporter and Notary Public of the  
State of New Jersey, do hereby state that the  
foregoing is a true and accurate transcript of  
the testimony as taken stenographically by and  
before me at the time, place and on the date  
hereinbefore set forth, to the best of my  
ability.

Notary Public of the State of NJ  
Lic. #X100592

<p style="text-align: center;"><b>A</b></p> <p><b>ability (1)</b> 13:7</p> <p><b>absolutely (1)</b> 12:12</p> <p><b>accepted (2)</b> 13:24;23:24</p> <p><b>access (4)</b> 25:14,20,22;37:4</p> <p><b>accesses (1)</b> 32:22</p> <p><b>accessory (3)</b> 27:12;28:5;47:2</p> <p><b>accommodate (1)</b> 40:14</p> <p><b>according (1)</b> 26:18</p> <p><b>acre (1)</b> 33:3</p> <p><b>acres (2)</b> 26:3;33:3</p> <p><b>Act (3)</b> 3:6;9:12;45:3</p> <p><b>action (1)</b> 3:15</p> <p><b>active (1)</b> 6:19</p> <p><b>actual (2)</b> 22:10;40:14</p> <p><b>actually (3)</b> 22:19;32:25;34:2</p> <p><b>Adam (1)</b> 6:18</p> <p><b>addition (3)</b> 16:9;30:2,8</p> <p><b>additional (2)</b> 9:3;18:22</p> <p><b>address (8)</b> 13:5;23:14;25:11, 12;37:6;38:15;41:6, 13</p> <p><b>addressed (2)</b> 37:4;40:22</p> <p><b>adequate (1)</b> 33:16</p> <p><b>adjourn (3)</b> 49:6;50:7,10</p> <p><b>adjourned (1)</b> 50:16</p> <p><b>adjourning (1)</b> 49:17</p> <p><b>adjournments (1)</b> 22:19</p> <p><b>Adjustment (1)</b> 3:3</p> <p><b>Adjustment's (1)</b> 29:2</p> <p><b>adversary (2)</b> 49:20,23</p> <p><b>affidavit (3)</b> 16:9;20:22;22:5</p>	<p><b>affordable (2)</b> 27:13;28:25</p> <p><b>again (4)</b> 12:8,10;29:20; 38:23</p> <p><b>against (4)</b> 8:21;15:3;45:14; 47:14</p> <p><b>agenda (2)</b> 8:15;10:8</p> <p><b>ago (1)</b> 22:22</p> <p><b>agree (1)</b> 20:3</p> <p><b>agreed (1)</b> 19:6</p> <p><b>air (2)</b> 33:16,19</p> <p><b>allow (1)</b> 47:2</p> <p><b>along (1)</b> 31:11</p> <p><b>alterations (1)</b> 16:19</p> <p><b>alternate (1)</b> 22:24</p> <p><b>always (1)</b> 9:24</p> <p><b>ambit (1)</b> 8:18</p> <p><b>American (2)</b> 24:6;39:6</p> <p><b>among (1)</b> 27:24</p> <p><b>Andrew (1)</b> 14:20</p> <p><b>announcing (1)</b> 39:3</p> <p><b>apartment (16)</b> 14:14,19,22,25; 15:16;16:12,15,19,20, 22;17:6;25:19;29:22; 32:7;37:20;42:11</p> <p><b>apartments (5)</b> 28:1,1,5,23;47:3</p> <p><b>apologize (2)</b> 38:25;39:2</p> <p><b>appearance (1)</b> 10:25</p> <p><b>appeared (1)</b> 23:19</p> <p><b>appears (1)</b> 33:3</p> <p><b>Appellate (9)</b> 13:2,2;17:16;21:15, 17,20,25;22:9;49:21</p> <p><b>applicant (8)</b> 18:9;38:23;39:10, 17;40:4;41:14;42:1; 43:25</p> <p><b>application (25)</b> 11:9,21;12:16,19, 20;17:9,13,24;18:2,8,</p>	<p><b>12,18,21;20:11; 21:11;35:3,12;36:19; 44:4,7;45:15;46:10, 13;47:23;48:4</b></p> <p><b>applications (1)</b> 18:1</p> <p><b>applied (1)</b> 14:17</p> <p><b>Appreciate (3)</b> 49:13,18;50:2</p> <p><b>approach (1)</b> 20:14</p> <p><b>appropriate (4)</b> 9:1,9;33:22;34:5</p> <p><b>approval (1)</b> 16:17</p> <p><b>approve (2)</b> 5:12;7:3</p> <p><b>approved (2)</b> 31:23;46:13</p> <p><b>approximately (1)</b> 16:25</p> <p><b>April (4)</b> 11:13;14:1;16:12; 21:5</p> <p><b>area (8)</b> 26:24;30:17;31:8; 34:3,10;36:7;37:10; 46:23</p> <p><b>areas (3)</b> 26:23;35:23;37:8</p> <p><b>around (1)</b> 13:23</p> <p><b>aspect (1)</b> 32:21</p> <p><b>aspects (1)</b> 32:10</p> <p><b>assist (1)</b> 42:23</p> <p><b>assistance (1)</b> 42:13</p> <p><b>Associates (1)</b> 39:4</p> <p><b>assume (4)</b> 44:13;45:6;46:8; 50:13</p> <p><b>assuming (1)</b> 22:25</p> <p><b>attached (1)</b> 28:22</p> <p><b>attorney (1)</b> 12:15</p> <p><b>August (1)</b> 16:13</p> <p><b>available (1)</b> 9:5</p> <p><b>aware (1)</b> 13:17</p> <p><b>away (2)</b> 22:18,21</p>	<p><b>B-1 (12)</b> 27:20,23,24;28:6, 11,20,23;30:4,13,19; 46:22;47:2</p> <p><b>back (7)</b> 11:22;12:21;15:6,8; 19:7;28:14;43:10</p> <p><b>based (2)</b> 17:5;46:13</p> <p><b>basically (3)</b> 13:25;43:8;45:7</p> <p><b>basis (2)</b> 19:12;47:6</p> <p><b>bedroom (1)</b> 38:8</p> <p><b>bedrooms (3)</b> 37:24;38:7,13</p> <p><b>BELL (13)</b> 4:8,22;5:3,15;6:6; 8:17;9:19,22;10:14, 17,24;11:5,6</p> <p><b>below (3)</b> 13:22;17:21;29:17</p> <p><b>beneficial (1)</b> 39:24</p> <p><b>benefit (1)</b> 23:14</p> <p><b>best (1)</b> 24:22</p> <p><b>better (1)</b> 40:1</p> <p><b>beyond (1)</b> 20:10</p> <p><b>bifurcating (1)</b> 18:1</p> <p><b>bit (2)</b> 27:3;28:17</p> <p><b>Block (2)</b> 11:10;25:10</p> <p><b>Board (40)</b> 3:2;4:23;6:19,24; 8:22,23,24;9:17; 12:18,21;13:1,4,24; 17:14;18:3,15,20; 19:25;22:24;23:20, 20,24;29:2,16;32:1; 36:12;38:21;40:20; 41:2,18;43:15;44:22, 25;45:3,9;46:14,21; 47:22;48:25;49:14</p> <p><b>Board's (2)</b> 39:8;42:7</p> <p><b>both (12)</b> 8:1,2;13:12;24:7; 25:14;26:13,13; 34:23;37:4,12,12,15</p> <p><b>brief (1)</b> 38:19</p> <p><b>Briefly (1)</b> 23:25</p> <p><b>Buchanan (1)</b> 16:11</p> <p><b>building (2)</b></p>	<p><b>14:18;19:10</b></p> <p><b>bulk (1)</b> 33:20</p> <p><b>burden (1)</b> 40:3</p> <p><b>Burgess (1)</b> 39:4</p> <p><b>business (5)</b> 23:14;27:21;49:1,3, 3</p> <p><b>businesses (1)</b> 47:3</p> <p><b>Buzak (2)</b> 16:2,4</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>Caldwell (11)</b> 23:15,19;25:4;37:1, 9,16;38:2,16;39:9,23; 40:22</p> <p><b>C-A-L-D-W-E-L-L (1)</b> 23:16</p> <p><b>call (6)</b> 6:7;7:8;11:8;20:9; 48:7,8</p> <p><b>called (2)</b> 3:3;11:7</p> <p><b>came (1)</b> 12:20</p> <p><b>can (15)</b> 4:23;5:17;7:3; 13:13;20:14;25:8; 26:14;29:7,23;34:11; 36:17;37:6;41:1,2; 42:11</p> <p><b>cards (1)</b> 21:1</p> <p><b>care (1)</b> 42:5</p> <p><b>carriage (10)</b> 14:14;19:9;25:18, 21;32:7,13;38:1,9; 42:11;43:9</p> <p><b>carried (4)</b> 11:12,24;12:4,9</p> <p><b>case (10)</b> 11:6;22:1;32:3; 33:11;34:12;35:3,11, 21;36:11;37:19</p> <p><b>catching (1)</b> 8:12</p> <p><b>Catherine (1)</b> 14:7</p> <p><b>Certificate (1)</b> 16:22</p> <p><b>certified (4)</b> 20:25;24:5,6;39:7</p> <p><b>CHAIRMAN (53)</b> 3:1,18;4:13;5:1,4, 19,24;6:3,8,14,21;7:1, 7,10,21,25;8:4,7,14; 9:21;10:3,15,20;11:3,</p>
		<b>B</b>		

<p>18,23;21:7,10,13,21; 23:25;24:9,12,15; 36:14;38:4;41:3,11; 43:23;44:9,15;45:12, 18;46:2,11;47:24; 48:3,23;49:2,10,12; 50:4,9</p> <p><b>chance (1)</b> 29:1</p> <p><b>change (2)</b> 15:22;43:20</p> <p><b>changes (1)</b> 6:23</p> <p><b>character (5)</b> 26:22;27:3;31:8,10; 32:20</p> <p><b>characteristic (1)</b> 35:10</p> <p><b>choice (1)</b> 32:8</p> <p><b>church (1)</b> 40:2</p> <p><b>Citizen (1)</b> 3:11</p> <p><b>claim (1)</b> 15:16</p> <p><b>cleanup (1)</b> 41:4</p> <p><b>clearly (1)</b> 18:18</p> <p><b>Clerk (1)</b> 3:8</p> <p><b>close (5)</b> 9:23;10:15;45:19, 24;46:3</p> <p><b>closed (1)</b> 9:24</p> <p><b>color (1)</b> 43:6</p> <p><b>combined (2)</b> 37:10,23</p> <p><b>commences (1)</b> 4:11</p> <p><b>comment (2)</b> 47:14;48:6</p> <p><b>commentary (1)</b> 47:23</p> <p><b>comments (4)</b> 5:8;7:2;40:23;47:8</p> <p><b>commercial (4)</b> 27:25;28:1,12;31:5</p> <p><b>commercial-type (1)</b> 27:2</p> <p><b>communities (1)</b> 33:24</p> <p><b>community (3)</b> 26:19,25;35:24</p> <p><b>compact (1)</b> 26:22</p> <p><b>compared (1)</b> 26:23</p> <p><b>compares (1)</b> 29:10</p>	<p><b>complaints (1)</b> 35:5</p> <p><b>completeness (1)</b> 41:12</p> <p><b>compliant (1)</b> 9:10</p> <p><b>concentrations (1)</b> 33:23</p> <p><b>concern (1)</b> 29:7</p> <p><b>concludes (1)</b> 10:2</p> <p><b>conclusion (1)</b> 9:5</p> <p><b>conclusions (1)</b> 30:22</p> <p><b>Conditional (2)</b> 27:9;28:3</p> <p><b>conducted (1)</b> 29:24</p> <p><b>conflict (1)</b> 11:6</p> <p><b>conforms (2)</b> 33:17,19</p> <p><b>consistent (3)</b> 31:6;46:18,19</p> <p><b>consistently (1)</b> 31:9</p> <p><b>constituted (1)</b> 14:25</p> <p><b>construction (3)</b> 16:21;17:3,11</p> <p><b>consultant (1)</b> 39:8</p> <p><b>continue (1)</b> 10:1</p> <p><b>continued (1)</b> 34:10</p> <p><b>continuously (2)</b> 19:11,15</p> <p><b>Contours (1)</b> 42:17</p> <p><b>contrary (4)</b> 44:13;45:5;46:8; 50:13</p> <p><b>copy (2)</b> 8:20;20:21</p> <p><b>corner (4)</b> 25:13;26:6,8,11</p> <p><b>correspondence (2)</b> 8:16,19</p> <p><b>cottage (1)</b> 15:11</p> <p><b>Council (1)</b> 8:25</p> <p><b>County (2)</b> 3:11;13:1</p> <p><b>couple (1)</b> 20:12</p> <p><b>courses (1)</b> 27:8</p> <p><b>Court (5)</b> 13:1;14:2;17:17,22;</p>	<p>49:21</p> <p><b>criteria (11)</b> 31:12,13,25;34:12, 14;36:9,10,19;38:20; 45:2;46:16</p> <p><b>critical (1)</b> 16:8</p> <p><b>current (3)</b> 17:1;24:3,7</p> <p><b>cut (1)</b> 26:8</p> <p><b>cutout (1)</b> 32:25</p> <p><b>cuts (1)</b> 34:21</p>	<p><b>detached (3)</b> 14:13;28:22;31:19</p> <p><b>determined (1)</b> 16:15</p> <p><b>detriment (2)</b> 34:14;39:19</p> <p><b>Deus (6)</b> 4:4,5;7:23;48:9,10; 49:7</p> <p><b>developed (1)</b> 33:14</p> <p><b>Development (2)</b> 36:5;42:18</p> <p><b>different (2)</b> 18:25;40:25</p> <p><b>diligence (1)</b> 49:19</p> <p><b>Dimin (52)</b> 10:25;11:4,20,24; 12:17,24;13:19,21; 16:1,3,6;18:14;20:3, 15,24;21:9,12,15,23; 22:2,4;23:3,11,18; 24:16,19;36:16,23; 38:5,11;42:25;43:3,6, 12;44:2,12,17,21; 45:16,22;46:5,7;47:7, 10,13,19;48:2,5,25; 49:23;50:5,12</p> <p><b>Dimin's (1)</b> 49:18</p> <p><b>DIRECT (1)</b> 25:2</p> <p><b>direction (1)</b> 9:15</p> <p><b>directions (1)</b> 13:4</p> <p><b>directly (1)</b> 26:11</p> <p><b>discuss (5)</b> 26:14;29:7,23; 31:13;40:8</p> <p><b>discussed (3)</b> 13:11;20:5;39:23</p> <p><b>discussion (1)</b> 20:18</p> <p><b>dispute (1)</b> 19:17</p> <p><b>distribution (1)</b> 35:24</p> <p><b>district (9)</b> 27:20,21,23;28:17; 30:1,3,15;31:6;42:14</p> <p><b>Division (7)</b> 13:2,3;21:16,17,20, 25;49:22</p> <p><b>done (2)</b> 9:7;18:4</p> <p><b>dormer (1)</b> 14:13</p> <p><b>driveways (1)</b> 34:18</p> <p><b>due (1)</b></p>	<p>49:18</p> <p><b>duly (1)</b> 23:8</p> <p><b>dwelling (5)</b> 25:18;27:12;28:14; 38:1,14</p> <p><b>dwelling (3)</b> 25:17;28:22;37:15</p>
<b>D</b>				<b>E</b>
<p><b>D1 (9)</b> 18:12,12,22;31:16, 22,24;32:2;36:13,19</p> <p><b>Daily (1)</b> 3:12</p> <p><b>dated (5)</b> 14:1;15:6,8;16:24; 21:5</p> <p><b>David (4)</b> 12:14;16:10;22:16; 39:4</p> <p><b>deal (1)</b> 19:2</p> <p><b>December (6)</b> 3:12;4:20;5:9;6:13; 14:16;16:14</p> <p><b>decision (8)</b> 13:3;14:1;17:15,18; 21:18,25;22:9;42:7</p> <p><b>deem (1)</b> 43:21</p> <p><b>defense (1)</b> 8:23</p> <p><b>Defenses (1)</b> 9:13</p> <p><b>demonstrate (2)</b> 39:11,17</p> <p><b>dense (1)</b> 27:3</p> <p><b>densely (1)</b> 26:23</p> <p><b>densities (2)</b> 33:23;34:3</p> <p><b>density (1)</b> 34:1</p> <p><b>departure (1)</b> 10:24</p> <p><b>describe (1)</b> 25:8</p> <p><b>description (1)</b> 43:18</p> <p><b>designated (2)</b> 26:16;33:1</p> <p><b>designation (1)</b> 36:7</p>	<p><b>earlier (2)</b> 37:17,19</p> <p><b>effort (1)</b> 49:14</p> <p><b>efforts (1)</b> 8:10</p> <p><b>eight (2)</b> 26:3;30:3</p> <p><b>Either (1)</b> 16:6</p> <p><b>electrical (1)</b> 15:7</p> <p><b>elementary (1)</b> 27:10</p> <p><b>elevations (1)</b> 42:21</p> <p><b>eleven (2)</b> 16:25;37:20</p> <p><b>else (2)</b> 47:22;48:5</p> <p><b>e-mail (1)</b> 3:15</p> <p><b>encourage (1)</b> 35:24</p> <p><b>end (1)</b> 9:13</p> <p><b>ended (1)</b> 50:2</p> <p><b>ends (1)</b> 10:17</p> <p><b>enhance (1)</b> 35:23</p> <p><b>enhanced (1)</b> 40:3</p> <p><b>enter (1)</b> 21:3</p> <p><b>environment (1)</b> 33:25</p> <p><b>Environmental (1)</b> 8:24</p> <p><b>Erin (1)</b> 5:17</p> <p><b>Esq (2)</b> 10:24;11:1</p> <p><b>essential (1)</b> 41:20</p> <p><b>essentially (8)</b> 25:13;26:6;29:10; 30:25;31:17,21; 33:12;34:19</p> <p><b>established (1)</b> 45:3</p>			

<p><b>establishment (1)</b> 33:22</p> <p><b>Estate (2)</b> 14:6,7</p> <p><b>even (3)</b> 9:15;35:2;49:20</p> <p><b>evening (2)</b> 10:18;49:1</p> <p><b>evening's (1)</b> 10:7</p> <p><b>event (1)</b> 17:8</p> <p><b>everybody (2)</b> 4:14;8:19</p> <p><b>everyone (2)</b> 10:19;13:16</p> <p><b>EXAMINATION (1)</b> 25:2</p> <p><b>existing (6)</b> 15:11;30:9;35:9,23; 37:25;43:19</p> <p><b>expedite (1)</b> 20:6</p> <p><b>expert (1)</b> 23:21</p> <p><b>extension (1)</b> 43:12</p> <p><b>extra (1)</b> 33:4</p>	<p>23:22</p> <p><b>file (1)</b> 8:22</p> <p><b>filed (3)</b> 3:8;9:13;11:21</p> <p><b>finally (2)</b> 43:18;49:15</p> <p><b>findings (2)</b> 13:8;35:3</p> <p><b>finds (1)</b> 18:20</p> <p><b>finished (1)</b> 16:21</p> <p><b>first (7)</b> 5:6,7;17:24;18:2; 19:2;34:13;36:24</p> <p><b>fit (3)</b> 32:20;34:24;40:17</p> <p><b>fits (2)</b> 31:9;34:9</p> <p><b>five (6)</b> 28:11;30:3;41:9; 44:1,2,3</p> <p><b>flag (1)</b> 4:10</p> <p><b>Flanigan (1)</b> 14:7</p> <p><b>flip (1)</b> 39:16</p> <p><b>floor (2)</b> 14:14;42:20</p> <p><b>following (1)</b> 14:4</p> <p><b>follows (1)</b> 23:9</p> <p><b>foot (1)</b> 26:9</p> <p><b>forbade (1)</b> 15:18</p> <p><b>formal (1)</b> 3:15</p> <p><b>format (1)</b> 9:8</p> <p><b>forty-six (2)</b> 26:2;28:18</p> <p><b>forward (4)</b> 9:14;12:5,17;20:6</p> <p><b>found (5)</b> 30:3,25;32:18;33:9, 12</p> <p><b>four (4)</b> 30:16;38:10,11,12</p> <p><b>frontage (2)</b> 26:13;32:23</p> <p><b>frontages (1)</b> 32:22</p> <p><b>full (1)</b> 23:12</p> <p><b>function (1)</b> 34:20</p> <p><b>funds (1)</b> 9:1</p> <p><b>furnish (1)</b></p>	<p>14:22</p> <p><b>further (3)</b> 36:15;39:14;43:22</p> <p style="text-align: center;"><b>G</b></p> <p><b>garage (4)</b> 14:9,13,14;16:19</p> <p><b>gas (1)</b> 28:4</p> <p><b>general (3)</b> 27:24;33:10,14</p> <p><b>generally (4)</b> 29:16;33:17;38:21; 40:8</p> <p><b>gentlemen (2)</b> 22:14;23:18</p> <p><b>given (1)</b> 12:3</p> <p><b>Goal (3)</b> 35:22;36:1,4</p> <p><b>goals (1)</b> 35:19</p> <p><b>golf (1)</b> 27:7</p> <p><b>good (5)</b> 8:8;10:19,20;34:15; 39:19</p> <p><b>goodness (1)</b> 40:1</p> <p><b>grant (3)</b> 36:13;41:19;43:24</p> <p><b>granted (3)</b> 18:19;42:8;46:21</p> <p><b>granting (3)</b> 39:12,13,18</p> <p><b>grants (1)</b> 18:3</p> <p><b>great (2)</b> 8:13;13:11</p> <p><b>Green (7)</b> 11:10;14:8;15:13; 25:11,14,21;37:4</p> <p><b>guess (3)</b> 10:4;45:10,17</p> <p style="text-align: center;"><b>H</b></p> <p><b>half (4)</b> 22:22;33:3;34:21; 49:16</p> <p><b>hamlet (9)</b> 26:19;27:15;31:6, 10,10;32:15,21;34:8; 36:7</p> <p><b>Hamlets (1)</b> 26:21</p> <p><b>hand-delivered (1)</b> 21:2</p> <p><b>Hantman (30)</b> 3:25;4:1;5:16,21, 23;6:1,4,10,11,23;7:5, 13,14;8:9;9:18;11:16;</p>	<p>12:6;38:10;43:24; 44:3;45:21;46:1,3,12; 47:9,16,18;48:13,14; 50:8</p> <p><b>happen (1)</b> 42:21</p> <p><b>happened (1)</b> 19:18</p> <p><b>hard (2)</b> 24:20;49:19</p> <p><b>hear (9)</b> 20:1;24:19;44:12, 25;45:5,6;46:7;47:17; 50:12</p> <p><b>hearing (4)</b> 24:20;46:4;49:6; 50:15</p> <p><b>hearings (1)</b> 13:9</p> <p><b>heightened (1)</b> 36:10</p> <p><b>held (1)</b> 3:4</p> <p><b>helps (1)</b> 34:19</p> <p><b>hereinafter (1)</b> 14:10</p> <p><b>Hibernia (7)</b> 26:17;27:15;30:1; 31:1,10;32:8,15</p> <p><b>Hibernia/Green (1)</b> 46:23</p> <p><b>hold (1)</b> 49:10</p> <p><b>home (2)</b> 14:12;28:4</p> <p><b>hopefully (2)</b> 19:19;43:15</p> <p><b>hoping (1)</b> 41:18</p> <p><b>hospital (1)</b> 40:3</p> <p><b>house (14)</b> 14:15;15:11;19:10; 25:19,21;32:7,14; 38:1,8,9;40:2;42:11; 43:8,9</p> <p><b>housekeeping (1)</b> 20:13</p> <p><b>houses (2)</b> 26:25;27:10</p> <p><b>housing (4)</b> 27:13;28:25;32:8; 36:2</p> <p><b>hundred (4)</b> 26:2;28:10,11,18</p> <p style="text-align: center;"><b>I</b></p> <p><b>identified (1)</b> 40:23</p> <p><b>ie (1)</b> 39:25</p>	<p><b>impact (4)</b> 34:15,22;35:4,16</p> <p><b>impairment (2)</b> 35:7;39:20</p> <p><b>included (1)</b> 42:15</p> <p><b>including (2)</b> 34:6;35:25</p> <p><b>inconsistent (1)</b> 40:7</p> <p><b>incorporate (1)</b> 22:25</p> <p><b>incorporates (1)</b> 47:19</p> <p><b>indicating (1)</b> 44:11</p> <p><b>indicative (1)</b> 31:7</p> <p><b>Individual (4)</b> 5:4,14,15,16</p> <p><b>Individually (2)</b> 5:2,3</p> <p><b>information (5)</b> 17:5;30:23;38:3; 44:6;46:14</p> <p><b>informed (1)</b> 17:4</p> <p><b>inherently (1)</b> 39:24</p> <p><b>initial (1)</b> 13:22</p> <p><b>initially (1)</b> 22:14</p> <p><b>inside (2)</b> 40:11,16</p> <p><b>instance (1)</b> 35:22</p> <p><b>Institute (2)</b> 24:6;39:6</p> <p><b>instituted (1)</b> 8:21</p> <p><b>intense (1)</b> 46:25</p> <p><b>intent (1)</b> 39:21</p> <p><b>into (5)</b> 9:23;14:3;19:17; 21:3;41:5</p> <p><b>involvement (1)</b> 10:18</p> <p><b>irregular (1)</b> 26:5</p> <p><b>issue (5)</b> 9:20;18:5,7;42:10, 10</p> <p><b>issued (2)</b> 16:17,22</p> <p><b>issues (3)</b> 17:22;20:13;37:21</p> <p><b>issuing (1)</b> 14:24</p> <p><b>item (1)</b> 10:7</p>
<b>F</b>				
<p><b>facade (1)</b> 42:21</p> <p><b>fact (2)</b> 19:4;46:25</p> <p><b>facts (2)</b> 13:23;19:22</p> <p><b>factual (1)</b> 13:8</p> <p><b>fall (1)</b> 27:17</p> <p><b>falls (1)</b> 8:18</p> <p><b>familiar (4)</b> 11:5;18:15;25:4; 32:1</p> <p><b>family (6)</b> 27:19;28:21;31:3, 19;34:2,8</p> <p><b>far (1)</b> 13:23</p> <p><b>favor (4)</b> 47:14,20;48:2,3</p> <p><b>February (1)</b> 16:24</p> <p><b>feel (1)</b> 36:12</p> <p><b>feet (4)</b> 26:2;28:10,19;33:4</p> <p><b>few (2)</b> 6:24;11:18</p> <p><b>field (1)</b></p>	<p><b>found (5)</b> 30:3,25;32:18;33:9, 12</p> <p><b>four (4)</b> 30:16;38:10,11,12</p> <p><b>frontage (2)</b> 26:13;32:23</p> <p><b>frontages (1)</b> 32:22</p> <p><b>full (1)</b> 23:12</p> <p><b>function (1)</b> 34:20</p> <p><b>funds (1)</b> 9:1</p> <p><b>furnish (1)</b></p>			

<p><b>items (4)</b> 41:9,17;44:6,8</p>	<p>43:19 <b>larger (4)</b> 28:17;30:9;32:24; 34:3</p>	<p><b>lot (12)</b> 6:23;11:10;13:7; 25:10;26:5,9;28:7; 29:11,17;30:9;34:3; 47:5</p>	<p>34:12;36:11 <b>meet (1)</b> 31:25 <b>meeting (7)</b> 3:1,4,6;5:8;6:19; 10:5;12:1</p>	<p><b>motions (2)</b> 4:24;5:5 <b>move (8)</b> 6:20;9:14;12:17; 20:6;43:24;46:12; 49:7;50:8</p>
<p style="text-align: center;"><b>J</b></p> <p><b>January (4)</b> 4:20;6:17;7:4,19 <b>Jersey (7)</b> 3:5;15:14;23:8,17; 24:2,5,13 <b>Jessica (1)</b> 23:15 <b>Jim (1)</b> 6:18 <b>Joe (1)</b> 10:21 <b>Joseph (1)</b> 10:24 <b>journey (1)</b> 50:1 <b>Jr (1)</b> 10:24 <b>Judge (6)</b> 13:17,19,20,21,22; 21:4 <b>July (2)</b> 4:17,18</p>	<p><b>largest (1)</b> 29:18 <b>last (2)</b> 6:24;23:13 <b>later (1)</b> 16:25 <b>law (6)</b> 32:3;33:8,11;36:3, 11;39:15 <b>lawsuit (1)</b> 8:21 <b>led (1)</b> 22:19 <b>legal (1)</b> 38:14 <b>length (1)</b> 13:11 <b>less (1)</b> 46:25 <b>letter (1)</b> 16:24 <b>level (1)</b> 14:2 <b>license (1)</b> 24:2 <b>licensed (2)</b> 24:4;39:5 <b>light (2)</b> 33:16,19 <b>limits (1)</b> 34:22 <b>listed (1)</b> 12:1 <b>little (3)</b> 27:3;28:17;32:25 <b>lived (1)</b> 16:12 <b>located (7)</b> 14:8,9;15:12;25:19; 26:15;30:4,5 <b>location (1)</b> 43:18 <b>locations (1)</b> 34:5 <b>Loftus (8)</b> 3:21,22;6:20;7:6, 17,18;48:18,19</p>	<p><b>lots (1)</b> 46:24 <b>lower (2)</b> 21:25;34:2 <b>Lusardi (9)</b> 4:2,3;7:15,16; 44:10;47:12;48:11, 12;50:11</p>	<p><b>meetings (5)</b> 4:16;5:22;9:6,12; 12:3 <b>meets (3)</b> 36:9,9,19 <b>Meggins (5)</b> 14:9;25:12,14,22; 37:5 <b>member (1)</b> 39:6 <b>members (9)</b> 4:22,23;6:19,24; 10:9;12:18;18:14; 21:14;45:13 <b>memorandum (4)</b> 29:3,21;40:24; 41:24 <b>mentioned (1)</b> 34:17 <b>middle (1)</b> 29:19 <b>might (1)</b> 40:15 <b>mind (1)</b> 23:3 <b>minimally (1)</b> 19:16 <b>minimum (1)</b> 28:7 <b>minutes (8)</b> 4:15;5:8,13;6:17; 7:2,4;9:4,7</p>	<p><b>moved (2)</b> 6:4;7:5 <b>Moving (1)</b> 31:11 <b>much (4)</b> 24:23;37:1;38:13; 50:3 <b>multi (3)</b> 31:3;34:2,8 <b>multifamily (3)</b> 29:25;30:6,16 <b>multiple (2)</b> 28:21,21 <b>Municipal (7)</b> 3:8;27:11;28:4; 29:8;33:8;36:3;39:15 <b>Municipality (1)</b> 29:21 <b>MURRAY (31)</b> 3:17,19,21,23,25; 4:2,4,6;5:2,14,20;6:9, 12;7:9,11,13,15,17, 19,24;8:2,6;11:15,17; 48:9,11,13,15,18,20, 22</p>
<p style="text-align: center;"><b>K</b></p> <p><b>keep (1)</b> 24:17 <b>keeping (1)</b> 35:20 <b>Kelley (10)</b> 11:9;12:15;14:6,17; 15:5;19:6,24;20:9; 45:1,7 <b>Kelley-1 (1)</b> 22:8 <b>Kelley-2 (1)</b> 22:9 <b>key (2)</b> 42:2,12 <b>kind (3)</b> 26:12;35:10;40:17 <b>knowledge (1)</b> 15:10 <b>known (1)</b> 26:19</p>	<p><b>long (4)</b> 8:11;35:2;46:18; 49:17 <b>look (7)</b> 30:13;34:15;40:8,9, 10,20;41:21 <b>looked (1)</b> 13:17 <b>looking (4)</b> 40:11,12,13,16 <b>looks (1)</b> 32:24</p>	<p style="text-align: center;"><b>M</b></p> <p><b>Ma'am (2)</b> 23:3,11 <b>mail (1)</b> 21:1 <b>mailed (1)</b> 3:9 <b>main (1)</b> 25:10 <b>maintain (1)</b> 35:23 <b>many (2)</b> 29:25;37:23 <b>map (3)</b> 42:2,4,12 <b>March (3)</b> 4:21;7:20,22 <b>mark (2)</b> 22:6,7 <b>market (1)</b> 28:21 <b>marketed (1)</b> 14:11 <b>marking (1)</b> 22:11 <b>master (4)</b> 35:16,20;39:21; 40:7 <b>matter (17)</b> 11:7,12,14;12:4; 13:4,5,11;17:20;20:6; 22:3,15,20;41:4,7,14; 45:19;49:12 <b>May (7)</b> 4:17,25;5:5,6,9; 6:12;20:12 <b>maybe (2)</b> 9:15;44:21 <b>Mayor (1)</b> 8:25 <b>Meadow (1)</b> 46:22 <b>mean (1)</b> 29:17 <b>median (1)</b> 29:17 <b>Medici (5)</b> 18:11;32:3;33:11;</p>	<p><b>Miss (8)</b> 25:4;37:1;39:9,23; 40:22;47:16;48:13,15 <b>mistaken (2)</b> 12:22;15:23 <b>mix (1)</b> 26:24 <b>mixed (3)</b> 27:2;28:1;31:2 <b>modern (2)</b> 32:6,13 <b>modest (2)</b> 43:9,13 <b>money (1)</b> 19:8 <b>more (5)</b> 9:4;15:3;18:15; 26:22;27:3 <b>Morris (2)</b> 3:11;13:1 <b>motion (15)</b> 5:7,12;6:2,16;7:3; 45:10,23,24;46:1,9; 47:11,15;49:5;50:7, 10</p>	<p><b>mentioned (1)</b> 34:17 <b>middle (1)</b> 29:19 <b>might (1)</b> 40:15 <b>mind (1)</b> 23:3 <b>minimally (1)</b> 19:16 <b>minimum (1)</b> 28:7 <b>minutes (8)</b> 4:15;5:8,13;6:17; 7:2,4;9:4,7 <b>Miss (8)</b> 25:4;37:1;39:9,23; 40:22;47:16;48:13,15 <b>mistaken (2)</b> 12:22;15:23 <b>mix (1)</b> 26:24 <b>mixed (3)</b> 27:2;28:1;31:2 <b>modern (2)</b> 32:6,13 <b>modest (2)</b> 43:9,13 <b>money (1)</b> 19:8 <b>more (5)</b> 9:4;15:3;18:15; 26:22;27:3 <b>Morris (2)</b> 3:11;13:1 <b>motion (15)</b> 5:7,12;6:2,16;7:3; 45:10,23,24;46:1,9; 47:11,15;49:5;50:7, 10</p>
<p style="text-align: center;"><b>L</b></p> <p><b>lack (1)</b> 40:1 <b>Ladies (2)</b> 22:14;23:18 <b>Lake (3)</b> 30:13,15;46:23 <b>Land (4)</b> 33:8;36:3;39:15; 42:18 <b>landscaping (1)</b></p>	<p><b>long (4)</b> 8:11;35:2;46:18; 49:17 <b>look (7)</b> 30:13;34:15;40:8,9, 10,20;41:21 <b>looked (1)</b> 13:17 <b>looking (4)</b> 40:11,12,13,16 <b>looks (1)</b> 32:24</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name (5)</b> 10:11;12:14;23:12, 13;39:3 <b>nearby (1)</b> 29:22 <b>necessary (4)</b> 42:6;43:21;44:8; 45:2 <b>need (8)</b> 19:23,23;22:10; 45:10,17,24;46:9; 47:10 <b>needed (1)</b> 9:4 <b>needs (2)</b> 39:17;40:4 <b>negative (4)</b> 31:25;34:11,14; 36:10 <b>negatively (1)</b> 35:16 <b>neighborhood (18)</b> 26:15,17;27:1,16, 20,24;31:1,1,5;32:15, 21;34:9,16,22,25;</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name (5)</b> 10:11;12:14;23:12, 13;39:3 <b>nearby (1)</b> 29:22 <b>necessary (4)</b> 42:6;43:21;44:8; 45:2 <b>need (8)</b> 19:23,23;22:10; 45:10,17,24;46:9; 47:10 <b>needed (1)</b> 9:4 <b>needs (2)</b> 39:17;40:4 <b>negative (4)</b> 31:25;34:11,14; 36:10 <b>negatively (1)</b> 35:16 <b>neighborhood (18)</b> 26:15,17;27:1,16, 20,24;31:1,1,5;32:15, 21;34:9,16,22,25;</p>	

35:4,9;40:18 <b>neighborhoods (1)</b> 33:23 <b>neighbors (1)</b> 35:5 <b>neither (1)</b> 32:14 <b>New (9)</b> 3:5;15:13;17:5; 23:7,17;24:2,5,13; 49:3 <b>Newton (2)</b> 23:7,17 <b>next (4)</b> 6:16;8:15;18:5; 44:24 <b>night (2)</b> 10:19,20 <b>NJSA (2)</b> 31:14;38:25 <b>non-conforming (8)</b> 14:23;15:17;16:16; 17:6,10;18:6,24; 19:13 <b>none (3)</b> 5:11;45:10;48:7 <b>non-validity (1)</b> 17:18 <b>nor (1)</b> 32:14 <b>nos (1)</b> 48:24 <b>notarized (1)</b> 16:10 <b>note (1)</b> 29:16 <b>noted (4)</b> 8:20;28:24;35:20; 37:17 <b>notes (1)</b> 10:23 <b>Notice (5)</b> 3:7,14;12:2,8,10 <b>noticed (1)</b> 11:14 <b>notification (1)</b> 3:10 <b>Novak (15)</b> 4:6,7;29:21;36:16, 21,25;37:13,22;38:12, 17;39:4;41:10,23; 44:18,19 <b>November (4)</b> 4:19;14:5;16:23; 40:24 <b>number (2)</b> 11:9,11 <b>numerous (1)</b> 23:20 <b>nurseries (1)</b> 27:7	<b>O</b> <b>objectives (1)</b> 35:19 <b>obviously (1)</b> 20:9 <b>occasions (1)</b> 11:19 <b>Occupancy (1)</b> 16:23 <b>occupied (1)</b> 37:20 <b>October (1)</b> 4:19 <b>off (1)</b> 20:18 <b>offer (1)</b> 40:20 <b>Officer (4)</b> 14:21;15:7;17:2,19 <b>offices (2)</b> 23:7;28:5 <b>Official (2)</b> 17:4,11 <b>old (2)</b> 24:20;49:3 <b>one (17)</b> 5:18;6:1;15:3,19; 21:8,21;22:19;28:9; 30:9,10,10;32:10; 35:22;37:9;38:8,22; 45:16 <b>Only (2)</b> 4:22;8:17 <b>onto (1)</b> 18:4 <b>Open (7)</b> 3:5;9:11,24;10:5; 26:10;33:16,19 <b>opinion (3)</b> 36:17,18;37:13 <b>opportunity (1)</b> 4:15 <b>opposite (1)</b> 49:24 <b>order (6)</b> 3:3;8:15;20:5;21:4; 22:8;31:23 <b>ordinance (2)</b> 35:8,17 <b>original (3)</b> 6:21;20:23;43:4 <b>originally (2)</b> 11:21;17:7 <b>originals (1)</b> 21:2 <b>others (2)</b> 30:3;32:12 <b>out (5)</b> 8:10;26:8;40:12,17; 45:17 <b>outlier (1)</b>	31:9 <b>outside (2)</b> 40:11,13 <b>over (6)</b> 6:24;21:1;27:25; 28:1;35:1;47:3 <b>overall (1)</b> 36:5 <b>oversized (1)</b> 14:12 <b>overtun (1)</b> 17:14 <b>own (1)</b> 38:15 <b>owned (1)</b> 26:10	<b>P</b> <b>page (1)</b> 41:23 <b>panel (1)</b> 15:8 <b>paper (1)</b> 3:14 <b>parcel (1)</b> 32:4 <b>pardon (1)</b> 37:25 <b>parking (5)</b> 37:7,8,10,14,21 <b>parks (1)</b> 27:8 <b>Part (2)</b> 21:10;42:3 <b>participate (1)</b> 4:24 <b>particular (5)</b> 12:3;32:4;35:15; 37:2;40:9 <b>particularly (5)</b> 32:19;33:6,13; 35:14;40:5 <b>parts (1)</b> 42:15 <b>passed (2)</b> 22:18,21 <b>past (2)</b> 15:15;46:24 <b>pattern (2)</b> 35:10;40:18 <b>PENNELLA (35)</b> 12:12,15,23;13:10, 18,20;15:24;16:2,4; 18:13;20:3,20,25; 21:19,24;22:3,12; 24:14,23;25:2;36:14; 38:4,6;41:16,25;43:2, 4,11,14;44:14;49:8, 11,13,25;50:6 <b>people (1)</b> 49:15 <b>perform (1)</b>	16:18 <b>perhaps (1)</b> 46:25 <b>period (1)</b> 35:2 <b>permit (4)</b> 14:18;28:21,21,23 <b>permits (2)</b> 14:24;27:25 <b>permitted (5)</b> 16:18;27:9,13,22; 28:6 <b>personal (1)</b> 15:10 <b>persons (2)</b> 3:10;15:9 <b>Phillip (1)</b> 16:25 <b>philosophy (1)</b> 36:5 <b>Phyllis (1)</b> 46:11 <b>picture (3)</b> 43:1,6,16 <b>Pictures (1)</b> 42:25 <b>piece (1)</b> 35:13 <b>place (1)</b> 26:20 <b>plaintiff (5)</b> 14:16,21;15:5; 16:18;17:4 <b>plaintiff's (1)</b> 17:9 <b>plan (8)</b> 26:18;35:7,16,20; 36:6;39:21,22;40:7 <b>planner (10)</b> 18:10;19:3;20:1; 22:15,24;24:1;29:8,8, 9;39:5 <b>Planners (2)</b> 24:6;39:7 <b>planner's (1)</b> 29:3 <b>Planning (7)</b> 23:20,22,22;24:13; 30:21;35:18;39:8 <b>plans (2)</b> 42:20;43:5 <b>please (4)</b> 10:10;20:15;23:12; 48:8 <b>point (11)</b> 4:14;10:4,12;11:3; 17:24;19:1,20;20:8; 26:2,8;33:2 <b>Pond (8)</b> 11:10;14:8;15:13; 25:11,14,21;37:5; 46:23 <b>populated (1)</b>	26:23 <b>population (1)</b> 33:22 <b>portion (2)</b> 10:16;26:8 <b>positive (3)</b> 31:25;32:10;36:9 <b>posted (1)</b> 3:7 <b>PP (1)</b> 23:6 <b>precursor (1)</b> 27:15 <b>predicated (1)</b> 47:20 <b>preexisting (1)</b> 14:23 <b>pre-existing (2)</b> 15:17;16:16 <b>preliminary (1)</b> 42:20 <b>prepared (1)</b> 8:22 <b>Present (7)</b> 3:18;4:1,3;5:22; 6:18;20:21,23 <b>preservation (1)</b> 33:24 <b>president (1)</b> 40:25 <b>prevail (1)</b> 35:11 <b>previously (1)</b> 47:21 <b>primarily (2)</b> 26:21;27:6 <b>principal (7)</b> 14:25;15:3,18; 25:17;27:9;31:17,20 <b>prior (4)</b> 13:9;17:6;18:24; 19:18 <b>problem (1)</b> 24:21 <b>procedures (1)</b> 9:16 <b>proceed (1)</b> 20:10 <b>Professional (4)</b> 24:12;28:5;29:2; 39:5 <b>proffer (2)</b> 13:14;38:5 <b>prohibition (1)</b> 15:2 <b>project (1)</b> 29:3 <b>promote (4)</b> 33:7,18,21;39:25 <b>promotes (3)</b> 33:9,13;34:7 <b>prong (2)</b> 34:13;35:7
--	--	---	---	---	---

<p><b>proof (2)</b> 14:22;40:4</p> <p><b>proofs (1)</b> 13:14</p> <p><b>proper (3)</b> 8:23;9:15;35:24</p> <p><b>properly (2)</b> 3:7;11:14</p> <p><b>properties (4)</b> 29:11;30:6,16; 46:21</p> <p><b>property (24)</b> 14:7,10,11;15:1,4, 12,19;25:5,13,24; 26:4,14;28:16;29:6, 10;31:22;32:18,24; 33:6,11,12,17;35:13; 43:7</p> <p><b>proposed (1)</b> 43:19</p> <p><b>provide (4)</b> 33:16;34:4;36:1; 38:18</p> <p><b>provided (5)</b> 3:11;4:16;15:5; 42:3;44:7</p> <p><b>provides (1)</b> 34:9</p> <p><b>Providing (1)</b> 34:7</p> <p><b>provision (1)</b> 32:6</p> <p><b>provisions (1)</b> 9:11</p> <p><b>Public (13)</b> 3:5;9:11;10:6,10, 14,16;34:15;39:19; 40:1;45:13,19,25; 46:3</p> <p><b>Publication (2)</b> 20:22;22:5</p> <p><b>purchased (1)</b> 14:6</p> <p><b>purporting (1)</b> 15:10</p> <p><b>purpose (5)</b> 33:10,15,15,21; 34:4</p> <p><b>purposes (4)</b> 9:2;33:7;39:14; 41:12</p> <p><b>pursuant (2)</b> 3:5;38:24</p> <p><b>put (4)</b> 15:21;26:12;45:21; 49:14</p>	<p><b>quickly (3)</b> 39:1;41:5,13</p> <p><b>quite (1)</b> 35:1</p> <p><b>quorum (1)</b> 12:2</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R-13 (20)</b> 15:2,19;27:5,16,19; 28:2,8,9,15,17,20,24; 29:16;30:5,7,13,20; 33:18;35:11;46:22</p> <p><b>raised (1)</b> 29:7</p> <p><b>read (1)</b> 14:3</p> <p><b>readily (1)</b> 9:5</p> <p><b>real (1)</b> 18:7</p> <p><b>really (12)</b> 17:23;31:6,7;32:19; 34:15,22;35:1,4,10, 13;37:9;40:20</p> <p><b>rear (1)</b> 15:12</p> <p><b>reasons (3)</b> 36:8;39:12;47:25</p> <p><b>receive (1)</b> 8:20</p> <p><b>received (1)</b> 46:15</p> <p><b>recitation (1)</b> 37:19</p> <p><b>recognize (1)</b> 24:10</p> <p><b>Record (14)</b> 3:12;10:23;12:14; 14:3;20:18;21:4,8; 23:11;24:1;39:3;41:7; 45:4;47:25;48:1</p> <p><b>records (1)</b> 15:6</p> <p><b>rectangular (1)</b> 26:12</p> <p><b>Redevelopment (1)</b> 36:6</p> <p><b>reference (3)</b> 23:1;29:20;47:20</p> <p><b>referenced (3)</b> 35:2;36:2,6</p> <p><b>regarding (3)</b> 13:14;37:2;40:21</p> <p><b>relates (1)</b> 4:17</p> <p><b>relatively (2)</b> 30:11;34:23</p> <p><b>remind (1)</b> 24:22</p> <p><b>render (1)</b> 22:17</p>	<p><b>rendered (1)</b> 13:3</p> <p><b>renovate (2)</b> 14:18;19:9</p> <p><b>rented (3)</b> 15:14;16:11;19:10</p> <p><b>report (9)</b> 10:2;22:17;23:1; 29:15;35:18;41:8,22; 42:4,16</p> <p><b>represented (2)</b> 16:5;17:7</p> <p><b>request (1)</b> 42:18</p> <p><b>requested (2)</b> 8:25;43:25</p> <p><b>requesting (2)</b> 3:10;39:10</p> <p><b>requests (1)</b> 42:1</p> <p><b>require (1)</b> 31:22</p> <p><b>required (3)</b> 14:21;20:7;34:12</p> <p><b>requirement (2)</b> 18:10,17</p> <p><b>requirements (2)</b> 28:3;36:11</p> <p><b>requires (1)</b> 32:4</p> <p><b>reserve (1)</b> 20:8</p> <p><b>residence (1)</b> 34:20</p> <p><b>residential (9)</b> 25:16;26:21;27:3,6, 19,25;34:6,10;35:25</p> <p><b>residents (2)</b> 31:4,4</p> <p><b>resolutions (1)</b> 49:5</p> <p><b>response (1)</b> 29:14</p> <p><b>responsive (1)</b> 43:16</p> <p><b>rest (1)</b> 26:23</p> <p><b>restricted (1)</b> 28:25</p> <p><b>result (1)</b> 30:22</p> <p><b>reversal (1)</b> 17:12</p> <p><b>reverts (1)</b> 28:14</p> <p><b>review (3)</b> 4:15;9:8;29:2</p> <p><b>right (9)</b> 8:14;18:13,16;20:8, 24;38:24;43:11,14; 49:25</p> <p><b>rights (1)</b> 36:13</p>	<p><b>Road (12)</b> 11:10;14:8,10; 15:13;25:11,12,14,15, 21,22;37:5,5</p> <p><b>Rockaway (4)</b> 3:2,9;15:13;17:1</p> <p><b>Roll (3)</b> 6:7;7:8;48:8</p> <p><b>ruling (1)</b> 17:14</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>salute (1)</b> 4:10</p> <p><b>same (3)</b> 15:4;21:8;31:22</p> <p><b>Sanfilippo (3)</b> 14:20;16:15;17:2</p> <p><b>satisfied (1)</b> 43:15</p> <p><b>satisfies (2)</b> 18:10;46:15</p> <p><b>satisfy (2)</b> 18:17,21</p> <p><b>saved (1)</b> 24:24</p> <p><b>saying (1)</b> 47:18</p> <p><b>scenario (1)</b> 35:14</p> <p><b>Scherwa (5)</b> 3:23,24;7:23;48:15, 17</p> <p><b>schools (3)</b> 27:1,10,11</p> <p><b>second (15)</b> 6:5,6;7:6,7;14:13, 25;31:21;44:9,10; 46:5,6;47:10,12; 50:10,11</p> <p><b>secondary (2)</b> 25:12;27:10</p> <p><b>Seeing (3)</b> 45:9,16;48:7</p> <p><b>seeking (1)</b> 38:24</p> <p><b>sent (2)</b> 20:21;21:1</p> <p><b>separate (6)</b> 25:18;32:22;34:18, 18;37:8;38:15</p> <p><b>September (2)</b> 4:18;16:10</p> <p><b>serves (1)</b> 17:3</p> <p><b>set (1)</b> 33:18</p> <p><b>seven (7)</b> 15:9;26:1;28:18; 33:2;36:1;48:24; 49:15</p> <p><b>seventeen (2)</b> 28:11;36:4</p>	<p><b>several (3)</b> 32:12;35:19;46:20</p> <p><b>shape (1)</b> 26:4</p> <p><b>shaped (1)</b> 26:5</p> <p><b>shapes (1)</b> 26:12</p> <p><b>short (1)</b> 20:17</p> <p><b>short-circuit (1)</b> 13:7</p> <p><b>show (1)</b> 40:5</p> <p><b>showed (2)</b> 15:6;42:3</p> <p><b>shows (2)</b> 43:7,8</p> <p><b>side (1)</b> 39:16</p> <p><b>sides (1)</b> 49:24</p> <p><b>similar (9)</b> 29:12,18;30:11; 34:2;36:2;46:21,24; 47:1,4</p> <p><b>single (3)</b> 27:19;31:19;34:20</p> <p><b>single-family (9)</b> 14:12;25:18,20; 27:6;28:2,14;31:4,21; 38:8</p> <p><b>singular (1)</b> 32:14</p> <p><b>site (13)</b> 25:17;26:1;34:1; 35:14;37:3,7,10,14, 24,25;40:5,14;42:9</p> <p><b>six (2)</b> 26:9;33:4</p> <p><b>sixteen (2)</b> 26:1;28:18</p> <p><b>size (12)</b> 25:23;26:3;28:7; 29:6,11,17;30:10; 33:3;37:11;43:9,13; 47:5</p> <p><b>small (2)</b> 27:1;34:23</p> <p><b>smaller (2)</b> 26:7;30:10</p> <p><b>smallest (1)</b> 29:19</p> <p><b>SMOLINSKI (54)</b> 3:1,17,18;4:13;5:1, 4,19,20,24;6:3,8,14, 21;7:1,7,9,10,21,25; 8:4,7,14;9:21;10:3,15, 20;11:3,18,23;21:7, 10,13,21;23:25;24:9, 12;41:3,11;43:23; 44:9,15;45:12,18;</p>
<p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified (1)</b> 23:21</p> <p><b>qualifying (1)</b> 24:24</p>				

46:2,11;47:24;48:3, 22,23;49:2,10,12; 50:4,9 <b>somewhere (1)</b> 29:19 <b>sorry (2)</b> 47:9;48:16 <b>sort (4)</b> 26:22;29:19;40:15, 17 <b>space (4)</b> 26:10;33:16,19; 34:5 <b>speak (3)</b> 10:6;34:11;45:14 <b>speaking (1)</b> 39:1 <b>special (1)</b> 39:12 <b>specific (1)</b> 42:9 <b>specified (1)</b> 44:4 <b>spell (1)</b> 23:13 <b>spent (1)</b> 19:8 <b>Spring (2)</b> 23:7,16 <b>square (5)</b> 26:2,9;28:10,19; 33:4 <b>stability (1)</b> 35:23 <b>staffing (2)</b> 9:1,3 <b>standard (2)</b> 18:11,25 <b>standards (2)</b> 33:18,20 <b>standing (1)</b> 23:4 <b>state (8)</b> 10:11;23:12;24:1, 13;26:10,18;33:1; 36:5 <b>stated (2)</b> 39:10;47:25 <b>statement (1)</b> 20:4 <b>statements (1)</b> 15:9 <b>stations (1)</b> 28:4 <b>statutory (2)</b> 31:11;38:19 <b>stay (2)</b> 42:11,12 <b>step (1)</b> 10:11 <b>steps (1)</b> 9:9 <b>stipulated (1)</b>	48:1 <b>stipulation (2)</b> 19:5,22 <b>stipulations (3)</b> 13:15;45:4,8 <b>streamline (1)</b> 9:16 <b>Street (2)</b> 23:7,16 <b>streets (2)</b> 26:13;34:18 <b>structure (3)</b> 15:1,3;31:18 <b>structures (4)</b> 15:19;31:20;34:24; 46:17 <b>study (1)</b> 29:24 <b>subject (6)</b> 25:5;27:4;28:2,16; 34:1;43:7 <b>submit (2)</b> 19:7;43:21 <b>submitted (3)</b> 15:8;29:15;42:16 <b>substantial (8)</b> 19:8;34:14;35:5,7; 37:11;39:19,20;47:5 <b>substantiate (1)</b> 15:15 <b>substitute (1)</b> 22:23 <b>substituting (1)</b> 11:4 <b>sufficient (3)</b> 34:5;37:14;44:5 <b>suit (1)</b> 37:12 <b>suitability (3)</b> 32:4;37:3;40:9 <b>Suite (1)</b> 23:16 <b>suited (5)</b> 32:19;33:6,13; 35:14;40:5 <b>sum (1)</b> 19:8 <b>summary (1)</b> 38:19 <b>Superior (1)</b> 49:21 <b>support (1)</b> 36:4 <b>sure (4)</b> 9:10;19:1;31:15; 44:16 <b>surgery (1)</b> 8:11 <b>surrounding (4)</b> 26:11,24;29:11; 40:18 <b>survey (1)</b> 30:22	<b>swore (1)</b> 16:11 <b>sworn (1)</b> 23:8  <b>T</b>  <b>table (1)</b> 42:15 <b>talking (2)</b> 13:13;42:17 <b>tax (2)</b> 15:6;42:4 <b>Telemark (2)</b> 30:13,15 <b>ten (1)</b> 24:25 <b>tenant (1)</b> 19:15 <b>terms (1)</b> 35:6 <b>testified (2)</b> 23:8;45:7 <b>testimony (11)</b> 17:21;18:9,23;19:3, 23,24;37:1,18,18; 40:21;44:5 <b>therefore (1)</b> 36:12 <b>thirteen (1)</b> 28:9 <b>though (2)</b> 19:11;49:20 <b>thousand (6)</b> 26:1,9;28:9,11,18; 33:4 <b>three (6)</b> 6:22;26:3;30:4,8; 33:2;38:7 <b>throughout (1)</b> 49:20 <b>times (1)</b> 23:20 <b>Tobaygo (1)</b> 17:1 <b>today (2)</b> 13:12;19:17 <b>together (1)</b> 26:12 <b>tonight (3)</b> 3:16;17:25;50:10 <b>took (1)</b> 17:16 <b>total (6)</b> 38:10,11,12;44:1,2, 3 <b>tough (1)</b> 50:1 <b>Township (5)</b> 3:2,9;15:2,18;17:8 <b>Township's (2)</b> 17:1,3 <b>traffic (1)</b>	34:21 <b>transparent (1)</b> 9:25 <b>trial (3)</b> 14:2;21:4;22:8 <b>try (1)</b> 20:5 <b>Tucker (1)</b> 11:9 <b>twenty-five (1)</b> 28:10 <b>Twice (2)</b> 11:16,17 <b>two (15)</b> 15:18;16:6;18:1; 22:22;25:16;26:12; 27:18;30:19,20; 31:20;32:22;34:18; 36:22;37:7;40:10 <b>type (1)</b> 31:5 <b>types (2)</b> 27:8;36:2 <b>typically (1)</b> 26:25  <b>U</b>  <b>unanimous (3)</b> 44:13;46:8;50:13 <b>unattached (1)</b> 14:9 <b>under (5)</b> 8:18;18:10,25; 31:14;34:12 <b>unfamiliar (1)</b> 12:19 <b>Unfortunately (1)</b> 22:17 <b>unique (3)</b> 32:14;35:13,13 <b>uniquely (1)</b> 33:5 <b>unit (1)</b> 32:22 <b>units (3)</b> 27:12;29:22;34:19 <b>unless (6)</b> 19:25;44:12;45:5; 46:7;49:4;50:12 <b>untimely (2)</b> 17:10;22:18 <b>up (8)</b> 8:12;10:5,11;12:25; 17:16;24:17;33:18; 50:2 <b>upon (3)</b> 17:5;46:14;47:21 <b>upstairs (1)</b> 19:9 <b>use (40)</b> 14:23;15:17;16:16; 17:7,10;18:6,24;	19:13;27:2;28:2,12; 30:2,9;31:7,17,21,22, 24;32:2,13,19;33:8, 13,14;34:7,8;35:15; 36:3,13;39:15,25; 40:6,6,15,15,17;42:8; 46:20,25;47:5 <b>used (1)</b> 39:25 <b>uses (17)</b> 26:24,25;27:2,8,9,9, 11,22;28:3,4;29:25; 31:2,5;34:6;35:25; 37:12;47:1  <b>V</b>  <b>valid (1)</b> 17:9 <b>validity (1)</b> 17:17 <b>variance (13)</b> 18:2,3;20:10;31:17, 23;36:13,20;38:24; 39:11,13,14,18;42:8 <b>variances (4)</b> 31:16,24;32:3; 46:20 <b>variety (5)</b> 32:7;34:6,10;35:25; 36:1 <b>via (1)</b> 3:14 <b>violation (1)</b> 15:1 <b>virtually (1)</b> 11:25 <b>voice (1)</b> 24:17 <b>vote (3)</b> 4:24;38:22;47:20 <b>voting (2)</b> 5:17,21  <b>W</b>  <b>Wait (1)</b> 47:7 <b>waiver (4)</b> 41:9;42:1,19;43:17 <b>waivers (3)</b> 41:17;43:25;44:3 <b>way (4)</b> 9:25;12:25;20:2; 38:22 <b>ways (1)</b> 40:10 <b>week (1)</b> 9:14 <b>weigh (1)</b> 40:21 <b>Weisenbeck (4)</b> 13:18,20,21;21:5
---	--	---	--	---

<p><b>welfare (2)</b> 33:10,14 <b>what's (3)</b> 26:18;29:14;36:2 <b>Whereupon (4)</b> 4:10;10:23;20:17; 50:15 <b>White (1)</b> 46:22 <b>widen (1)</b> 32:7 <b>William (1)</b> 10:25 <b>wish (2)</b> 44:25;47:13 <b>wishes (1)</b> 10:10 <b>wishing (2)</b> 10:6;45:14 <b>within (4)</b> 25:19;30:16;36:12; 44:6 <b>WITNESS (9)</b> 23:2,15;24:4,11,18, 21,24;36:15;44:22 <b>wonderful (1)</b> 49:15 <b>word (1)</b> 40:2 <b>work (1)</b> 49:19 <b>works (1)</b> 37:7 <b>worship (2)</b> 27:10;40:2 <b>worships (1)</b> 27:1 <b>wound (1)</b> 12:25 <b>written (1)</b> 15:9</p>	<p>23:1 <b>zone (15)</b> 15:20;27:17;28:8, 20;30:4,5,7,13;31:18, 20;35:7,11;39:21; 46:19;47:2 <b>zones (2)</b> 27:18;46:22 <b>zones' (1)</b> 15:2 <b>Zoning (11)</b> 14:20;15:7,21; 16:17;17:2,19;23:22; 27:4,5;39:7;42:14</p>	<p><b>2</b></p> <p><b>2 (1)</b> 41:23 <b>2000 (4)</b> 16:23;19:8,16,16 <b>2011 (3)</b> 17:12,19;19:6 <b>2012 (2)</b> 12:21,24 <b>2014 (2)</b> 14:1;21:5 <b>2016 (1)</b> 40:24 <b>2018 (11)</b> 3:13;4:17,17,18,18, 19,19,20;5:9,10;6:13 <b>2019 (7)</b> 4:20,21;6:17;7:4, 20,22;11:13 <b>20th (2)</b> 4:19;14:5 <b>28th (1)</b> 16:24 <b>2nd (3)</b> 4:19;11:13;16:10</p>		
<p><b>Y</b></p>	<p><b>1</b></p> <p><b>10th (1)</b> 16:14 <b>11 (2)</b> 12:23,24 <b>12 (2)</b> 11:11;25:10 <b>12th (1)</b> 3:12 <b>145 (2)</b> 23:7,16 <b>15 (1)</b> 7:4 <b>15th (4)</b> 4:20;6:17;7:20; 40:24 <b>16 (2)</b> 14:1;16:23 <b>16-22 (1)</b> 11:9 <b>16th (1)</b> 21:5 <b>17 (1)</b> 11:22 <b>17th (1)</b> 4:18 <b>18 (1)</b> 6:13 <b>18th (2)</b> 4:20;5:9 <b>1948 (1)</b> 15:8 <b>1967 (1)</b> 15:22 <b>1969 (1)</b> 15:6 <b>1997 (1)</b> 16:13 <b>1998 (2)</b> 14:5;16:13 <b>1999 (3)</b> 14:16;16:10,14 <b>19th (3)</b> 4:21;7:20,22 <b>1st (7)</b> 4:17;5:6,6,9;6:13; 16:13,13</p>	<p><b>3</b></p> <p><b>30503 (2)</b> 11:10;25:10 <b>388 (4)</b> 11:10;14:8;15:13; 25:11 <b>3rd (1)</b> 4:17</p>		
<p><b>Yawger (11)</b> 3:19,20;5:21;6:5,6, 9;7:11,12;46:6;48:20, 21 <b>year (2)</b> 22:22;49:16 <b>years (6)</b> 6:25;16:7,25;22:22; 37:21;46:24 <b>yesses (1)</b> 48:24 <b>yesterday (1)</b> 13:12</p>	<p><b>1</b></p>	<p><b>4</b></p> <p><b>40:55D-70d1 (2)</b> 31:14;38:25 <b>4th (1)</b> 4:18</p>		
<p><b>Z</b></p>	<p><b>6</b></p>	<p><b>6</b></p> <p><b>62 (2)</b> 14:9;25:12 <b>67 (3)</b> 15:24;16:1,7 <b>68 (4)</b> 15:24;16:1,5,7</p>		
<p><b>Zimmerman (4)</b> 22:16,16,18,21 <b>Zimmerman's (1)</b></p>	<p><b>9</b></p>	<p><b>9</b></p> <p><b>99 (1)</b> 19:7</p>		