

CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
LAND USE REGULATION AND ENFORCEMENT DIVISION  
PUBLIC HEARING

RE: JTD REALTY GROUP, INC. - 2015-03-1403

Thursday-April 2, 2015

CASINO REINVESTMENT DEVELOPMENT  
AUTHORITY PUBLIC HEARING, taken in the offices  
of CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15  
South Pennsylvania Avenue, Atlantic City, New  
Jersey, before Karen Winkler, a Certified Court  
Reporter of the State of New Jersey, on the

1 above date, commencing at 10:07 a.m., there  
2 being present:

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10 APPEARANCES:

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LANCE B. LANDGRAF JR.,  
Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND  
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE  
Attorney for CRDA

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ROBERT REID,  
Land Use Regulation and Enforcement  
Officer

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J. TIMOTHY KERNAN, P.E., P.P.,  
C.M.E.,  
J. TIMOTHY KERNAN, INC.

1 MR. LANDGRAF: The next application  
2 is the 2015-03-1403 JTD Realty Group, Inc. We  
3 have evidence that the application is public  
4 proper notice under our guidelines.

5 MR. REID: Yes. I did review the  
6 proof of publication and proof of notice that  
7 was provided by the applicant's attorney and  
8 everything is in order. We have jurisdiction to  
9 hear this application.

10 MR. LANDGRAF: Site information is  
11 block 336, lots 8 through 23, located at 2231  
12 Arctic Avenue, the former Patsy Wallace site,  
13 within the central business district. Project  
14 includes conversion of the existing structure on  
15 the site into a restaurant with two operators,  
16 two sports type bars, construction of an on-site  
17 surface parking lot.

18 I'll defer to Mr. Menas on the rest  
19 of this.

20 MR. MENAS: Thank you, Mr.  
21 Landgraf.

22 MR. LANDGRAF: The one thing I  
23 would like to clarify and I guess I have two  
24 notes in here. The original application  
25 included a use variance for -- well was

1 determined to need a use variance for the duck  
2 boat operation.

3 MR. MENAS: Sure.

4 MR. LANDGRAF: We're going to pull  
5 that out of this application.

6 MR. MENAS: If I may, for the  
7 record, Nick Menas of the law firm of Fox  
8 Rothschild on behalf of the applicant and, Mr.  
9 Landgraf, you accurately characterized this  
10 application in terms of the relief that's being  
11 requested, coupled with the property that's the  
12 subject of the application. Through the process  
13 of the application you and I have had several  
14 conversations and one of the conversations was  
15 specific to the definition or determination as  
16 to whether or not duck boats would be considered  
17 accessory or second independent use. As a  
18 result of our conversations, I think that we  
19 believe, you and I, that from a statutory  
20 perspective it's probably prudent to withdraw  
21 the request for use variance for the duck boats  
22 at this time as it would probably not be defined  
23 as accessory and instead may be an independent  
24 use.

25 As a result, I believe you and I

1 have talked about the date of the 16th of April  
2 to come back before you regarding the use  
3 variance for the duck boat, but that we would  
4 move forward today for preliminary and final  
5 site plan with the associated restaurants that  
6 are being proposed at this location.

7 MR. LANDGRAF: That's correct.

8 MR. MENAS: Okay. Then without  
9 getting right into the substance of the  
10 application, I think by way of background since  
11 we're piggybacking.

12 One of our discussions -- I think  
13 it's important that we touch on another issue  
14 that you and I spoke about. This application is  
15 the subject of a long, drawn out process whereby  
16 which my client was the owner of the Rio  
17 Nightclub on Indiana Avenue and entered into an  
18 agreement to swap land with CRDA. That land  
19 swap results in the application that's before  
20 you today. There's been a lot of discussions  
21 about different types of uses and the agreement  
22 between CRDA required one, uses consistent with  
23 what's there at the existing Walk stores right  
24 now, coupled with the maximization of the  
25 developable space at the property. So you and I

1 spoke about that and I think we agree that  
2 regarding the uses, I mean, that kind of speaks  
3 for itself. The restaurant use that's being  
4 proposed fits nicely into the existing  
5 streetscape of The Walk both in terms of design  
6 and use.

7           Number two, we discussed the issue  
8 regarding maximizing the space and you have the  
9 two restaurants and, yeah, you'd have the duck  
10 boat operation. We believe that that is  
11 maximizing the overall use and development of  
12 the site. Your concern was how do we define  
13 that in terms of the agreement. And I suppose a  
14 discussion can be or point can be that  
15 maximizing means building out to the total  
16 available envelope utilizing the existing  
17 infrastructure in the area, specifically the  
18 CRDA Wave parking garage.

19           However, from a marketability  
20 perspective, we ran into some issues and I think  
21 this site was originally contemplated and  
22 thought about and talked about for a Cracker  
23 Barrel use. But Cracker Barrel required, I  
24 believe, 146 parking spaces on-site. It's just  
25 not going to happen with the constraints that

1       this site provides. So I essentially say if you  
2       look at the Applebee's that's two blocks away  
3       and you see the surface parking lot, in order to  
4       have this application be successful with its  
5       eventual buildout and any development of that  
6       site, you have to have surface parking for  
7       whatever reason. While that parking garage is a  
8       fantastic amenity for shoppers, users that are  
9       coming in, specifically food and beverage use  
10      are not interested in saying their customers can  
11      park over there. So you almost have to make a  
12      policy decision. Either going to have the  
13      surface parking lot which may or may not be the  
14      best use of urban planning but I think you and I  
15      also discussed that it's a little bit of a  
16      stretch to consider Atlantic City an urban  
17      environment. It's kind of a hybrid because you  
18      are in a city. It's not Newark. It's not  
19      Camden. It's not places where you think a  
20      parking garage would be necessary and would be  
21      good planning utilizing the space to its maximum  
22      ability. We will use the parking garage from  
23      this perspective.

24                   Obviously, we're going to have a  
25      significant number of employees, approximately



1 250 full-time employees. Those employees are  
2 going to need to park somewhere, so our  
3 anticipation is that they would be parking at  
4 the Wave garage. But from our customers there  
5 may be some overflow parking there because even  
6 in the situation that we have from an  
7 application of day-to-day use at a restaurant,  
8 the number of parking spaces provided may not  
9 work. So we're trying to maximize the number of  
10 spaces we have there while utilizing the  
11 existing infrastructure and when you take into  
12 consideration the constraints of the site  
13 coupled with the market conditions, I think it's  
14 clear that we're maximizing the developable area  
15 at the site and I thought you and I should just  
16 have that discussion and if you guys have any  
17 concerns, because we did have that discussion.  
18 I thought it was a fair comment for you to point  
19 out because it is in the agreement and we can  
20 just eliminate that issue before we get into the  
21 substance of the presentation.

22 MR. LANDGRAF: Okay. I appreciate  
23 that explanation and don't necessarily disagree.  
24 You have the Bass Pro that has their on-site  
25 parking and the Applebee's that you talked

1 about. So I think I'll see what the board said,  
2 but I agree with your assessment of it and don't  
3 have a problem with the parking. I think it's  
4 something that in order to draw people into that  
5 site you're going to need -- in order to draw  
6 the operators, from what you're telling us, you  
7 needed to have some on-site parking.

8 MR. MENAS: It's an absolute  
9 necessity in order to draw the operators.  
10 That's number one. Number two, it's not an  
11 issue that hadn't been contemplated. I mean,  
12 when we entered into the agreement with the CRDA  
13 we had the discussions. We showed them concept  
14 renderings and the feedback was, and I'm going  
15 to paraphrase it, but it's going to be pretty  
16 accurate. I think I paraphrased a little bit,  
17 was look, it's not good urban planning to have  
18 as many surface parking lots as we have,  
19 however, if you come to us and you tell us this  
20 is what you need, we're going to work with you.  
21 I mean, I'm going to paraphrase it, because it's  
22 been some time, but I think that's a fairly  
23 accurate statement to attribute that back to  
24 CRDA. Those were discussions throughout the  
25 entire negotiation process of the agreement with

1 the executive director and Paul Weiss.

2 MR. LANDGRAF: Okay. Thank you.

3 MR. MENAS: So with that, I have  
4 two witnesses here today. I really only  
5 anticipate calling Mr. Endicott. Mr. DiNatale  
6 is here to answer any questions or support  
7 anything that I just said. With that -- forgive  
8 me. You all know Mr. Endicott. I know you're  
9 going to swear him, but I assume you don't need  
10 to hear his credentials.

11 MR. LANDGRAF: He's a licensed  
12 professional engineer and planner?

13 MR. MENAS: Yes.

14 MR. LANDGRAF: Thank you.

15 MR. COLLINS: I'll do both of you  
16 at once.

17  
18 CHARLES E. ENDICOTT, PE, PP, CME  
19 and J. TIMOTHY KERNAN, PE, PP, CME, having  
20 been duly sworn.

21  
22 MR. COLLINS: Just for the record,  
23 I know that everyone knows, most people here  
24 know each other. Just quickly, are you going to  
25 be qualified as a professional engineer or

1 professional planner or both?

2 MR. DiNATALE: I'm licensed as  
3 both, so yeah.

4 MR. COLLINS: And you're going to  
5 recognize those credentials?

6 MR. LANDGRAF: Yes, I am. Thank  
7 you. Mr. Kernan as well.

8 MR. COLLINS: Of course.

9

10 BY MR. MENAS:

11 Q. Mr. Endicott. You've got an  
12 exhibit for the board here today, is that  
13 correct?

14 A. Yes, I do.

15 Q. And now, is that exhibit something  
16 that's been submitted with the application?

17 A. Yes. This is basically a colored  
18 rendering of sheet four that was submitted with  
19 the site plan application. It is our site plan.

20 Q. Now, you heard Mr. Landgraf as well  
21 as myself essentially identify, you know, the  
22 location of this property, but could you walk  
23 the board through exactly where this site is and  
24 basically how access to that site's proposed?

25 A. The site is located on Arctic

1 Avenue. It is just south of the main expressway  
2 corridor that comes in. Directly across the  
3 street is the Bass Pro Shops that is nearing  
4 completion now and should be open very soon.  
5 Directly to the west is the CRDA parking garage.

6 MR. COLLINS: If I could interrupt,  
7 I apologize. I was taking a note when you were  
8 introducing what you were referring to. This is  
9 a sheet from the application that was?

10 MR. MENAS: Sheet four.

11 THE WITNESS: Sheet four of 10 from  
12 the site plan that was submitted.

13 MR. COLLINS: Are you going to be  
14 referring to anything that wasn't submitted in  
15 the application package?

16 THE WITNESS: I don't think so.

17 MR. COLLINS: We'll mark the entire  
18 application as A-1 and then as you refer to  
19 sheets, we'll follow that way.

20 MR. MENAS: That's fine.

21 THE WITNESS: In terms of the  
22 existing site, the building that is existing on  
23 site is a masonry structure. It will remain and  
24 be refitted for the proposed restaurant uses.  
25 The proposed parking area is currently empty.

1       There's no improvements in that spot right now.  
2       Access to the site will be off of Arctic Avenue.  
3       We are proposing a total of 49 parking spaces in  
4       that area to service the proposed restaurant  
5       uses.

6

7       BY MR. MENAS:

8               Q.       Okay. From an engineering  
9       perspective the site's essentially completely  
10      improved right now, is that correct?

11             A.       Correct.

12             Q.       How do you propose to handle any  
13      drainage storm water runoff?

14             A.       Essentially the proposed runoff is  
15      going to mimic the existing runoff of the site  
16      as best as we can. We are utilizing the  
17      existing storm water inlets that exist in Arctic  
18      Avenue. The proposed runoff will be directed to  
19      those inlets much as it is right now currently.

20             Q.       Now, I believe I heard you, and  
21      forgive me if I didn't pick up on this one  
22      aspect. You said we were going to utilize the  
23      existing site for two restaurants, is that  
24      correct?

25             A.       Correct.

1 Q. Now, the existing site and that  
2 existing structure is commonly known as the  
3 Patsy Wallace building?

4 A. Correct.

5 Q. What are the restaurants? Did you  
6 identify the restaurants that are being  
7 proposed?

8 A. By name?

9 Q. By name.

10 A. Okay. The rear portion of the  
11 existing building will be proposed as a Hooters  
12 Restaurant. The front portion is going to be  
13 A'Dam Good Sports Bar. Both uses are very  
14 similar in nature, but they will be operated as  
15 two independent uses utilizing the same  
16 building.

17 Q. So utilizing the same building,  
18 let's talk about that for a second. Let's talk  
19 first internally. Kitchens and bathrooms. How  
20 does the site function internally?

21 A. Internally there will be separate  
22 entrances for each of the uses. They are going  
23 to share a common area. There will be  
24 pass-through between the two. There is an area  
25 that you can walk from one to the other. The

1 bathrooms are going to be common to both. The  
2 kitchens are separate, I believe, separate  
3 kitchens.

4 MR. DiNATALE: It's going to be  
5 one.

6 THE WITNESS: As I stated, the  
7 bathrooms are for the use of both, patrons of  
8 both facilities.

9

10 BY MR. MENAS:

11 Q. Now, that's the internal layout.  
12 But if I am following your circulation plan,  
13 let's call it, in access to the site, what will  
14 I see? Will I see Hooters or Best Damn Sports  
15 Bar?

16 A. They'll have separate signage. We  
17 have proposed signage on the building face that  
18 conforms with the ordinance. You will have  
19 separate signs on the front and side for A'Dam  
20 Good Sports Bar. You'll have signs on the rear  
21 facade for Hooters and also a sign on the side  
22 that faces Mississippi Avenue for Hooters as  
23 well.

24 Q. And what type of lighting is  
25 proposed at the site?



1           A.       We have proposed some surface  
2       lighting, some building-mounted lighting, all of  
3       this decorative in nature. From my discussions  
4       with Mr. Landgraf, we are proposing LED  
5       lighting. It's going to conform architecturally  
6       to some of the stuff that CRDA is trying to  
7       establish as standard.

8           Q.       Now, you touch on the integration  
9       of uses. There's been talk about the parking  
10      situation and I think you identified number of  
11      parking spaces, is that correct?

12          A.       49, yes.

13          Q.       49 parking spaces. Now, in your  
14      expert opinion, the number of parking spaces  
15      that is proposed, the 49 spaces, does that  
16      adequately address the parking demand that's  
17      associated with these two restaurants?

18          A.       The parking will address a good  
19      share of the use for the public. Obviously,  
20      with the number of employees that we're  
21      contemplating having in this situation, they are  
22      going to have to use the garage or off-site  
23      parking, but the parking that we are providing  
24      for the use certainly provides a good portion of  
25      what is going to be required for patrons that

1 are using the facility.

2 Q. Now, just as a side note, just to  
3 stay on the parking lot for a second. Use of  
4 the parking lot, and let's just talk about that  
5 for a moment. The obvious use associated with  
6 the parking spaces that's there, but we envision  
7 a use similar to how Applebee's uses their  
8 parking lot, if not identical. There's a fee to  
9 park at the parking lot. However, to the extent  
10 that you go into the Hooters or the Best Damn  
11 Sports Bar, you would get a ticket and that  
12 would be stamped and then you would get your  
13 money back and have free parking.

14 MR. LANDGRAF: That was one of my  
15 questions.

16 MR. MENAS: We've worked together  
17 enough, Mr. Landgraf.

18

19 BY MR. MENAS:

20 Q. So I'd like to -- first, are there  
21 any other -- you touched on access to the site.  
22 You touched on the location of the site. You  
23 touched on lighting and parking and you touched  
24 on drainage. Briefly, obviously, from a utility  
25 perspective, there's sufficient capacity.

1 A. Yes.

2 Q. And the connections are there.  
3 It's merely running laterals, is that correct?

4 A. That's correct. That are existing  
5 laterals for the building. We are going to  
6 reuse those to every extent possible.

7 Q. Okay. Now, if you don't have  
8 anything in the affirmative to add, what I'd  
9 like to do is turn you to Mr. Kernan's report of  
10 March 31st. Do you have a copy of that?

11 A. I do.

12 Q. Have you had an opportunity to  
13 review Mr. Kernan's report?

14 A. I have.

15 Q. All right. So let's look at first  
16 his issues from an engineering perspective. I  
17 think, correct me if I'm wrong, I'm sure Mr.  
18 Kernan will as well, that the issues from an  
19 engineering perspective essentially relate to  
20 notations on the plan, is that correct?

21 A. Marginally, yes.

22 Q. From an engineering perspective.

23 A. Yes.

24 Q. So walk us through -- are there any  
25 engineering comments that Mr. Kernan has that

1       you did not comply with in terms of redrafting  
2       your plans?

3             A.       No.

4             Q.       Now, let's just focus on that for a  
5       second, because there is one, I guess it's a  
6       quasi-engineering, quasi-legal argument or  
7       issue. The plan that was submitted with the  
8       application takes into consideration lots two  
9       through seven. Lots two through seven as  
10      identified on the plan prevents, you know, an  
11      issue because it's outside of CRDA's control.  
12      Mr. Landgraf and I spoke about that and that's  
13      actually something that The Walk owns and has an  
14      easement to right now for their parking.

15            MR. MENAS: Is that correct?

16            MR. LANDGRAF: That's correct. The  
17      CRDA does own those lots but there is a lease to  
18      Cordish and he has control over those. Part of  
19      that, as you can see from the aerial, they do  
20      have their trash loading and trash enclosure  
21      area, loading areas and trash enclosure areas  
22      along that alleyway, if you will.

23            MR. MENAS: So, to the extent that  
24      we want to keep the plan designed as it is right  
25      now, we would have to seek an easement. That

1        easement which I think would have to be signed  
2        by both parties. One, by the CRDA and, two, an  
3        acknowledgment of that subsequent interest by  
4        Cordish.

5

6        BY MR. MENAS:

7            Q.        To the extent that neither CRDA nor  
8        Cordish wants to entertain that easement,  
9        because they believe it provides some issue from  
10       their perspective regarding the circulation for  
11       the trash pickup, Mr. Endicott, how would we  
12       propose to address that issue on a redesign? We  
13       talked about pulling that location back a few  
14       feet.

15            A.        Right. The option for us if we  
16       have to redesign would be to basically slide the  
17       entire parking area closer to the building.  
18       Right now we tried to maintain a wide  
19       20-plus-foot gap between the parking area and  
20       the facade of Hooters and I believe it's like 10  
21       foot, you know, 10-foot-wide sidewalk between  
22       parking and A'Dam Good Sports Bar. We would  
23       essentially have to move all of that closer to  
24       the buildings if we can't accomplish some type  
25       of agreement to use that space.

1           Q.       All right. Now, we're not here, as  
2 we discussed, seeking approval for the duck  
3 boats and their staging, parking and picking up,  
4 but that addresses two issues. I mean, one,  
5 that could potentially impact, you know, how  
6 exactly on the site we locate the duck boats or  
7 exactly where. More specifically, this  
8 application today. It has an impact on the  
9 number of parking spaces, is that correct?

10           A.       Absolutely. It would be very  
11 difficult to be able to fit the area that we're  
12 seeking for a staging area without losing a  
13 significant number of parking spaces, probably  
14 at least 12.

15           Q.       Okay. Now, as we've talked about,  
16 the number of parking spaces kind of gets us  
17 closer to the fact that we're maximizing the  
18 viable building space. To the extent that we're  
19 losing parking spaces, just means that there's  
20 going to be more overflow parking at the Wave  
21 garage, is that correct?

22           A.       That's correct.

23           Q.       Now, at the location I note in Mr.  
24 Kernan's report he points out any variances, is  
25 that correct?

1           A.       He does, yes.

2           Q.       So where are they? What are those  
3 variances and are any of those variances  
4 existing nonconformities?

5           A.       Just give me a second. We do  
6 require a variance for rear yard setback on the  
7 principal building. However, I stated the  
8 building is existing so it is an existing  
9 nonconformity. The ordinance requires a 30-foot  
10 rear yard setback. We are essentially, if not  
11 on the property line, just half a foot shy of  
12 the property line in the rear. As I stated,  
13 that is an existing condition and will not be  
14 changed as part of this application.

15                   MR. LANDGRAF: For a little  
16 clarification, I think it actually shows that  
17 there's a building that encroaches about a half  
18 a foot over the property line, but it is  
19 existing nonconforming so it is what it is.

20                   THE WITNESS: Yeah. I guess we  
21 don't need to address the accessory structure as  
22 part of this.

23  
24 BY MR. MENAS:

25           Q.       Not as part of this, right.

1           A.       Okay. Also today in terms of the  
2 off-street parking and loading, obviously, with  
3 the 250 employees that are contemplated and the  
4 requirement in the ordinance for employee  
5 parking, we cannot provide on-site parking that  
6 would satisfy the ordinance requirements for  
7 employee parking, plus parking for the patrons,  
8 so we would require a variance on the number of  
9 parking spaces. Also, as noted on the top of  
10 page eight of Mr. Kernan's report, there is a  
11 requirement for a five-foot wide perimeter  
12 landscaping. We are providing a minimal amount  
13 of landscaping, trying to do the best we can,  
14 but, you know, we cannot meet the ordinance  
15 requirement there and would require a variance  
16 for that as well.

17           Q.       I think when you look at any  
18 landscaping, it presents a number of issues.  
19 When you talk about landscaping in an urban  
20 environment, you know, you're talking about one  
21 of two issues. One, you're talking about some  
22 degree of impact to the line of sight or you're  
23 talking about taking an urban environment or a  
24 quasi-urban environment where you have parking  
25 and reducing the radius by putting in some level



1 of plantings.

2 The question really is, you know,  
3 what's the better use? While we talk about the  
4 need of the green space, balancing that with,  
5 you know, safety issues such as the ability to  
6 see the signs, not only just signs on buildings,  
7 but where to turn in and turn out, coupled with  
8 internal circulation issues by adding additional  
9 plantings that reduce the size of parking spaces  
10 in an already constrained site. That's the  
11 balance and we believe that the balance is  
12 better utilized, when you're talking about a  
13 crowded area, people walking around, driving  
14 around, the foot of the expressway is probably  
15 better to have less landscaping and provide  
16 whatever better visibility or internal  
17 circulation as possible, is that correct, Mr.  
18 Endicott?

19 A. Absolutely. And tied with that  
20 also under number three on page eight of 11 from  
21 Mr. Kernan's report, there is a requirement for  
22 a shade tree for every 10 parking spaces. We  
23 are not proposing any shade trees. We are  
24 providing some evergreens to help screen some  
25 areas of the site, particularly along the rear

1 of the trash enclosure that is proposed on-site,  
2 but in terms of shade trees, they really don't  
3 fit the site and so the landscaping that we have  
4 proposed is mostly low-lying so it does not  
5 interfere with site lines and the ability for  
6 either pedestrians or motorists to see the site  
7 and to identify the site to make safe movements  
8 with their vehicles into the site.

9 We discussed the number of parking  
10 spaces. Like I said, we cannot provide the  
11 ordinance requirement there.

12 In terms of a loading space, we do  
13 not have an area that is dedicated to loading.  
14 We certainly have adequate area for trucks to  
15 park and unload and it is our vision that any  
16 deliveries to the site would be made during off  
17 hours and hours that the restaurants were closed  
18 and that the parking lot would be not empty, per  
19 se, but certainly less used.

20 MR. LANDGRAF: Where will that  
21 loading occur?

22 THE WITNESS: We do have an area up  
23 here that is wide enough for the trucks to make  
24 the movements that they have to make, but,  
25 again, we are anticipating that deliveries will

1 be made during off hours, so early mornings and  
2 so forth and we would anticipate that the site  
3 would be mostly vacant.

4 MR. LANDGRAF: Essentially the  
5 restaurant's going to open up for lunch, be open  
6 till the evening, so you have the morning to be  
7 able to bring vehicles on the site.

8 Did we see turning radius? What  
9 size trucks do you anticipate coming into the  
10 site?

11 THE WITNESS: I do not anticipate,  
12 you know, 44-foot trailer or anything like that.  
13 I think it would be smaller.

14 MR. LANDGRAF: Mostly SU30s and  
15 something of that size. We can get some  
16 templates on there too so --

17 MR. KERNAN: Sounds good.

18 THE WITNESS: Yes.

19 MR. LANDGRAF: Taking it one step  
20 back to the on-site parking, maybe some of the  
21 justifications that we might need to hear, you  
22 mentioned in your testimony that just to the  
23 west of the site there was a 1,300 plus parking  
24 garage.

25 THE WITNESS: There is indeed, yes.

1 MR. LANDGRAF: So that would help  
2 offset some of the on-site parking we're short  
3 here?

4 THE WITNESS: Yes. And we would  
5 certainly make it a requirement of all employees  
6 to utilize the garage or, you know, somewhere  
7 else off site, not using anything on-site.

8 MR. LANDGRAF: Okay.

9 THE WITNESS: Continuing on at the  
10 bottom of page eight of Mr. Kernan's report,  
11 there is a discussion about a ground-mounted  
12 sign, however, that sign is part of the duck  
13 boat operation. So I think it's something that  
14 we will address at the appropriate time.

15 In terms of the ordinance's urban  
16 design standards, we are going to ask for  
17 variances from a few things there. Section  
18 163-74E, G(1) and G(2), 74E requires that every  
19 face of a structure fronting on a public  
20 sidewalk shall, at the sidewalk level adjacent  
21 to said structures, be designed prominently for  
22 entrance lobbies and retail commercial uses.

23 Essentially the sidewalk facade  
24 along Arctic Avenue is going to be  
25 architecturally developed so it's conforming,

1 fits with the rest of the neighborhood and the  
2 aesthetic of things that are happening in the  
3 area. There's not going to be an entrance on  
4 Arctic Avenue. The entrances are going to be as  
5 pedestrians come up this sidewalk between the  
6 parking area and the building. The entrance for  
7 A'Dam Good Sports Bar will be probably in the  
8 middle of this wall and Hooters will be back in  
9 the middle of their wall.

10 MR. LANDGRAF: But that facade  
11 along Arctic Avenue has awnings over it, open  
12 windows -- not open windows, but open to view  
13 inside and outside?

14 THE WITNESS: Yeah, absolutely. It  
15 just doesn't have an entranceway.

16 MR. LANDGRAF: A door, okay.

17 THE WITNESS: 163-74 --

18 MR. KERNAN: One quick thing. On  
19 the elevation, I think the south and north  
20 elevations are mislabeled.

21 THE WITNESS: Okay. I'll make --

22 MR. KERNAN: Just make a note for  
23 your architect.

24 THE WITNESS: Sure.

25 MR. LANDGRAF: The one that's

1 labeled north is actually the Arctic Avenue  
2 elevation and that would be east or southwest.

3 MR. MENAS: We just thought or the  
4 architect thought, like the rest of the  
5 directional ways that people refer to the  
6 island, it's all off. You just make it up as  
7 you go along.

8 MR. LANDGRAF: Most people think  
9 that's east.

10 MR. MENAS: Still trying to figure  
11 out which actually should be the north and  
12 southeast inlet. I'm still trying to figure  
13 that out.

14 MR. LANDGRAF: Southeast inlet is  
15 on the south side of the Absecon Inlet. Happens  
16 to be the northeast point of the island.

17 MR. MENAS: Just a detail.

18 MR. LANDGRAF: Just a detail, minor  
19 detail.

20 THE WITNESS: Or how you drive down  
21 West Riverside Drive, take a 90-degree turn and  
22 you're on East Riverside Drive.

23 MR. LANDGRAF: Exactly.

24 MR. MENAS: So much for navigation.

25 THE WITNESS: Continuing on.

1 163-74G(1) requires that at least 50 percent of  
2 the total exposed surface of any flat roof  
3 contain landscaping or roof gardens and so forth  
4 and we're going to ask for a waiver from that  
5 requirement.

6 Tied to that is 74G(2) which  
7 requires that the balance of any flat surface  
8 shall be developed in a manner to be totally  
9 acceptable from an aesthetic point of view and  
10 built of nonreflective materials and so forth  
11 and so on. We are going to ask for a variance  
12 for that requirement as well.

13 MR. LANDGRAF: How are you going to  
14 treat the roof? The landscape is something that  
15 we've worked with applicants on because it just  
16 hasn't worked very well in the city. Most of  
17 the materials that you put up there die. We  
18 don't necessarily have an issue with that. But  
19 we have asked applicants to do something with  
20 those roof areas. Because of the height of  
21 other structures and the visibility of these  
22 roof areas, just putting all your mechanicals up  
23 there, we'd like to see something happen with  
24 that roof. I'm looking for ideas that you guys  
25 might come up with.

1           MR. MENAS: I think we can come  
2 back to you with some ideas. Maybe some  
3 decorative screening so it just doesn't look  
4 like it's an institutional fence around, you  
5 know. It could be something as simple as, you  
6 know, a certain color paint to kind of blend in,  
7 you know, in like a stockade look around where  
8 the mechanicals are, something to help blend.

9           MR. LANDGRAF: There's even ways to  
10 paint the roof in a design or something like  
11 that. That's what a lot of the casinos have  
12 done with the top of their parking garages, put  
13 some type of design up there.

14          MR. MENAS: It's a little bit of a  
15 transition area. So we understand.

16          MR. LANDGRAF: I know Bass Pro has  
17 done something with a fish logo or seagulls  
18 flying on there or something. I don't know.  
19 Those are ideas I'm giving you. Not saying you  
20 have to do those, but we would like to see  
21 something.

22          MR. KERNAN: Is the existing color  
23 black, tar?

24          MR. DiNATALE: It will be a white  
25 roof.



1 MR. LANDGRAF: We're going to need

2 --

3 MR. MENAS: You've got to get sworn

4 in.

5

6 (JAMES DiNATALE, having been duly

7 sworn.)

8

9 MR. MENAS: You said it would be a  
10 white roof?

11 MR. DiNATALE: Yes.

12 MR. LANDGRAF: Like an EPDM  
13 membrane type roof?

14 MR. DiNATALE: Yes.

15 MR. KERNAN: Any idea if they come  
16 in various colors or ways to treat it, decorate  
17 it?

18 MR. DiNATALE: Just put 450,000  
19 square foot on at Lenox and it's just white. It  
20 looks like a swimming pool liner. Does it come  
21 in other colors? They want -- in that  
22 application over there it was to reflect the  
23 heat --

24 MR. KERNAN: Right.

25 MR. DiNATALE: -- off the building.

1 Black absorbs. Another color, I don't know.

2 MR. LANDGRAF: Not necessarily  
3 saying white, but maybe add some designs to it.

4 MR. MENAS: Is your issue more the  
5 design of the roof or --

6 MR. LANDGRAF: Aesthetics.

7 MR. MENAS: Aesthetics which would  
8 be impacted by the mechanicals. The white's  
9 probably fine without, you know, the seagulls  
10 and the other stuff. But, you know, somebody  
11 looking out from their residential structure in  
12 that transition area, seeing multiple  
13 mechanicals seems to be what you're concerned  
14 with.

15 MR. LANDGRAF: I am. If we can do  
16 some type of fencing or screening.

17 MR. MENAS: That would kind of  
18 blend in.

19 MR. LANDGRAF: I think that could  
20 meet the intent of what we're looking at here.

21 MR. COLLINS: I agree. Screening's  
22 important.

23 MR. MENAS: Optically when you take  
24 a look out your window, it doesn't look like  
25 there's a train wreck of a contrast.

1 MR. LANDGRAF: Exactly.

2 MR. COLLINS: Exactly.

3 MR. MENAS: We'll come back to you  
4 with some ideas.

5 MR. LANDGRAF: Okay.

6 THE WITNESS: I believe that  
7 addresses the variances.

8

9 BY MR. MENAS:

10 Q. I think those are the majority of  
11 the plan comments. The engineering I think you  
12 touched on briefly.

13 Go to general comments. We  
14 discussed 5.1 regarding the need to either  
15 obtain an easement or redraft the plan to lose  
16 those parking spaces. Two, speak to 5.2.

17 A. After we had submitted the  
18 application I did have some correspondence with  
19 Mr. Reid and he did provide us with a survey of  
20 the improvements that were made basically in the  
21 rear of these existing stores and we'll  
22 certainly add that information to our plan and  
23 our survey, have that adjusted as well.

24 Q. 5.3, are there any improvements to  
25 be removed permanently or just replaced?

1           A.       We are essentially going to be  
2       replacing the sidewalks that exist through here,  
3       so it's going to be new, but it's not going to  
4       be different, I guess.

5           MR. LANDGRAF:   I think there was  
6       some dimensional issues on the plan, if you  
7       could take a look at those just to make sure  
8       they're correct.

9           MR. KERNAN:   I can meet with Mr.  
10      Endicott.   There were some dimensional things.  
11      I was more referring to Arctic Avenue.   There's  
12      the Willow alley that's going to be vacated.  
13      Right now there's a depression there.   That's  
14      going to be vertical curb.   The apron, you know,  
15      the concrete gutter, if you will, all that just  
16      needs to be kind of detailed a little bit.

17           THE WITNESS:   Sure.

18           MR. KERNAN:   And how the sidewalk  
19      in front of the restaurants meets up with the  
20      sidewalk going alongside of the Wave garage.  
21      All that needs to be looked at.   Is it going to  
22      be just a four-foot white piece of sidewalk  
23      going over or the whole width of the area in  
24      front of the restaurant?   I would think from a  
25      loading standpoint, deliveries might be made

1 down the sidewalk because there's a double door  
2 at the end going into the kitchen area where the  
3 freezers and walk-ins and all that are, so if  
4 that is going to be the main route for  
5 deliveries, maybe the full width of that walk  
6 out front should go up to the sidewalk that  
7 already goes out to the south.

8 THE WITNESS: We're certainly  
9 willing to sit down with you and go through all  
10 that.

11 MR. MENAS: What I would suggest,  
12 subject to your schedules, is that we have that  
13 done before we're here on the 16th for the duck  
14 boats.

15 MR. KERNAN: That would be great.

16 MR. MENAS: Just to clean that up.  
17 I think the only real comments to discuss, I  
18 believe Willow Avenue has already been vacated.

19 MR. LANDGRAF: Just need  
20 documentation on that. That's all.

21 MR. MENAS: I'm fairly certain that  
22 when the Patsy Wallace building was vacated as  
23 part of the deal or purchased as part of the  
24 deal that Willow Avenue was also vacated, at  
25 least in part. I believe it was dedicated to

1 two separate property owners, but that's easy  
2 enough for us to confirm. Subject to your  
3 questions, we really have nothing further.

4 MR. LANDGRAF: Just before we have  
5 Tim highlight some of the things that he may  
6 want to go through in his report, if we could  
7 just hear -- we've outlined the variances,  
8 really haven't seen any of the justifications  
9 from that. I'd like to hear some of that  
10 testimony, just so we can have a clean record to  
11 proceed with our board.

12 MR. MENAS: From a parking  
13 perspective we did address that. I talked to  
14 Shawn. Overflow parking.

15 MR. LANDGRAF: I need to hear that  
16 from Mr. Endicott.

17 MR. MENAS: He said that and he  
18 also agreed with my statement regarding the  
19 landscaping which you gotta laugh at.

20 MR. LANDGRAF: That's what we were  
21 chuckling about, should we swear in Mr. Menas  
22 for the testimony or not? If we could hear some  
23 of the planning justifications on the variances,  
24 that would be great.

25 MR. MENAS: You didn't like that he

1       agreed with me? That wasn't good enough? Okay.  
2       That's fine.

3

4       BY MR. MENAS:

5             Q.       Mr. Endicott, first, touch on  
6       parking, please.

7             A.       Certainly. We are creating a use  
8       that essentially has -- creating a demand for  
9       parking that we cannot meet on-site. It's  
10       physically impossible just due to the area  
11       that's available. We are fortunate that we have  
12       a structure directly next to us that is  
13       presently underused and provides adequate area  
14       for parking, so we are contemplating we will  
15       certainly require the employees to use the  
16       parking and I think, as we discussed, we are  
17       maximizing the use of the facility from the  
18       development standpoint. The parking that is  
19       required is available. We're not going to  
20       create any situation where people have to look  
21       for parking. It's essentially right next door.

22             Q.       I think we also touched on the fact  
23       that from a plan perspective utilizing the  
24       existing infrastructure.

25             A.       Right. We're using facilities that

1 exist and that certainly is beneficial as well.

2 Q. And also to help mitigate the  
3 parking concern, I think you had testified  
4 previously that there would be about 250  
5 employees and those employees would all be  
6 required to park in the parking garage.

7 A. That's correct.

8 Q. Moving onto -- it's classified I  
9 think in our discussion as a variance regarding  
10 the rear yard, but it's an existing  
11 nonconformity that we're not making worse. I  
12 don't call it a variance.

13 MR. LANDGRAF: No, I would agree.

14 MR. KERNAN: Perhaps one might  
15 apply and I didn't put it in my letter because  
16 I'm not always sure how to treat trash  
17 enclosures, but perhaps the trash enclosure  
18 might require a rear yard variance. It's not a  
19 building, but bulk requirements talk about  
20 buildings, but then the section on accessory  
21 structures says that those structures should  
22 have the same dimensional setbacks as the  
23 principal building.

24 MR. LANDGRAF: Right.

25 MR. KERNAN: Doesn't require a side



1 yard in this zone, so if it's on the common  
2 property lines to lots two to seven, which it  
3 appears to be, I think that doesn't require a  
4 variance, but perhaps the rear yard does trigger  
5 a variance, which I would support. I think it's  
6 a good location for it.

7 THE WITNESS: There is two  
8 requirements for a 30-foot rear yard setback.  
9 If we're going to treat the trash enclosure as  
10 an accessory structure, then obviously we  
11 wouldn't need that variance. Certainly  
12 requiring a 30-foot rear setback for an  
13 accessory structure on a lot that is essentially  
14 150 foot deep would require us to move the  
15 structure down significantly, affecting the  
16 parking, the circulation of the lot. It's  
17 certainly something that is much better kind of  
18 tucked into the corner of the lot and something  
19 that I think we can landscape. We can make it  
20 as least impactful as possible to the site.

21 MR. KERNAN: I would agree with  
22 that testimony. I think tucked into the corner  
23 near the stairwell for the Wave garage in line  
24 with the rear of the existing building makes  
25 sense versus forward of the existing building.

1 MR. MENAS: Next would be the  
2 landscaping requirements regarding the perimeter  
3 landscaping.

4 MR. LANDGRAF: You can handle these  
5 kind of en masse. Essentially would you agree  
6 that these variances fall under maybe the  
7 flexible C2 type variance, some of them under  
8 the hardship, where the --

9 THE WITNESS: I think most of the  
10 relief that we have requested falls under the C2  
11 criteria. We've made an attempt to maximize the  
12 development potential of this lot and in doing  
13 so, we are asking for some relief from some  
14 things that we feel would impact that  
15 development potential and also would impact the  
16 circulation, the layout of the parking, just the  
17 overall good use of the property. You know, if  
18 we were required to have shade trees or required  
19 to have some of the widths of the landscaping  
20 and provide the landscaping that is requested by  
21 the ordinance, it starts to affect, again, the  
22 layout, the circulation, the safety, just the  
23 overall good planning and use of the site.

24

25 BY MR. MENAS:

1 Q. That also applies to loading areas,  
2 correct?

3 A. Also applies to the loading area.  
4 If we had to dedicate a portion of the site to  
5 be used as a loading area, again, we're  
6 affecting circulation. We're dealing with a lot  
7 that is not big enough in area to really do all  
8 of those things without starting to really  
9 compromise the overall concept and execution of  
10 the plan.

11 MR. LANDGRAF: So you're saying the  
12 benefits would outweigh any of the detriments  
13 that would be in the design of the site?

14 THE WITNESS: Absolutely.

15 MR. LANDGRAF: It just crossed my  
16 mind. When we come back in to deal with the  
17 duck boat parking on lots two through seven, if  
18 that ends up being permissible, that might be a  
19 loading area there. Because the duck boats  
20 aren't going to be there when the place is shut  
21 down.

22 MR. MENAS: I have to talk to my  
23 client about the practicalities associated with  
24 the easement in two through seven. It's  
25 imperative and this is important for you to

1 understand and for the board to understand, it's  
2 imperative that we think we can be open this  
3 summer. I know you know Jim DiNatale. He's not  
4 the kind of guy that sits around and waits. He  
5 doesn't know why there's not a Hooters sign up  
6 already. So the reality of it is path of least  
7 resistance, right? I could envision a scenario  
8 where that easement takes 90 days, you know, and  
9 then we'll be talking about being open next  
10 summer, so my suspicion is, and I don't have  
11 authority to say this, but we might as well talk  
12 about it. My suspicion is that we would  
13 redesign. We would reduce the number of parking  
14 spaces so that we could be under construction  
15 and open sooner than later, something I think  
16 everybody wants. It's in the city's best  
17 interest, CRDA's best about and my client's best  
18 interest to be open for the summer. That's just  
19 my thought. I mean, going down that road about  
20 what we may or may not be able to do, rather not  
21 speculate.

22 MR. LANDGRAF: What I would want to  
23 make very clear is that today's -- I can't say  
24 approval, that's not how we operate. But the  
25 hearing officer report would make it very clear

1 when I present it to the board that any  
2 improvements that we're recommending under  
3 today's action or today's recommendation, again,  
4 struggling with that. Would have to be off of  
5 those lots. You would have to get the two feet  
6 back, whether it's on paper or whether it ends  
7 up being designed fully as you have it now.

8 MR. MENAS: I think that's -- and I  
9 appreciate that and I think that's the best way  
10 to go for all parties involved.

11 MR. LANDGRAF: Then it gives you  
12 something clean you can work from now.

13 MR. MENAS: Exactly. I don't want  
14 to be an either/or scenario where we have to  
15 come back and have another discussion about it.  
16 We'll talk about it as a project team afterwards  
17 and if we decide to include that back in and  
18 pursue it and we may decide to pursue at any  
19 time and proceed two paths, right? There's  
20 nothing that prevents us from starting now and  
21 still trying to seek the easement and coming  
22 back to you at that time with redesign of the  
23 area. But I think what would allow us to move  
24 forward quickly is just deal with the redesign,  
25 we'll pull it back and we'll proceed

1 simultaneously.

2 MR. LANDGRAF: And that's why I  
3 made that statement. I don't want to hold this  
4 up so you can't get moving forward. Want to  
5 make sure we move on two critical paths, if you  
6 will.

7 MR. MENAS: Sure.

8 MR. LANDGRAF: Okay. Just so we're  
9 clear.

10 MR. KERNAN: Going that first path,  
11 pulling it back, I don't believe you're going to  
12 lose parking spaces. You mentioned you might  
13 lose spaces. I think we're talking -- Mr.  
14 Landgraf suggested --

15 MR. LANDGRAF: Just for  
16 clarification, I think what they're thinking of,  
17 if they can't get this easement next week, they  
18 may lose those spaces that are along those lots  
19 and move the staging area into those parking  
20 spaces that are on the northern side of the  
21 site.

22 THE WITNESS: This would suffice as  
23 staging area.

24 MR. KERNAN: I heard that. But  
25 then the duck boats would be utilizing the

1 private lane, if you will.

2 MR. LANDGRAF: Well, they can drive  
3 through it. They just can't park there.

4 MR. REID: Point of clarification,  
5 your parking variance, right now you show 49  
6 parking spaces on-site. You're discussing the  
7 possibility of moving the staging area for the  
8 duck boats onto lot -- you lose 12 more parking  
9 spaces, so is your testimony that you're asking  
10 for relief for parking that would be 12 spaces  
11 less than what you show on this plan in the  
12 event you have to move it in?

13 THE WITNESS: There are 14 spaces  
14 along this line here.

15 MR. REID: Okay.

16 THE WITNESS: So I would say 14 and  
17 also the calculation that is on our plan  
18 contemplates only the building, so we would need  
19 to add the employee parking. If we're going to  
20 base it on 250 employees, I would say --

21 MR. REID: Another clarification.  
22 When you say 250 employees, you're talking about  
23 all three shifts?

24 MR. MENAS: Correct.

25 MR. REID: Not all three shifts are

1       there at the same time, so it's only --

2               MR. MENAS: I don't know that we  
3       need to calculate in the employee parking if as  
4       a condition of approval we're going to say no  
5       employees are parking there.

6               MR. LANDGRAF: As part of the  
7       calculation you need to do it and it's part of  
8       the relief.

9               MR. MENAS: Okay.

10              MR. REID: And the ordinance allows  
11      for or requires one parking space for every one  
12      and one and a half employee, so that's 56  
13      parking spaces are technically needed by  
14      ordinance for 250 employees, because you have  
15      three shifts. So it's 56 what you're asking  
16      relief from.

17              MR. KERNAN: That total would be  
18      like 105 and you'd be providing 49 possibly  
19      minus 14.

20              MR. REID: Right, minus 14, and the  
21      use like this, I think part of your testimony is  
22      that the parking that's available, it's an  
23      operation, it's self-policing. If you can't  
24      find convenient parking, you're not going to be  
25      using the establishment. So that's a



1 consideration.

2 THE WITNESS: Absolutely. And I  
3 think that was something that Mr. Menas had  
4 talked about in his opening statement was every  
5 corporate entity that we have had discussions  
6 with about the use of this facility have made it  
7 very clear that they need the on-site parking  
8 for it to be viable, for it to work.

9 MR. LANDGRAF: Also take a look at  
10 a section of the ordinance that allows a  
11 percentage reduction. If you're within a  
12 certain linear feet of a transportation route,  
13 and you're pretty close. So see where that is?  
14 It's a pretty significant reduction. So take a  
15 look at that. Allows you to use that  
16 calculation to knock that requirement down a  
17 little bit.

18 THE WITNESS: We can certainly work  
19 to get that number what it is, but I think the  
20 end result is certainly that the requirement  
21 exceeds what we are able to provide.

22 MR. REID: Right, but I wanted to  
23 quantify the deviation to some extent, because  
24 the 250 showing up in the minutes is kind of  
25 deceiving. It's much less than that.

1 THE WITNESS: I appreciate that,  
2 yeah.

3 MR. COLLINS: I'd just like to be  
4 clear here too. We've sort of migrated a little  
5 bit. The application that you're seeking  
6 approval of that you're presenting today is not  
7 going to show any use of the easement area?

8 MR. MENAS: That's correct.

9 MR. COLLINS: Everything is going  
10 to be on-site and I agree we need to quantify  
11 what relief is being sought. You need X number  
12 of spaces are required. This number are  
13 provided. I mean, I'm going to need to know  
14 that.

15 MR. REID: So we're saying minus  
16 14, right?

17 THE WITNESS: Right. Right now I  
18 would say that we can provide 34 spaces on-site,  
19 a minimum.

20 MR. DiNATALE: I think we're going  
21 to have a problem.

22 MR. LANDGRAF: Why don't we take a  
23 five-minute break, five-minute recess so the  
24 applicant can have a conversation.

25 (Brief recess from 10:53 a.m. until

1 11:15 a.m.)

2 MR. LANDGRAF: We can go back on  
3 the record after a short recess.

4 Mr. Menas?

5 MR. MENAS: So a couple issues and  
6 let's focus first on the plan that's before us.  
7 When we got started today, what I had said and I  
8 think what we had discussed prior to today's  
9 hearing was that there might be a use variance  
10 required as a result of another principal use  
11 coupled with that use itself not being defined  
12 as accessory. So that use is for the duck boat  
13 tours that would have a stand alone kiosk  
14 located at the site.

15 We're withdrawing that request here  
16 today and we're going to come back and we may  
17 come back and submit a new plan that shows you  
18 that duck boat tour operation at this site, but  
19 there is a net impact as a result of withdrawing  
20 that. It's not just the fact that we're not  
21 asking you for that relief. The plan before you  
22 takes into consideration that duck boat  
23 argument. And the plan before you takes into  
24 consideration something else we talked about.

25 When you're talking about the duck

1 boat operation, you're talking about staging on  
2 lots two through seven, which we have already  
3 said we don't own, we don't have site control  
4 over. To the extent we need that spot and in  
5 those five lots, we're going to have to get an  
6 easement from CRDA and probably Cordish. That's  
7 not what we're talking about today. So we don't  
8 need lots two through seven.

9 The question is what is the impact  
10 on our operation of the restaurants if we take  
11 lots two through seven off of this application  
12 not before you today. What does that do to our  
13 parking demand?

14 Now, we calculated some  
15 back-of-the-napkins numbers as a parking demand  
16 of 146 spaces. How we come to that is this.  
17 There's two ways, I believe, in the ordinance to  
18 determine the parking demands. One, capacity of  
19 the building. Now, the capacity of this  
20 building is 500 seats -- 500 people, however, in  
21 a restaurant you don't pack 500 people in. You  
22 go by number of seats and in this case capacity  
23 would be -- we're going to have 300 seats, so  
24 the capacity for the parking requirement would  
25 then be, it's 30 percent of the capacity. So

1       it's 30 percent of 300 seats. So now you take  
2       that number and you add whatever that number is  
3       to the parking demand associated with our number  
4       of employees. It brings us to a parking number  
5       of 146 parking spaces. Now, we're providing 49  
6       spaces on-site. If you remove -- which, again,  
7       the plan in front of you shows, if you remove  
8       the duck boat operation, we can maintain all 49  
9       spaces. We don't need the area for lots two  
10      through seven for those 49 spaces. So we would  
11      be asking for a parking variance in the amount  
12      of 97 spaces from you today.

13               We would submit as a condition of  
14      approval a revised site plan that removes the  
15      duck boat use until such time as one of two  
16      things happen, right? We decide to come back  
17      and integrate the duck boat use into this  
18      development, taking into consideration not  
19      having lots two through seven, which may at that  
20      time trigger an additional parking variance, or  
21      we would get an easement over lots two through  
22      seven which would then maintain the existing  
23      parking demand. But we're not sure in any  
24      event.

25               So we think the prudent thing to do

1 is we're withdrawing that and to the extent we  
2 come back, we'll address any new parking  
3 variance at that time. But here I think Mr.  
4 Endicott can testify.

5

6 BY MR. MENAS:

7 Q. Mr. Endicott, the area that we're  
8 talking about on the plan, identify the area  
9 that we would be -- on lots two through seven  
10 that we're infringing on that we're going to be  
11 removing in terms of like a square footage?

12 A. The division line between lots two  
13 through seven and the rest of the parcel  
14 basically runs concurrent with the face of the  
15 proposed curb along these 14 parking spaces. So  
16 everything that is to this side, the east side  
17 of the -- of that lot line is all proposed and  
18 would be dedicated solely to the duck boat use.  
19 So as part of our revised plan, we would  
20 eliminate any improvements on lots two through  
21 seven. As I said, that lot line roughly runs  
22 right with that face of curb, so the other  
23 change we would have to make on that revised  
24 plan is we would shift the entire parking area  
25 probably two foot closer to the building. That

1 would reduce the sidewalk in front of A'Dam Good  
2 Sports Bar from the proposed 10 feet to eight  
3 feet and from 20 feet to 18 feet in front of  
4 Hooters. I think that's certainly providing  
5 more than adequate area for pedestrians to  
6 access those areas and I think the change can be  
7 made pretty easily and we can, you know,  
8 accommodate all 49 parking spaces on the lots  
9 that we do have control of.

10 MR. MENAS: So I think in sum, if I  
11 may, we're removing the duck boat operation from  
12 the plan that you're considering right now. The  
13 result of that is we're going to be able to  
14 maintain 49 parking spaces. The net impact on  
15 the ordinance of the 49 parking spaces that  
16 we're going to be providing is that we need a 97  
17 per our calculation parking variance. It's  
18 mitigated by the fact that you have the Wave  
19 parking garage that Mr. Landgraf said, over  
20 1,300 parking spaces there. It's further  
21 mitigated by the fact that we've got 250  
22 employees factored into that parking demand all  
23 being required to park in the Wave garage and  
24 not in our surface lot and we're going to  
25 essentially just shift the improvements two feet

1       which will allow us to maintain those 49 parking  
2       spaces.

3                   To the extent that we decide to  
4       come back before you to integrate the duck boat  
5       operation, one of two things will happen. We'll  
6       either have an easement from CRDA and Cordish  
7       and then that will result in maybe shifting back  
8       two feet. It may result in further deviation of  
9       the existing parking requirement or it may not.

10                   Similarly, we may come back and say  
11       we're going to locate the duck boat operation  
12       here and we may need to increase the parking  
13       deviation. Those aren't things that we're  
14       considering right now. We're merely considering  
15       and asking for the preliminary and final site  
16       plan with the 49 parking spaces as been provided  
17       to you in the application that's been submitted  
18       and noticed for just with the shift of the two  
19       feet, which we think is a minor adjustment that  
20       happens in the ordinary course of any  
21       preliminary major site plan, talking about  
22       shifting items over in terms of redesign of  
23       improvements.

24                   MR. LANDGRAF: Okay. I think that  
25       clarifies it from what we were asking for.



1 MR. COLLINS: Yes.

2 MR. LANDGRAF: Typically if we  
3 followed municipal processes and we had  
4 preliminary, this would be a minor change to  
5 final.

6 MR. MENAS: I agree.

7 MR. LANDGRAF: Because we are kind  
8 of condensed here with preliminary and final in  
9 one, and that's something I think is reasonable  
10 to agree that amendment to remove improvements  
11 on two through seven and adjust that parking lot  
12 to the south by roughly a couple feet.

13 I would like to go into Mr.  
14 Kernan's letter. He's got some comments to go  
15 through on the record for us, in addition to  
16 what we already talked about.

17 If you could is do that, Tim.

18 MR. KERNAN: Thank you. I'm going  
19 to start with completeness. There was a number  
20 of items that were asked for waivers and then a  
21 few additional items that I found were not part  
22 of the application or on the set of plans. So  
23 we'll go through those first and they start on  
24 page three of my letter.

25 MR. COLLINS: Give the date of the

1 letter. We'll mark that as B-1.

2 MR. KERNAN: Letter's dated March  
3 31st. I'll just recite the item numbers first.  
4 Preliminary site plan they would be items C(5),  
5 (8), (15), (16), (17), (21), (c), (l), (m), (n)  
6 and (o) and (22) and (24).

7 So for those preliminary checklist  
8 items, the applicant has requested waivers for  
9 items(16), (17), (21)(1) and (22), which I  
10 support with the exception of (21)(1). (16) and  
11 (17) deal with traffic studies and other types  
12 of facilities studies, improvements. Those are  
13 (16) and (17). I'll skip over (21)(1). (22)  
14 deals with energy impact statements or studies,  
15 so I support waivers of all that. There's no  
16 need for those studies.

17 (21)(1) deals with storm water  
18 management. We heard some testimony earlier  
19 from Mr. Endicott that he believes there's  
20 really no change in runoff potential. I would  
21 largely agree with that, but I did want to be  
22 clear that this parking lot used to have  
23 structures on it. Now, they have been removed  
24 probably nine, 10 years ago. The city code  
25 which is modeled after the state regs allow you

1 to look back five years and take credit for  
2 structures that existed. Since they were  
3 removed more than five years ago, I'm not sure  
4 that we can take credit for that. But the land  
5 itself, even without the structures is pretty  
6 hard-packed. It's dirt. I don't know how it's  
7 been treated all these last nine or 10 years.  
8 One thing, though, in the regs, structures are  
9 considered like clean runoff. Parking lots are  
10 not considered clean runoff. My concern is if  
11 there's an increase in runoff, I'm not concerned  
12 about that. My concern is do we need to  
13 consider any type of water quality improvements  
14 or not? I don't know what the options are. The  
15 only way to add any kind of water quality  
16 treatment would be to put an inlet in the  
17 parking lot and then tie that into the inlets in  
18 the street, Arctic Avenue or into the alley  
19 behind The Walk stores. Looks like the surveyor  
20 picked up a storm pipe and some manholes.

21 Now, these inlets, to get a water  
22 quality improvement out of it, you'd need what's  
23 called manufactured treatment device. These  
24 things can be quite expensive and I'm not  
25 suggesting that. But there's some companies

1       have these, for lack of a better phrase,  
2       strainers that just sit in the inlet and they  
3       can be pulled out and emptied on a routine basis  
4       every few months or so. So I guess I'm looking  
5       for some feedback from the applicant and their  
6       professionals and from the CRDA as to how far we  
7       go with storm water. The I don't know if the  
8       Walk as they've been developing if they have any  
9       kind of water quality enhancements as part of  
10      their development.

11                   THE WITNESS: As you stated in  
12      terms of water quality, addressing the water  
13      quality issues, in my opinion, is not a solution  
14      that is reasonable economically. As you stated,  
15      some of those manufactured devices are quite  
16      expensive. The only other ways to address water  
17      quality are through extended storm water basins.

18                   MR. KERNAN: I'm not thinking --  
19      suggesting that something has to be done, but I  
20      want to have a little discussion about it.

21                   MR. MENAS: Lance, what did you do  
22      with Bass Pro? You were still wearing the white  
23      hat then.

24                   MR. LANDGRAF: Yeah, and I'm  
25      conflicted out of discussing that application.

1 I think there were some things done at each  
2 inlet. I'd defer to the design engineer on  
3 that, but I think they had them do something.  
4 Did you review that or was that --

5 MR. KERNAN: I did not review that.  
6 One of my general comments and I don't want to  
7 bore this group here, was to sit down, Mr.  
8 Endicott, and just go over some general grading  
9 concerns I have. It's a real flat site.  
10 There's some slopes across that parking lot that  
11 are proposed to be very flat, working within the  
12 existing conditions. Perhaps creating a low  
13 point, putting one inlet in there that can be  
14 tied into the city system and putting this  
15 strainer device I'm talking about that's not  
16 very expensive. I just had a company come to my  
17 office last week and give a demonstration and  
18 they're not big-tickets items. They just hang  
19 in the inlet box and it's really like putting a  
20 filter in your coffee machine in the morning.

21 MR. MENAS: Well, I think comments  
22 and design questions like that, I think, you  
23 know, your suggestion that you meet with Mr.  
24 Endicott to go over those types of items and you  
25 guys kick around some alternatives after maybe

1       you both have had an opportunity to look at  
2       what's historically been done at The Walk, the  
3       good thing about it is we don't have to go back  
4       in time just 10 years. We can go there now and  
5       take a look at what's happening. I would  
6       suggest that any engineering-related comments  
7       like that, things that the two of you could  
8       probably agree that you can see what's happening  
9       at the Walk and agree to how you want to  
10      mitigate any concerns that you have.

11               MR. KERNAN: Come back in two weeks  
12      and continue the conversation, if that can work  
13      into --

14               MR. LANDGRAF: I think it's  
15      something that at this point we can put a  
16      condition on. You'll meet with the design  
17      engineer, make some adjustments to the plan.

18               I think you had some other comments  
19      regarding moving some landscaping around and  
20      possibly locating a driveway.

21               MR. KERNAN: To the extent  
22      possible, we'll look to some type of water  
23      quality enhancements.

24               MR. MENAS: Yeah. We'll look at  
25      some mutually agreed upon resolution to the

1 extent one's applicable and other similar  
2 mitigation has taken place at The Walk.

3 MR. LANDGRAF: I just don't want  
4 that to be restricted to what's happened  
5 elsewhere, where we've moved forward in time, so  
6 we may be looking at something, again, not  
7 hugely expensive. I'm not of the opinion --

8 MR. MENAS: I'm not tying this to  
9 The Walk. Just for guidance. Like I said,  
10 we're not going to go back 10 years to what  
11 happened when they built Applebee's. We at  
12 least have some recent sampling with the Wave  
13 garage and with Bass Pro.

14 MR. LANDGRAF: Well, the Wave  
15 garage is a roofed structure and that's  
16 considered clean water. Bass Pro went from an  
17 entire parking lot to having a portion of a  
18 building on it. They had -- SJTA had a parking  
19 lot on there.

20 MR. KERNAN: It sounds like they  
21 did some water quality treatment.

22 All right. So going back to  
23 completeness for preliminary site plan, the  
24 other items that hadn't been asked for but I  
25 found. The first numbers deal with nonplan

1 items, just submission type items. Number (5)  
2 is what we call property owners within 200 feet.  
3 I'm sure you have one that can provide --

4 MR. MENAS: I think it's been  
5 provided with my affidavit of notice.

6 MR. KERNAN: There we go. All  
7 right.

8 Number (8) is evidence the  
9 applicant has sufficient control. From what I  
10 heard from the opening remarks, there was a  
11 trade of property, so I believe you have  
12 sufficient control. Don't know if anything  
13 needs to get into this particular file at CRDA,  
14 but however you work that out is fine with me.

15 Number (15), evidence of the  
16 financing plan. I would recommend that that be  
17 waived. Don't require that.

18 (16), (17) we already hit.

19 (21) is the site plan-related  
20 items. The first one -- we talked about (1).  
21 The first one, survey. I underlined easements  
22 and then public rights of way crossing and  
23 adjacent to the subject property, knowing that  
24 there was an issue with these lots two through  
25 seven with Cordish. So the survey did not



1 really call out an easement in that area, and  
2 then with regard to the right of way for Willow  
3 Lane or avenue. I apologize the exact name.  
4 Didn't call out that that was vacated. I just  
5 wanted to underline that and we know we're  
6 coming back with some information on that.

7 MR. MENAS: That's also probably in  
8 the CRDA files, because the -- I could dig it  
9 up. What happened was when the property was  
10 transferred, it didn't just include property  
11 transferred from CRDA that currently was the fee  
12 simple title owner at that time. It also  
13 included property that was consolidated -- I  
14 shouldn't say consolidated. It was just  
15 transferred from Atlantic City to CRDA and then  
16 to us and that vacation was done as part of that  
17 ordinance that approved that land transfer.

18 MR. KERNAN: Okay. The remaining  
19 plan items, (m), (n) and (o) deal with sanitary  
20 facilities, water supply and public utilities.

21 Mr. Endicott's surveyor had picked  
22 up, I think, pretty much all of the existing  
23 utilities out in the street, but maybe one under  
24 public utilities. I think -- gas is shown out  
25 there. Electric, utility poles are shown.

1 Overhead lines are not shown. Not trying to be  
2 overly picky on that, but under sanitary he  
3 doesn't indicate the size of the pipes,  
4 direction of flow, inverts, manhole rims and so  
5 forth. So there's some information that's a  
6 little bit lacking which may or may not come  
7 into play with the hookups. If there was the  
8 potential for no new hookups, I wouldn't care as  
9 much and this is something we'll talk about.  
10 You're probably going to need a grease trap and  
11 for the size of the restaurants it may not be a  
12 grease trap that can go inside. May be one of  
13 those external grease traps. I think where the  
14 sanitary lateral is shown it goes through a  
15 couple valves that are called out as gas valves,  
16 so there's a couple things I want to clean up.  
17 That's why I left them in my review letter under  
18 completeness and we'll get to them when we need.  
19 Energy impact, I, again, suggested  
20 that be waived and number (24) I recommended  
21 that be a condition of approval. Documentation  
22 of underground storage tanks. I'm not saying  
23 there probably are tanks here. There might be,  
24 but we know there are many underground tanks  
25 throughout the city. Maybe as part of the land

1 swap there's been -- phase one's done and you  
2 already have information about that. Might be  
3 easy to provide.

4 MR. LANDGRAF: Did they do that?  
5 Did we provide you with anything on phase one?

6 MR. MENAS: Just title.

7 MR. LANDGRAF: Okay.

8 MR. MENAS: We were taking as-is,  
9 where-is.

10 MR. LANDGRAF: So might just need  
11 something, if you can do a phase one on that and  
12 get that popped out, just to show that it's not  
13 an issue.

14 MR. KERNAN: Then for final,  
15 there's four items under completeness. (6),  
16 (11), (16) and (18) dealing with things like  
17 engineering plans, cost estimates, copies of all  
18 preconstruction permits and approvals, what have  
19 you. I recommend those all be deferred and just  
20 made a condition of approval.

21 Zoning requirements of restaurants  
22 are permitted uses in the CAD district. Duck  
23 boat has been postponed to a future date in two  
24 weeks. Mr. Endicott went through the bulk  
25 requirements and noted the existing

1 nonconformities for rear yard and for side yard.  
2 I don't know if you mentioned that, but the side  
3 yard on the south side is also nonconforming.  
4 You're not required to have one, but when you  
5 have one it's supposed to be 20 feet and it's  
6 like 3.4 to 3.6 depending where on that line.

7 Then we had testimony on the record  
8 about a need for a rear yard variance for the  
9 trash enclosure which I support. Under  
10 accessory structures and uses in the middle of  
11 page seven, that deals with the duck boat, so  
12 that's not for today.

13 The first comment under parking, I  
14 don't believe Mr. Endicott, you hit that. I  
15 think you started on page eight, but you did hit  
16 all the other comments on page eight. Number 1  
17 says you can't have parking in the side yard.  
18 For other reasons you testified to, the reasons  
19 for the variance, I would support the variance  
20 for having parking on the side yard. I think  
21 basically what we've been talking about with  
22 parking is it strikes a balance between your  
23 tenants' requirements, the city code, good urban  
24 planning, wouldn't have parking up against the  
25 street or even along the building at all.

1       Rather see a building there, but, again, given  
2       the fact that there is a parking demand, your  
3       tenant requires parking on-site and then we have  
4       the parking garage for the deficiency in  
5       parking, I would support all of these various  
6       parking variances on the one on page seven I was  
7       just talking about and all the others on page  
8       eight.

9                       Number 2, we talked about this.  
10       Perimeter landscape open space. This is only  
11       adjacent to street line, so really doesn't apply  
12       to the alley. But against the street  
13       approximately four feet's being proposed. You  
14       see that green strip. My opinion, I'd recommend  
15       that a fence be put there, a SID, Special  
16       Improvement District, type fence and take that  
17       three or four feet and use it in those two  
18       islands that are in the parking lot, so they  
19       could go to about five foot wide each. In doing  
20       so, they could be landscaped perhaps with some  
21       shade trees. Now, you could put one on each end  
22       so you'd have four shade trees and basically  
23       meet the ordinance. But you'd be short perhaps  
24       one you could argue. I would still probably  
25       recommend a variance be granted in case it's a

1 shade tree that is not the right choice because  
2 it would conflict with the light poles there,  
3 the LED light poles. I think something we can  
4 talk about.

5 If CRDA would agree that that could  
6 be worked out, you know, preference would be  
7 shade trees but if we can't get there because of  
8 the conflicts with the lights, might be some  
9 kind of ornamental tree with a lower growth.

10 THE WITNESS: My concern with  
11 placing any type of trees or anything that grows  
12 high in those islands is it creates sight  
13 issues. Anybody who's maneuvering the parking  
14 lot only has to deal with cars that may be  
15 parked instead of having to deal with a tree and  
16 the visual block of that. I prefer to keep  
17 things that are lower in islands.

18 MR. KERNAN: I personally don't see  
19 that as a concern.

20 MR. LANDGRAF: There's different  
21 ways to do it. You can move the lights out to  
22 the end and put the tree in the middle and low  
23 shrubs on the end. I would like to see the  
24 landscaping internal and keeping with -- what's  
25 happening in The Walk is the SID fencing along

1 the perimeter, which I think you had proposed.

2 THE WITNESS: I do have SID fencing  
3 along this line.

4 MR. LANDGRAF: I think if we kept  
5 that running through there, that would be a way  
6 to address that.

7 MR. KERNAN: All right. Then if  
8 the applicant's in agreement to at least move  
9 the landscaping internally, whatever form that  
10 is, then that variance goes away.

11 Number 2 at the top of page eight.  
12 If you don't have five feet, but you have a  
13 fence, you meet the code.

14 MR. LANDGRAF: Okay.

15 MR. KERNAN: I would suggest that  
16 that be withdrawn or not acted on.

17 Number 3 dealt with shade trees, so  
18 just in case we don't get 4.9 shade trees for  
19 every 10 spaces, I would suggest a variance be  
20 granted with the condition that we work towards  
21 some landscaping.

22 Number 4 dealt with the number of  
23 spaces and number 5 dealt with the requirement  
24 for one loading space where none is proposed.  
25 Variance is required and recommended. We heard

1 about deliveries being off hours. I think  
2 they're going to be down that sidewalk in the  
3 back, so the vehicles are either going to park  
4 along that back line or right out front and  
5 offload into that alley across the back. I  
6 support that variance.

7 Signs, as I read the ordinance, a  
8 ground sign is permitted. I think you had maybe  
9 indicated on the plan a variance for a pole  
10 sign, but you're really not doing a pole sign.  
11 That only goes to the duck boat. That doesn't  
12 go to --

13 THE WITNESS: That proposed sign  
14 was only for the duck boat operation. I kind of  
15 treated it as a site ID sign, so my reading was  
16 a variance, but we don't really need to worry  
17 about it right now.

18 MR. KERNAN: Yeah. I view ground  
19 signs as being permitted so long as they're --  
20 and you met the size requirements. We'll get  
21 into that if it gets moved at a later date for  
22 duck boat, may need a setback variance and that  
23 was number 2 under that section at the top of  
24 page nine.

25 Performance standards. I did see



1 in the architectural plans that were submitted  
2 the other day that there might be some outdoor  
3 seating in front of Hooters Restaurant and also  
4 a vestibule proposed, so I think that should be  
5 part of the record that the existing buildings  
6 are going to remain and will be utilized as is,  
7 but there is a small addition for the entrance  
8 to Hooters and then possibly some outdoor  
9 seating under a canopy on either side of that  
10 entrance. So maybe just brief testimony, you'll  
11 comply with any noise ordinance in the city  
12 regarding --

13 MR. MENAS: Sure.

14 MR. KERNAN: All right. Urban  
15 design standards, we addressed those seeking a  
16 variance for not having entrance lobbies on  
17 Arctic Avenue and I support the need for that  
18 variance.

19 Number 2, they're not going to have  
20 half of the roof landscaped. I understand the  
21 reason not to do that. I agree and support that  
22 variance request.

23 And then number 3, with a white  
24 type roof and some screening of mechanicals,  
25 that might meet the intent of the code or would

1       that variance not be acted on?

2                   MR. LANDGRAF: I think it still  
3       needs a variance, but they're getting --

4                   MR. KERNAN: I would support that  
5       variance.

6                   No need to go through the general  
7       comments. When I meet with Mr. Endicott, we can  
8       discuss all those. Nothing really jumps out.  
9       Other than number 5.7, relocation of the utility  
10      pole. That was listed on the plan as by others.  
11      It would really be on the applicant to do that.  
12      I think it might be financially a pretty big  
13      ticket to move that pole, so we had talked  
14      during the break about maybe flipping the  
15      entrance to the south side as opposed to the  
16      current location closer to The Walk alley and  
17      that may obviate the need. I know there's other  
18      poles heading south. I don't know if there's  
19      another one there, but it would be somewhere in  
20      the vicinity of that Willow alley, so it might  
21      work out that you could put the entrance to the  
22      parking lot there.

23                   Anybody have any objection to that?

24                   MR. LANDGRAF: No.

25                   MR. KERNAN: All right. The rest

1 we'll sit down. I'll be available whenever you  
2 can, Mr. Endicott, to go through all this.

3 So, Mr. Landgraf, I believe that's  
4 all I have.

5 MR. REID: Lance, I did want to  
6 offer this. There's some testimony offered  
7 today regarding the seating, regarding  
8 additional signage. I would like the  
9 architectural plans that were submitted as part  
10 of the application be modified to reflect that  
11 testimony. My understanding is the additional  
12 signage is being proposed on Arctic Avenue and  
13 facing Mississippi Avenue. That should be shown  
14 on the architectural plans so we have that  
15 signage. Also the seating of 300 seats, the  
16 architect should look at the floor plan and see  
17 how that fits. Looking at the floor area and  
18 count the number of seats that would fit in the  
19 floor area, a standard is 15 square feet per  
20 seat. I calculated that to be about --

21 MR. LANDGRAF: We're going to rely  
22 on the architect to calculate that. We're not  
23 going to calculate that for them. Let's let  
24 them provide that information.

25 MR. REID: That's what I'm asking

1 for.

2 MR. LANDGRAF: Then don't get into  
3 the calculation. Let's have them provide that.  
4 We're going to ask you for that information as  
5 well as on the signage to make sure that that  
6 complies with what's being shown on the plans  
7 and that the signage complies with our  
8 ordinance.

9 MR. MENAS: Absolutely. Will be  
10 part of any revised submission.

11 MR. LANDGRAF: I would like -- you  
12 mentioned some outdoor seating. I would like to  
13 see the arrangement of that.

14 MR. KERNAN: And the vestibule, so  
15 we can show that square footage on the plan.

16 MR. LANDGRAF: Right. Anything  
17 else from our side we need to -- Nick, do you  
18 have anything? I think we would like to see --  
19 Tim, you asked for some testimony regarding the  
20 outdoor seating. Is that going to be just in  
21 front of the Hooters where it's wider there?

22 MR. MENAS: It's conceptual. The  
23 odds are that -- it's a practical issue. To the  
24 extent that it works, that's where it'll be.

25 MR. LANDGRAF: Okay. If we could

1 show that on the plans just so we can see it.  
2 So when it's built and used, it's part of the  
3 approved site plan.

4 MR. MENAS: Sure.

5 MR. LANDGRAF: And it's shown on  
6 approved plans.

7 MR. MENAS: You gotta have the  
8 bookkeeping.

9 MR. LANDGRAF: Exactly. Exactly.  
10 Anything else, Scott?

11 MR. COLLINS: No. Public comment.

12 MR. LANDGRAF: We'll open this up  
13 to the public for any public comment on this.  
14 Seeing no public comment, we'll move back to the  
15 board, CRDA panel.

16 We have nothing else here, right,  
17 guys? We're good? Thank you.

18 We'll move forward with our hearing  
19 officer report and you may or may not be back on  
20 the 16th to discuss the duck boat issues,  
21 correct?

22 MR. MENAS: That's correct. I'm  
23 anticipating noticing tomorrow, so I'm going to  
24 prepare as if we are.

25 MR. LANDGRAF: Okay.

1 MR. MENAS: And then we'll take it  
2 one step at a time.

3 MR. LANDGRAF: All right. We will  
4 attempt to get this on our April board agenda,  
5 the full board agenda. I believe that date is  
6 the 21st. We will try to get our hearing  
7 officer reports done and we'd like to see some  
8 of the revisions to the plans prior to that so  
9 we can --

10 MR. MENAS: I think -- forgive me,  
11 I don't know if it was on or off the record, but  
12 Mr. Kernan and Mr. Endicott will coordinate  
13 something and Mr. Endicott will get you a  
14 revised set of plans next week.

15 THE WITNESS: We can certainly talk  
16 this afternoon or tomorrow if you're available.

17 MR. KERNAN: Tomorrow morning will  
18 work.

19 THE WITNESS: We'll talk tomorrow  
20 morning and we'll have revised plans to you  
21 Monday or Tuesday.

22 MR. LANDGRAF: Well, thank you.  
23 We'll close the public hearing on this matter.  
24 For the public's benefit, our next meeting is  
25 April 16th at 10 a.m. in this room. There's no

1 other public comments, we'll close the meeting  
2 and we are adjourned.

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4 (The hearing was concluded at 11:48  
5 a.m.)

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<b>A</b>			<b>B</b>
<p><b>ability</b> 8:22 25:5 26:5  <b>able</b> 22:11 27:7 44:20 49:21 55:13  <b>about</b> 6:1,14,21 7:1,22,22 10:1 15:18 17:9 18:4 20:12 21:13 22:15 23:17 24:19,20 24:21,23 25:3,12 28:11 38:21 40:4,19 43:23 44:9,12 44:17,19 45:15,16 47:22 49:4,6 51:24,25 52:1,7 54:8 56:21 57:16 59:12 60:20 61:15 62:3 64:20 66:9 67:2 68:8,21 69:7,9,19 70:4 72:1 72:17 74:14 75:20  <b>above</b> 2:1  <b>Absecon</b> 30:15  <b>absolute</b> 10:8  <b>absolutely</b> 22:10 25:19 29:14 43:14 49:2 76:9  <b>absorbs</b> 34:1  <b>acceptable</b> 31:9  <b>access</b> 12:24 14:2 16:13 18:21 55:6  <b>accessory</b> 5:17,23 23:21 40:20 41:10,13 51:12 68:10  <b>accommodate</b> 55:8  <b>accomplish</b> 21:24  <b>accurate</b> 10:16,23  <b>accurately</b> 5:9  <b>acknowledgment</b> 21:3  <b>across</b> 13:2 61:10 72:5  <b>acted</b> 71:16 74:1  <b>action</b> 45:3  <b>actually</b> 20:13 23:16 30:1,11  <b>add</b> 19:8 34:3 35:22 47:19 53:2 59:15  <b>adding</b> 25:8  <b>addition</b> 57:15 73:7  <b>additional</b> 25:8 53:20 57:21 75:8,11  <b>address</b> 17:16,18 21:12 23:21 28:14 38:13 54:2 60:16 71:6  <b>addressed</b> 73:15  <b>addresses</b> 22:4 35:7  <b>addressing</b> 60:12  <b>adequate</b> 26:14 39:13 55:5  <b>adequately</b> 17:16  <b>adjacent</b> 28:20 64:23 69:11  <b>adjourned</b> 79:2  <b>adjust</b> 57:11  <b>adjusted</b> 35:23  <b>adjustment</b> 56:19  <b>adjustments</b> 62:17  <b>aerial</b> 20:19  <b>aesthetic</b> 29:2 31:9  <b>Aesthetics</b> 34:6,7  <b>affect</b> 42:21</p>	<p><b>affecting</b> 41:15 43:6  <b>affidavit</b> 64:5  <b>affirmative</b> 19:8  <b>after</b> 35:17 51:3 58:25 61:25  <b>afternoon</b> 78:16  <b>afterwards</b> 45:16  <b>again</b> 26:25 42:21 43:5 45:3 53:6 63:6 66:19 69:1  <b>against</b> 68:24 69:12  <b>agenda</b> 78:4,5  <b>ago</b> 58:24 59:3  <b>agree</b> 7:1 10:2 34:21 40:13 41:21 42:5 50:10 57:6,10 58:21 62:8,9 70:5 73:21  <b>agreed</b> 38:18 39:1 62:25  <b>agreement</b> 6:18,21 7:13 9:19 10:12,25 21:25 71:8  <b>alley</b> 36:12 59:18 69:12 72:5 74:16,20  <b>alleyway</b> 20:22  <b>allow</b> 45:23 56:1 58:25  <b>allows</b> 48:10 49:10,15  <b>almost</b> 8:11  <b>alone</b> 51:13  <b>along</b> 20:22 25:25 28:24 29:11 30:7 46:18 47:14 54:15 68:25 70:25 71:3 72:4  <b>alongside</b> 36:20  <b>already</b> 25:10 37:7,18 44:6 52:2 57:16 64:18 67:2  <b>alternatives</b> 61:25  <b>always</b> 40:16  <b>amendment</b> 57:10  <b>amenity</b> 8:8  <b>amount</b> 24:12 53:11  <b>another</b> 6:13 34:1 45:15 47:21 51:10 74:19  <b>answer</b> 11:6  <b>anticipate</b> 11:5 27:2,9,11  <b>anticipating</b> 26:25 77:23  <b>anticipation</b> 9:3  <b>Anybody</b> 70:13 74:23  <b>anything</b> 11:7 13:14 19:8 27:12 28:7 64:12 67:5 70:11 76:16,18 77:10  <b>apologize</b> 13:7 65:3  <b>APPEARANCES</b> 2:10  <b>appears</b> 41:3  <b>Applebee's</b> 8:2 9:25 18:7 63:11  <b>applicable</b> 63:1  <b>applicant</b> 5:8 50:24 58:8 60:5 64:9 74:11  <b>applicants</b> 31:15,19  <b>applicant's</b> 4:7 71:8  <b>application</b> 4:1,3,9,24 5:5,10 5:12,13 6:10,14,19 8:4 9:7 12:16,19 13:9,15,18 20:8</p>	<p>22:8 23:14 33:22 35:18 50:5 52:11 56:17 57:22 60:25 75:10  <b>applies</b> 43:1,3  <b>apply</b> 40:15 69:11  <b>appreciate</b> 9:22 45:9 50:1  <b>appropriate</b> 28:14  <b>approval</b> 22:2 44:24 48:4 50:6 53:14 66:21 67:20  <b>approvals</b> 67:18  <b>approved</b> 65:17 77:3,6  <b>approximately</b> 8:25 69:13  <b>April</b> 6:1 78:4,25  <b>apron</b> 36:14  <b>architect</b> 29:23 30:4 75:16,22  <b>architectural</b> 73:1 75:9,14  <b>architecturally</b> 17:5 28:25  <b>Arctic</b> 4:12 12:25 14:2,17 28:24 29:4,11 30:1 36:11 59:18 73:17 75:12  <b>area</b> 7:17 9:14 13:25 14:4 15:23,24 20:21 21:17,19 22:11,12 25:13 26:13,14,22 29:3,6 32:15 34:12 36:23 37:2 39:10,13 43:3,5,7,19 45:23 46:19,23 47:7 50:7 53:9 54:7,8,24 55:5 65:1 75:17,19  <b>areas</b> 20:21,21 25:25 31:20,22 43:1 55:6  <b>argue</b> 69:24  <b>argument</b> 20:6 51:23  <b>around</b> 25:13,14 32:4,7 44:4 61:25 62:19  <b>arrangement</b> 76:13  <b>asked</b> 31:19 57:20 63:24 76:19  <b>asking</b> 42:13 47:9 48:15 51:21 53:11 56:15,25 75:25  <b>aspect</b> 14:22  <b>assessment</b> 10:2  <b>associated</b> 6:5 17:17 18:5 43:23 53:3  <b>assume</b> 11:9  <b>as-is</b> 67:8  <b>Atlantic</b> 1:17 8:16 65:15  <b>attempt</b> 42:11 78:4  <b>attorney</b> 2:21 4:7  <b>attribute</b> 10:23  <b>authority</b> 1:1,15,16 44:11  <b>available</b> 7:16 39:11,19 48:22 75:1 78:16  <b>avenue</b> 1:17 4:12 6:17 13:1 14:2,18 16:22 28:24 29:4,11 30:1 36:11 37:18,24 59:18 65:3 73:17 75:12,13  <b>away</b> 8:2 71:10  <b>awnings</b> 29:11</p>	<p><b>A'Dam</b> 15:13 16:19 21:22 29:7 55:1  <b>A-1</b> 13:18  <b>a.m</b> 2:1 50:25 51:1 78:25 79:5</p> <hr/> <p><b>B</b></p> <p><b>B</b> 2:15  <b>back</b> 6:2 10:23 18:13 21:13 27:20 29:8 32:2 35:3 43:16 45:6,15,17,22,25 46:11 51:2 51:16,17 53:16 54:2 56:4,7 56:10 59:1 62:3,11 63:10,22 65:6 72:3,4,5 77:14,19  <b>background</b> 6:10  <b>back-of-the-napkins</b> 52:15  <b>balance</b> 25:11,11 31:7 68:22  <b>balancing</b> 25:4  <b>Bar</b> 15:13 16:15,20 18:11 21:22 29:7 55:2  <b>Barrel</b> 7:23,23  <b>bars</b> 4:16  <b>base</b> 47:20  <b>basically</b> 12:17,24 21:16 35:20 54:14 68:21 69:22  <b>basins</b> 60:17  <b>basis</b> 60:3  <b>Bass</b> 9:24 13:3 32:16 60:22 63:13,16  <b>bathrooms</b> 15:19 16:1,7  <b>before</b> 1:18 6:2,19 9:20 37:13 38:4 51:6,21,23 52:12 56:4  <b>behalf</b> 5:8  <b>behind</b> 59:19  <b>being</b> 2:2 5:10 6:6 7:3 15:6 43:18 44:9 45:7 50:11 51:11 55:23 69:13 72:1,19 75:12 76:6  <b>believe</b> 5:19,25 7:10,24 14:20 16:2 21:9,20 25:11 35:6 37:18,25 46:11 52:17 64:11 68:14 75:3 78:5  <b>believes</b> 58:19  <b>beneficial</b> 40:1  <b>benefit</b> 78:24  <b>benefits</b> 43:12  <b>best</b> 8:14 14:16 16:14 18:10 24:13 44:16,17,17 45:9  <b>better</b> 25:3,12,15,16 41:17 60:1  <b>between</b> 6:22 15:24 21:19,21 29:5 54:12 68:22  <b>beverage</b> 8:9  <b>big</b> 43:7 74:12  <b>big-tickets</b> 61:18  <b>bit</b> 8:15 10:16 32:14 36:16 49:17 50:5 66:6  <b>black</b> 32:23 34:1  <b>blend</b> 32:6,8 34:18</p>



<p><b>block</b> 4:11 70:16  <b>blocks</b> 8:2  <b>board</b> 10:1 12:12,23 38:11              44:1 45:1 77:15 78:4,5  <b>boat</b> 5:2 6:3 7:10 28:13 43:17              51:12,18,22 52:1 53:8,15,17              54:18 55:11 56:4,11 67:23              68:11 72:11,14,22 77:20  <b>boats</b> 5:16,21 22:3,6 37:14              43:19 46:25 47:8  <b>bookkeeping</b> 77:8  <b>bore</b> 6:1:7  <b>both</b> 7:5 11:15 12:1,3 15:13              16:1,7,8 21:2 62:1  <b>bottom</b> 28:10  <b>box</b> 61:19  <b>break</b> 50:23 74:14  <b>brief</b> 50:25 73:10  <b>briefly</b> 18:24 35:12  <b>bring</b> 27:7  <b>brings</b> 53:4  <b>building</b> 7:15 13:22 15:3,11              15:16,17 16:17 19:5 21:17              22:18 23:7,8,17 29:6 33:25              37:22 40:19,23 41:24,25              47:18 52:19,20 54:25 63:18              68:25 69:1  <b>buildings</b> 21:24 25:6 40:20              73:5  <b>building-mounted</b> 17:2  <b>buildout</b> 8:5  <b>built</b> 31:10 63:11 77:2  <b>bulk</b> 40:19 67:24  <b>business</b> 4:13  <b>B-1</b> 58:1</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>c</b> 58:5  <b>CAD</b> 67:22  <b>calculate</b> 48:3 75:22,23  <b>calculated</b> 52:14 75:20  <b>calculation</b> 47:17 48:7 49:16              55:17 76:3  <b>call</b> 16:13 40:12 64:2 65:1,4  <b>called</b> 59:23 66:15  <b>calling</b> 11:5  <b>Camden</b> 8:19  <b>canopy</b> 73:9  <b>capacity</b> 18:25 52:18,19,22,24              52:25  <b>care</b> 66:8  <b>cars</b> 70:14  <b>case</b> 52:22 69:25 71:18  <b>CASINO</b> 1:1,14,16  <b>casinos</b> 32:11  <b>central</b> 4:13  <b>certain</b> 32:6 37:21 49:12  <b>certainly</b> 17:24 26:14,19 28:5</p>	<p>35:22 37:8 39:7,15 40:1              41:11,17 49:18,20 55:4              78:15  <b>Certified</b> 1:18  <b>change</b> 54:23 55:6 57:4 58:20  <b>changed</b> 23:14  <b>characterized</b> 5:9  <b>CHARLES</b> 11:18  <b>checklist</b> 58:7  <b>choice</b> 70:1  <b>chuckling</b> 38:21  <b>circulation</b> 16:12 21:10 25:8              25:17 41:16 42:16,22 43:6  <b>city</b> 1:17 8:16,18 31:16 58:24              61:14 65:15 66:25 68:23              73:11  <b>city's</b> 44:16  <b>clarification</b> 23:16 46:16 47:4              47:21  <b>clarifies</b> 56:25  <b>clarify</b> 4:23  <b>classified</b> 40:8  <b>clean</b> 37:16 38:10 45:12 59:9              59:10 63:16 66:16  <b>clear</b> 9:14 44:23,25 46:9 49:7              50:4 58:22  <b>client</b> 6:16 43:23  <b>client's</b> 44:17  <b>close</b> 49:13 78:23 79:1  <b>closed</b> 26:17  <b>closer</b> 21:17,23 22:17 54:25              74:16  <b>CME</b> 11:18,19  <b>code</b> 58:24 68:23 71:13 73:25  <b>coffee</b> 61:20  <b>COLLINS</b> 2:21 11:15,22 12:4              12:8 13:6,13,17 34:21 35:2              50:3,9 57:1,25 77:11  <b>color</b> 32:6,22 34:1  <b>colored</b> 12:17  <b>colors</b> 33:16,21  <b>come</b> 6:2 10:19 29:5 31:25              32:1 33:15,20 35:3 43:16              45:15 51:16,17 52:16 53:16              54:2 56:4,10 61:16 62:11              66:6  <b>comes</b> 13:2  <b>coming</b> 8:9 27:9 45:21 65:6  <b>commencing</b> 2:1  <b>comment</b> 9:18 68:13 77:11,13              77:14  <b>comments</b> 19:25 35:11,13              37:17 57:14 61:6,21 62:6,18              68:16 74:7 79:1  <b>commercial</b> 28:22  <b>common</b> 15:23 16:1 41:1  <b>commonly</b> 15:2  <b>companies</b> 59:25</p>	<p><b>company</b> 61:16  <b>completely</b> 14:9  <b>completeness</b> 57:19 63:23              66:18 67:15  <b>completion</b> 13:4  <b>complies</b> 76:6,7  <b>comply</b> 20:1 73:11  <b>compromise</b> 43:9  <b>concept</b> 10:13 43:9  <b>conceptual</b> 76:22  <b>concern</b> 7:12 40:3 59:10,12              70:10,19  <b>concerned</b> 34:13 59:11  <b>concerns</b> 9:17 61:9 62:10  <b>concluded</b> 79:4  <b>concrete</b> 36:15  <b>concurrent</b> 54:14  <b>condensed</b> 57:8  <b>condition</b> 23:13 48:4 53:13              62:16 66:21 67:20 71:20  <b>conditions</b> 9:13 61:12  <b>confirm</b> 38:2  <b>conflict</b> 70:2  <b>conflicted</b> 60:25  <b>conflicts</b> 70:8  <b>conform</b> 17:5  <b>conforming</b> 28:25  <b>conforms</b> 16:18  <b>connections</b> 19:2  <b>consider</b> 8:16 59:13  <b>consideration</b> 9:12 20:8 49:1              51:22,24 53:18  <b>considered</b> 5:16 59:9,10 63:16  <b>considering</b> 55:12 56:14,14  <b>consistent</b> 6:22  <b>consolidated</b> 65:13,14  <b>constrained</b> 25:10  <b>constraints</b> 7:25 9:12  <b>construction</b> 4:16 44:14  <b>contain</b> 31:3  <b>contemplated</b> 7:21 10:11 24:3  <b>contemplates</b> 47:18  <b>contemplating</b> 17:21 39:14  <b>continue</b> 62:12  <b>Continuing</b> 28:9 30:25  <b>contrast</b> 34:25  <b>control</b> 20:11,18 52:3 55:9              64:9,12  <b>convenient</b> 48:24  <b>conversation</b> 50:24 62:12  <b>conversations</b> 5:14,14,18  <b>conversion</b> 4:14  <b>coordinate</b> 78:12  <b>copies</b> 67:17  <b>copy</b> 19:10  <b>Cordish</b> 20:18 21:4,8 52:6              56:6 64:25  <b>corner</b> 41:18,22</p>	<p><b>corporate</b> 49:5  <b>correct</b> 6:7 12:13 14:10,11,24              14:25 15:4 17:11 19:3,4,17              19:20 20:15,16 22:9,21,22              22:25 25:17 36:8 40:7 43:2              47:24 50:8 77:21,22  <b>correspondence</b> 35:18  <b>corridor</b> 13:2  <b>cost</b> 67:17  <b>count</b> 75:18  <b>couple</b> 51:5 57:12 66:15,16  <b>coupled</b> 5:11 6:24 9:13 25:7              51:11  <b>course</b> 12:8 56:20  <b>Court</b> 1:18  <b>Cracker</b> 7:22,23  <b>CRDA</b> 2:21 6:18,22 7:18              10:12,24 13:5 17:6 20:17              21:2,7 52:6 56:6 60:6 64:13              65:8,11,15 70:5 77:15  <b>CRDA's</b> 20:11 44:17  <b>create</b> 39:20  <b>creates</b> 70:12  <b>creating</b> 39:7,8 61:12  <b>credentials</b> 11:10 12:5  <b>credit</b> 59:1,4  <b>criteria</b> 42:11  <b>critical</b> 46:5  <b>crossed</b> 43:15  <b>crossing</b> 64:22  <b>crowded</b> 25:13  <b>curb</b> 36:14 54:15,22  <b>current</b> 74:16  <b>currently</b> 13:25 14:19 65:11  <b>customers</b> 8:10 9:4  <b>C(5)</b> 58:4  <b>C.M.E</b> 3:4  <b>C2</b> 42:7,10</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>Damn</b> 16:14 18:10  <b>DANZIG</b> 2:20  <b>date</b> 2:1 6:1 57:25 67:23 72:21              78:5  <b>dated</b> 58:2  <b>day</b> 73:2  <b>days</b> 44:8  <b>day-to-day</b> 9:7  <b>deal</b> 37:23,24 43:16 45:24              58:11 63:25 65:19 70:14,15  <b>dealing</b> 43:6 67:16  <b>deals</b> 58:14,17 68:11  <b>dealt</b> 71:17,22,23  <b>deceiving</b> 49:25  <b>decide</b> 45:17,18 53:16 56:3  <b>decision</b> 8:12  <b>decorate</b> 33:16  <b>decorative</b> 17:3 32:3</p>
--	---	---	---

<p><b>dedicate</b> 43:4  <b>dedicated</b> 26:13 37:25 54:18  <b>deep</b> 41:14  <b>defer</b> 4:18 61:2  <b>deferred</b> 67:19  <b>deficiency</b> 69:4  <b>define</b> 7:12  <b>defined</b> 5:22 51:11  <b>definition</b> 5:15  <b>degree</b> 24:22  <b>deliveries</b> 26:16,25 36:25 37:5 72:1  <b>demand</b> 17:16 39:8 52:13,15 53:3,23 55:22 69:2  <b>demands</b> 52:18  <b>demonstration</b> 61:17  <b>depending</b> 68:6  <b>depression</b> 36:13  <b>design</b> 7:5 28:16 32:10,13 34:5 43:13 61:2,22 62:16 73:15  <b>designed</b> 20:24 28:21 45:7  <b>designs</b> 34:3  <b>detail</b> 30:17,18,19  <b>detailed</b> 36:16  <b>determination</b> 5:15  <b>determine</b> 52:18  <b>determined</b> 5:1  <b>detriments</b> 43:12  <b>developable</b> 6:25 9:14  <b>developed</b> 28:25 31:8  <b>developing</b> 60:8  <b>development</b> 1:1,14,16 7:11 8:5 39:18 42:12,15 53:18 60:10  <b>deviation</b> 49:23 56:8,13  <b>device</b> 59:23 61:15  <b>devices</b> 60:15  <b>die</b> 31:17  <b>different</b> 6:21 36:4 70:20  <b>difficult</b> 22:11  <b>dig</b> 65:8  <b>dimensional</b> 36:6,10 40:22  <b>DiNatale</b> 11:5 12:2 16:4 32:24 33:6,11,14,18,25 44:3 50:20  <b>directed</b> 14:18  <b>direction</b> 66:4  <b>directional</b> 30:5  <b>directly</b> 13:2,5 39:12  <b>director</b> 11:1  <b>dirt</b> 59:6  <b>disagree</b> 9:23  <b>discuss</b> 37:17 74:8 77:20  <b>discussed</b> 7:7 8:15 22:2 26:9 35:14 39:16 51:8  <b>discussing</b> 47:6 60:25  <b>discussion</b> 7:14 9:16,17 28:11 40:9 45:15 60:20</p>	<p><b>discussions</b> 6:12,20 10:13,24 17:3 49:5  <b>district</b> 4:13 67:22 69:16  <b>division</b> 1:2 54:12  <b>documentation</b> 37:20 66:21  <b>doing</b> 42:12 69:19 72:10  <b>done</b> 32:12,17 37:13 60:19 61:1 62:2 65:16 67:1 78:7  <b>door</b> 29:16 37:1 39:21  <b>double</b> 37:1  <b>down</b> 30:20 37:1,9 41:15 43:21 44:19 49:16 61:7 72:2 75:1  <b>drainage</b> 14:13 18:24  <b>draw</b> 10:4,5,9  <b>drawn</b> 6:15  <b>drive</b> 30:20,21,22 47:2  <b>driveway</b> 62:20  <b>driving</b> 25:13  <b>duck</b> 5:1,16,21 6:3 7:9 22:2,6 28:12 37:13 43:17,19 46:25 47:8 51:12,18,22,25 53:8,15 53:17 54:18 55:11 56:4,11 67:22 68:11 72:11,14,22 77:20  <b>due</b> 39:10  <b>duly</b> 11:20 33:6  <b>during</b> 26:16 27:1 74:14</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 11:18  <b>each</b> 11:24 15:22 61:1 69:19 69:21  <b>earlier</b> 58:18  <b>early</b> 27:1  <b>easement</b> 20:14,25 21:1,8 35:15 43:24 44:8 45:21 46:17 50:7 52:6 53:21 56:6 65:1  <b>easements</b> 64:21  <b>easily</b> 55:7  <b>east</b> 30:2,9,22 54:16  <b>easy</b> 38:1 67:3  <b>economically</b> 60:14  <b>eight</b> 24:10 25:20 28:10 55:2 68:15,16 69:8 71:11  <b>either</b> 8:12 26:6 35:14 56:6 72:3 73:9  <b>either/or</b> 45:14  <b>Electric</b> 65:25  <b>elevation</b> 29:19 30:2  <b>elevations</b> 29:20  <b>eliminate</b> 9:20 54:20  <b>elsewhere</b> 63:5  <b>employee</b> 24:4,7 47:19 48:3 48:12  <b>employees</b> 8:25 9:1,1 17:20 24:3 28:5 39:15 40:5,5</p>	<p>47:20,22 48:5,14 53:4 55:22  <b>emptied</b> 60:3  <b>empty</b> 13:25 26:18  <b>en</b> 42:5  <b>enclosure</b> 20:20,21 26:1 40:17 41:9 68:9  <b>enclosures</b> 40:17  <b>encroaches</b> 23:17  <b>end</b> 37:2 49:20 69:21 70:22,23  <b>Endicott</b> 11:5,8,18 12:11 21:11 25:18 36:10 38:16 39:5 54:4,7 58:19 61:8,24 67:24 68:14 74:7 75:2 78:12 78:13  <b>Endicott's</b> 65:21  <b>ends</b> 43:18 45:6  <b>energy</b> 58:14 66:19  <b>Enforcement</b> 1:2 2:24  <b>engineer</b> 11:12,25 61:2 62:17  <b>engineering</b> 14:8 19:16,19,22 19:25 35:11 67:17  <b>engineering-related</b> 62:6  <b>enhancements</b> 60:9 62:23  <b>enough</b> 18:17 26:23 38:2 39:1 43:7  <b>entered</b> 6:17 10:12  <b>entertain</b> 21:8  <b>entire</b> 10:25 13:17 21:17 54:24 63:17  <b>entity</b> 49:5  <b>entrance</b> 28:22 29:3,6 73:7,10 73:16 74:15,21  <b>entrances</b> 15:22 29:4  <b>entranceway</b> 29:15  <b>envelope</b> 7:16  <b>environment</b> 8:17 24:20,23 24:24  <b>envision</b> 18:6 44:7  <b>EPDM</b> 33:12  <b>ESQUIRE</b> 2:21  <b>essentially</b> 8:1 12:21 14:9,14 19:19 21:23 23:10 27:4 28:23 36:1 39:8,21 41:13 42:5 55:25  <b>establish</b> 17:7  <b>establishment</b> 48:25  <b>estimates</b> 67:17  <b>even</b> 9:5 32:9 59:5 68:25  <b>evening</b> 27:6  <b>event</b> 47:12 53:24  <b>eventual</b> 8:5  <b>evergreens</b> 25:24  <b>every</b> 19:6 25:22 28:18 48:11 49:4 60:4 71:19  <b>everybody</b> 44:16  <b>everyone</b> 11:23  <b>everything</b> 4:8 50:9 54:16  <b>evidence</b> 4:3 64:8,15</p>	<p><b>exact</b> 65:3  <b>exactly</b> 12:23 22:6,7 30:23 35:1,2 45:13 77:9,9  <b>exceeds</b> 49:21  <b>exception</b> 58:10  <b>execution</b> 43:9  <b>executive</b> 11:1  <b>exhibit</b> 12:12,15  <b>exist</b> 14:17 36:2 40:1  <b>existed</b> 59:2  <b>existing</b> 4:14 6:23 7:4,16 9:11 13:22,22 14:15,17,23 15:1,2 15:11 19:4 23:4,8,8,13,19 32:22 35:21 39:24 40:10 41:24,25 53:22 56:9 61:12 65:22 67:25 73:5  <b>expensive</b> 59:24 60:16 61:16 63:7  <b>expert</b> 17:14  <b>explanation</b> 9:23  <b>exposed</b> 31:2  <b>expressway</b> 13:1 25:14  <b>extended</b> 60:17  <b>extent</b> 18:9 19:6 20:23 21:7 22:18 49:23 52:4 54:1 56:3 62:21 63:1 76:24  <b>external</b> 66:13</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facade</b> 16:21 21:20 28:23 29:10  <b>face</b> 16:17 28:19 54:14,22  <b>faces</b> 16:22  <b>facilities</b> 16:8 39:25 58:12 65:20  <b>facility</b> 18:1 39:17 49:6  <b>facing</b> 75:13  <b>fact</b> 22:17 39:22 51:20 55:18 55:21 69:2  <b>factored</b> 55:22  <b>fair</b> 9:18  <b>fairly</b> 10:22 37:21  <b>fall</b> 42:6  <b>falls</b> 42:10  <b>fantastic</b> 8:8  <b>far</b> 60:6  <b>fee</b> 18:8 65:11  <b>feedback</b> 10:14 60:5  <b>feel</b> 42:14  <b>feet</b> 21:14 45:5 49:12 55:2,3,3 55:3,25 56:8,19 57:12 64:2 68:5 69:17 71:12 75:19  <b>feet's</b> 69:13  <b>fence</b> 32:4 69:15,16 71:13  <b>fencing</b> 34:16 70:25 71:2  <b>few</b> 21:13 28:17 57:21 60:4  <b>figure</b> 30:10,12  <b>file</b> 64:13</p>
--	--	---	--

<p><b>files</b> 65:8  <b>filter</b> 61:20  <b>final</b> 6:4 56:15 57:5,8 67:14  <b>financially</b> 74:12  <b>financing</b> 64:16  <b>find</b> 48:24  <b>fine</b> 13:20 34:9 39:2 64:14  <b>firm</b> 5:7  <b>first</b> 15:19 18:20 19:15 39:5  46:10 51:6 57:23 58:3 63:25  64:20,21 68:13  <b>fish</b> 32:17  <b>fit</b> 22:11 26:3 75:18  <b>fits</b> 7:4 29:1 75:17  <b>five</b> 52:5 59:1,3 69:19 71:12  <b>five-feet</b> 24:11  <b>five-minute</b> 50:23,23  <b>flat</b> 31:2,7 61:9,11  <b>flexible</b> 42:7  <b>flipping</b> 74:14  <b>floor</b> 75:16,17,19  <b>flow</b> 66:4  <b>flying</b> 32:18  <b>focus</b> 20:4 51:6  <b>follow</b> 13:19  <b>followed</b> 57:3  <b>following</b> 16:12  <b>food</b> 8:9  <b>foot</b> 21:21 23:11,18 25:14  33:19 41:14 54:25 69:19  <b>footage</b> 54:11 76:15  <b>forgive</b> 11:7 14:21 78:10  <b>form</b> 71:9  <b>former</b> 4:12  <b>forth</b> 27:2 31:3,10 66:5  <b>fortunate</b> 39:11  <b>forward</b> 6:4 41:25 45:24 46:4  63:5 77:18  <b>found</b> 57:21 63:25  <b>four</b> 12:18 13:10,11 67:15  69:13,17,22  <b>four-foot</b> 36:22  <b>Fox</b> 5:7  <b>free</b> 18:13  <b>freezers</b> 37:3  <b>from</b> 5:19 7:19 8:22 9:4,6  10:6 13:9,11 14:8 15:25  17:3 18:24 19:16,18,22  20:19 21:9 25:20 28:17 31:4  31:9 34:11 36:24 38:9,12,16  39:17,23 42:13 45:12,20  48:16 50:25 52:6 53:12 55:2  55:3,11 56:6,25 58:19 60:5  60:6 63:16 64:9,10 65:11,15  76:17  <b>front</b> 15:12 16:19 36:19,24  37:6 53:7 55:1,3 72:4 73:3  76:21</p>	<p><b>fronting</b> 28:19  <b>full</b> 37:5 78:5  <b>fully</b> 45:7  <b>full-time</b> 9:1  <b>function</b> 15:20  <b>further</b> 38:3 55:20 56:8  <b>future</b> 67:23</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G</b> 2:21  <b>gap</b> 21:19  <b>garage</b> 7:18 8:7,20,22 9:4  13:5 17:22 22:21 27:24 28:6  36:20 40:6 41:23 55:19,23  63:13,15 69:4  <b>garages</b> 32:12  <b>gardens</b> 31:3  <b>gas</b> 65:24 66:15  <b>general</b> 35:13 61:6,8 74:6  <b>gets</b> 22:16 72:21  <b>getting</b> 6:9 74:3  <b>give</b> 23:5 57:25 61:17  <b>given</b> 69:1  <b>gives</b> 45:11  <b>giving</b> 32:19  <b>go</b> 18:10 30:7 35:13 37:6,9  38:6 45:10 51:2 52:22 57:13  57:14,23 60:7 61:8,24 62:3  62:4 63:10 64:6 66:12 69:19  72:12 74:6 75:2  <b>goes</b> 37:7 66:14 71:10 72:11  <b>going</b> 5:4 7:25 8:12,24 9:2  10:5,14,15,20,21 11:9,24  12:4 13:13 14:15,22 15:12  15:22 16:1,4 17:5,22,25  19:5 22:20 27:5 28:16,24  29:3,4 31:4,11,13 33:1 36:1  36:3,3,12,14,20,21,23 37:2  37:4 39:19 41:9 43:20 44:19  46:10,11 47:19 48:4,24 50:7  50:9,13,20 51:16 52:5,23  54:10 55:13,16,24 56:11  57:18 63:10,22 66:10 72:2,3  73:6,19 75:21,23 76:4,20  77:23  <b>good</b> 8:21 10:17 15:13 16:20  17:18,24 21:22 27:17 29:7  39:1 41:6 42:17,23 55:1  62:3 68:23 77:17  <b>gotta</b> 38:19 77:7  <b>grading</b> 61:8  <b>granted</b> 69:25 71:20  <b>grease</b> 66:10,12,13  <b>great</b> 37:15 38:24  <b>green</b> 25:4 69:14  <b>ground</b> 72:8,18  <b>ground-mounted</b> 28:11  <b>group</b> 1:6 4:2 61:7</p>	<p><b>grows</b> 70:11  <b>growth</b> 70:9  <b>guess</b> 4:23 20:5 23:20 36:4  60:4  <b>guidance</b> 63:9  <b>guidelines</b> 4:4  <b>gutter</b> 36:15  <b>guy</b> 44:4  <b>guys</b> 9:16 31:24 61:25 77:17  <b>G(1)</b> 28:18  <b>G(2)</b> 28:18</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b> 23:11,17 48:12 73:20  <b>handle</b> 14:12 42:4  <b>hang</b> 61:18  <b>happen</b> 7:25 31:23 53:16 56:5  <b>happened</b> 63:4,11 65:9  <b>happening</b> 29:2 62:5,8 70:25  <b>happens</b> 30:15 56:20  <b>hardship</b> 42:8  <b>hard-packed</b> 59:6  <b>hat</b> 60:23  <b>having</b> 11:19 17:21 33:6  53:19 63:17 68:20 70:15  73:16  <b>heading</b> 74:18  <b>hear</b> 4:9 11:10 27:21 38:7,9  38:15,22  <b>heard</b> 12:20 14:20 46:24  58:18 64:10 71:25  <b>hearing</b> 1:3,15 2:16 44:25  51:9 77:18 78:6,23 79:4  <b>heat</b> 33:23  <b>height</b> 31:20  <b>help</b> 25:24 28:1 32:8 40:2  <b>high</b> 70:12  <b>highlight</b> 38:5  <b>him</b> 11:9  <b>historically</b> 62:2  <b>hit</b> 64:18 68:14,15  <b>hold</b> 46:3  <b>hookups</b> 66:7,8  <b>Hooters</b> 15:11 16:14,21,22  18:10 21:20 29:8 44:5 55:4  73:3,8 76:21  <b>hours</b> 26:17,17 27:1 72:1  <b>hugely</b> 63:7  <b>hybrid</b> 8:17  <b>HYLAND</b> 2:20</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>ID</b> 72:15  <b>idea</b> 33:15  <b>ideas</b> 31:24 32:2,19 35:4  <b>identical</b> 18:8  <b>identified</b> 17:10 20:10  <b>identify</b> 12:21 15:6 26:7 54:8</p>	<p><b>impact</b> 22:5,8 24:22 42:14,15  51:19 52:9 55:14 58:14  66:19  <b>impacted</b> 34:8  <b>impactful</b> 41:20  <b>imperative</b> 43:25 44:2  <b>important</b> 6:13 34:22 43:25  <b>impossible</b> 39:10  <b>improved</b> 14:10  <b>improvement</b> 59:22 69:16  <b>improvements</b> 14:1 35:20,24  45:2 54:20 55:25 56:23  57:10 58:12 59:13</p> <p><b>Inc</b> 1:6 3:5 4:2  <b>include</b> 45:17 65:10  <b>included</b> 4:25 65:13  <b>includes</b> 4:14  <b>increase</b> 56:12 59:11  <b>indeed</b> 27:25  <b>independent</b> 5:17,23 15:15  <b>Indiana</b> 6:17  <b>indicate</b> 66:3  <b>indicated</b> 72:9  <b>information</b> 4:10 35:22 65:6  66:5 67:2 75:24 76:4  <b>infrastructure</b> 7:17 9:11  39:24  <b>infringing</b> 54:10  <b>inlet</b> 30:12,14,15 59:16 60:2  61:2,13,19  <b>inlets</b> 14:17,19 59:17,21  <b>inside</b> 29:13 66:12  <b>instead</b> 5:23 70:15  <b>institutional</b> 32:4  <b>integrate</b> 53:17 56:4  <b>integration</b> 17:8  <b>intent</b> 34:20 73:25  <b>interest</b> 21:3 44:17,18  <b>interested</b> 8:10  <b>interfere</b> 26:5  <b>internal</b> 16:11 25:8,16 70:24  <b>internally</b> 15:19,20,21 71:9  <b>interrupt</b> 13:6  <b>introducing</b> 13:8  <b>inverts</b> 66:4  <b>involved</b> 45:10  <b>island</b> 30:6,16  <b>islands</b> 69:18 70:12,17  <b>issue</b> 6:13 7:7 9:20 10:11 20:7  20:11 21:9,12 31:18 34:4  64:24 67:13 76:23  <b>issues</b> 7:20 19:16,18 22:4  24:18,21 25:5,8 36:6 51:5  60:13 70:13 77:20  <b>item</b> 58:3  <b>items</b> 56:22 57:20,21 58:4,8  61:18,24 63:24 64:1,1,20  65:19 67:15</p>
---	---	---	---

<p><b>items(16)</b> 58:9 <b>it'll</b> 76:24</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>J</b> 3:4,5 11:19 <b>JAMES</b> 33:6 <b>Jersey</b> 1:18,19 <b>Jim</b> 44:3 <b>JR</b> 2:15 <b>JTD</b> 1:6 4:2 <b>jumps</b> 74:8 <b>jurisdiction</b> 4:8 <b>just</b> 7:24 9:15,20 11:7,22,24 13:1 18:2,2,4 20:4 22:19 23:5,11 25:6 27:22 29:15,22 30:3,6,17,18 31:15,22 32:3 33:18,19 35:25 36:7,15,22 37:16,19 38:4,7,10 39:10 42:16,22 43:15 44:18 45:24 46:8,15 47:3 50:3 51:20 55:25 56:18 58:3 60:2 61:8 61:16,18 62:4 63:3,9 64:1 65:4,10,14 67:6,10,12,19 69:7 71:18 73:10 76:20 77:1 <b>justifications</b> 27:21 38:8,23</p>	<p>74:17,18 78:11 <b>knowing</b> 64:23 <b>known</b> 15:2 <b>knows</b> 11:23</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>L</b> 58:5,9,10,13,17 64:20 <b>labeled</b> 30:1 <b>lack</b> 60:1 <b>lacking</b> 66:6 <b>Lance</b> 2:15 60:21 75:5 <b>land</b> 1:2 2:24 6:18,18 59:4 65:17 66:25 <b>Landgraf</b> 2:15 4:1,10,21,22 5:4,9 6:7 9:22 11:2,11,14 12:6,20 17:4 18:14,17 20:12 20:16 23:15 26:20 27:4,14 27:19 28:1,8 29:10,16,25 30:8,14,18,23 31:13 32:9,16 33:1,12 34:2,6,15,19 35:1,5 36:5 37:19 38:4,15,20 40:13 40:24 42:4 43:11,15 44:22 45:11 46:2,8,14,15 47:2 48:6 49:9 50:22 51:2 55:19 56:24 57:2,7 60:24 62:14 63:3,14 67:4,7,10 70:20 71:4,14 74:2,24 75:3,21 76:2,11,16,25 77:5,9,12,25 78:3,22 <b>landscape</b> 31:14 41:19 69:10 <b>landscaped</b> 69:20 73:20 <b>landscaping</b> 24:12,13,18,19 25:15 26:3 31:3 38:19 42:2 42:3,19,20 62:19 70:24 71:9 71:21 <b>lane</b> 47:1 65:3 <b>largely</b> 58:21 <b>last</b> 59:7 61:17 <b>later</b> 44:15 72:21 <b>lateral</b> 66:14 <b>laterals</b> 19:3,5 <b>laugh</b> 38:19 <b>law</b> 5:7 <b>layout</b> 16:11 42:16,22 <b>lease</b> 20:17 <b>least</b> 22:14 31:1 37:25 41:20 44:6 63:12 71:8 <b>LED</b> 17:4 70:3 <b>left</b> 66:17 <b>Lenox</b> 33:19 <b>less</b> 25:15 26:19 47:11 49:25 <b>let</b> 75:23 <b>letter</b> 40:15 57:14,24 58:1 66:17 <b>Letter's</b> 58:2 <b>let's</b> 15:18,18 16:13 18:4 19:15 20:4 51:6 75:23 76:3 <b>level</b> 24:25 28:20</p>	<p><b>licensed</b> 11:11 12:2 <b>light</b> 70:2,3 <b>lighting</b> 16:24 17:2,2,5 18:23 <b>lights</b> 70:8,21 <b>like</b> 4:23 18:20 19:9 21:20 26:10 27:12 30:4 31:23 32:4 32:7,10,20 33:12,20 34:24 38:9,25 48:18,21 50:3 54:11 57:13 59:9,19 61:19,22 62:7 63:9,20 67:16 68:6 70:23 75:8 76:11,12,18 78:7 <b>line</b> 23:11,12,18 24:22 41:23 47:14 54:12,17,21 68:6 69:11 71:3 72:4 <b>linear</b> 49:12 <b>liner</b> 33:20 <b>lines</b> 26:5 41:2 66:1 <b>listed</b> 74:10 <b>little</b> 8:15 10:16 23:15 32:14 36:16 49:17 50:4 60:20 66:6 <b>LLP</b> 2:20 <b>loading</b> 20:20,21 24:2 26:12 26:13,21 36:25 43:1,3,5,19 71:24 <b>lobbies</b> 28:22 73:16 <b>locate</b> 22:6 56:11 <b>located</b> 4:11 12:25 51:14 <b>locating</b> 62:20 <b>location</b> 6:6 12:22 18:22 21:13 22:23 41:6 74:16 <b>logo</b> 32:17 <b>long</b> 6:15 72:19 <b>look</b> 8:2 10:17 19:15 24:17 32:3,7 34:24,24 36:7 39:20 49:9,15 59:1 62:1,5,22,24 75:16 <b>looked</b> 36:21 <b>looking</b> 31:24 34:11,20 60:4 63:6 75:17 <b>looks</b> 33:20 59:19 <b>lose</b> 35:15 46:12,13,18 47:8 <b>losing</b> 22:12,19 <b>lot</b> 4:17 6:20 8:3,13 18:3,4,8,9 26:18 32:11 41:13,16,18 42:12 43:6 47:8 54:17,21 55:24 57:11 58:22 59:17 61:10 63:17,19 69:18 70:14 74:22 <b>lots</b> 4:11 10:18 20:8,9,17 41:2 43:17 45:5 46:18 52:2,5,8 52:11 53:9,19,21 54:9,12,20 55:8 59:9 64:24 <b>low</b> 61:12 70:22 <b>lower</b> 70:9,17 <b>low-lying</b> 26:4 <b>lunch</b> 27:5</p>	<p><b>m</b> 58:5 65:19 <b>machine</b> 61:20 <b>made</b> 26:16 27:1 35:20 36:25 42:11 46:3 49:6 55:7 67:20 <b>main</b> 13:1 37:4 <b>maintain</b> 21:18 53:8,22 55:14 56:1 <b>major</b> 56:21 <b>majority</b> 35:10 <b>make</b> 8:11 26:7,23,24 28:5 29:21,22 30:6 36:7 41:19 44:23,25 46:5 54:23 62:17 76:5 <b>makes</b> 41:24 <b>making</b> 40:11 <b>management</b> 58:18 <b>maneuvering</b> 70:13 <b>manhole</b> 66:4 <b>manholes</b> 59:20 <b>manner</b> 31:8 <b>manufactured</b> 59:23 60:15 <b>many</b> 10:18 66:24 <b>March</b> 19:10 58:2 <b>Marginally</b> 19:21 <b>mark</b> 13:17 58:1 <b>market</b> 9:13 <b>marketability</b> 7:19 <b>masonry</b> 13:23 <b>masse</b> 42:5 <b>materials</b> 31:10,17 <b>matter</b> 78:23 <b>maximization</b> 6:24 <b>maximize</b> 9:9 42:11 <b>maximizing</b> 7:8,11,15 9:14 22:17 39:17 <b>maximum</b> 8:21 <b>may</b> 5:6,23 8:13,13 9:5,8 38:5 44:20,20 45:18 46:18 51:16 53:19 55:11 56:8,9,10,12 63:6 66:6,6,11,12 70:14 72:22 74:17 77:19,19 <b>maybe</b> 27:20 32:2 34:3 37:5 42:6 56:7 61:25 65:23 66:25 72:8 73:10 74:14 <b>mean</b> 7:2 10:11,21 22:4 44:19 50:13 <b>means</b> 7:15 22:19 <b>mechanicals</b> 31:22 32:8 34:8 34:13 73:24 <b>meet</b> 24:14 34:20 36:9 39:9 61:23 62:16 69:23 71:13 73:25 74:7 <b>meeting</b> 78:24 79:1 <b>meets</b> 36:19 <b>membrane</b> 33:13 <b>Menas</b> 4:18,20 5:3,6,7 6:8 10:8 11:3,13 12:10 13:10,20 14:7 16:10 18:16,19 20:15</p>
<hr/> <b>M</b> <hr/>			

<p>20:23 21:6 23:24 30:3,10,17 30:24 32:1,14 33:3,9 34:4,7 34:17,23 35:3,9 37:11,16,21 38:12,17,21,25 39:4 42:1,25 43:22 45:8,13 46:7 47:24 48:2,9 49:3 50:8 51:4,5 54:6 55:10 57:6 60:21 61:21 62:24 63:8 64:4 65:7 67:6,8 73:13 76:9,22 77:4,7,22 78:1,10 <b>mentioned</b> 27:22 46:12 68:2 76:12 <b>merely</b> 19:3 56:14 <b>met</b> 72:20 <b>middle</b> 29:8,9 68:10 70:22 <b>might</b> 27:21 31:25 36:25 40:14,18 43:18 44:11 46:12 51:9 66:23 67:2,10 70:8 73:2,25 74:12,20 <b>migrated</b> 50:4 <b>mimic</b> 14:15 <b>mind</b> 43:16 <b>minimal</b> 24:12 <b>minimum</b> 50:19 <b>minor</b> 30:18 56:19 57:4 <b>minus</b> 48:19,20 50:15 <b>minutes</b> 49:24 <b>mislabeled</b> 29:20 <b>Mississippi</b> 16:22 75:13 <b>mitigate</b> 40:2 62:10 <b>mitigated</b> 55:18,21 <b>mitigation</b> 63:2 <b>modeled</b> 58:25 <b>modified</b> 75:10 <b>moment</b> 18:5 <b>Monday</b> 78:21 <b>money</b> 18:13 <b>months</b> 60:4 <b>more</b> 22:7,20 34:4 36:11 47:8 55:5 59:3 <b>morning</b> 27:6 61:20 78:17,20 <b>mornings</b> 27:1 <b>most</b> 11:23 30:8 31:16 42:9 <b>mostly</b> 26:4 27:3,14 <b>motorists</b> 26:6 <b>move</b> 6:4 21:23 41:14 45:23 46:5,19 47:12 70:21 71:8 74:13 77:14,18 <b>moved</b> 63:5 72:21 <b>movements</b> 26:7,24 <b>moving</b> 40:8 46:4 47:7 62:19 <b>much</b> 14:19 30:24 41:17 49:25 65:22 66:9 <b>multiple</b> 34:12 <b>municipal</b> 57:3 <b>mutually</b> 62:25 <b>myself</b> 12:21</p>	<p style="text-align: center;"><b>N</b></p> <hr/> <p><b>n</b> 58:5 65:19 <b>name</b> 15:8,9 65:3 <b>nature</b> 15:14 17:3 <b>navigation</b> 30:24 <b>near</b> 41:23 <b>nearing</b> 13:3 <b>necessarily</b> 9:23 31:18 34:2 <b>necessary</b> 8:20 <b>necessity</b> 10:9 <b>need</b> 5:1 9:2 10:5,20 11:9 23:21 25:4 27:21 33:1 35:14 37:19 38:15 41:11 47:18 48:3,7 49:7 50:10,11,13 52:4,8 53:9 55:16 56:12 58:16 59:12,22 66:10,18 67:10 68:8 72:16,22 73:17 74:6,17 76:17 <b>needed</b> 10:7 48:13 <b>needs</b> 36:16,21 64:13 74:3 <b>negotiation</b> 10:25 <b>neighborhood</b> 29:1 <b>neither</b> 21:7 <b>net</b> 51:19 55:14 <b>new</b> 1:17,19 36:3 51:17 54:2 66:8 <b>Newark</b> 8:18 <b>next</b> 4:1 39:12,21 42:1 44:9 46:17 78:14,24 <b>nicely</b> 7:4 <b>Nick</b> 5:7 76:17 <b>Nightclub</b> 6:17 <b>nine</b> 58:24 59:7 72:24 <b>noise</b> 73:11 <b>nonconforming</b> 23:19 68:3 <b>nonconformities</b> 23:4 68:1 <b>nonconformity</b> 23:9 40:11 <b>none</b> 71:24 <b>nonplan</b> 63:25 <b>nonreflective</b> 31:10 <b>north</b> 29:19 30:1,11 <b>northeast</b> 30:16 <b>northern</b> 46:20 <b>notations</b> 19:20 <b>note</b> 13:7 18:2 22:23 29:22 <b>noted</b> 24:9 67:25 <b>notes</b> 4:24 <b>nothing</b> 38:3 45:20 74:8 77:16 <b>notice</b> 4:4,6 64:5 <b>noticed</b> 56:18 <b>noticing</b> 77:23 <b>number</b> 7:7 8:25 9:8,9 10:10 10:10 17:10,14,20 22:9,13 22:16 24:8,18 25:20 26:9 44:13 49:19 50:11,12 52:22 53:2,2,3,4 57:19 64:1,8,15 66:20 68:16 69:9 71:11,17 71:22,22,23 72:23 73:19,23</p>	<p>74:9 75:18 <b>numbers</b> 52:15 58:3 63:25</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>o</b> 58:6 65:19 <b>objection</b> 74:23 <b>obtain</b> 35:15 <b>obviate</b> 74:17 <b>obvious</b> 18:5 <b>obviously</b> 8:24 17:19 18:24 24:2 41:10 <b>occur</b> 26:21 <b>odds</b> 76:23 <b>off</b> 14:2 26:16 27:1 28:7 30:6 33:25 45:4 52:11 72:1 78:11 <b>offer</b> 75:6 <b>offered</b> 75:6 <b>office</b> 61:17 <b>officer</b> 2:16,25 44:25 77:19 78:7 <b>offices</b> 1:15 <b>offload</b> 72:5 <b>offset</b> 28:2 <b>off-site</b> 17:22 <b>off-street</b> 24:2 <b>okay</b> 6:8 9:22 11:2 14:8 15:10 19:7 22:15 24:1 28:8 29:16 29:21 35:5 39:1 46:8 47:15 48:9 56:24 65:18 67:7 71:14 76:25 77:25 <b>once</b> 11:16 <b>one</b> 4:22 5:14 6:12,22 10:10 14:21 15:25 16:5 18:14 20:5 21:2 22:4 24:20,21 27:19 29:18,25 40:14 48:11,11,12 52:18 53:15 56:5 57:9 59:8 61:6,13 64:3,20,21 65:23 66:12 67:5,11 68:4,5 69:6 69:21,24 71:24 74:19 78:2 <b>one's</b> 63:1 67:1 <b>only</b> 11:4 25:6 37:17 47:18 48:1 59:15 60:16 69:10 70:14 72:11,14 <b>onto</b> 40:8 47:8 <b>on-site</b> 4:16 7:24 9:24 10:7 24:5 26:1 27:20 28:2,7 39:9 47:6 49:7 50:10,18 53:6 69:3 <b>open</b> 13:4 27:5,5 29:11,12,12 44:2,9,15,18 69:10 77:12 <b>opening</b> 49:4 64:10 <b>operate</b> 44:24 <b>operated</b> 15:14 <b>operation</b> 5:2 7:10 28:13 48:23 51:18 52:1,10 53:8 55:11 56:5,11 72:14 <b>operators</b> 4:15 10:6,9 <b>opinion</b> 17:14 60:13 63:7</p>	<p>69:14 <b>opportunity</b> 19:12 62:1 <b>opposed</b> 74:15 <b>Optically</b> 34:23 <b>option</b> 21:15 <b>options</b> 59:14 <b>order</b> 4:8 8:3 10:4,5,9 <b>ordinance</b> 16:18 23:9 24:4,6 24:14 26:11 42:21 48:10,14 49:10 52:17 55:15 65:17 69:23 72:7 73:11 76:8 <b>ordinance's</b> 28:15 <b>ordinary</b> 56:20 <b>original</b> 4:24 <b>originally</b> 7:21 <b>ornamental</b> 70:9 <b>other</b> 11:24 15:25 18:21 31:21 33:21 34:10 54:22 58:11 60:16 62:18 63:1,24 68:16 68:18 73:2 74:9,17 79:1 <b>others</b> 69:7 74:10 <b>out</b> 5:5 6:15 7:15 9:19 22:24 25:7 30:11,13 34:11,24 37:6 37:7 59:22 60:3,25 64:14 65:1,4,23,24 66:15 67:12 70:6,21 72:4 74:8,21 <b>outdoor</b> 73:2,8 76:12,20 <b>outlined</b> 38:7 <b>outside</b> 20:11 29:13 <b>outweigh</b> 43:12 <b>over</b> 8:11 20:18 23:18 29:11 33:22 36:23 52:4 53:21 55:19 56:22 58:13 61:8,24 <b>overall</b> 7:11 42:17,23 43:9 <b>overflow</b> 9:5 22:20 38:14 <b>Overhead</b> 66:1 <b>overly</b> 66:2 <b>own</b> 20:17 52:3 <b>owner</b> 6:16 65:12 <b>owners</b> 38:1 64:2 <b>owns</b> 20:13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pack</b> 52:21 <b>package</b> 13:15 <b>page</b> 24:10 25:20 28:10 57:24 68:11,15,16 69:6,7 71:11 72:24 <b>paint</b> 32:6,10 <b>panel</b> 77:15 <b>paper</b> 45:6 <b>paraphrase</b> 10:15,21 <b>paraphrased</b> 10:16 <b>parcel</b> 54:13 <b>park</b> 8:11 9:2 18:9 26:15 40:6 47:3 55:23 72:3 <b>parked</b> 70:15 <b>parking</b> 4:17 7:18,24 8:3,6,7</p>
---	---	--	---

<p>8:13,20,22 9:3,5,8,25 10:3,7 10:18 13:5,25 14:3 17:9,11 17:13,14,16,18,23,23 18:3,4 18:6,8,9,13,23 20:14 21:17 21:19,22 22:3,9,13,16,19,20 24:2,5,5,7,7,9,24 25:9,22 26:9,18 27:20,23 28:2 29:6 32:12 35:16 38:12,14 39:6,9 39:14,16,18,21 40:3,6 41:16 42:16 43:17 44:13 46:12,19 47:5,6,8,10,19 48:3,5,11,13 48:22,24 49:7 52:13,15,18 52:24 53:3,4,5,11,20,23 54:2,15,24 55:8,14,15,17,19 55:20,22 56:1,9,12,16 57:11 58:22 59:9,17 61:10 63:17 63:18 68:13,17,20,22,24 69:2,3,4,5,6,18 70:13 74:22 <b>part</b> 20:18 23:14,22,25 28:12 37:23,23,25 48:6,7,21 54:19 57:21 60:9 65:16 66:25 73:5 75:9 76:10 77:2 <b>particular</b> 64:13 <b>particularly</b> 25:25 <b>parties</b> 21:2 45:10 <b>pass-through</b> 15:24 <b>path</b> 44:6 46:10 <b>paths</b> 45:19 46:5 <b>patrons</b> 16:7 17:25 24:7 <b>Patsy</b> 4:12 15:3 37:22 <b>Paul</b> 11:1 <b>PE</b> 11:18,19 <b>pedestrians</b> 26:6 29:5 55:5 <b>Pennsylvania</b> 1:17 <b>people</b> 10:4 11:23 25:13 30:5 30:8 39:20 52:20,21 <b>per</b> 26:18 55:17 75:19 <b>percent</b> 31:1 52:25 53:1 <b>percentage</b> 49:11 <b>Performance</b> 72:25 <b>perhaps</b> 40:14,17 41:4 61:12 69:20,23 <b>perimeter</b> 24:11 42:2 69:10 71:1 <b>permanently</b> 35:25 <b>permissible</b> 43:18 <b>permits</b> 67:18 <b>permitted</b> 67:22 72:8,19 <b>PERRETTI</b> 2:20 <b>personally</b> 70:18 <b>perspective</b> 5:20 7:20 8:23 14:9 18:25 19:16,19,22 21:10 38:13 39:23 <b>phase</b> 67:1,5,11 <b>phrase</b> 60:1 <b>physically</b> 39:10 <b>pick</b> 14:21 <b>picked</b> 59:20 65:21</p>	<p><b>picking</b> 22:3 <b>pickup</b> 21:11 <b>picky</b> 66:2 <b>piece</b> 36:22 <b>piggybacking</b> 6:11 <b>pipe</b> 59:20 <b>pipes</b> 66:3 <b>place</b> 43:20 63:2 <b>places</b> 8:19 <b>placing</b> 70:11 <b>plan</b> 6:5 12:19,19 13:12 16:12 19:20 20:7,10,24 35:11,15 35:22 36:6 39:23 43:10 47:11,17 51:6,17,21,23 53:7 53:14 54:8,19,24 55:12 56:16,21 58:4 62:17 63:23 64:16 65:19 72:9 74:10 75:16 76:15 77:3 <b>planner</b> 11:12 12:1 <b>planning</b> 8:14,21 10:17 38:23 42:23 68:24 <b>plans</b> 20:2 57:22 67:17 73:1 75:9,14 76:6 77:1,6 78:8,14 78:20 <b>plantings</b> 25:1,9 <b>plan-related</b> 64:19 <b>play</b> 66:7 <b>please</b> 39:6 <b>plus</b> 24:7 27:23 <b>point</b> 7:14 9:18 30:16 31:9 47:4 61:13 62:15 <b>points</b> 22:24 <b>pole</b> 72:9,10 74:10,13 <b>poles</b> 65:25 70:2,3 74:18 <b>policy</b> 8:12 <b>pool</b> 33:20 <b>popped</b> 67:12 <b>portion</b> 15:10,12 17:24 43:4 63:17 <b>possibility</b> 47:7 <b>possible</b> 19:6 25:17 41:20 62:22 <b>possibly</b> 48:18 62:20 73:8 <b>postponed</b> 67:23 <b>potential</b> 42:12,15 58:20 66:8 <b>potentially</b> 22:5 <b>PP</b> 11:18,19 <b>practical</b> 76:23 <b>practicalities</b> 43:23 <b>preconstruction</b> 67:18 <b>prefer</b> 70:16 <b>preference</b> 70:6 <b>preliminary</b> 6:4 56:15,21 57:4 57:8 58:4,7 63:23 <b>prepare</b> 77:24 <b>present</b> 2:2 45:1 <b>presentation</b> 9:21 <b>presenting</b> 50:6</p>	<p><b>presently</b> 39:13 <b>presents</b> 24:18 <b>pretty</b> 10:15 49:13,14 55:7 59:5 65:22 74:12 <b>prevents</b> 20:10 45:20 <b>previously</b> 40:4 <b>principal</b> 23:7 40:23 51:10 <b>prior</b> 51:8 78:8 <b>private</b> 47:1 <b>Pro</b> 9:24 13:3 32:16 60:22 63:13,16 <b>probably</b> 5:20,22 22:13 25:14 29:7 34:9 52:6 54:25 58:24 62:8 65:7 66:10,23 69:24 <b>problem</b> 10:3 50:21 <b>proceed</b> 38:11 45:19,25 <b>process</b> 5:12 6:15 10:25 <b>processes</b> 57:3 <b>professional</b> 11:12,25 12:1 <b>professionals</b> 60:6 <b>project</b> 4:13 45:16 <b>prominently</b> 28:21 <b>proof</b> 4:6,6 <b>proper</b> 4:4 <b>property</b> 5:11 6:25 12:22 23:11,12,18 38:1 41:2 42:17 64:2,11,23 65:9,10,13 <b>propose</b> 14:12 21:12 <b>proposed</b> 6:6 7:4 12:24 13:24 13:25 14:4,14,18 15:7,11 16:17,25 17:1,15 26:1,4 54:15,17 55:2 61:11 69:13 71:1,24 72:13 73:4 75:12 <b>proposing</b> 14:3 17:4 25:23 <b>provide</b> 24:5 25:15 26:10 35:19 42:20 49:21 50:18 64:3 67:3,5 75:24 76:3 <b>provided</b> 4:7 9:8 50:13 56:16 64:5 <b>provides</b> 8:1 17:24 21:9 39:13 <b>providing</b> 17:23 24:12 25:24 48:18 53:5 55:4,16 <b>prudent</b> 5:20 53:25 <b>public</b> 1:3,15 4:3 17:19 28:19 64:22 65:20,24 77:11,13,13 77:14 78:23 79:1 <b>publication</b> 4:6 <b>public's</b> 78:24 <b>pull</b> 5:4 45:25 <b>pulled</b> 60:3 <b>pulling</b> 21:13 46:11 <b>purchased</b> 37:23 <b>pursue</b> 45:18,18 <b>put</b> 31:17 32:12 33:18 40:15 59:16 62:15 69:15,21 70:22 74:21 <b>putting</b> 24:25 31:22 61:13,14 61:19</p>	<p><b>P.E</b> 3:4 <b>P.P</b> 3:4</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified</b> 11:25 <b>quality</b> 59:13,15,22 60:9,12 60:13,17 62:23 63:21 <b>quantify</b> 49:23 50:10 <b>quasi-engineering</b> 20:6 <b>quasi-legal</b> 20:6 <b>quasi-urban</b> 24:24 <b>question</b> 25:2 52:9 <b>questions</b> 11:6 18:15 38:3 61:22 <b>quick</b> 29:18 <b>quickly</b> 11:24 45:24 <b>quite</b> 59:24 60:15</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>radius</b> 24:25 27:8 <b>ran</b> 7:20 <b>rather</b> 44:20 69:1 <b>RE</b> 1:6 <b>read</b> 72:7 <b>reading</b> 72:15 <b>real</b> 37:17 61:9 <b>reality</b> 44:6 <b>really</b> 11:4 25:2 26:2 38:3,8 43:7,8 58:20 61:19 65:1 69:11 72:10,16 74:8,11 <b>Realty</b> 1:6 4:2 <b>rear</b> 15:10 16:20 23:6,10,12 25:25 35:21 40:10,18 41:4,8 41:12,24 68:1,8 <b>reason</b> 8:7 73:21 <b>reasonable</b> 57:9 60:14 <b>reasons</b> 68:18,18 <b>recent</b> 63:12 <b>recess</b> 50:23,25 51:3 <b>recite</b> 58:3 <b>recognize</b> 12:5 <b>recommend</b> 64:16 67:19 69:14,25 <b>recommendation</b> 45:3 <b>recommended</b> 66:20 71:25 <b>recommending</b> 45:2 <b>record</b> 5:7 11:22 38:10 51:3 57:15 68:7 73:5 78:11 <b>redesign</b> 21:12,16 44:13 45:22 45:24 56:22 <b>redraft</b> 35:15 <b>redrafting</b> 20:1 <b>reduce</b> 25:9 44:13 55:1 <b>reducing</b> 24:25 <b>reduction</b> 49:11,14 <b>refer</b> 13:8 30:5 <b>referring</b> 13:8,14 36:11 <b>refitted</b> 13:24</p>
---	---	--	--

<p><b>reflect</b> 33:22 75:10  <b>regard</b> 65:2  <b>regarding</b> 6:2 7:2,8 21:10  35:14 38:18 40:9 42:2 62:19  73:12 75:7,7 76:19  <b>regs</b> 58:25 59:8  <b>Regulation</b> 1:2 2:24  <b>Reid</b> 2:24 4:5 35:19 47:4,15  47:21,25 48:10,20 49:22  50:15 75:5,25  <b>REINVESTMENT</b> 1:1,14,16  <b>relate</b> 19:19  <b>relief</b> 5:10 42:10,13 47:10  48:8,16 50:11 51:21  <b>relocation</b> 74:9  <b>rely</b> 75:21  <b>remain</b> 13:23 73:6  <b>remaining</b> 65:18  <b>remarks</b> 64:10  <b>remove</b> 53:6,7 57:10  <b>removed</b> 35:25 58:23 59:3  <b>removes</b> 53:14  <b>removing</b> 54:11 55:11  <b>rendering</b> 12:18  <b>renderings</b> 10:14  <b>replaced</b> 35:25  <b>replacing</b> 36:2  <b>report</b> 19:9,13 22:24 24:10  25:21 28:10 38:6 44:25  77:19  <b>Reporter</b> 1:19  <b>reports</b> 78:7  <b>request</b> 5:21 51:15 73:22  <b>requested</b> 5:11 42:10,20 58:8  <b>require</b> 23:6 24:8,15 39:15  40:18,25 41:3,14 64:17  <b>required</b> 6:22 7:23 17:25  39:19 40:6 42:18,18 50:12  51:10 55:23 68:4 71:25  <b>requirement</b> 24:4,11,15 25:21  26:11 28:5 31:5,12 49:16,20  52:24 56:9 71:23  <b>requirements</b> 24:6 40:19 41:8  42:2 67:21,25 68:23 72:20  <b>requires</b> 23:9 28:18 31:1,7  48:11 69:3  <b>requiring</b> 41:12  <b>residential</b> 34:11  <b>resistance</b> 44:7  <b>resolution</b> 62:25  <b>rest</b> 4:18 29:1 30:4 54:13  74:25  <b>restaurant</b> 4:15 7:3 9:7 13:24  14:4 15:12 36:24 52:21 73:3  <b>restaurants</b> 6:5 7:9 14:23  15:5,6 17:17 26:17 36:19  52:10 66:11 67:21  <b>restaurant's</b> 27:5</p>	<p><b>restricted</b> 63:4  <b>result</b> 5:18,25 49:20 51:10,19  55:13 56:7,8  <b>results</b> 6:19  <b>retail</b> 28:22  <b>reuse</b> 19:6  <b>review</b> 4:5 19:13 61:4,5 66:17  <b>revised</b> 53:14 54:19,23 76:10  78:14,20  <b>revisions</b> 78:8  <b>right</b> 6:9,23 14:1,10,19 19:15  20:14,24 21:15,18 22:1  23:25 33:24 36:13 39:21,25  40:24 44:7 45:19 47:5 48:20  49:22 50:16,17,17 53:16  54:22 55:12 56:14 63:22  64:7 65:2 70:1 71:7 72:4,17  73:14 74:25 76:16 77:16  78:3  <b>rights</b> 64:22  <b>rims</b> 66:4  <b>Rio</b> 6:16  <b>Riverside</b> 30:21,22  <b>road</b> 44:19  <b>ROBERT</b> 2:24  <b>roof</b> 31:2,3,14,20,22,24 32:10  32:25 33:10,13 34:5 73:20  73:24  <b>roofed</b> 63:15  <b>room</b> 78:25  <b>Rothschild</b> 5:8  <b>roughly</b> 54:21 57:12  <b>route</b> 37:4 49:12  <b>routine</b> 60:3  <b>running</b> 19:3 71:5  <b>runoff</b> 14:13,14,15,18 58:20  59:9,10,11  <b>runs</b> 54:14,21  <b>RYKER</b> 2:20</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safe</b> 26:7  <b>safety</b> 25:5 42:22  <b>same</b> 15:15,17 40:22 48:1  <b>sampling</b> 63:12  <b>sanitary</b> 65:19 66:2,14  <b>satisfy</b> 24:6  <b>saying</b> 8:10 32:19 34:3 43:11  50:15 66:22  <b>says</b> 40:21 68:17  <b>scenario</b> 44:7 45:14  <b>schedules</b> 37:12  <b>SCHERER</b> 2:20  <b>Scott</b> 2:21 77:10  <b>screen</b> 25:24  <b>screening</b> 32:3 34:16 73:24  <b>Screening's</b> 34:21  <b>se</b> 26:19</p>	<p><b>seagulls</b> 32:17 34:9  <b>seat</b> 75:20  <b>seating</b> 73:3,9 75:7,15 76:12  76:20  <b>seats</b> 52:20,22,23 53:1 75:15  75:18  <b>second</b> 5:17 15:18 18:3 20:5  23:5  <b>section</b> 28:17 40:20 49:10  72:23  <b>see</b> 8:3 10:1 16:14,14 20:19  25:6 26:6 27:8 31:23 32:20  49:13 62:8 69:1,14 70:18,23  72:25 75:16 76:13,18 77:1  78:7  <b>seeing</b> 34:12 77:14  <b>seek</b> 20:25 45:21  <b>seeking</b> 22:2,12 50:5 73:15  <b>seems</b> 34:13  <b>seen</b> 38:8  <b>self-policing</b> 48:23  <b>sense</b> 41:25  <b>separate</b> 15:21 16:2,2,16,19  38:1  <b>service</b> 14:4  <b>set</b> 57:22 78:14  <b>setback</b> 23:6,10 41:8,12 72:22  <b>setbacks</b> 40:22  <b>seven</b> 20:9,9 41:2 43:17,24  52:2,8,11 53:10,19,22 54:9  54:13,21 57:11 64:25 68:11  69:6  <b>several</b> 5:13  <b>shade</b> 25:22,23 26:2 42:18  69:21,22 70:1,7 71:17,18  <b>share</b> 15:23 17:19  <b>Shawn</b> 38:14  <b>sheet</b> 12:18 13:9,10,11  <b>sheets</b> 13:19  <b>shift</b> 54:24 55:25 56:18  <b>shifting</b> 56:7,22  <b>shifts</b> 47:23,25 48:15  <b>shoppers</b> 8:8  <b>Shops</b> 13:3  <b>short</b> 28:2 51:3 69:23  <b>show</b> 47:5,11 50:7 67:12  76:15 77:1  <b>showed</b> 10:13  <b>showing</b> 49:24  <b>shown</b> 65:24,25 66:1,14 75:13  76:6 77:5  <b>shows</b> 23:16 51:17 53:7  <b>shrubs</b> 70:23  <b>shut</b> 43:20  <b>shy</b> 23:11  <b>SID</b> 69:15 70:25 71:2  <b>side</b> 16:19,21 18:2 30:15  40:25 46:20 54:16,16 68:1,2</p>	<p>68:3,17,20 73:9 74:15 76:17  <b>sidewalk</b> 21:21 28:20,20,23  29:5 36:18,20,22 37:1,6  55:1 72:2  <b>sidewalks</b> 36:2  <b>sight</b> 24:22 70:12  <b>sign</b> 16:21 28:12,12 44:5 72:8  72:10,10,13,15  <b>signage</b> 16:16,17 75:8,12,15  76:5,7  <b>signed</b> 21:1  <b>significant</b> 8:25 22:13 49:14  <b>significantly</b> 41:15  <b>signs</b> 16:19,20 25:6,6 72:7,19  <b>similar</b> 15:14 18:7 63:1  <b>Similarly</b> 56:10  <b>simple</b> 32:5 65:12  <b>simultaneously</b> 46:1  <b>since</b> 6:10 59:2  <b>sit</b> 37:9 60:2 61:7 75:1  <b>site</b> 4:10,12,15 6:5 7:12,21 8:1  8:6 9:12,15 10:5 12:19,19  12:23,25 13:12,22,23 14:2  14:15,23 15:1,20 16:13,25  18:21,22 22:6 25:10,25 26:3  26:5,6,7,8,16 27:2,7,10,23  28:7 41:20 42:23 43:4,13  46:21 51:14,18 52:3 53:14  56:15,21 58:4 61:9 63:23  64:19 72:15 77:3  <b>site's</b> 12:24 14:9  <b>sits</b> 44:4  <b>situation</b> 9:6 17:10,21 39:20  <b>size</b> 25:9 27:9,15 66:3,11  72:20  <b>SJTA</b> 63:18  <b>skip</b> 58:13  <b>slide</b> 21:16  <b>slopes</b> 61:10  <b>small</b> 73:7  <b>smaller</b> 27:13  <b>solely</b> 54:18  <b>solution</b> 60:13  <b>some</b> 7:20 9:5 10:7,22 17:1,2  17:6 21:9,24 24:21,25 25:24  25:24 27:15,20 28:2 32:2,2  32:13 34:3,16 35:4,18 36:6  36:10 38:5,9,22 42:7,13,13  42:19 49:23 52:14 57:14  58:18 59:20,25 60:5,15 61:1  61:8,10,25 62:17,18,19,22  62:25 63:12,21 65:6 66:5  69:20 70:8 71:21 73:2,8,24  75:6 76:12,19 78:7  <b>somebody</b> 34:10  <b>something</b> 10:4 12:15 20:13  27:15 28:13 31:14,19,23  32:5,8,10,17,18,21 41:17,18</p>
---	---	--	---

<p>44:15 45:12 49:3 51:24 57:9 60:19 61:3 62:15 63:6 66:9 67:11 70:3 78:13 <b>somewhere</b> 9:2 28:6 74:19 <b>soon</b> 13:4 <b>sooner</b> 44:15 <b>sort</b> 50:4 <b>sought</b> 50:11 <b>sounds</b> 27:17 63:20 <b>south</b> 1:17 13:1 29:19 30:15 37:7 57:12 68:3 74:15,18 <b>southeast</b> 30:12,14 <b>southwest</b> 30:2 <b>space</b> 6:25 7:8 8:21 21:25 22:18 25:4 26:12 48:11 69:10 71:24 <b>spaces</b> 7:24 9:8,10 14:3 17:11 17:13,14,15 18:6 22:9,13,16 22:19 24:9 25:9,22 26:10 35:16 44:14 46:12,13,18,20 47:6,9,10,13 48:13 50:12,18 52:16 53:5,6,9,10,12 54:15 55:8,14,15,20 56:2,16 71:19 71:23 <b>speak</b> 35:16 <b>speaks</b> 7:2 <b>Special</b> 69:15 <b>specific</b> 5:15 <b>specifically</b> 7:17 8:9 22:7 <b>speculate</b> 44:21 <b>spoke</b> 6:14 7:1 20:12 <b>sports</b> 4:16 15:13 16:14,20 18:11 21:22 29:7 55:2 <b>spot</b> 14:1 52:4 <b>square</b> 33:19 54:11 75:19 76:15 <b>staging</b> 22:3,12 46:19,23 47:7 52:1 <b>stairwell</b> 41:23 <b>stamped</b> 18:12 <b>stand</b> 51:13 <b>standard</b> 17:7 75:19 <b>standards</b> 28:16 72:25 73:15 <b>standpoint</b> 36:25 39:18 <b>start</b> 57:19,23 <b>started</b> 51:7 68:15 <b>starting</b> 43:8 45:20 <b>starts</b> 42:21 <b>state</b> 1:19 58:25 <b>stated</b> 16:6 23:7,12 60:11,14 <b>statement</b> 10:23 38:18 46:3 49:4 <b>statements</b> 58:14 <b>statutory</b> 5:19 <b>stay</b> 18:3 <b>step</b> 27:19 78:2 <b>still</b> 30:10,12 45:21 60:22 69:24 74:2</p>	<p><b>stockade</b> 32:7 <b>storage</b> 66:22 <b>stores</b> 6:23 35:21 59:19 <b>storm</b> 14:13,17 58:17 59:20 60:7,17 <b>strainer</b> 61:15 <b>strainers</b> 60:2 <b>street</b> 13:3 59:18 65:23 68:25 69:11,12 <b>streetscape</b> 7:5 <b>stretch</b> 8:16 <b>strikes</b> 68:22 <b>strip</b> 69:14 <b>structure</b> 4:14 13:23 15:2 23:21 28:19 34:11 39:12 41:10,13,15 63:15 <b>structures</b> 28:21 31:21 40:21 40:21 58:23 59:2,5,8 68:10 <b>struggling</b> 45:4 <b>studies</b> 58:11,12,14,16 <b>stuff</b> 17:6 34:10 <b>subject</b> 5:12 6:15 37:12 38:2 64:23 <b>submission</b> 64:1 76:10 <b>submit</b> 51:17 53:13 <b>submitted</b> 12:16,18 13:12,14 20:7 35:17 56:17 73:1 75:9 <b>subsequent</b> 21:3 <b>substance</b> 6:9 9:21 <b>successful</b> 8:4 <b>suffice</b> 46:22 <b>sufficient</b> 18:25 64:9,12 <b>suggest</b> 37:11 62:6 71:15,19 <b>suggested</b> 46:14 66:19 <b>suggesting</b> 59:25 60:19 <b>suggestion</b> 61:23 <b>sum</b> 55:10 <b>summer</b> 44:3,10,18 <b>supply</b> 65:20 <b>support</b> 11:6 41:5 58:10,15 68:9,19 69:5 72:6 73:17,21 74:4 <b>suppose</b> 7:13 <b>supposed</b> 68:5 <b>sure</b> 5:3 19:17 29:24 36:7,17 40:16 46:5,7 53:23 59:3 64:3 73:13 76:5 77:4 <b>surface</b> 4:17 8:3,6,13 10:18 17:1 31:2,7 55:24 <b>survey</b> 35:19,23 64:21,25 <b>surveyor</b> 59:19 65:21 <b>suspicion</b> 44:10,12 <b>SU30s</b> 27:14 <b>swap</b> 6:18,19 67:1 <b>swear</b> 11:9 38:21 <b>swimming</b> 33:20 <b>sworn</b> 11:20 33:3,7 <b>system</b> 61:14</p>	<p style="text-align: center;"><b>T</b></p> <p><b>take</b> 9:11 30:21 34:23 36:7 49:9,14 50:22 52:10 53:1 59:1,4 62:5 69:16 78:1 <b>taken</b> 1:15 63:2 <b>takes</b> 20:8 44:8 51:22,23 <b>taking</b> 13:7 24:23 27:19 53:18 67:8 <b>talk</b> 15:18,18 17:9 18:4 24:19 25:3 40:19 43:22 44:11 45:16 66:9 70:4 78:15,19 <b>talked</b> 6:1 7:22 9:25 21:13 22:15 38:13 49:4 51:24 57:16 64:20 69:9 74:13 <b>talking</b> 24:20,21,23 25:12 44:9 46:13 47:22 51:25 52:1 52:7 54:8 56:21 61:15 68:21 69:7 <b>tanks</b> 66:22,23,24 <b>tar</b> 32:23 <b>team</b> 45:16 <b>technically</b> 48:13 <b>tell</b> 10:19 <b>telling</b> 10:6 <b>templates</b> 27:16 <b>tenant</b> 69:3 <b>tenants</b> 68:23 <b>terms</b> 5:10 7:5,13 13:21 20:1 24:1 26:2,12 28:15 54:11 56:22 60:12 <b>testified</b> 40:3 68:18 <b>testify</b> 54:4 <b>testimony</b> 27:22 38:10,22 41:22 47:9 48:21 58:18 68:7 73:10 75:6,11 76:19 <b>thank</b> 4:20 11:2,14 12:6 57:18 77:17 78:22 <b>their</b> 8:10 9:24 18:7 20:14,20 21:10 22:3 26:8 29:9 32:12 34:11 60:5,10 <b>thing</b> 4:22 29:18 53:25 59:8 62:3 <b>things</b> 28:17 29:2 36:10 38:5 42:14 43:8 53:16 56:5,13 59:24 61:1 62:7 66:16 67:16 70:17 <b>think</b> 5:18 6:10,12 7:1,20 8:14 8:19 9:13 10:1,3,16,22 13:16 17:10 19:17 21:1 23:16 24:17 27:13 28:13 29:19 30:8 32:1 34:19 35:10 35:11 36:5,24 37:17 39:16 39:22 40:3,9 41:3,5,19,22 42:9 44:2,15 45:8,9,23 46:13,16 48:21 49:3,19 50:20 51:8 53:25 54:3 55:4 55:6,10 56:19,24 57:9 61:1 61:3,21,22 62:14,18 64:4</p>	<p>65:22,24 66:13 68:15,20 70:3 71:1,4 72:1,8 73:4 74:2 74:12 76:18 78:10 <b>thinking</b> 46:16 60:18 <b>though</b> 59:8 <b>thought</b> 7:22 9:15,18 30:3,4 44:19 <b>three</b> 25:20 47:23,25 48:15 57:24 69:17 <b>through</b> 4:11 5:12 12:23 19:24 20:9,9 36:2 37:9 38:6 43:17,24 47:3 52:2,8,11 53:10,19,21 54:9,13,20 57:11,15,23 60:17 64:24 66:14 67:24 71:5 74:6 75:2 <b>throughout</b> 10:24 66:25 <b>Thursday-April</b> 1:12 <b>ticket</b> 18:11 74:13 <b>tie</b> 59:17 <b>tied</b> 25:19 31:6 61:14 <b>till</b> 27:6 <b>Tim</b> 38:5 57:17 76:19 <b>time</b> 5:22 10:22 28:14 45:19 45:22 48:1 53:15,20 54:3 62:4 63:5 65:12 78:2 <b>TIMOTHY</b> 3:4,5 11:19 <b>title</b> 65:12 67:6 <b>today</b> 6:4,20 11:4 12:12 22:8 24:1 50:6 51:7,16 52:7,12 53:12 68:12 75:7 <b>today's</b> 44:23 45:3,3 51:8 <b>together</b> 18:16 <b>tomorrow</b> 77:23 78:16,17,19 <b>top</b> 24:9 32:12 71:11 72:23 <b>total</b> 7:15 14:3 31:2 48:17 <b>totally</b> 31:8 <b>touch</b> 6:13 17:8 39:5 <b>touched</b> 18:21,22,23,23 35:12 39:22 <b>tour</b> 51:18 <b>tours</b> 51:13 <b>towards</b> 71:20 <b>trade</b> 64:11 <b>traffic</b> 58:11 <b>trailer</b> 27:12 <b>train</b> 34:25 <b>transfer</b> 65:17 <b>transferred</b> 65:10,11,15 <b>transition</b> 32:15 34:12 <b>transportation</b> 49:12 <b>trap</b> 66:10,12 <b>traps</b> 66:13 <b>trash</b> 20:20,20,21 21:11 26:1 40:16,17 41:9 68:9 <b>treat</b> 31:14 33:16 40:16 41:9 <b>treated</b> 59:7 72:15 <b>treatment</b> 59:16,23 63:21 <b>tree</b> 25:22 70:1,9,15,22</p>
--	---	--	---



<p><b>trees</b> 25:23 26:2 42:18 69:21 69:22 70:7,11 71:17,18 <b>tried</b> 21:18 <b>trigger</b> 41:4 53:20 <b>trucks</b> 26:14,23 27:9 <b>try</b> 78:6 <b>trying</b> 9:9 17:6 24:13 30:10,12 45:21 66:1 <b>tucked</b> 41:18,22 <b>Tuesday</b> 78:21 <b>turn</b> 19:9 25:7,7 30:21 <b>turning</b> 27:8 <b>two</b> 4:15,16,23 7:7,9 8:2 10:10 11:4 14:23 15:15,24 17:17 20:8,9 21:2 22:4 24:21 35:16 38:1 41:2,7 43:17,24 45:5,19 46:5 52:2,8,11,17 53:9,15,19,21 54:9,12,20,25 55:25 56:5,8,18 57:11 62:7 62:11 64:24 67:23 69:17 <b>tying</b> 63:8 <b>type</b> 4:16 16:24 21:24 32:13 33:13 34:16 42:7 59:13 62:22 64:1 69:16 70:11 73:24 <b>types</b> 6:21 58:11 61:24 <b>Typically</b> 57:2</p>	<p><b>utilize</b> 14:22 28:6 <b>utilized</b> 25:12 73:6 <b>utilizing</b> 7:16 8:21 9:10 14:16 15:15,17 39:23 46:25</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vacant</b> 27:3 <b>vacated</b> 36:12 37:18,22,24 65:4 <b>vacation</b> 65:16 <b>valves</b> 66:15,15 <b>variance</b> 4:25 5:1,21 6:3 23:6 24:8,15 31:11 40:9,12,18 41:4,5,11 42:7 47:5 51:9 53:11,20 54:3 55:17 68:8,19 68:19 69:25 71:10,19,25 72:6,9,16,22 73:16,18,22 74:1,3,5 <b>variances</b> 22:24 23:3,3 28:17 35:7 38:7,23 42:6 69:6 <b>various</b> 33:16 69:5 <b>vehicles</b> 26:8 27:7 72:3 <b>versus</b> 41:25 <b>vertical</b> 36:14 <b>very</b> 13:4 15:13 22:10 31:16 44:23,25 49:7 61:11,16 <b>vestibule</b> 73:4 76:14 <b>viable</b> 22:18 49:8 <b>vicinity</b> 74:20 <b>view</b> 29:12 31:9 72:18 <b>visibility</b> 25:16 31:21 <b>vision</b> 26:15 <b>visual</b> 70:16</p>	<p>64:22 65:2 71:5 <b>ways</b> 30:5 32:9 33:16 52:17 60:16 70:21 <b>wearing</b> 60:22 <b>week</b> 46:17 61:17 78:14 <b>weeks</b> 62:11 67:24 <b>Weiss</b> 11:1 <b>well</b> 4:25 12:7,20 16:23 19:18 24:16 31:12,16 35:23 40:1 44:11 47:2 61:21 63:14 76:5 78:22 <b>went</b> 63:16 67:24 <b>were</b> 10:24 13:7,8 14:22 26:17 35:20 36:10 38:20 42:18 56:25 57:20,21 59:2 60:22 61:1 67:8 73:1 75:9 <b>west</b> 13:5 27:23 30:21 <b>we'll</b> 13:17,19 35:3,21 44:9 45:16,25,25 54:2 56:5 57:23 58:1 62:22,24 66:9,18 72:20 75:1 77:12,14,18 78:1,19,20 78:23 79:1 <b>we're</b> 5:4 6:11 8:24 9:9,14 10:20 17:20 22:1,11,17,18 28:2 31:4 33:1 34:20 37:8 37:13 39:19,25 40:11 41:9 43:5,6 45:2 46:8,13 47:19 48:4 50:15,20 51:15,16,20 52:5,7,23 53:5,23 54:1,7,10 54:10 55:11,13,16,24 56:11 56:13,14 63:10 65:5 75:21 75:22 76:4 77:17 <b>we've</b> 18:16 22:15 31:15 38:7 42:11 50:4 55:21 63:5 68:21 <b>where-is</b> 67:9 <b>while</b> 8:7 9:10 25:3 <b>white</b> 32:24 33:10,19 34:3 36:22 60:22 73:23 <b>white's</b> 34:8 <b>whole</b> 36:23 <b>wide</b> 21:18 24:11 26:23 69:19 <b>wider</b> 76:21 <b>width</b> 36:23 37:5 <b>widths</b> 42:19 <b>willing</b> 37:9 <b>Willow</b> 36:12 37:18,24 65:2 74:20 <b>window</b> 34:24 <b>windows</b> 29:12,12 <b>Winkler</b> 1:18 <b>withdraw</b> 5:20 <b>withdrawing</b> 51:15,19 54:1 <b>withdrawn</b> 71:16 <b>WITNESS</b> 13:11,16,21 16:6 23:20 26:22 27:11,18,25 28:4,9 29:14,17,21,24 30:20 30:25 35:6 36:17 37:8 41:7 42:9 43:14 46:22 47:13,16</p>	<p>49:2,18 50:1,17 60:11 70:10 71:2 72:13 78:15,19 <b>witnesses</b> 11:4 <b>work</b> 9:9 10:20 45:12 49:8,18 62:12 64:14 71:20 74:21 78:18 <b>worked</b> 18:16 31:15,16 70:6 <b>working</b> 61:11 <b>works</b> 76:24 <b>worry</b> 72:16 <b>worse</b> 40:11 <b>wouldn't</b> 41:11 66:8 68:24 <b>wreck</b> 34:25 <b>wrong</b> 19:17</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p><b>X</b> 50:11</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yard</b> 23:6,10 40:10,18 41:1,4 41:8 68:1,1,3,8,17,20 <b>yeah</b> 7:9 12:3 23:20 29:14 50:2 60:24 62:24 72:18 <b>years</b> 58:24 59:1,3,7 62:4 63:10</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>zone</b> 41:1 <b>Zoning</b> 67:21</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1</b> 68:16 <b>1,300</b> 27:23 55:20 <b>10</b> 13:11 21:20 25:22 55:2 58:24 59:7 62:4 63:10 71:19 78:25 <b>10-foot-wide</b> 21:21 <b>10:07</b> 2:1 <b>10:53</b> 50:25 <b>105</b> 48:18 <b>11</b> 25:20 67:16 <b>11:15</b> 51:1 <b>11:48</b> 79:4 <b>12</b> 22:14 47:8,10 <b>14</b> 47:13,16 48:19,20 50:16 54:15 <b>146</b> 7:24 52:16 53:5 <b>15</b> 1:16 58:5 64:15 75:19 <b>150</b> 41:14 <b>16</b> 58:5,10,13 64:18 67:16 <b>16th</b> 6:1 37:13 77:20 78:25 <b>163-74</b> 29:17 <b>163-74E</b> 28:18 <b>163-74G(1)</b> 31:1 <b>17</b> 58:5,9,11,13 64:18 <b>18</b> 55:3 67:16</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/>
---	--	--	---

<p> <b>2</b> 1:12 69:9 71:11 72:23 73:19  <b>20</b> 55:3 68:5  <b>20-plus-foot</b> 21:19  <b>200</b> 64:2  <b>2015</b> 1:12  <b>2015-03-1403</b> 1:6 4:2  <b>21</b> 58:5,9,10,13,17 64:19  <b>21st</b> 78:6  <b>22</b> 58:6,9,13  <b>2231</b> 4:11  <b>23</b> 4:11  <b>24</b> 58:6 66:20  <b>250</b> 9:1 24:3 40:4 47:20,22  48:14 49:24 55:21  <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <b>3</b> 71:17 73:23  <b>3.4</b> 68:6  <b>3.6</b> 68:6  <b>30</b> 52:25 53:1  <b>30-foot</b> 23:9 41:8,12  <b>300</b> 52:23 53:1 75:15  <b>31st</b> 19:10 58:3  <b>336</b> 4:11  <b>34</b> 50:18  <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <b>4</b> 71:22  <b>4.9</b> 71:18  <b>44-foot</b> 27:12  <b>450,000</b> 33:18  <b>49</b> 14:3 17:12,13,15 47:5  48:18 53:5,8,10 55:8,14,15  56:1,16  <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <b>5</b> 64:1 71:23  <b>5.1</b> 35:14  <b>5.2</b> 35:16  <b>5.3</b> 35:24  <b>5.7</b> 74:9  <b>50</b> 31:1  <b>500</b> 52:20,20,21  <b>56</b> 48:12,15  <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <b>6</b> 67:15  <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <b>74E</b> 28:18  <b>74G(2)</b> 31:6  <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <b>8</b> 4:11 58:5 64:8  <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <b>90</b> 44:8  <b>90-degree</b> 30:21 </p>	<p><b>97</b> 53:12 55:16</p>		
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