

BOROUGH OF KEYPORT UNIFIED PLANNING BOARD

COUNTY OF MONMOUTH - STATE OF NEW JERSEY

REGULAR MEETING FOR:

357 WEST FRONT STREET, LLC
BROWN'S POINT MARINA
BLOCK 20, LOT 9, 11.01, 13, 14 & 14.01

APPLICATION NO. KUPB 20-01

THURSDAY, APRIL 28, 2022
COMMENCING AT 7:00 P.M.

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING - CONTINUATION

BOARD MEMBERS PRESENT:

MARK SESSA, Chairman
LORI ANN DAVIDSON, Councilmember
COLETTE KENNEDY, Mayor
WILLIAM McDERMOTT
JUAN CARLOS OVIEDO
DONALD PACHECO
JOANNE ROYSTER
NICHOLAS VECCHIO (recused)

ALSO PRESENT:

MARC LECKSTEIN, ESQUIRE, Board Attorney
TREVOR TAYLOR, P.E., board and Municipal Engineer
DENISE NELLIS, Planning Board Secretary

STENOGRAPHICALLY REPORTED BY:

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Clay Perlman, Owner

I N D E X

WITNESSESPAGE

Louis Zuegner, P.E.
MidAtlantic Engineering Partners

Steven Radosti, AIA
Radosti + Perez Associates, P.C.

16

61

PUBLIC COMMENT:

NAME	ADDRESS	PAGE
Alan Yunker	28 Washington Street	71
Robert Yunker	26 Washington Street	79
Michael Lane	*not stated	88

E X H I B I T S

BY THE APPLICANT:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-18	Revised Site Plan, dated 10/6/22, 11 sheets	7
A-19	Turning Template, last revised 3/7/22, 3 sheets	9
A-20	Overall Rendering, dated 3/24/22	17
A-21	Site Rendering, dated 3/24/22	18
A-22	Alternate Conceptual Floor Plans, Sheet SK-1A, dated 3/15/22	63

E X H I B I T S

BY THE BOARD:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
B-6	CME review letter, dated 3/14/22	9
B-7	Review email from Fire Marshal Tony Vecchio, dated 3/17/22	9

EXHIBITS NOT RETAINED BY REPORTER

1 (Time noted, 7:30 p.m.)

2 CHAIRMAN SESSA: Next we have case
3 17-07, 357 West Front Street, LLC.

4 ATTORNEY LECKSTEIN: Mr. Chairman,
5 there are two of those. We're going to request that
6 the site plan be heard first, which is 20-01.

7 CHAIRMAN SESSA: 20-01. This is
8 357 West Front Street, LLC, Brown's Point Marina,
9 Block 20, Lot 9, 11.01, 13, 14 and 14.01.

10 ATTORNEY LECKSTEIN: And,
11 Mr. Chairman, if I may, Denise is just pointing out
12 that the mayor and councilwoman are not back yet.
13 If you can just hold off for a second.

14 MEMBER VECCHIO: And I need to...

15 ATTORNEY LECKSTEIN: Thanks,
16 Mr. Vecchio.

17 (Discussion is held off the record.)

18 CHAIRMAN SESSA: Let the record show
19 that mayor and councilwoman have returned. And
20 Mr. Vecchio, who lives within 200 feet of the
21 property, has stepped down.

22 ATTORNEY LECKSTEIN: Mr. Chairman, if
23 I may, I think the Board knows that this is a very
24 prolonged application. It's had a history which is
25 not -- I don't think they have been back since -- is

1 it March 25th the last meeting?

2 ATTORNEY PAPE: July.

3 MR. LECKSTEIN: July.

4 ATTORNEY PAPE: August is the meeting
5 that you took us off.

6 ATTORNEY LECKSTEIN: Okay. So that
7 was July. What was the last date? What was the
8 actual date that we were here? July -- does anybody
9 know?

10 ATTORNEY PAPE: I will have it in a
11 second.

12 ATTORNEY LECKSTEIN: Thank you, sir.
13 Denise, do you have it?

14 BOARD SECRETARY: July 22nd.

15 ATTORNEY LECKSTEIN: July 22nd was the
16 last time the applicant was here. It has not been
17 the applicant's fault. There were a couple of
18 issues that have transpired in the interim that
19 yanked jurisdiction away from the Board, then gave
20 it back. Then there was a publishing notification
21 error which was not the applicant's fault where they
22 noticed in the paper, but the paper noticed it in
23 the wrong paper.

24 It's just been, like, a calamity of
25 issues that have led to them not being able to

1 appear before the board tonight. So I'm just -- I'm
2 just saying this so that it's not held against the
3 applicant that they're not -- that we're first
4 hearing them for the first time since July. And I
5 think that's important to know. It's not the
6 Board's fault either, but it's not the applicant's
7 fault. And I think that's needed to be said.

8 So with that said, Mr. Pape, if I may,
9 I have two new exhibits that I have. I believe
10 we're up to A-18?

11 ATTORNEY PAPE: What's the --

12 ATTORNEY LECKSTEIN: A-18 is the
13 revised site plan, last revised October 6, 2021; is
14 that accurate? Is that your latest site plan? All
15 right. And that consists of 11 sheets.

16 (Exhibit A-18, Revised Site Plan, dated
17 10/6/22, is marked.)

18 ATTORNEY LECKSTEIN: Okay. And then I
19 have Exhibit A-19, which is the turning template,
20 last revised -- I believe the date on it -- it was
21 hard to read -- is August 8, 2021? Is that
22 accurate?

23 I just want to make sure we get it
24 right. It was difficult to read the date.

25 THE WITNESS: I can't read it. The

1 7th?

2 ATTORNEY LECKSTEIN: It's August 7?

3 THE WITNESS: Oh, no --

4 ATTORNEY PAPE: I think it's March.

5 March 7 is what I have.

6 MR. LECKSTEIN: No, no. There's

7 March 17th for the main date, and then in the

8 revisions --

9 ATTORNEY PAPE: March 7, '22.

10 THE WITNESS: Correct.

11 ATTORNEY LECKSTEIN: Oh, there's a

12 newer one?

13 ATTORNEY PAPE: March 7, '22.

14 ATTORNEY LECKSTEIN: March 7, 2022.

15 And how many sheets is that? Does the Board have

16 that one in front of them?

17 MR. LECKSTEIN: Okay, so March 7,

18 2022. Is it three sheets? It says six sheets, but

19 I only see three.

20 MR. PAPE: It's three.

21 ATTORNEY LECKSTEIN: It's three

22 sheets, okay. And assuming this application is

23 approved, can that be corrected to make sure that it

24 says, "three sheets," because it's misleading.

25 ATTORNEY PAPE: Yes.

1 MR. LECKSTEIN: I don't want anyone to
2 think that there are three extra sheets. Okay.

3 All right, so that's A-19. Last
4 revised March 7, 2022, the turning template.

5 (Exhibit A-19, Turning Template, last
6 revised 3/7/22, is marked.)

7 ATTORNEY LECKSTEIN: And then I have
8 as B-6, the CME review letter, dated March 14, 2022.

9 Trevor, that's your last letter,
10 correct?

11 BOARD ENGINEER: That's correct.

12 ATTORNEY LECKSTEIN: Okay.

13 (Exhibit B-6, CME review letter, dated
14 3/14/22, is marked.)

15 ATTORNEY LECKSTEIN: And then I have
16 as Exhibit B-7, the review email from the fire
17 marshal, Tony Vecchio, dated March 17, 2022.

18 (Exhibit B-7, Review email from Fire
19 Marshal Tony Vecchio, dated 3/17/22, is
20 marked.)

21 ATTORNEY LECKSTEIN: That's everything
22 that I have.

23 And, Mr. Pape, you are in receipt of
24 that email from the fire marshal, correct? I know
25 it was sent to you more than once.

1 ATTORNEY PAPE: I know what it says
2 because I met with him and went over all of it, but
3 as I sit here, I don't have it in front of me.

4 ATTORNEY LECKSTEIN: Okay. I just
5 wanted to make sure you had seen it.

6 ATTORNEY PAPE: Yeah. I'm sure that
7 it was sent to me.

8 MR. LECKSTEIN: Okay. That's fine.

9 ATTORNEY PAPE: And as we add to the
10 anomalies, Denise Nellis sends me things, when she
11 does, and my computer, one of my computers, calls it
12 spam.

13 ATTORNEY LECKSTEIN: I have been
14 there.

15 ATTORNEY PAPE: We have had that
16 happen a number of times. If I recall, I came here
17 in November and I was upset that I had not received
18 a whole bunch of documents and Denise was able to
19 show that she had sent every one of them to me, and
20 every one of them had gone to spam.

21 ATTORNEY LECKSTEIN: I have an extra
22 copy of that email, just so that you have it in
23 front of you.

24 ATTORNEY PAPE: Okay.

25 BOARD SECRETARY: Thank you, Mr. Pape.

1 ATTORNEY LECKSTEIN: I'm sure it's
2 going to come up.

3 And I believe the board all has that
4 email, correct?

5 CHAIRMAN SESSA: Correct.

6 MR. LECKSTEIN: All right.

7 Mr. Chairman, that's all I have as far
8 as procedural things to take care of.

9 CHAIRMAN SESSA: Welcome back,
10 Mr. Pape.

11 ATTORNEY PAPE: Thank you,
12 Mr. Chairman, board members.

13 Good evening, all. Kenneth Pape of the
14 firm of Heilbrunn, Pape on behalf of your applicant.

15 We're doing the marina site plan
16 application first.

17 ATTORNEY LECKSTEIN: Yes.

18 ATTORNEY PAPE: For the record, we
19 have a court reporter here this evening to create a
20 transcript. With your permission, we will offer the
21 transcript to you, and it could be the official
22 record of the hearing if that is your pleasure. We
23 will at our cost and expense promptly, after the
24 hearing, get you the transcript.

25 This is an application for site plan

1 approval. It's a site plan approval for the marina.
2 As everyone here knows, the marina exists. It has
3 been in existence for a very long time.

4 The reason that we are before the board
5 is that when the apartment complex was reviewed and
6 approved by this Board, there was a condition that
7 the marina be preserved. We would not close the
8 marina, and that we were directed to return to this
9 board with an amended application for the marina.
10 And that is what we're presenting to you.

11 The marina that we're presenting to
12 you, we are -- our goal is, and I think it's a very
13 similar goal to the Borough, and that is to have a
14 vibrant, successful, full-service marina as part of
15 the community. And that's what we have been working
16 on presenting to you.

17 When we last made the presentation to
18 you, we had moved to a point where there was some
19 questions that we were to address with the fire
20 official. There was some open issues that we had
21 with the county. And there was, I am going to call
22 it, a short list of specific requests/requirements
23 that members of the board placed in front of the
24 applicant.

25 By way of an outline, the County

1 planning board application took the applicant a full
2 two years to complete. We had issues with the
3 County planning board.

4 This property had been the subject of
5 litigation, condemnation, litigation. And there was
6 a court order that directed the applicant and the
7 county as to how the access to the site was to be
8 configured. The planning board didn't get the memo
9 and we were with them for an extended period of time
10 when the attorney who handled the litigation came to
11 the hearings and there was an understanding, and it
12 all got worked out. And the county planning board
13 application for subdivision and site plan was
14 granted in final form. That took place since we
15 last saw you.

16 ATTORNEY LECKSTEIN: Do you know the
17 date of that?

18 ATTORNEY PAPE: It was in September
19 of 2021. And in your files are copies of it. I
20 have made certain.

21 MR. LECKSTEIN: Okay.

22 ATTORNEY PAPE: But, again, there's no
23 fault; no good guys, no bad guys. But it was
24 complicated, and we finally got it worked out.

25 The result of that was that the county

1 gave minor modifications to the site that resulted
2 in an additional parking stall and what we believe
3 is superior on-site circulation that addresses, in
4 part, the issues that are raised in Mr. Vecchio's
5 March 17th memo.

6 We also met in August of last summer
7 with Mr. Vecchio at the site. And we spent -- we
8 spent the afternoon with him going over his brief
9 concerns. He had some very important concerns,
10 things like adding sprinkler systems to all of the
11 racking systems. He wanted sprinkler heads at the
12 top of all the racks as well as control of on-site
13 circulation. Those revisions driven by the
14 county and by Mr. Vecchio have been incorporated
15 into the plan, and they'll be presented to you.

16 There was also some questions that were
17 asked about the placement of the trash receptacle,
18 the orientation of picking up the trash. And those
19 have been incorporated into the plan.

20 And there was a recommendation, a
21 suggestion, guidance that on-site food was not --
22 was something that the board was looking to see as
23 part of the site plan. The preference was to create
24 a method where the existing restaurants in town
25 could benefit from the marina. So what we did is we

1 created a Grubhub parking space so orders could be
2 brought to the site.

3 That's pretty much a summary of the
4 site plan revisions. We also had presented all of
5 the architecture of the proposed new building to
6 you. It had a nautical scheme. The building was
7 designed to serve as the sanitary facilities for the
8 marina as well as the garage space.

9 There was an issue that we had
10 discussed kind of at length about the sanitary
11 facilities being at -- below the flood level. We
12 had spent quite a bit of time discussing how we
13 could make that work.

14 Our client and our architect have
15 changed that. We have lifted the sanitary
16 facilities. They are no longer on the ground floor.
17 They're on an elevated, I want to call it, a
18 mezzanine above the flood limit. So there's no
19 relief requested for that building.

20 The presentation that we intend to
21 make, with your permission, is to go through those
22 site revisions through Louis Zuegner, the
23 professional engineer. His credentials are on the
24 record. You have accepted him as an expert. And
25 then to follow with Steve Radosti, the architect,

1 and just to testify to those points.

2 And that, Mr. Chair, board members, is
3 what we believe is the remaining issues to be
4 presented to the board before asking the board to
5 consider the application favorably.

6 With that as the outline and with your
7 permission, I would like to begin. Yes?
8 Acceptable?

9 CHAIRMAN SESSA: Yes.

10 ATTORNEY PAPE: Thank you very much.
11 Mr. Zuegner is a professional engineer. His
12 credentials are on the record. He has been sworn
13 and placed under oath.

14 I will remind him this evening that he
15 is under oath and ask that he, in a narrative
16 fashion, initially just do an executive overview,
17 knowing that July was the last time a substantive
18 presentation was made to the board, and just, I'll
19 call it, a three- to five-minute refresher course of
20 the site. And then we'll go into the proposed
21 revisions that have been developed since we were
22 last here.

23 L O U I S Z U E G N E R, P.E.,
24 previously sworn, continued testifying as
25 follows:

1 THE WITNESS: Will your microphone
2 pick me up if I...

3 ATTORNEY LECKSTEIN: And do we need to
4 mark this in as A-19? A-20, I'm sorry.

5 THE WITNESS: Yes. So there are two.
6 This is A-20. This is entitled "Overall Rendering,"
7 and it's dated March 24, '22.

8 (Exhibit A-20, Overall Rendering, dated
9 3/24/22, is marked.)

10 COUNCILMEMBER DAVIDSON: I'm sorry.
11 Is there any way you can you turn it slightly this
12 way so I can see it?

13 MR. LECKSTEIN: You don't have smaller
14 versions of it to hand out, do you, by any chance?

15 COUNCILMEMBER DAVIDSON: Then you guys
16 can't see it over there.

17 ATTORNEY PAPE: I have one more
18 administrative matter.

19 COUNCILMEMBER DAVIDSON: I can share
20 so they can see this.

21 ATTORNEY PAPE: Although this board
22 did not impose on the applicant an obligation to
23 re-publish or notice for tonight's hearing, in order
24 to be certain that our comfort level was
25 100 percent, we did re-notice and re-publish and

1 provided that packet to your secretary before the
2 hearing.

3 ATTORNEY LECKSTEIN: Thank you.

4 ATTORNEY PAPE: You're welcome.

5 THE WITNESS: Again, Louis Zuegner.

6 And I just wanted to as I got into this -- of
7 course, Mr. Pape gave you the introduction. And the
8 goal here was to create a full-service marina after
9 prior changes to the site and the apartments
10 development. A-20 is the overall rendering.

11 I wanted to show it to sort of allow
12 you to get a focused -- my next rendering is going
13 to be focused in on the marina itself. You can see
14 on the bottom of this is West Front Street,
15 Luppatatong Creek. This is blocking my view here.
16 It's down in this corner, of course. Everyone, I'm
17 sure, knows the site. But because the blowup
18 doesn't show where the slips are, I wanted to put
19 that up quickly.

20 I'll move to the next one. I guess
21 this is A-21. This is entitled "Site Rendering,"
22 same date March 24th, '22.

23 (Exhibit A-21, Site Rendering, dated
24 3/24/22, is marked.)

25 THE WITNESS: So this is obviously

1 focused in as I showed before. And just as a quick
2 recap, because I know it has been some time, in sort
3 of a burnt orange to the right of this plan, that's
4 the proposed building. And you will see a little
5 more on that. That's a 5,500-square-foot footprint
6 building. We talked about that previously.

7 And then the site, we talked at length
8 about how we have sort of two parcels to it. One is
9 more the service parcel. You can see that in the
10 aerial image where boat operations would typically
11 happen. And then in a lighter gray is where we
12 would reconstruct a new striped parking area. That
13 would be primarily parking. Of course, wintertime
14 that can serve as winter storage as well.

15 You can see the two driveways at the
16 bottom of Front Street. Of course, one is not part
17 of this parcel. There's a property line there. The
18 other one, this is our single access point to the
19 site before the road ramps up into the new bridge,
20 and the one access point.

21 And then, of course, all the operations
22 of the marina we talked about previously in terms of
23 slips and different services in the marina and how
24 in and out would work.

25 In terms of changes -- and there was a

1 little bit of a discussion on that. When we were in
2 front of the county, there were a couple of changes
3 which actually worked very well. But the entrance
4 didn't move. It is going to get a little wider than
5 existing to make it a little bit easier to get in
6 and out in terms of all turning movements, not just
7 for emergency vehicles but any vehicles coming in
8 and out.

9 Previously in this green area, there
10 were two parking spaces put in there. The county
11 asked us to remove that, but in turn, we changed
12 some of the circulation. Unfortunately this is
13 printed a little bit dark, but we are planning to
14 have parking along here perpendicular with a two-way
15 lane.

16 In front of this brown section is a
17 boat rack. You can come in and be one way along the
18 bottom, and there would be parallel spaces and
19 angled spaces. This did two things, actually it
20 improves circulation through the site in terms of
21 how you maneuver in the parking lot. But it
22 actually ended up giving us, even with the loss
23 here, one more parking space than we had before. So
24 we're now at 81 striped spaces.

25 We also mentioned, and obviously we

1 talked about the certain boat racks. Those are in
2 the plan, and it's been designed now. They would
3 actually have sprinklers, fire sprinklers for
4 suppression in those. That was your fire official's
5 recommendation. It was implemented obviously for a
6 number of safety reasons.

7 Additionally, we worked with the fire
8 official on not just circulation for his emergency
9 vehicles but showing in some of the turning template
10 plans how we could park and maneuver additional
11 vehicles onto the site in addition to the striped
12 spaces, always making sure that he could maintain
13 positive access.

14 And then here at this board, there were
15 a couple of things which I don't believe we came
16 back and presented. One, and I believe it was the
17 mayor's recommendation, the trash has been more
18 centrally located. We moved that where it could be
19 buffered better into a corner.

20 And then nearby there -- originally
21 there had been an idea for food service on-site, and
22 that has been eliminated. And we crafted a
23 15-minute delivery spot, the idea being that Grubhub
24 or some service could bring food or amenities into
25 the downtown. So if you were here at the marina and

1 you wanted to order in food or supplies, there's
2 that dedicated use spot for it. So those are both
3 good ideas that have been implemented.

4 Of course, one of the key discussion
5 points throughout all of our prior hearings has
6 always been parking on the site. We talked about
7 this at great length. We really believe that in
8 this arrangement, with these striped spaces being
9 better organized, is a tremendous benefit to the
10 site. And that based on how the marina would
11 operate and how we would generate parking, that we
12 have sufficient spaces. And we're confident in
13 that. We expressed that before.

14 But as a follow up to that in sort of
15 the rare case or the circumstance that may come
16 about -- say, it's a holiday weekend, the weather is
17 perfect, everybody wants to show up. The way that
18 we intend to handle those scenarios is we will not
19 have vehicles off the property. All the vehicles
20 shall be maintained on the property.

21 This is not uncommon in marinas where
22 it takes an operational procedure that management
23 and the site would have in place. And that's what
24 all the circulation plans were showing. And with
25 those circumstances, with controlled parking, and

1 controlled keys of vehicles, 143 vehicles could be
2 parked here on those holiday weekends.

3 BY ATTORNEY PAPE:

4 Q. I'm going to interrupt here just for
5 one second, because there is a comment in Mr.
6 Vecchio's letter that -- and as soon as the letter
7 was put in front of us, we had this, we had actually
8 prepared for the March meeting on this -- there was
9 certain portions of what was proposed as valet
10 parking that are to be eliminated in accordance with
11 Mr. Vecchio's comments. If you can just make
12 certain that you speak to that elimination of those
13 offensive elements. &&&

14 A. So we actually had gotten above the
15 143 in terms of potential stacking of vehicles. And
16 those additional spaces, Mr. Vecchio thought,
17 impeded access and circulation. So those have been
18 eliminated.

19 So the 143 number, sort of potential,
20 managed, controlled parking, would still satisfy his
21 concerns for safety on-site.

22 Q. Thank you.

23 BOARD ENGINEER: Can we just stay on
24 this real quick. The 22 that are being eliminated
25 would be the ones that are between the angled

1 parking and the parallel parking?

2 THE WITNESS: That's correct, yes.

3 ATTORNEY PAPE: Since I have already
4 interrupted, I'm just going to stay in the
5 interruption.

6 Mr. Vecchio points out that -- he says,
7 "I'm in receipt of the parking layout for the above
8 and have reviewed same. The vehicle access has not
9 changed and approve as submitted." I don't think we
10 need to speak to that further.

11 The second point is the one where he
12 pointed out to our attention that he wanted those
13 valet areas to be eliminated. And you have.

14 And the last point is "with increased
15 parking of vehicles under all racks, the sprinkler
16 system to be installed must be calculated to
17 increase hazard of additional vehicles and sized
18 appropriately." I think we placed on the record
19 we'll comply?

20 THE WITNESS: Correct, yes.

21 ATTORNEY PAPE: Thank you. My
22 interruption is over.

23 THE WITNESS: Apparently the only
24 other item I would sort of note or mention,
25 obviously, county approval. We do have Soil

1 Conservation District approval for this site. There
2 is sufficient utility service here. Those would
3 need connection permits at the time of construction.

4 The only outstanding permit pending
5 with this board would be CAFRA approval for the
6 marina approvals.

7 ATTORNEY PAPE: Final county
8 subdivision, final county site plan, Freehold Soil
9 Certification letter in hand.

10 If you can just speak to water and
11 sewer, I think those are local connections not
12 formal applications.

13 THE WITNESS: That's correct. It's
14 still a construction-level permit to be serviced to
15 the new building, which would then supply the
16 sprinkler systems for the water, same as the sewer.
17 So those are not technically permits. They are
18 construction conditional permits.

19 ATTORNEY PAPE: And no -- and the
20 CAFRA permit is the only permit that then would be
21 outstanding?

22 THE WITNESS: Yes, which is prepared.
23 We have done work for it. It's sort of pending this
24 Board's approval on the project, and that would go
25 forward.

1 ATTORNEY PAPE: Two points that I
2 wanted to make before we rested on the site plan
3 presentation for Mr. Zuegner.

4 We had talked with the board about jet
5 skis. And we had indicated for every jet ski that
6 we had, we would dedicate one of the slips so that
7 the jet ski demand on the parking field would be
8 identical to the parking of a boat. We would agree
9 that there would never be more than 20 jet skis
10 there. In fact, we don't think we'll ever get to
11 20, but that was --

12 CHAIRMAN SESSA: Yeah, I think that
13 was 30 at one time. So we have gone down to 20 on
14 that?

15 ATTORNEY PAPE: Yes. I was going
16 through the minutes that Ms. Nellis had provided to
17 us -- thank you -- 30 was the number. There was
18 that first year, that first unusual year, and then
19 life became normal after that. 20 is fine.

20 And there are two charter boats that
21 we're asking. They expressly permitted uses. We
22 indicated two charter boats and that they would be
23 six-packs, no more than six-passenger charter boats.
24 And that for every charter boat that there is
25 on-site, there would be dedicated two slips.

1 BOARD ENGINEER: Two slips?

2 ATTORNEY PAPE: Two slips.

3 MAYOR KENNEDY: So it's no longer four
4 charter boats?

5 ATTORNEY PAPE: It's two. It's two.

6 THE WITNESS: One other thing I forgot
7 to mention, this had come up at some point, is that
8 this marina would have pump-out services for boats.
9 And based on -- a lot of this is driven on the size
10 of the boats, which is driven by the size of the
11 slips. We don't actually think it's a tremendously
12 high demand here, but those services would be part
13 of the marina. It could pump out the sanitary tank
14 of the boats, and then it's taken through the marina
15 and into the sanitary system.

16 ATTORNEY PAPE: We would be very
17 comfortable with that being a requirement.

18 MAYOR KENNEDY: Is that a mobile one
19 or is that stationary?

20 THE WITNESS: The proposal is for a
21 mobile one. We just don't think the demand is so
22 high here with the boats. And it would be a
23 requirement of CAFRA either way.

24 MAYOR KENNEDY: Okay.

25 ATTORNEY PAPE: Lastly, on the plans

1 are a fueling station. And our client does have an
2 interest in pursuing a fuel station on the site. We
3 withdraw it from this application.

4 We will -- we are hoping that we are
5 able to address all of your concerns on this and
6 work on resolution compliance with you on this, and
7 then, at a later date, our client will work on a
8 fueling station and we'll be back before this board
9 with that. But we're not prepared this evening to
10 ask you for that relief.

11 ATTORNEY LECKSTEIN: But that appears
12 on the plans right now, the fueling portion? Or it
13 does not?

14 ATTORNEY PAPE: It's on the plans.

15 THE WITNESS: Right now there
16 is -- I'll show you. The plans show in this top
17 corner an area set aside for the tank for the
18 storage of the fuel and the addition of a small dock
19 to install the pumps on the dock.

20 ATTORNEY LECKSTEIN: All right. So if
21 the update is approved, that will be removed from
22 the plans?

23 THE WITNESS: Correct.

24 ATTORNEY PAPE: Correct.

25 MR. LECKSTEIN: Okay.

1 MAYOR KENNEDY: The restroom is being
2 relocated to the mezzanine. Are they going to be
3 accessible?

4 ATTORNEY PAPE: Steve Radosti will
5 present that plan to you, Mayor.

6 CHAIRMAN SESSA: Any board members
7 have questions of Mr. Zuegner?

8 Trevor?

9 BOARD ENGINEER: Just two minor
10 questions, Mr. Chairman.

11 The valet service -- we have spoken
12 about this last time, but is that going to be
13 someone from the marina; is it an outside service
14 when that is going to be in place?

15 And then it looks like there is parking
16 of vehicles under the boat storage racks when you're
17 going to be doing the valet parking. Is that --
18 just explain that; is that the storage racks or is
19 that the racks that are being utilized for boats?

20 Just need an explanation on that.

21 ATTORNEY PAPE: Sure. Mr. Broman, who
22 is here, who is the operator of the marina, has
23 considerable personnel who are on-site. The valet
24 parking would be conducted by his employees on-site.

25 And as to the operation of the parking

1 in the rack area, Mr. Zuegner?

2 THE WITNESS: These racks, in their
3 entirety, have been designed so that the bottom row
4 does not have a crossmember. It's stabilized in
5 other ways. So that it's paved like a parking lot
6 underneath. And the bottom rack then is just like
7 any winter storage rack you would see, where it sits
8 on, you know, a V-bump or something like that. A
9 number of the spaces are dedicated for parking all
10 the time, and that's shown on the plan.

11 In terms of the overflow parking, it
12 would be on land when it's a very busy day, and so
13 boats could be moved out from the bottom rack.
14 There would either be people on the water, or they
15 could be moved to an empty rack. And then that
16 would make those bottom rows available as additional
17 parking.

18 ATTORNEY PAPE: Is that responsive,
19 Mr. Taylor, to your question?

20 BOARD ENGINEER: And obviously those
21 bottom racks would not be used by any -- last time
22 we spoke about boats being stored for repair or for
23 storage. Those bottom racks would not be used for
24 that purpose?

25 ATTORNEY PAPE: Correct.

1 THE WITNESS: Repair has to happen in
2 a specified building.

3 BOARD ENGINEER: But just no
4 out-of-service boats; they may be waiting for repair
5 will be waiting there, right?

6 THE WITNESS: That's correct.

7 CHAIRMAN SESSA: Open to the public?

8 ATTORNEY LECKSTEIN: If the board
9 doesn't have any other questions, sure.

10 CHAIRMAN SESSA: May I have a motion
11 to open to the public, see if the public has a
12 question of Mr. Zuegner?

13 MAYOR KENNEDY: Motion.

14 CHAIRMAN SESSA: Is there a second?

15 COUNCILMEMBER DAVIDSON: Second.

16 CHAIRMAN SESSA: All in favor?

17 BOARD MEMBERS IN UNISON: Aye.

18 CHAIRMAN SESSA: Any opposed?

19 Okay. Is there anyone from the public
20 who wants to come forward and have a question of the
21 engineer, Mr. Zuegner, on what he just presented to
22 us?

23 Seeing as no one is -- oh, there we go.
24 Come forward please, sir.

25 ATTORNEY LECKSTEIN: I'm just going to

1 swear you in. Do you swear the testimony you are
2 about to give will be the truth, the whole truth,
3 and nothing but the truth, so help you God?

4 ALAN YUNKER: I do.

5 MR. LECKSTEIN: And just state your
6 name, spelling your last name, and give us your
7 address.

8 ALAN YUNKER: Yes. My name is Alan
9 Yunker, A-L-A-N, Y-U-N-K-E-R.

10 ATTORNEY LECKSTEIN: Thank you. And
11 your address?

12 ALAN YUNKER: It's 28 Washington
13 Street.

14 ATTORNEY LECKSTEIN: Thank you, sir.
15 Go ahead.

16 ALAN YUNKER: Okay. I have a few
17 things. I have lived in my home for 45 years. I
18 have been here since 1976. I have watched -- from
19 the time that I came here, it was Edward Erickson
20 who owned this marina, this small little marina.
21 Okay? It was very casual, very -- very natural.
22 Okay?

23 You could walk from my yard or
24 Erikson's yard right down to the water. It was
25 beautiful. There used to be a time when we had

1 natural -- you know, natural wildlife that would
2 come up from the water. Again, it was a very
3 natural, casual setting. A small marina, nothing
4 much to it.

5 Ed Erickson, again, he owned it for
6 quite some time. He was a commercial fisherman. At
7 that time, he sold the marina to Mr. Dickinson,
8 Jimmy Dickinson, I think it was. At that time it
9 was still a beautiful marina, still a beautiful
10 neighborhood, nice area to be at.

11 From there, Greg Bloom(ph) and Jim
12 Moore took over the marina. That's when things
13 started to change. There was a lot of problems.
14 They started -- again, it was a quiet little marina.
15 All of a sudden they started working on boats and
16 motors and -- well, I would like to show you what it
17 transpired to at that time, if that's possible. Is
18 there -- can I --

19 ATTORNEY LECKSTEIN: So what are
20 you -- so exactly you're going to show us
21 photographs from how long ago?

22 ALAN YUNKER: I'm sorry?

23 ATTORNEY LECKSTEIN: How long ago were
24 these photographs taken?

25 ALAN YUNKER: Well, Fred Blum and Jim

1 Moore owned it.

2 ATTORNEY LECKSTEIN: All right, so --

3 ALAN YUNKER: I don't know the --

4 MR. LECKSTEIN: -- the only thing I
5 would suggest is that we focus on what's happening
6 there today --

7 ALAN YUNKER: Okay.

8 MR. LECKSTEIN: -- and not what -- not
9 what was going on a few years ago.

10 ALAN YUNKER: Okay. Well, what's
11 happening today has led up to what has been ignored
12 over the years. Okay? And that's where the problem
13 comes in.

14 ATTORNEY PAPE: Mr. Leckstein, if I
15 could? Examination of the witness at this stage.

16 I believe there is a time and place for
17 this that would be appropriate, but I don't think
18 this is examination of the witness.

19 ATTORNEY LECKSTEIN: Mr. Chairman,
20 it's up to you. Do you want to limit it to
21 questions?

22 CHAIRMAN SESSA: Yeah, the way we
23 usually do things is we have a witness present
24 things. And then we'll give the public a chance to
25 ask questions of the witness or -- they have another

1 witness to go after this, and then at the end of the
2 application we open it up to the public again for
3 your -- your input as far as the end of the
4 application is concerned.

5 I don't know if where you're going has
6 anything to do with the engineer, what he just
7 presented to us as far as the changes they made and
8 what they're going to do, what their plans are.

9 You may want to sit and wait until both
10 witnesses have testified? And then at the end, when
11 you're given the opportunity, you can come forward
12 and present what you think of the entire
13 application.

14 ALAN YUNKER: Well, the thing that I'm
15 very concerned about right now at this time is the
16 fact that -- because of the fact that there has been
17 a lot of filling that has been done over the years,
18 okay, it just keeps continuing.

19 And the stuff that has been done
20 illegally doesn't seem to get recognized. And we're
21 going forward on that same -- you know, the things
22 that were wrong before are not fixed. They're just
23 going -- continuing, adding to it. Okay?

24 And that's where I have a problem
25 because, again, over the time that the marina has

1 expanded and changed, I have had damage to my
2 property. Okay? Also with the filling that they
3 did illegally, in my opinion, there's an underground
4 waterway of some sort there because when they did --
5 back, again, when Fred Blum and Jim Moore had the
6 marina, I had a foot of water in my basement. Okay?

7 And when I drained it out -- I have a
8 sump pump, a sump hole in the basement. And after I
9 drained water out, there was water pressure coming
10 up from the bottom of the sump hole. That indicates
11 to me that there's some kind of an underground water
12 system. Okay?

13 And I mentioned to Mr. Weseloski, or
14 the engineer, I think, about when they had piled the
15 dirt back there to start building the other -- the
16 Mariner's Village, that I had water in my basement
17 again.

18 At the time that I had the water in the
19 basement the first time, I wasn't aware of what
20 was happening. But then after the pile of dirt was
21 put there, then I realized it was coming up -- you
22 know, when the ground is being disturbed, it's
23 changing something. Okay? There's some kind of
24 water there.

25 And I'm concerned about my property

1 being more damaged because, again, it got overlooked
2 for many years and nothing was done. It just --
3 things just keep building more and more. But it's
4 not like -- the problems that were created before
5 are ignored, you know. There's things that are
6 continuing to develop that the original problems are
7 not being taken care of. That's what I'm concerned
8 about.

9 CHAIRMAN SESSA: Yeah. Well, thanks.
10 Thanks for bringing that to our attention. As I
11 said, I think that at the end, you can come up again
12 and reiterate what you're saying here. And then
13 we'll see if there's anything that can be done at
14 this point.

15 ALAN YUNKER: Thank you.

16 CHAIRMAN SESSA: Thanks for coming
17 forward. Is there anyone else that would like to
18 come forward to ask a question of the engineer,
19 Mr. Zuegner?

20 Mr. Lane, would you like to come
21 forward again?

22 ATTORNEY LECKSTEIN: Mr. Lane, you
23 have been previously sworn in this application, and
24 you're still under oath.

25 MICHAEL LANE: Yes, sir.

1 Marc, I must admit you threw me off my
2 pace on the last input I gave. I should have
3 mentioned that we have a Chapter 29 Site Plan
4 Subdivision Ordinance which requires well-delineated
5 floodplain boundaries for all of the floodplains,
6 which was in my exhibit and which was not in the
7 applicant's exhibit.

8 CHAIRMAN SESSA: You're talking about
9 the previous one?

10 MICHAEL LANE: Yes. And actually I'm
11 thrown off a little bit on this one because I didn't
12 have the latest set of drawings. I didn't realize
13 there was a 3.4 set.

14 Can you show me where this valet
15 parking is going to be?

16 ATTORNEY LECKSTEIN: There was a
17 question, Mr. Zuegner. He's asking you where the
18 valet parking is going to be.

19 MICHAEL LANE: I have an earlier
20 drawing that shows the valet parking in blue.
21 Apparently there's a new set in the drawings.

22 CHAIRMAN SESSA: You're going with
23 Scenario A, basically the one that was -- of the
24 three was Scenario A.

25 ATTORNEY PAPE: Yes, Mr. Chairman.

1 CHAIRMAN SESSA: He's got it right
2 here.

3 THE WITNESS: I don't believe I need
4 to mark this.

5 ATTORNEY LECKSTEIN: If it's identical
6 to what we have, you do not. So this is Exhibit
7 A-18? No, A-19.

8 THE WITNESS: This is Scenario A of
9 the turning template.

10 MICHAEL LANE: Where is the valet
11 parking spaces?

12 THE WITNESS: So all of the parking,
13 we would double-park vehicles. We would have
14 parking within these aisles and added parking back
15 in here and parking under the racks.

16 MICHAEL LANE: You had a drawing that
17 had this all in blue in this area in here.

18 THE WITNESS: I think it's blue. It's
19 just not printed very dark.

20 MICHAEL LANE: Blue along here.

21 THE WITNESS: What we talked about is
22 here along the one-way. This is the one-way drive
23 closest to Front Street. That, at the request of
24 the fire official, was eliminated.

25 MICHAEL LANE: So you would not park

1 any cars in that driveway?

2 THE WITNESS: Correct.

3 MICHAEL LANE: Okay. Just down here
4 in this area?

5 THE WITNESS: In there and underneath
6 the racks.

7 MICHAEL LANE: And you changed the
8 design so that all the racks support parking
9 underneath --

10 THE WITNESS: Correct.

11 MICHAEL LANE: -- at the first level.

12 THE WITNESS: Correct.

13 MICHAEL LANE: Thank you for the
14 insight.

15 ATTORNEY LECKSTEIN: And you'll make
16 it very clear on the plans, if the application was
17 approved, exactly where the valet parking is going
18 to be so that it's actually noted on the plans?

19 THE WITNESS: We can integrate those
20 two so the final site plan set shows this -- shows
21 where all those spaces are. That's a good idea.

22 BOARD ENGINEER: I think it's
23 recommended that every sheet that's presented is
24 included in the site plans --

25 MR. LECKSTEIN: Yes.

1 BOARD ENGINEER: -- so we have a good
2 record of what is included in the site plans.

3 ATTORNEY LECKSTEIN: Exactly my point.
4 Thank you.

5 MICHAEL LANE: Following up on the
6 fire marshal's input, you're going to have a rigid
7 Class 1 standpipe attached. How is that going to be
8 attached to the floating pier or the pilings?

9 ATTORNEY PAPE: We don't have building
10 plans or construction plans for that. We'll just
11 agree that it will be built to code and will be
12 subject to the Borough's approval and acceptance.

13 MICHAEL LANE: I don't know that we
14 have any code.

15 I'm just curious because you have a
16 floating dock that goes up and down, multiple
17 sections is in flux, and you're going to have a
18 rigid standpipe. And you don't have any drawings
19 yet.

20 THE WITNESS: The standpipe itself,
21 the functional connection, is what's rigid. It's
22 the element the fire officials use to connect into
23 whether it's on-site or off of a building.

24 But water systems are run onto docks
25 and floating docks all the time, there's no...

1 MICHAEL LANE: The pipe is going to go
2 the full length of the dock. That's my
3 understanding.

4 THE WITNESS: There would be water on
5 the dock, and then there would be a rigid standpipe
6 for fighting fire on the dock.

7 MICHAEL LANE: Right. The rigid
8 standpipe, how long is it going to be?

9 ATTORNEY PAPE: How long is the
10 standpipe?

11 MICHAEL LANE: Is it going to go the
12 full length of the dock?

13 ATTORNEY PAPE: When we met with
14 Mr. Vecchio, we said that we would place them where
15 he directed. And when we were walking out on the
16 docks, he said he would tell us where he wanted
17 them. And we said that we would place them where he
18 directed. And the number would be as he directed,
19 and it would be where he directed.

20 MICHAEL LANE: I'm trying to
21 understand the plumbing. Is the plumbing going to
22 go through the wetlands and then there will be T's
23 that come off to the dock?

24 THE WITNESS: So --

25 MICHAEL LANE: So what you're saying

1 is we don't have any design for the standpipe?

2 ATTORNEY PAPE: No, we do not have
3 design for the standpipe. We have agreed to install
4 it per Mr. Anthony Vecchio's request.

5 MICHAEL LANE: Okay. That's a gap.

6 And how will the standpipe be accessed
7 in terms of -- are you going to have a restricted
8 parking area where the emergency vehicles can get to
9 it, and it's going to be well marked and delineated?

10 ATTORNEY PAPE: There will be fire
11 lanes, but nothing further than that.

12 MICHAEL LANE: And so how do we know
13 that these emergency vehicles are going to be able
14 to get to the point to tie up a tanker and pump
15 water to the standpipe?

16 ATTORNEY PAPE: We will do it as
17 Mr. Vecchio has directed. We met on the site for
18 that purpose. We agreed to do it as he directed.

19 MICHAEL LANE: That's not in the site
20 plans either, and it's not delineated where parking
21 is going to be prohibited on the site plan.

22 ATTORNEY PAPE: I don't know that
23 there will be parking prohibited. That was not the
24 request that he made. The request that he made was
25 that we have fire lanes, and we agreed that there

1 would be.

2 MICHAEL LANE: There's nobody here
3 from the fire department. My experience, in my
4 lifetime, is that firemen -- you're going to need,
5 just like in front of those stores in town, marked
6 fire protection area and striped -- that you are
7 going to have to protect this area in front of the
8 standpipe hookup so that you can be assured that
9 emergency vehicles can get to it.

10 ATTORNEY LECKSTEIN: Mr. Lane, if the
11 application is approved -- and I don't know whether
12 it will be or won't be -- it's going to be subject
13 to the fire marshal's final approval. So if they're
14 doing something that is not approved by him, the
15 approvals -- they're going to have to come back
16 here. And we could -- this board cannot waive fire
17 code.

18 MICHAEL LANE: The applicant hasn't
19 worked that problem out with the fire marshal at
20 this point, is what you're saying?

21 ATTORNEY LECKSTEIN: That's what
22 they're saying.

23 ATTORNEY PAPE: We met with the fire
24 official on the property, spent the better part of
25 an afternoon going through all of his concerns. All

1 of the concerns that he brought to our attention we
2 found them to be reasonable and we agreed to it.

3 We do know that he will be part of the
4 final review of the plan. And we're not making any
5 misrepresentations to you.

6 MICHAEL LANE: Okay. Sounds like you
7 have eliminated all boats on the ground level of the
8 racks.

9 THE WITNESS: We made it possible so
10 that, as they had described earlier, that you could
11 have a boat on the bottom level with a bunk like you
12 would have in a winter storage or parking lot, or
13 they could be made available to park a car.

14 MICHAEL LANE: In light of that, these
15 racks are in the B Zone and Coastal A Zone. Those
16 boats would have to be anchored if they're below the
17 base-flood elevation plus 1 foot. All right?

18 So you commit that there will be
19 anchoring on all those boats on the bottom level of
20 the rack?

21 ATTORNEY PAPE: That's not a
22 regulation with which any of us are familiar. If,
23 in fact, that is the regulation, then we'll agree to
24 it. None of us have been exposed to that as a
25 regulation.

1 MICHAEL LANE: Containers have to be
2 anchored in a Coastal A Zone and in special flood --
3 in the B Zone.

4 ATTORNEY LECKSTEIN: And, Mr. Lane,
5 where is that? That's in the construction code,
6 correct?

7 MICHAEL LANE: The flood damage.

8 MR. LECKSTEIN: The flood damage. And
9 they're going to have to comply with that. We're
10 not waiving any of the provisions of that code. If
11 they're in violation of that, then they would be in
12 violation of that. That has nothing to do with this
13 board.

14 MICHAEL LANE: So we can't do a
15 condition of approval that the boats --

16 ATTORNEY LECKSTEIN: I don't have --
17 the board does not need to put down conditions that
18 they have to do specific things for the code. If we
19 did that, we would be sitting here all year going
20 through the code book saying, "Are you going to
21 comply with this ordinance? Are you going to comply
22 with this ordinance? Are you going to have to
23 comply with this ordinance?".

24 They have to comply with all of the
25 ordinances. And this board can't give variances to

1 those things. So we don't need to go over every
2 single construction code or flood-prevention
3 ordinance code because this board is not -- this is
4 a board of zoning. It is not a board of
5 construction; it is not a board of property
6 maintenance. It's a Zoning board. So we're dealing
7 with zoning and site plans and things of that
8 nature.

9 MICHAEL LANE: The board approves the
10 structures.

11 ATTORNEY LECKSTEIN: The board
12 approves -- the board approves structures subject to
13 the code, which it cannot grant waivers to. And
14 they're not asking for any waivers from that code.

15 MICHAEL LANE: So a certified
16 floodplain manager will have to sign off on these
17 plans. That's in our ordinances.

18 And, Trevor, are you the certified
19 floodplain manager?

20 BOARD ENGINEER: There will be a
21 review performed by the certified floodplain
22 manager, whoever that may be, at the time that they
23 submit final plans.

24 MICHAEL LANE: There's a 1/17/22
25 application to the Keyport Borough Council for a

1 permit to expand the piers, docks, and slips. Is
2 that application in alignment with the piers, docks,
3 and slips in these drawings?

4 THE WITNESS: That application is a
5 requirement in your ordinance. So that is
6 presenting to the governing body what you're seeing
7 here, showing them the proposal for the marina.

8 MICHAEL LANE: All right. So there's
9 no increase in slips other than in the present plan?

10 THE WITNESS: That application is for
11 what's before you here. That's not a difference or
12 a change from what's before you.

13 MICHAEL LANE: So that's no change.
14 An interesting issue is the parking lot elevation.
15 One of the things you talk about is parking lot
16 capacity. But your capacity is impacted by nuisance
17 flooding.

18 Now since the two existing conditions
19 in the Brown's Point Marina site plan, dated
20 3/15/21, indicates that the parking lot level is 5
21 feet or less in elevation, I assume that's still
22 true?

23 ATTORNEY PAPE: The parking lot -- we
24 had this discussion at length with this board -- the
25 parking lot is subject to flooding. Its location

1 is -- as the marina is right there at the water and
2 the parking lot is right next to it, it's part of
3 the marina, so it does flood.

4 And anyone who parks there will be
5 informed that they're parking their vehicle in a
6 flood area, as they are now. There's nothing
7 further that we can or we will do.

8 MICHAEL LANE: With sea level rise,
9 which is a requirement in our Master Plan that you
10 take that into account, in 15 or 20 years, do you
11 recognize the fact that this parking lot will be
12 flooded weekly instead of a couple of times a month?
13 And have you given any consideration to raising the
14 parking lot level?

15 ATTORNEY PAPE: The parking lot level
16 as designed is the offer to the town.

17 MICHAEL LANE: No change. That may be
18 an issue if you don't -- if you don't get the
19 construction permits before the new Flood Damage
20 Prevention Ordinance comes out.

21 All right. So you have no plans to
22 deal with sea level rising.

23 Okay, the valet parking. The board, I
24 think, needs to evaluate the plans for the valet
25 parking in light of their experience with valet

1 parking at different facilities, like airports,
2 train stations, the Bayshore Hospital, the Salt
3 Creek Grill.

4 You know, how will multiple cars be
5 rotated in order to unlock a regular space and
6 provide an exit path? Because you're going to be
7 parking these cars side by side in the driveway.
8 And I come in in the morning, and I park in one of
9 the regular spots. And I have been out on my boat
10 for four or five hours, and I get out, out of my
11 boat, and I find that the driveway behind my car is
12 completely clogged with five, eight cars. What's
13 the process? How do I get my car out?

14 ATTORNEY PAPE: All of the keys are
15 with the marina management and you say, "That's my
16 car," and marina management takes the keys and moves
17 the cars that are in the way so that you can pull
18 out. The same as any other parking lot that
19 functions with valet staffing.

20 THE WITNESS: One thing I would add to
21 that is, as I said before, we don't think this is a
22 standard procedure, like some of the other items
23 Mr. Lane noted. We think this is unlikely, but just
24 in case of the holiday season, you know, a beautiful
25 day where the numbers are really, really high.

1 Generally speaking, we think we have more than
2 enough parking to operate this marina without any
3 valet parking.

4 ATTORNEY PAPE: So that's the whole
5 answer. The answer is keys are maintained on-site
6 for all of the cars that are there, so that cars can
7 be moved by management.

8 MICHAEL LANE: So in the worst case,
9 you might have to move a half dozen cars?

10 ATTORNEY PAPE: I don't know what the
11 worst case is. It may be more than that. But the
12 cars will be moved so that cars can be removed.

13 MICHAEL LANE: So you've got these
14 cars parked in the driveway. And then you're going
15 to move five or six of them; where are you going to
16 move them to? Because you're already full.

17 And how long is it going to take to do
18 that?

19 ATTORNEY PAPE: I don't have the
20 answers to those questions. It's a valet program
21 that has been -- we have all seen it on many, many
22 different sites and it works.

23 MICHAEL LANE: My experience with
24 valet parking is that they take and park my car, but
25 they don't park it in a way it's not mixed in with

1 non-valet cars. And in this plan, the valet cars
2 are parked in the same area as non-valet cars.

3 And so that brings up a whole set of
4 questions. Are you going to number all the car
5 spaces, parking spaces, in the parking lot?

6 ATTORNEY PAPE: Number them? No.

7 MICHAEL LANE: Well, if I come out and
8 I park my car in one of the regular spots and I'm
9 hot and bothered, and my car -- how do I tell the
10 valet where my car is so and he can identify what
11 cars have to be moved?

12 ATTORNEY PAPE: I think you're going
13 to point at it; you're going to say, "It's red" and
14 "It's a Ford" and "It's right there."

15 MAYOR KENNEDY: Mr. Chairman, can I
16 comment?

17 CHAIRMAN SESSA: Yeah, sure.

18 MAYOR KENNEDY: I just think that
19 we're going down a road that -- or a parking space
20 -- that we don't really need to go down. My
21 personal opinion on this is if someone isn't happy
22 with the management of the marina and it becomes an
23 inconvenience, they can take their boat somewhere
24 else.

25 I don't -- that's a management decision

1 and that's a lessee of a spot. If they're not happy
2 with the way it takes them 45 minutes to get their
3 car when they come back, they're either going to
4 call when they're out on the water and ask for it to
5 be ready, just like if your boat is on the third
6 tier of the rack, you have to call ahead to tell
7 them that you want their -- there's only certain
8 operations, from my understanding of other hearings
9 we've had with this application before us, that
10 these types of things will be taking place. As far
11 as if you want to drop your boat in the water, you
12 have to call in advance, and it's only done on
13 certain days.

14 I understand that you're not the site
15 manager, Mr. Pape, but that's what, I believe,
16 testimony -- that's what has been presented to us
17 before on this case. Am I incorrect?

18 ATTORNEY PAPE: No, no, that's
19 correct. Mr. Perlman indicated that the facilities
20 are for people who use -- you can't come to this
21 facility and just say, "I would like to drop my boat
22 in the water."

23 If you want your boat put into the
24 water, you have to notify Mr. Perlman's employees or
25 Mr. Perlman himself, and he then -- and it's best to

1 do it in advance so that he can have your boat down
2 and in the water when you arrive. And that was his
3 testimony.

4 MAYOR KENNEDY: Thank you.

5 MICHAEL LANE: I'm not talking about
6 boat launches. I'm talking about access to a car.
7 And one of the experiences will be -- and, Mayor,
8 you indicated, "Well, if you're unhappy, you will
9 just go to a different marina."

10 I think if you're unhappy, what you do
11 is go back and park on Washington Street or Broad
12 Street where the firemen park. And that's the
13 problem we were trying to eliminate.

14 And I think this valet parking scheme,
15 where cars get blocked in, doesn't satisfy the
16 needs. As a matter of fact, I think it will
17 contribute to people -- they'll get back, find they
18 can't get back to their car. They want to go
19 immediately. What is their solution going to be?
20 Not to park in the marina parking lot but to park in
21 the areas that we don't want them parking in.

22 MAYOR KENNEDY: I understand that
23 concern. But I also think that the applicant and
24 the application, testimony has been that they will
25 not allow parking on the street. And people that

1 are renting boat slips will be notified of that and
2 that they have to turn their keys in. If they don't
3 turn keys in, then that's going to be an indicator
4 that they are not parked on the premises.

5 MICHAEL LANE: I'm sorry. The marina
6 has no enforcement power for people parking on Broad
7 or Washington or Broadway. And the keys -- the
8 valet operation will not have keys to the cars
9 parked on those streets.

10 And what will happen -- I believe that
11 what will happen is that people will get fed up and
12 they won't even bother to park in the parking area
13 at the marina on busy days because they don't want
14 to get blocked in.

15 And there is the issue of if you have a
16 really busy holiday weekend and you get a storm and
17 all of a sudden a dozen or two dozen people want to
18 leave, how long is it going to take them to get
19 through the process and where are they going to get
20 out of the weather in the meantime while they're
21 waiting for the valet parking to clear up?

22 And, again, if you don't number all the
23 spaces, the valet people will not know where your
24 car is.

25 ATTORNEY LECKSTEIN: But, Mr. Lane, I

1 mean, basically every single car today, click-click
2 with my little fob and it goes "beep-beep" and
3 that's how I find my car. I lose my car in an
4 unnumbered parking lot --

5 MAYOR KENNEDY: You're on record, sir.

6 ATTORNEY LECKSTEIN: -- outside my
7 house where I live, and I click the key chain, it
8 goes "beep" and it tells me where it is. And that's
9 the -- I think that's how 90 percent of the people
10 today find their cars. I don't think there's much
11 of a chance of someone losing their car or not being
12 able to locate their car in the parking lot.

13 MICHAEL LANE: And the valet --

14 ATTORNEY LECKSTEIN: I mean, let's
15 just -- and the valet will have the key. But the
16 valet can't get the car unless he's been handed the
17 key.

18 MICHAEL LANE: No, the valet will not
19 have the key. The valet would --

20 ATTORNEY LECKSTEIN: Then how is the
21 valet going to get a car if he doesn't have the key?

22 MICHAEL LANE: The valet only has keys
23 for the cars that are parked in the driveway of the
24 valet parking area. 80 parking spaces the valet
25 does not have the key for.

1 ATTORNEY LECKSTEIN: So then what does
2 it make a difference, in that scenario what you're
3 saying, what does it make a difference whether the
4 parking spaces are numbered or not?

5 MICHAEL LANE: Because if I go to my
6 car and I see there's a car parked behind me --

7 ATTORNEY LECKSTEIN: Yes.

8 MICHAEL LANE: -- and I can go back to
9 the valet and say, "I am being blocked in. I can't
10 get out of my space" --

11 ATTORNEY LECKSTEIN: Yes.

12 MICHAEL LANE: -- "because you parked a
13 car behind me in Space 44."

14 I have no idea who owns that car. I
15 can tell them it's a green Honda.

16 ATTORNEY LECKSTEIN: Okay.

17 MICHAEL LANE: But the valet guy hasn't
18 kept track of the fact that it's a green Honda.

19 ATTORNEY LECKSTEIN: And if they're
20 numbered, does it make a difference?

21 MICHAEL LANE: Yes. Because normally
22 the valet puts the keys on a board where the key is
23 relating to the number of the spot.

24 ATTORNEY PAPE: I don't know that
25 that's the normal procedure.

1 ATTORNEY LECKSTEIN: I don't either.

2 CHAIRMAN SESSA: And this parking lot
3 is not huge.

4 ATTORNEY LECKSTEIN: Right. It's not
5 a huge lot. It's not like this is like a huge mall
6 parking lot.

7 BOARD ENGINEER: I think the other
8 issue too with the valet parking is that there's
9 three phases of the valet parking; two of the phases
10 none of the cars are going to be blocked into any
11 other spaces because they're a satellite away from
12 the other parking spaces. It's only in the third
13 scenario where you have -- it's about 20 spaces
14 maybe that are in that far part of the lot, the
15 western part of the lot, that if you're already
16 parked in those spaces the only cars that are going
17 to be blocking those space are valet parking. So if
18 you say, "My car is the third one in," it's only
19 valet cars that are going to have to be relocated to
20 get to the car that was blocked in, so I don't think
21 it's much of an issue.

22 CHAIRMAN SESSA: See, this is
23 a -- this is a solution to get more cars onto this
24 property and keep all of the operations on this
25 property. And the more cars we can put on this

1 property the best so that it doesn't spill out into
2 our streets. This is the solution they came up with
3 and I think we need to give it a shot, you know.

4 ATTORNEY PAPE: We have a high comfort
5 level in it. As Clay has shared with you, his
6 clientele are established. There's a relationship
7 between him and his clientele. This is not someone
8 coming once on Father's Day. The people who come
9 here are the people who have their boats here and
10 have a relationship with the marina and with Clay.
11 We're very comfortable that the system is going to
12 work.

13 THE WITNESS: To add to that, not just
14 from the design perspective, which we have other
15 experience, I have personal experience with marinas
16 with valet and with rack spaces and as a customer,
17 you, just like the mayor had said, you understand
18 that program. You understand that you have to call
19 ahead for your boat. You understand how the parking
20 works. And it does work without hitches.

21 MICHAEL LANE: My perception -- and I
22 owned a boat, sailboats and power boats for about, I
23 believe, 50 years -- that a number of the people
24 that joined me on my boat are not familiar with the
25 marina and have no experience and they will be using

1 these parking facilities and I think that the valet
2 parking will contribute to parking on Broadway and
3 on Washington Street the way -- the way you
4 described it, with the cars being blocked in and
5 thank you for the opportunity to give that input.

6 And I think the members of the planning
7 board really need to reflect about how would I react
8 and what -- what would be my learned experience.

9 Thank you.

10 CHAIRMAN SESSA: Thanks, Mr. Lane.
11 Anyone else from the public have a question of Mr.
12 Zuegner? If not, do I hear a motion to close to the
13 public?

14 COUNCILMEMBER DAVIDSON: Motion.

15 CHAIRMAN SESSA: Is there a second?

16 MEMBER ROYSTER: Second.

17 CHAIRMAN SESSA: All in favor?

18 BOARD MEMBERS IN UNISON: Aye. All.

19 CHAIRMAN SESSA: Opposed?

20 Thank you, Mr. Zuegner.

21 ATTORNEY PAPE: Thank you. Mr. Chair,
22 the second and final professional witness is Steven
23 Radosti, the architect who presented the building.

24 The architecture of the building has
25 been presented. The nautical scheme and the colors

1 have been presented. The change that we want to
2 present to you is how the sanitary facilities will
3 be incorporated into the building.

4 But I remind Mr. Radosti that he is
5 under oath. I remind the board that he is qualified
6 as an architect and that's his area of expertise.

7 CHAIRMAN SESSA: Yes.

8 S T E V E R A D O S T I, AIA,
9 previously sworn, continued testifying as
10 follows:

11 ATTORNEY PAPE: I'm going to ask if
12 you have hard exhibits to present to the board if
13 they are exhibits that were previously -- some of
14 these exhibits, Mr. Chair, are ones that were
15 presented electronically, but they're still the
16 same, and then there is one.

17 THE WITNESS: I have one exhibit that
18 I plan on reusing today that I had presented
19 electronically. And I believe that was Exhibit
20 A-12.

21 And then I have a new exhibit that I
22 would like to introduce today also.

23 ATTORNEY PAPE: So if, with
24 permission, Mr. Radosti can approach the easel with
25 his exhibits and if you could identify that which is

1 A-12 for the board to review.

2 And then if you could identify the new
3 exhibit, and I believe we're up to A-22.

4 THE WITNESS: I have here Exhibit
5 A-12, which is Sheet SK-1, Conceptual Floor Plans &
6 Elevations, dated 2/11/2021. I'll mark that A-12.

7 ATTORNEY PAPE: And it is exactly the
8 same one that was electronically provided --

9 THE WITNESS: That is correct.

10 ATTORNEY PAPE: -- at the virtual
11 hearing last spring?

12 THE WITNESS: And then I have a new
13 exhibit that I would like to present today, and this
14 is Sheet SK-1A, and it's called "Alternate
15 Conceptual Floor Plans," and it is dated March 15,
16 2022.

17 ATTORNEY LECKSTEIN: What's the date?
18 I'm sorry.

19 THE WITNESS: March 15, 2022.

20 ATTORNEY LECKSTEIN: Thank you. And
21 it is the alternate...

22 THE WITNESS: And it's called
23 Alternate Conceptual Floor Plan.

24 ATTORNEY LECKSTEIN: Conceptional Floor
25 Plans. Thank you.

1 THE WITNESS: Sheet SK-1A. And that
2 exhibit is A --

3 ATTORNEY PAPE: A-22.

4 ATTORNEY LECKSTEIN: That is correct.

5 (Exhibit A-22, Alternate Conceptual
6 Floor Plans, Sheet SK-1A, dated 3/15/22, is
7 marked.)

8 ATTORNEY PAPE: Mr. Chair, board
9 members, after receiving the written report from Mr.
10 Taylor we met with him and we discussed the contents
11 of it and one of the points that we discussed at
12 that time was that we didn't -- we had come to a
13 conclusion that relief was not available for
14 sanitary facilities in the flood zone. So we
15 directed -- we asked Mr. Radosti to revise his plans
16 so that this building's sanitary facilities were
17 outside of the flood zone.

18 And if you could, Mr. Radosti, identify
19 where on the plan and how it was accommodated, and
20 the question from the mayor earlier was is it -- I
21 think it was, is it handicap accessible.

22 THE WITNESS: Yes. So what we did is
23 we kept the upper floor the same and the lower floor
24 the same, except for this area here on the north
25 portion. We took the bathrooms and we raised them

1 up so that the structure for the bathrooms would be
2 at least 1 foot above the flood -- flood level. We
3 have here an entrance at this rear of the building
4 where someone who needs to use the restroom can come
5 in and take the stairs up to the restrooms, or
6 there's a barrier-free handicap-accessible lift that
7 they could take here. They would take it up to this
8 intermediate level and then we have a men's room and
9 a women's room here.

10 Both bathrooms have the same number of
11 fixtures that I had when they were on the lower
12 level, but they would be adequate for the 115 inward
13 slips that we previously designed for. Women's room
14 would have at least four toilets, three sinks, two
15 showers, and the men's room, at least two toilets,
16 three urinals, two showers and a janitor's closet as
17 well as three laboratories.

18 ATTORNEY PAPE: Just so the record is
19 clear, no relief from any of the flood hazard
20 regulations or construction code will be required
21 for this design?

22 THE WITNESS: That is correct.

23 CHAIRMAN SESSA: That is a mezzanine;
24 it doesn't go up as high as the office level?

25 THE WITNESS: The office level is up

1 pretty high. This would be -- actually, I have one
2 more -- maybe I could -- you know what, I can just
3 give you these numbers here. The high water mark
4 would be at 14 feet, so we would have the bottom of
5 the structure for this mezzanine at 115. So maybe
6 it would be 116 -- yeah, 16 or 17 feet level, and
7 the upper floor is actually 20 feet above the ground
8 level at 25.87 feet.

9 CHAIRMAN SESSA: So to access it from
10 the offices you just step down a little bit?

11 THE WITNESS: Right. So you couldn't
12 access it from the offices. So the offices have a
13 separate entrance that go up from the
14 front -- excuse me, from the front here to this
15 vestibule, up the steps to the offices here. This
16 level is kind of an intermediate level that would
17 only be accessible from the north side of the
18 building from the outside. There will also be a
19 door from the inside maybe that would, you know, in
20 case someone from -- in the repair shop would need
21 to go in maybe to clean the bathrooms or something
22 like that.

23 But we have a door here that goes
24 directly to the outside. You can go up the stair to
25 that level or you can take the handicap-accessible

1 lift.

2 MAYOR KENNEDY: So the lift is only
3 going to the mezzanine?

4 THE WITNESS: That is correct.

5 MAYOR KENNEDY: And what size -- is
6 it -- is it going to be accommodatable to both
7 accessible mobility devices as well as, perhaps, a
8 family coming off of the boat that might have, you
9 know, a double stroller that is trying to, you know,
10 get into the lift as well?

11 THE WITNESS: Yes, it would meet ADA
12 requirements. It would meet ANSI requirements,
13 which is subcode -- barrier-free subcode of New
14 Jersey.

15 MAYOR KENNEDY: And where would the
16 mechanism for the operative parts of that lift be;
17 would they be above flood level as well?

18 THE WITNESS: Yes, they would be.

19 MAYOR KENNEDY: And restrooms for the
20 offices, if they needed --

21 THE WITNESS: The offices have their
22 own restrooms, which is --

23 MAYOR KENNEDY: Okay. I just wanted
24 to make sure that wasn't being removed.

25 THE WITNESS: That is still there. So

1 these would be -- these would be for users of the
2 marina where this one would be users of
3 the -- employees of the office.

4 MAYOR KENNEDY: So the employees still
5 only can access their workspace by stairs?

6 THE WITNESS: Correct. And that --
7 and that complies with the International Building
8 Code. Because of the size of the floor there is no
9 requirement for elevators.

10 ATTORNEY PAPE: Mr. Chair and board
11 members, I have no further questions of Mr. Radosti.
12 We're most pleased that he was able to -- after
13 hearing from Trevor -- was able to come up with a
14 solution.

15 CHAIRMAN SESSA: Do you have any
16 questions, Trevor?

17 BOARD ENGINEER: I just have a
18 clarification. I think, I'm looking at our May 26,
19 2021, letter where we describe the variance
20 procedure. I believe that -- with the removal of
21 the bathrooms, obviously that doesn't require a
22 variance, but we still need a variance for the
23 water-dependent use, which is the boat repair, which
24 would be on the low -- the lower level of the
25 building. So they technically do need a variance

1 still for that use, but not the bathroom levels.

2 The bathrooms would be above.

3 And granting them the variance, they
4 still would have to get CAFRA approval for the
5 building. They still have to meet all the building
6 code requirements. And they still have to build the
7 building to the V Zone standards because they're in
8 a Coastal A Zone, so we'll still need the variance
9 and obviously it will be conditioned upon them
10 getting those approvals from the building department
11 and CAFRA.

12 ATTORNEY PAPE: All of which is
13 understood by the applicant.

14 CHAIRMAN SESSA: Any board members
15 have questions of Mr. Radosti? No?

16 Open it to the public?

17 BOARD MEMBER: Motion.

18 CHAIRMAN SESSA: Do we have a second?

19 BOARD MEMBER: Second.

20 CHAIRMAN SESSA: All in favor?

21 BOARD MEMBERS IN UNISON: Aye.

22 CHAIRMAN SESSA: Opposed?

23 Okay, anyone have a question of Mr.
24 Radosti on what he just presented to us?

25 Seeing there is no one that is coming

1 forward, a motion to close.

2 Is there a second?

3 MEMBER ROYSTER: Second.

4 CHAIRMAN SESSA: All in favor?

5 BOARD MEMBERS IN UNISON: Aye.

6 ATTORNEY PAPE: Mr. Chair, that is
7 your applicant's direct presentation of the site
8 plan. I would only ask before the hearing
9 concludes, and I know that the public will have an
10 opportunity, but before you conclude, if I can just
11 have a brief opportunity to sum before any vote.

12 CHAIRMAN SESSA: Sure.

13 ATTORNEY PAPE: Thank you.

14 CHAIRMAN SESSA: Any questions or
15 comments at this point?

16 COUNCILMEMBER DAVIDSON: I have a
17 question. If -- if approved, where would the
18 construction staging area be? And is the marina
19 going to be operational throughout the duration of
20 construction for either of the properties?

21 ATTORNEY PAPE: We anticipated that
22 the construction activity would be conducted during
23 the offseason. And yes, we do intend to keep the
24 marina operational during the construction period.
25 We will meet with either your construction officials

1 and the engineer and most likely will ask for
2 assistance from the police department to make
3 certain that we can keep the site -- safe site
4 during construction.

5 COUNCILMEMBER DAVIDSON: And then the
6 gas tanks, are they diesel tanks? I don't remember
7 what you said, I apologize. Are they still on the
8 revised plans, even though you're waiting for it to
9 come back to that piece?

10 ATTORNEY PAPE: We're not asking this
11 board to approve the fueling facilities this
12 evening. We're removing it from the application.
13 And if Mr. Perlman elects to come back, it will be
14 a new application to this board for those
15 facilities.

16 COUNCILMEMBER DAVIDSON: So they have
17 been removed from the site plan?

18 ATTORNEY PAPE: We're going to remove
19 it completely from the plans. That was the
20 statement that was made at the beginning.

21 ATTORNEY LECKSTEIN: Councilwoman,
22 yeah, they're on there now. They will remove them
23 as a condition of approval.

24 ATTORNEY PAPE: Yes.

25 CHAIRMAN SESSA: Any other questions?

1 If not, we should open to the public for their
2 guidance.

3 MAYOR KENNEDY: Motion.

4 CHAIRMAN SESSA: Is there a second?

5 COUNCILMEMBER DAVIDSON: Second.

6 CHAIRMAN SESSA: All in favor?

7 BOARD MEMBERS IN UNISON: Aye.

8 CHAIRMAN SESSA: Opposed? All right.

9 So this would be final opportunity for
10 the public to voice their opinion on this project.

11 And I know Mr. Yunker, you wanted to
12 come forward?

13 ALAN YUNKER: Again, over the years I
14 have different situations with the -- with the
15 marina there. Okay? They have caused me some
16 problems. I'm just not happy with the general
17 situation, the flooding.

18 That's a -- a problem because basically
19 what they did is they changed the -- the floodplain
20 so that it -- it doesn't drain out like it used to,
21 okay. That causes my backyard to be a problem as
22 far as, you know, water in there. When they started
23 filling in the areas of the wetlands there, I had an
24 infestation of water rats for two or three years
25 actually and then they finally dissipated and they

1 left. But that was a problem there.

2 Like I said, I had water in my basement
3 because of the illegal dumping that was done again
4 at the time when Fred Bloom and Jim Moore owned the
5 marina, okay. I know that it was done because of
6 the fact it -- it was large earth-moving machines
7 that they would bring in 2:00 or 3:00 o'clock in the
8 morning and dump it down there and then go back.
9 Okay? And all of that filling -- that changing and
10 shifting things around changed the whole -- the
11 whole -- how can I say it? The whole --

12 MAYOR KENNEDY: Topography?

13 ALAN YUNKER: Part of the -- part of
14 the -- part of the land around that area, okay.
15 There is some kind of a -- some kind of an
16 underground water system, and that is where I ended
17 up getting, water in the basement. Okay?

18 And then again, like I said, when they
19 put the pile of dirt in the back to start with the
20 marina, the Mariner's Village, I had water again in
21 my basement, okay? But it didn't -- again, the
22 water came -- came up from underground. It
23 didn't -- it didn't -- you know -- one thing that
24 Mr. Weseloski was saying was that he thought it was
25 because we had a lot of heavy rain, but the water

1 came up, not down. Okay? That is what I was
2 concerned with there.

3 Again, as far as the backyard, when
4 they changed the floodplain, there was no
5 drainage -- well, here, let me give you some kind of
6 an idea what I'm talking about here. Is there
7 someone -- can I --

8 ATTORNEY LECKSTEIN: So Mr. Yunker,
9 this is -- this is the issue.

10 ALAN YUNKER: Excuse me?

11 ATTORNEY LECKSTEIN: The problem is
12 for tonight, we're dealing with the application that
13 is before the board tonight.

14 ALAN YUNKER: Okay.

15 ATTORNEY LECKSTEIN: We're not dealing
16 with past issues that you may have experienced with
17 previous owners of the property.

18 ALAN YUNKER: Okay, but see, here is
19 the thing that I have the biggest concern with,
20 okay? Those things that happened didn't change.
21 They continued to build on that. Okay?

22 ATTORNEY LECKSTEIN: So why don't
23 you -- what is your concern here tonight? They're
24 allowed to operate a marina on the site.

25 ALAN YUNKER: Okay.

1 ATTORNEY LECKSTEIN: The board can't
2 stop that.

3 ALAN YUNKER: Okay.

4 ATTORNEY LECKSTEIN: So what is your
5 concern about this application?

6 ALAN YUNKER: Because
7 they're -- they're adding so much stuff to what
8 they're doing in the marina it's going to affect the
9 rest of the land around that. That's the way that I
10 see it. Okay. It has affected me physically.
11 Again, when -- when the Eriksons were there, okay,
12 we had beautiful -- beautiful yards, beautiful
13 homes. You know, the property went right out to --
14 right out to the water. Okay? There was no
15 problem.

16 ATTORNEY LECKSTEIN: So just -- just
17 to summarize, your concern is that they're adding to
18 the site. And you're afraid the -- the
19 intensification of the site will cause further
20 issues for your property; that's essentially what
21 you're saying?

22 ALAN YUNKER: Well, that's one of the
23 things.

24 ATTORNEY LECKSTEIN: Okay.

25 ALAN YUNKER: The other thing is the

1 fact that it's so -- it's so -- they're planning
2 such a dense population there, okay, that the things
3 that I have enjoyed over the years, they're taking
4 that away. Okay? They're certainly -- they don't
5 have any -- any reserve as far as abusing the shared
6 resources of the town. Okay?

7 I mean that's -- that has been obvious.
8 Was it last year or whatever when they put an ad in
9 the paper to -- to have everybody park on Washington
10 Street?

11 ATTORNEY LECKSTEIN: Right, which
12 they're not going to do again. I mean, they're
13 prohibited from doing that.

14 ALAN YUNKER: So when they did that,
15 they also had a whole bunch of people come down
16 here. They had had people come down and strip naked
17 in the street and put their bathing suits on. Okay?
18 To me that -- that shows no concern for any of the
19 people in the neighborhood.

20 ATTORNEY LECKSTEIN: So Mr. Yunker,
21 what you have to understand is that this board can't
22 stop them from having a marina.

23 ALAN YUNKER: Okay.

24 ATTORNEY LECKSTEIN: Which seems to be
25 what you're concerned about. You don't like the way

1 they're operating the marina right now. Now what
2 they're trying to do -- what they're trying to do
3 and what you've heard a lot of testimony about is
4 that they're trying to increase the parking on the
5 site, increase the facilities on the site so that
6 the concerns that you're expressing aren't going to
7 happen, and that's what the entire application has
8 been about.

9 ALAN YUNKER: Okay. But when they're
10 putting the marina on the site, they're not adding
11 to it to change the whole structure?

12 ATTORNEY PAPE: If I may?

13 ATTORNEY LECKSTEIN: Go ahead, Mr.
14 Pape.

15 ATTORNEY PAPE: The area that is
16 disturbed is the area that is disturbed. There is
17 no new areas that are disturbed. There is no
18 grading on the site. We are repurposing the area of
19 the site that is already the marina that has already
20 been disturbed. We're putting improvements in it,
21 but we're not expanding that footprint at all.

22 From the lawyer, those are statements.
23 If you can testify that those statements are
24 accurate.

25 LOUIS ZUEGNER: That's correct.

1 There's not earth movement. There's not excavation
2 or fill. This is taking the marina property and --

3 ALAN YUNKER: And compounding the
4 amount of -- the amount of stuff that you're going
5 to put in that area. That's what it boils down to.

6 LOUIS ZUEGNER: Well, we're organizing
7 what's within that area.

8 ALAN YUNKER: Well, you're organizing
9 it in a situation that -- in a way that is going to
10 affect anybody else in the neighborhood.

11 ATTORNEY PAPE: And that would be your
12 statement to the board and your opinion and we'll
13 respect it, but the statements that the applicant
14 makes is that we are standing within the four
15 corners of the disturbance and we're reorganizing
16 and repurposing those areas, period.

17 CHAIRMAN SESSA: They're paving.
18 They're paving the parking lot, which means that
19 there's going to be runoff someplace. They're
20 putting a building there, which means that there is
21 going to have gutters that are going to have runoff
22 someplace. They're -- they're telling us that
23 there's not going to be any effect on any of the
24 adjoining properties, that it's going to go out to
25 the water, that they're going to contain everything

1 on their property. That is what they're telling us.

2 ATTORNEY PAPE: Thank you.

3 CHAIRMAN SESSA: And we're going to
4 hold them to that.

5 ALAN YUNKER: Well, yeah, that would
6 be -- that would be nice if it happens that way.

7 CHAIRMAN SESSA: We'll do the best we
8 can.

9 ALAN YUNKER: Okay. Well, thank you.

10 MAYOR KENNEDY: Actually, before you
11 go, can I just ask you a question?

12 ALAN YUNKER: Sure.

13 MAYOR KENNEDY: Before you go, Trevor,
14 have -- have these concerns that the gentleman is
15 raising come before the borough at all as far
16 as -- it sounds like an increased water table in
17 that area? Are you familiar with what he's
18 referring to, as far as this underground waterway
19 due to the pilings that were dropped years ago; are
20 you familiar with it?

21 BOARD ENGINEER: I am not familiar
22 with that, no.

23 MAYOR KENNEDY: So I am going to ask
24 that -- Mr. Taylor is also our municipal engineer --
25 so if you can get the contact information from Ms.

1 Nellis, maybe if you can stop over and see what this
2 water table issue in his basement is?

3 BOARD ENGINEER: Sure.

4 ALAN YUNKER: Well, there's no water
5 in the basement now.

6 MAYOR KENNEDY: I'm just asking I
7 think on behalf of the borough if the engineer can
8 see what the issue is, if there's a water table or a
9 stream issue going on, then let's see what that
10 situation is.

11 ALAN YUNKER: Okay.

12 ATTORNEY LECKSTEIN: Thank you.

13 ALAN YUNKER: Thank you.

14 CHAIRMAN SESSA: Anyone else like to
15 come forward and give us guidance on this
16 application? Yes, sir.

17 ROBERT YUNKER: My name is Robert
18 Yunker, 26 Washington Street.

19 ATTORNEY LECKSTEIN: And, Mr. Yunker,
20 you had previously testified before the board on
21 this application. You're his son, correct?

22 ROBERT YUNKER: Correct. So --

23 ATTORNEY LECKSTEIN: Yes, go ahead.
24 You're still under oath.

25 ROBERT YUNKER: Okay. One of the

1 things Mr. Lane asked -- and I think we got an
2 answer to it, that the parking lot will not be
3 raised. And, you know, we'll have a full moon and a
4 new moon and it floods, it's going to be an issue
5 for that time.

6 Coincidentally on the May 28th meeting,
7 I think Mayor Kennedy had -- had voiced her concern
8 about the dumpster positioning so it's not visible
9 to the road. It actually floated up and flipped
10 over and garbage was on the ground for four days.
11 So to me that was not a great indicator that they're
12 concerned or -- you know, how things go there.

13 MAYOR KENNEDY: What date was that?

14 ROBERT YUNKER: May 29th.

15 MAYOR KENNEDY: Last year?

16 ROBERT YUNKER: Were we doing the Zoom
17 meetings then?

18 ATTORNEY LECKSTEIN: No, no, no. I
19 think she's asking you what day did the -- you're
20 asking what day the dumpster was overturned, not the
21 day of the meeting?

22 ROBERT YUNKER: Yeah, that was the
23 29th, I think, is when it overturned. I think the
24 meeting was the 28th.

25 CHAIRMAN SESSA: After it overturned?

1 ROBERT YUNKER: Right.

2 ATTORNEY LECKSTEIN: Wow.

3 ROBERT YUNKER: We were just talking
4 about this last night.

5 ATTORNEY LECKSTEIN: Yeah, the meeting
6 was on May 27th.

7 ROBERT YUNKER: Oh, okay, so that was
8 that date, I'm sorry.

9 ATTORNEY LECKSTEIN: No, that's okay.
10 No, that's okay. It's just that's not a good look.

11 ROBERT YUNKER: Yeah. And then, like
12 I said, if -- okay, stuff happens, if they were --
13 you know, if they went out and picked it up, okay,
14 they're -- they're showing that they're concerned.
15 But I pick up trash that flows over the fence on a
16 regular basis, you know.

17 They put up tarps and things and they
18 deteriorate and, you know, it is what it is. But as
19 far as --

20 MAYOR KENNEDY: Excuse me, before you
21 go forward, again, who puts up tarps?

22 ROBERT YUNKER: Personnel in the
23 marina.

24 MAYOR KENNEDY: Can we put up some
25 kind of agreement that there will be something

1 better than tarps put up?

2 ROBERT YUNKER: Well, it sounds like
3 if their, you know, the whole big project goes
4 through, they're talking about eliminating that all
5 together and putting a road there.

6 MAYOR KENNEDY: Okay. So that's where
7 you're talking about the tarps then. Okay.

8 ROBERT YUNKER: Yes.

9 BOARD ENGINEER: The tarps are on the
10 ground or --

11 ROBERT YUNKER: No. Like the
12 structure, like I think the jet ski people,
13 designated the work area.

14 MAYOR KENNEDY: Can we agree that
15 there's no temporary tarps on-site?

16 ATTORNEY PAPE: Yes. Yes, Major.

17 MAYOR KENNEDY: That's good.

18 ROBERT YUNKER: But yeah, as far as
19 the parking I noticed already the past few weekends
20 we have had people parking on Washington Street and
21 walking through the yards back to the marina and
22 although they're not for the jet skis and they're
23 not just, you know, getting undressed, it's still --
24 it kind of says, okay, they still have like a
25 problem with the amount of parking that they have

1 versus, you know, some boats are still in storage,
2 not in the water yet. And then, of course, when you
3 get a high tide and a full moon that just adds to
4 the problem, so --

5 CHAIRMAN SESSA: We're hoping that is
6 going to change when they actually build their
7 parking lot and have their -- their spaces. Right
8 now they don't have that, I guess.

9 ROBERT YUNKER: Well, the
10 configuration of the parking lot won't have much of
11 an effect. It's still going to be underwater during
12 those times, so --

13 CHAIRMAN SESSA: You're talking about
14 the one end of it, yeah.

15 ROBERT YUNKER: Right. It comes up
16 almost to the building a lot of times so that -- the
17 office for the marina so --

18 MAYOR KENNEDY: Can I --

19 ROBERT YUNKER: It's a good amount of
20 spots.

21 MAYOR KENNEDY: Can I ask in the lease
22 agreement for the boaters that it actually be put
23 into the lease agreement that they're not allowed to
24 park off the premises onto any of the local
25 roadways?

1 ATTORNEY PAPE: Sure, Mayor. Those
2 statements were made at an earlier meeting. We'll
3 repeat them: People who come to the marina, people
4 who are visitors to the marina will be instructed
5 they can't park off-site; there will be signage
6 on-site that says you can't park off-site; and the
7 lease agreements will include the statement that you
8 must park on premises, you can't park off-site.

9 We're comfortable with that.

10 MAYOR KENNEDY: Thank you.

11 BOARD ENGINEER: Okay. One other
12 issue too was with the -- the boats that are
13 currently stored in the parking lot. I know there
14 are boats that are stored in the parking lot
15 currently which prevent people from parking on-site.
16 That was a statement that you guys made previously,
17 that the boats will not be stored in the parking lot
18 once the parking lot is in, and that's what the boat
19 rack was for. So obviously if there's no boats
20 parked on the parking lot, there will be much more
21 parking spaces.

22 ATTORNEY PAPE: There is winter
23 storage they could be on the parking lot.

24 BOARD ENGINEER: Winter, but not...

25 ATTORNEY PAPE: Just winter storage.

1 The appearance that you see now of
2 boats, I'm going to just say, a little bit all over
3 the place, that's over; that's what the racks
4 are for. But the parking lot will have winter
5 storage.

6 BOARD ENGINEER: Do we want to set a
7 date of when winter storage is going to start, so
8 that we have something that we can enforce when we
9 need it to have on the property?

10 ATTORNEY PAPE: What Mr. Perlman has
11 told me is that the season begins May 1st. Not
12 every person comes May 1st and takes their boat and
13 puts it in the water, but by June 1st all of the
14 boats are in the water.

15 So if that is acceptable to you we will
16 indicate to you that the winter season is officially
17 concluded at May 1st and that by June 1st all of
18 the -- all of the stored boats are out of the
19 parking lot and into the racks or into the water.

20 MAYOR KENNEDY: Okay, but just to
21 re-emphasize what the resident is saying now, for
22 instance, we recently had a three-day weekend for
23 Easter, right, for Good Friday. It was nice
24 weather. And a lot of the things that you're
25 talking about that a lot of people, all the MLUL

1 were full, as well as the former museum, there were
2 plenty of both trailers and it was an active water
3 weekend. Granted, the holiday itself fell when it
4 fell, mid-April. Obviously if it's mid-March and
5 it's snowing, no one is going to be putting their
6 boat in the water. But I do believe that that's
7 probably the weekend you're referring to and I know
8 how busy the municipal boat ramp was.

9 And if that's the case and here it was
10 April, where were the people able to park in that
11 situation? So I -- I think that concern is valid,
12 so from April to June, what happens?

13 ATTORNEY PAPE: Mr. Chairman, Mayor,
14 and board members, if we could, I think that if,
15 when it's appropriate soon, if we could take a
16 five-minute recess, I think I would like an
17 opportunity to speak to Mr. Perlman a little more
18 in-depth.

19 MAYOR KENNEDY: Thank you.

20 ATTORNEY PAPE: You let me know when
21 it's appropriate.

22 ATTORNEY LECKSTEIN: Do you want to do
23 it now, Mr. Chairman?

24 MAYOR KENNEDY: I mean, am I correct
25 in -- am I reiterating your concern correctly?

1 ROBERT YUNKER: Pretty much, yeah. It
2 was a few weekends around Easter.

3 And I know it's a -- it's a transition
4 period, but I know I'm just, you know, taking into
5 consideration that the jet skis are going from 10 to
6 20 and I'm not sure how much -- how many slips the
7 marina is increasing by, it sounds like we're
8 expanding the -- the operations of the marina and
9 shrinking the size that they had to do it with
10 prior.

11 ATTORNEY PAPE: Our goal was to reduce
12 the jet skis from 30 to 20 and to reduce the
13 charters from four to two. It wasn't an intention
14 to increase.

15 CHAIRMAN SESSA: Okay, would you like
16 to take a ten-minute -- a five-minute break; do I
17 hear a motion?

18 MAYOR KENNEDY: Motion.

19 CHAIRMAN SESSA: Second?

20 MEMBER PACHECO: Second.

21 CHAIRMAN SESSA: All right. We're
22 going to go strict on this. Five minutes we'll be
23 in recess.

24 (A recess is taken at 9:04 p.m.)

25 (The record resumes at 9:09 p.m.)

1 ATTORNEY LECKSTEIN: For the record,
2 all we did was just take a roll. Everyone is here.

3 ATTORNEY PAPE: Mr. Chair, Mayor, Mr.
4 Perlman came up with a better answer, because their
5 racking system will be in place, we anticipate the
6 season begins May 1st. By May 15th any -- any boat
7 that has not been moved by the owner/customer into
8 the water and out of the parking lot, Mr. Perlman
9 will move into the rack system or into the water of
10 his own volition.

11 So by May 15th the parking lot winter
12 storage has completed, and he has the tools and
13 method to do it.

14 ATTORNEY LECKSTEIN: Okay.

15 ATTORNEY PAPE: I'm comfortable making
16 that representation to you.

17 CHAIRMAN SESSA: Thank you.

18 ATTORNEY LECKSTEIN: Okay.

19 CHAIRMAN SESSA: Mr. Yunker, were you
20 finished with those questions?

21 ROBERT YUNKER: I was. I was.

22 CHAIRMAN SESSA: Is there anyone else
23 who has guidance for us before we vote?

24 Yes, Mr. Lane. Come forward.

25 MICHAEL LANE: I want to address some

1 environmental issues first. Do the board members
2 have the Keyport Environmental Commission report
3 regarding the contaminated fill at the Brown's Point
4 Marina site?

5 ATTORNEY LECKSTEIN: So Mr. Lane, that
6 is an issue -- the board does have that memo, but
7 that is an issue for the borough council and the
8 municipality. It is not an issue for this planning
9 board to be dealing with.

10 MAYOR KENNEDY: And I just want a
11 record that that letter was on our September, 2021,
12 agenda for the Keyport governing body. And it was
13 on to receive the file, which is what was done. And
14 no action was taken by the governing body.

15 ATTORNEY LECKSTEIN: So Mr. Lane,
16 we're not going to discuss that letter because
17 really it has no bearing on this application as far
18 as the planning board is concerned.

19 The letter is not addressed to the
20 planning board. It's not proper to be before the
21 planning board.

22 MICHAEL LANE: The borough -- the
23 borough administrator directed that it go to the
24 planning board.

25 ATTORNEY LECKSTEIN: The borough --

1 the borough administrator directed that it be copied
2 to the planning board. That does not -- that does
3 not mean it's -- so a lot of things come to the
4 planning board. As I said, the board members have
5 it. But it's not an issue for the planning board.
6 It's not a zoning issue.

7 MICHAEL LANE: Interesting, because it
8 is an issue that was well-documented in the
9 applicant's status report of January.

10 ATTORNEY LECKSTEIN: As far as getting
11 permits from the state and everything like that,
12 which they're required to get all those permits,
13 yes, we're aware. But it's not an issue for this
14 board.

15 MICHAEL LANE: Okay. I have
16 some other environmental issues I would like to
17 bring up relative to this application.

18 ATTORNEY LECKSTEIN: Mr. Lane, I'm
19 going to ask you that the environmental issues, how
20 do they pertain to zoning and planning?

21 Now, understand, this is a permitted
22 use on the site.

23 MICHAEL LANE: Environmental issues
24 have to do with the issues that we talked -- a
25 number that the residents had mentioned, flooding at

1 the site.

2 ATTORNEY LECKSTEIN: Which the
3 applicant has stipulated that there is flooding on
4 the site.

5 MICHAEL LANE: And I think it's
6 important for the board to recognize the future
7 frequency of this flooding.

8 ATTORNEY LECKSTEIN: Which -- which
9 everyone has recognized and we will stipulate to it.
10 We don't need to go over it.

11 MICHAEL LANE: The other issues
12 are -- it was also brought up the issue of anchoring
13 of containers.

14 ATTORNEY LECKSTEIN: Which again,
15 Mr. Lane, we already discussed that, and the
16 anchoring of the boats and containers, if that is
17 part of the code, they are going to have to do it.
18 This board can't waive that, so it's going to have
19 to be complied with. If that is actually what the
20 code had said, which I -- for the sake of the
21 argument here, let's say it is, they have to do it.
22 We don't need to discuss it.

23 MICHAEL LANE: Well, I just want to
24 share with you that I have even had Brown's Point
25 Marina containers hammering my bulkhead in the

1 storm.

2 ATTORNEY LECKSTEIN: Well that's not
3 good, but that has nothing to do with this
4 application.

5 MICHAEL LANE: It has to do with how
6 they run the marina.

7 ATTORNEY LECKSTEIN: Okay.

8 MICHAEL LANE: They have withdrawn the
9 fueling issues, so that's not an item.

10 One question I have is the boat rack,
11 is that an accessory structure? And do we need
12 variances for that accessory structure?

13 BOARD ENGINEER: I believe we covered
14 that in one of the first meetings that there was a
15 "C" variance required for that because it is an
16 accessory structure that exceeded the building
17 height.

18 MICHAEL LANE: So I assume, Marc,
19 before you wrap up you're going to go over all the
20 variances?

21 ATTORNEY LECKSTEIN: I am not going to
22 go over all the variances tonight. The variances
23 are filed. This has been an extremely long
24 application. We're not going to sit down and recap
25 every single thing about this application. The

1 board has heard the application over -- I think this
2 is the fourth night -- and the board is well aware
3 what this application is. And they're going to take
4 the whole entire application and decide whether or
5 not they are in favor of it or not.

6 I'm not going to go over every
7 single -- every single aspect of the application
8 again. I'm not going to do it.

9 MICHAEL LANE: The reason I think it's
10 an issue is only about four members of the present
11 board that have been here for the previous hearings.

12 ATTORNEY LECKSTEIN: Every board
13 member here has read the -- either has listened to
14 the tapes, I did this in my prep, every single board
15 member here has listened to the tapes. Whether they
16 were physically here or not, they are aware of every
17 aspect of this application.

18 MICHAEL LANE: Did they also certify
19 that they looked at the exhibits while they were
20 listening to the tapes?

21 ATTORNEY LECKSTEIN: They did, Mr.
22 Lane. That's part of -- that's part of their -- I
23 mean, I don't know specifically what the
24 certification says, but yes, everyone has done that;
25 they have listened to the tapes and they have looked

1 at the exhibits.

2 I don't know if the certification
3 actually says that they looked at the exhibits, so I
4 don't want to be caught in saying, "Hey, the
5 certification doesn't say that," but that's part of
6 their job when they do the certifications.

7 MICHAEL LANE: These are -- these are
8 some exhibits I have been looking forward to giving
9 for a long time.

10 It sounds like the applicant has made
11 substantial changes to solve the parking problem.
12 So Trevor, are we to the point where he doesn't need
13 any parking variance?

14 BOARD ENGINEER: They need a parking
15 variance in accordance with their -- with the site
16 plans.

17 MICHAEL LANE: Pardon?

18 BOARD ENGINEER: They still need a
19 parking variance in accordance with their site
20 plans.

21 MICHAEL LANE: And what does the
22 variance include?

23 BOARD ENGINEER: That it was increased
24 from 80 to 81 spaces where...

25 ATTORNEY LECKSTEIN: Mr. Pape, do you

1 know what the -- do you know what the variances are
2 off hand?

3 ATTORNEY PAPE: It's 160.

4 ATTORNEY LECKSTEIN: 160?

5 ATTORNEY PAPE: 81 is provided and 160
6 is -- is your ordinance calculation.

7 BOARD ENGINEER: Yes, I concur that
8 that is what is on the site plan.

9 MICHAEL LANE: I thought we had
10 identified 40 more spaces.

11 ATTORNEY PAPE: It's 81 spaces. And
12 if we calculate, there is testimony about we -- if
13 you count every single rack space, every slip,
14 including all the racks in this storage, all of
15 them, then the ordinance would require 160. And we
16 provided the testimony that 81 would work, except on
17 a couple of days of the year. And that's why the
18 valet system is available to take that up to --

19 ATTORNEY LECKSTEIN: 143 is what you
20 testified to.

21 There are 81 striped parking spaces and
22 143 total parking when you add in the stacking. And
23 180 -- sorry, 160?

24 ATTORNEY PAPE: 160 is the --

25 ATTORNEY LECKSTEIN: 160 is required.

1 ATTORNEY PAPE: Strict -- strict
2 calculation if every single rack slip and water slip
3 was counted as a slip generating a parking stall.

4 MICHAEL LANE: I guess I'm a little
5 slow. I thought we were eliminating boat storage on
6 the lowest level of the racks and parking cars onto
7 the lowest level of the racks?

8 ATTORNEY PAPE: That is an option that
9 we -- the design accommodates that. We indicated
10 that if the parking is required in those spaces, the
11 boats would be removed. Any boats that were in
12 those space would be removed to create those parking
13 spaces.

14 MICHAEL LANE: So that is not a
15 standard space available?

16 ATTORNEY PAPE: You can describe it in
17 your -- your words, sure.

18 MICHAEL LANE: So we still have a
19 major parking deficiency variance.

20 ATTORNEY PAPE: We don't believe so at
21 all. We think that the parking is more than
22 adequate. And that the two levels, standard striped
23 ones and valet more than take --

24 ATTORNEY LECKSTEIN: I count 17, if
25 I'm doing my math correctly, right? 160 minus 143

1 is 17?

2 ATTORNEY PAPE: Yes.

3 BOARD ENGINEER: 17 deficient spaces.

4 ATTORNEY LECKSTEIN: Right, 17 spaces.

5 I mean, the board can be the judge of whether
6 that's sufficient -- I mean, whether that's a great
7 parking deficiency or not.

8 MICHAEL LANE: Okay. I have an
9 exhibit that is based on the notice information that
10 went out.

11 ATTORNEY LECKSTEIN: And what is that
12 exhibit, Mr. Lane? Will you please...

13 MICHAEL LANE: I guess it has to do
14 with parking, so I may not give it. So are you just
15 saying we're only short 17 spaces?

16 ATTORNEY LECKSTEIN: That is what --
17 that is what is being stated.

18 BOARD ENGINEER: Including the striped
19 parking and the valet parking, we're short 17
20 spaces. And those plans with the valet parking
21 spaces will be included with the site plans, so we
22 have record of the number of parking spaces that are
23 included in the application.

24 MICHAEL LANE: This is good news.
25 There has been major changes since these exhibits

1 were put together last year.

2 CHAIRMAN SESSA: Isn't that the truth?

3 MICHAEL LANE: You can credit it to
4 public input.

5 MAYOR KENNEDY: And board input.

6 CHAIRMAN SESSA: Yeah, give us a
7 little credit there.

8 MAYOR KENNEDY: Yeah, a little bit.

9 MICHAEL LANE: The members of the
10 board and the public and the residents of Keyport,
11 the applicant is not...

12 Let me look at the third exhibit.

13 This is also on parking.

14 ATTORNEY LECKSTEIN: Mr. Lane, why
15 don't you just tell us, rather than looking for an
16 exhibit, why don't you tell us what it is that you
17 are trying to establish for the board right now?

18 MICHAEL LANE: I think the key is --
19 the mayor may remember, I think it was on the first
20 meeting on this application -- multiple residents
21 came in and complained about, very vocally, the
22 overflow onto Broad and Washington.

23 And Mayor Kennedy, I believe you talked
24 about the fact that this is one area that you have
25 gotten a significant number of complaints regarding.

1 And there was all the issues with -- in the past jet
2 skis being directed to park on Washington Street.

3 And so now the applicant is coming
4 before you with a plan that has substantially more
5 parking, assuming it's comfortable and fits and is
6 in harmony with the users. And that is my real
7 concern. And I guess I will summarize it with that.

8 The Environmental Commission, I was at
9 their meeting, very concerned about the
10 contamination at the site. I'm surprised it's not
11 an issue for the planning board.

12 Thank you.

13 ATTORNEY LECKSTEIN: Thank you,
14 Mr. Lane.

15 CHAIRMAN SESSA: Anyone else from the
16 public like to come forward and give us guidance?
17 Seeing there's no one has put their hand up, would
18 you like me to close to the public?

19 MAYOR KENNEDY: Motion.

20 CHAIRMAN SESSA: Do I hear a second?

21 COUNCILMEMBER DAVIDSON: Second.

22 CHAIRMAN SESSA: All in favor?

23 BOARD MEMBERS IN UNISON: Aye.

24 CHAIRMAN SESSA: Opposed?

25 Okay, Mr. Pape, you wanted to

1 summarize?

2 ATTORNEY PAPE: Thank you very much,
3 Mr. Chair and board members.

4 This is an application for a site plan
5 for an existing marina. The goal is to create a
6 viable, economically secure, full-service marina
7 that services this community.

8 It has been -- it has taken a number of
9 hearings. The comments that this board and the
10 board professionals and the public shared with the
11 applicant were all listened to. The plans that
12 you're looking at tonight are the evolution of those
13 plans. We consider the guidance that was provided
14 to be very helpful and very valuable.

15 We also consider the plans that we
16 present to you to be a viable plan and one that can
17 be implemented and which will result in a marina
18 that is economically secure and will remain a part
19 of your community.

20 One of the comments, just there was
21 comments about historic filling. I don't know about
22 prior owners. I do not know about prior filling. I
23 do know that when Mr. Perlman purchased the
24 property, he learned that there had been disturbance
25 on the property and he wasn't responsible. He

1 didn't disturb the property. He just happened to be
2 the owner when the DEP spotted it. And he entered
3 into an Administrative Consent Order with the State
4 of New Jersey and did all of the environmental
5 restoration on-site. No filling, no grading, but he
6 did that environmental -- and I'm going to say it
7 was a positive step and it's complete.

8 For all of the reasons that are on the
9 record and all of the commitments that are
10 memorialized in the record, and we expect that Mr.
11 Leckstein will categorize each of them so that they
12 become a matter of permanent record, for all of
13 those reasons we ask that this board consider
14 favorably the application for the site plan with the
15 limited variance relief that has been identified to
16 the board as presented.

17 Thank you for listening to the
18 application.

19 CHAIRMAN SESSA: Thank you, Mr. Pape.

20 MAYOR KENNEDY: Can I ask a question?

21 CHAIRMAN SESSA: Yes.

22 MAYOR KENNEDY: Mr. Pape, one of the
23 earlier hearing dates had asked if it would be
24 possible, because there was going to be fuel on the
25 location, if there could be one or two slips

1 allocated for emergency watercraft. For instance,
2 our fire department has a water rescue vehicle.
3 There is also discussions with -- recently with New
4 Jersey State Police as well as the sheriff's --
5 Monmouth County sheriff's office, and then the yacht
6 club has offered them moorings, but we had -- I had
7 asked for that on record because of the fueling and
8 I believe that you were -- that it was going to be
9 in favor of that, but now that we're removing the
10 fueling, would it still be --

11 ATTORNEY PAPE: Surely.

12 MAYOR KENNEDY: It would be my request
13 just because our emergency services are all
14 volunteer and they can't really afford to pay for a
15 boat slip to store an emergency vehicle.

16 ATTORNEY PAPE: Mr. Perlman is giving
17 me the high sign and the commitment to have two
18 slips dedicated for public purposes as the governing
19 body directs, whether it's police or fire. It will
20 be incorporated into the final plan.

21 MAYOR KENNEDY: Thank you. I just
22 wanted to make sure that it happens.

23 ATTORNEY PAPE: There is no parking
24 for them.

25 MAYOR KENNEDY: That's correct. I

1 just wanted to make sure. I just wanted to make
2 sure because that was contingent upon a request I
3 made because of the fueling being there, but now
4 that we're removing the fueling, I just want to make
5 sure that that option is still available to our
6 emergency services.

7 ATTORNEY PAPE: Sure.

8 CHAIRMAN SESSA: Okay. Board members,
9 do you have any discussion? It's been a long
10 process.

11 MEMBER ROYSTER: It sure has.

12 CHAIRMAN SESSA: We've learned a lot
13 through it and listened to a lot. I appreciate the
14 public's comments. I think they helped shape -- I
15 think our professionals, the board's, the public's
16 comments, and the board has helped shape this into
17 something that -- you know, I think we should give
18 it a shot. I really do.

19 MEMBER ROYSTER: I agree.

20 CHAIRMAN SESSA: I think it has come a
21 long way. One of the tenets of our Master Plan is
22 to protect and preserve our marinas, and I think we
23 have done the best we could here for -- toward that.

24 Any other comments?

25 MAYOR KENNEDY: Mr. Chair, just

1 because it has been brought up a couple of times
2 this evening, I would just like to state for the
3 record that there was a letter, as we already
4 referred to, from the Environmental Commission that
5 was addressed to the mayor and council. It was put
6 onto the governing body agenda in September of 2021,
7 but it is also important to note that according to
8 State Statute 40:55D-27 that should there be -- I'll
9 read Section B for the record: "Whenever the
10 Environmental Commission has prepared and submitted
11 to the Planning Board and the Board of Adjustment an
12 index of natural resources of the municipality" --
13 which we do have on file -- "the Planning Board or
14 Board of Application/Adjustment shall make available
15 to the Environmental Commission an informational
16 copy of every application for development."

17 This is a site plan approval. This is
18 not development. So although they did submit a
19 letter, it is -- it is not contingent and I do
20 believe it's applicable. I just want that --

21 And also, as you mentioned, the Master
22 Plan does say that, you know, we should do
23 everything to maintain the marinas. We are a
24 waterfront municipality. You know, I know when I
25 purchased my home there were two other operational

1 marinas in this municipality, none of which could
2 find a purchaser to maintain a marina operation. So
3 we are down to our last marina and we are a
4 waterfront municipality with a marina that is
5 choosing to continue to operate.

6 As the mayor of a borough of a
7 waterfront town, I am trying to create and establish
8 as many water activities as we can for our youth.
9 We're hoping to promote a nautical camp so that we
10 can get people back out on the water. So I'm
11 actually commending the fact that a marina is trying
12 to stay a marina.

13 So I just want that on record.

14 ATTORNEY LECKSTEIN: Do you want to
15 turn that into a motion, Mayor?

16 CHAIRMAN SESSA: Here, here.

17 COUNCILMEMBER DAVIDSON: I'll second
18 it.

19 ATTORNEY LECKSTEIN: I didn't mean to
20 put you on the spot, but it sounded like you were
21 reading something.

22 MAYOR KENNEDY: It's a long motion for
23 you to have to say that, so --

24 ATTORNEY LECKSTEIN: You could just
25 make a motion to approve the application, if you

1 wish.

2 CHAIRMAN SESSA: Lori, did you have
3 something you wanted to say?

4 COUNCILMEMBER DAVIDSON: I did. I
5 just want to say, again, it's been -- I'm one of the
6 original people who have been on this application
7 and it has been incredible to watch it come this
8 far. And if it does continue and it does get
9 approved tonight, I would hope that the business is
10 run in such a way that our neighbors can look on it
11 favorably and we can be proud to have a business
12 like that in this town and not worry that the
13 neighbors that surround it are going to be not
14 feeling well or comfortable with what they have to
15 look at.

16 It is an important property, if this
17 goes through. I am also very happy to have a marina
18 in town to see if it -- if it continues, but I think
19 being good neighbors, running a smart business with
20 consideration for all, including your customers,
21 your neighbors, municipality, et cetera, is
22 extremely important as well. So I hope that if this
23 does pass, that is all taken to heart and considered
24 daily.

25 Thank you.

1 CHAIRMAN SESSA: Anyone else?

2 If not, do I hear a motion?

3 MEMBER OVIEDO: Motion to approve.

4 CHAIRMAN SESSA: Juan Carlos.

5 MEMBER ROYSTER: I'll second that.

6 CHAIRMAN SESSA: And that is with all

7 of the...

8 ATTORNEY LECKSTEIN: Yes, with all of

9 the -- with all of the conditions and everything.

10 Yes, of course.

11 CHAIRMAN SESSA: Is there a second?

12 MEMBER ROYSTER: I'll second that.

13 CHAIRMAN SESSA: Okay. Can we have a

14 roll-call, please?

15 BOARD SECRETARY: Mayor Kennedy?

16 MAYOR KENNEDY: Yes.

17 BOARD SECRETARY: Councilmember

18 Davidson?

19 COUNCILMEMBER DAVIDSON: Yes.

20 BOARD SECRETARY: Chairman Sessa?

21 CHAIRMAN SESSA: Yes.

22 Board CLERK: Mr. McDermott?

23 MEMBER McDERMOTT: Yes.

24 BOARD SECRETARY: Mr. Oviedo?

25 MEMBER OVIEDO: Yes.

1 BOARD SECRETARY: Mr. Pacheco?

2 MEMBER PACHECO: Yes.

3 BOARD SECRETARY: Ms. Royster?

4 MEMBER ROYSTER: Yes.

5 ATTORNEY PAPE: Mr. Chairman, board
6 members, all, thank you on behalf of the applicant
7 and personally. And usually this is where I stand
8 up and go home --

9 ATTORNEY LECKSTEIN: But you're not
10 going anywhere yet?

11 ATTORNEY PAPE: -- but I'm not going
12 anywhere yet. We have the follow-through
13 application for the extension of the site plan.

14 ATTORNEY LECKSTEIN: So if I can, and
15 Mr. Chair, if you just want to call that application
16 in. I'll try to make it easy and quick.

17

18 (Application concluded at 9:34 p.m.)

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C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were previously sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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



Angela C. Buonantuono, CCR, RPR, CLR
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Dated: May 16, 2022

'	2022 [9] - 1:8, 8:14, 8:18, 9:4, 9:8, 9:17, 62:16, 62:19, 109:25	7	accessed [1] - 43:6	aerial [1] - 19:10
'22 [4] - 8:9, 8:13, 17:7, 18:22	22 [1] - 23:24	7 [8] - 4:4, 8:2, 8:5, 8:9, 8:13, 8:14, 8:17, 9:4	accessible [6] - 29:3, 63:21, 64:6, 65:17, 65:25, 66:7	affect [2] - 74:8, 77:10
0	22nd [2] - 6:14, 6:15	71 [1] - 3:16	accessory [3] - 92:11, 92:12, 92:16	affected [1] - 74:10
08535 [2] - 1:24, 2:4	24 [1] - 17:7	732)-679-6554 [1] - 2:5	accommodatable [1] - 66:6	afford [1] - 102:14
1	25.87 [1] - 65:8	732)-679-8844 [1] - 2:5	accommodated [1] - 63:19	afraid [1] - 74:18
1 [3] - 41:7, 45:17, 64:2	25th [1] - 6:1	732)882-3590 [1] - 1:25	accommodates [1] - 96:9	afternoon [2] - 14:8, 44:25
1/17/22 [1] - 47:24	26 [4] - 1:24, 3:17, 67:18, 79:18	79 [1] - 3:17	accordance [3] - 23:10, 94:15, 94:19	agenda [2] - 89:12, 104:6
10 [1] - 87:5	27th [1] - 81:6	7:00 [1] - 1:8	according [1] - 104:7	ago [4] - 33:21, 33:23, 34:9, 78:19
10/6/22 [2] - 4:4, 7:17	28 [3] - 1:8, 3:16, 32:12	7:30 [1] - 5:1	account [1] - 49:10	agree [5] - 26:8, 41:11, 45:23, 82:14, 103:19
100 [1] - 17:25	28th [2] - 80:6, 80:24	7th [1] - 8:1	accurate [4] - 7:14, 7:22, 76:24, 109:10	agreed [4] - 43:3, 43:18, 43:25, 45:2
11 [2] - 4:4, 7:15	29 [1] - 38:3		action [3] - 89:14, 109:15, 109:18	agreement [3] - 81:25, 83:22, 83:23
11.01 [2] - 1:5, 5:9	29th [2] - 80:14, 80:23		active [1] - 86:2	agreements [1] - 84:7
115 [2] - 64:12, 65:5	2:00 [1] - 72:7		activities [1] - 105:8	ahead [5] - 32:15, 53:6, 59:19, 76:13, 79:23
116 [1] - 65:6			activity [1] - 69:22	AIA [2] - 3:6, 61:8
13 [2] - 1:5, 5:9	3		actual [1] - 6:8	airports [1] - 50:1
14 [4] - 1:5, 5:9, 9:8, 65:4	3 [1] - 4:6		ad [1] - 75:8	aisles [1] - 39:14
14.01 [2] - 1:5, 5:9	3.4 [1] - 38:13		ADA [1] - 66:11	ALAN [33] - 32:4, 32:8, 32:9, 32:12, 32:16, 33:22, 33:25, 34:3, 34:7, 34:10, 35:14, 37:15, 71:13, 72:13, 73:10, 73:14, 73:18, 73:25, 74:3, 74:6, 74:22, 74:25, 75:14, 75:23, 76:9, 77:3, 77:8, 78:5, 78:9, 78:12, 79:4, 79:11, 79:13
143 [6] - 23:1, 23:15, 23:19, 95:19, 95:22, 96:25	3/14/22 [2] - 4:17, 9:14		add [4] - 10:9, 50:20, 59:13, 95:22	Alan [2] - 3:16, 32:8
15 [3] - 49:10, 62:15, 62:19	3/15/21 [1] - 48:20		added [1] - 39:14	Algonquin [1] - 1:24
15-minute [1] - 21:23	3/15/22 [2] - 4:9, 63:6		adding [5] - 14:10, 35:23, 74:7, 74:17, 76:10	alignment [1] - 48:2
15th [2] - 88:6, 88:11	3/17/22 [2] - 4:18, 9:19		addition [2] - 21:11, 28:18	allocated [1] - 102:1
16 [3] - 3:4, 65:6, 109:25	3/24/22 [4] - 4:7, 4:8, 17:9, 18:24		additional [5] - 14:2, 21:10, 23:16, 24:17, 30:16	allow [2] - 18:11, 54:25
160 [8] - 95:3, 95:4, 95:5, 95:15, 95:23, 95:24, 95:25, 96:25	3/7/22 [2] - 4:5, 9:6		additionally [1] - 21:7	allowed [2] - 73:24, 83:23
17 [9] - 4:7, 9:17, 65:6, 96:24, 97:1, 97:3, 97:4, 97:15, 97:19	30 [3] - 26:13, 26:17, 87:12		ADDRESS [1] - 3:15	almost [1] - 83:16
17-07 [1] - 5:3	30XI00233100 [2] - 1:20, 109:24		address [5] - 12:19, 28:5, 32:7, 32:11, 88:25	ALSO [1] - 1:17
17th [2] - 8:7, 14:5	33 [1] - 2:4		addressed [2] - 89:19, 104:5	Alternate [4] - 4:9, 62:14, 62:23, 63:5
18 [1] - 4:8	357 [3] - 1:4, 5:3, 5:8		addresses [1] - 14:3	alternate.. [1] - 62:21
180 [1] - 95:23	3:00 [1] - 72:7		adds [1] - 83:3	amended [1] - 12:9
1976 [1] - 32:18	4		adequate [2] - 64:12, 96:22	amenities [1] - 21:24
1st [6] - 85:11, 85:12, 85:13, 85:17, 88:6	40 [1] - 95:10		adjoining [1] - 77:24	amount [4] - 77:4, 82:25, 83:19
	40:55D-27 [1] - 104:8		Adjustment [1] - 104:11	anchored [2] - 45:16, 46:2
	44 [1] - 57:13		Administrative [1] - 101:3	anchoring [3] - 45:19, 91:12, 91:16
	45 [2] - 32:17, 53:2		administrative [1] - 17:18	ANGELA [2] - 1:20, 109:3
	5		administrator [2] - 89:23, 90:1	
	5 [1] - 48:20		admit [1] - 38:1	
	5,500-square-foot [1] - 19:5		advance [2] - 53:12, 54:1	
	50 [1] - 59:23			
	516 [1] - 2:4			
	6			
	6 [1] - 7:13			
	61 [1] - 3:6			
	63 [1] - 4:9			
2				
2/11/2021 [1] - 62:6				
20 [11] - 1:5, 5:9, 26:9, 26:11, 26:13, 26:19, 49:10, 58:13, 65:7, 87:6, 87:12				
20-01 [3] - 1:6, 5:6, 5:7				
200 [1] - 5:20				
2021 [6] - 7:13, 7:21, 13:19, 67:19, 89:11, 104:6				

angela [1] - 109:23
angelabuonocsr@gmail.com [1] - 1:25
angled [2] - 20:19, 23:25
ANN [1] - 1:12
anomalies [1] - 10:10
ANSI [1] - 66:12
answer [4] - 51:5, 80:2, 88:4
answers [1] - 51:20
Anthony [1] - 43:4
anticipate [1] - 88:5
anticipated [1] - 69:21
apartment [1] - 12:5
apartments [1] - 18:9
apologize [1] - 70:7
appear [1] - 7:1
appearance [1] - 85:1
applicable [1] - 104:20
Applicant [1] - 2:7
applicant [17] - 6:16, 7:3, 11:14, 12:24, 13:1, 13:6, 17:22, 44:18, 54:23, 68:13, 77:13, 91:3, 94:10, 98:11, 99:3, 100:11, 108:6
applicant's [6] - 6:17, 6:21, 7:6, 38:7, 69:7, 90:9
APPLICATION [1] - 1:6
application [48] - 5:24, 8:22, 11:16, 11:25, 12:9, 13:1, 13:13, 16:5, 28:3, 35:2, 35:4, 35:13, 37:23, 40:16, 44:11, 47:25, 48:2, 48:4, 48:10, 53:9, 54:24, 70:12, 70:14, 73:12, 74:5, 76:7, 79:16, 79:21, 89:17, 90:17, 92:4, 92:24, 92:25, 93:1, 93:3, 93:4, 93:7, 93:17, 97:23, 98:20, 100:4, 101:14, 101:18, 104:16, 105:25, 106:6, 108:13, 108:15
Application [1] - 108:18
Application/Adjustment [1] - 104:14
applications [1] - 25:12

appreciate [1] - 103:13
approach [1] - 61:24
appropriate [3] - 34:17, 86:15, 86:21
appropriately [1] - 24:18
approval [12] - 12:1, 24:25, 25:1, 25:5, 25:24, 41:12, 44:13, 46:15, 68:4, 70:23, 104:17
approvals [3] - 25:6, 44:15, 68:10
approve [4] - 24:9, 70:11, 105:25, 107:3
approved [8] - 8:23, 12:6, 28:21, 40:17, 44:11, 44:14, 69:17, 106:9
approves [3] - 47:9, 47:12
April [3] - 86:4, 86:10, 86:12
APRIL [1] - 1:8
architect [4] - 15:14, 15:25, 60:23, 61:6
architecture [2] - 15:5, 60:24
area [26] - 19:12, 20:9, 28:17, 30:1, 33:10, 39:17, 40:4, 43:8, 44:6, 44:7, 49:6, 52:2, 55:12, 56:24, 61:6, 63:24, 69:18, 72:14, 76:15, 76:16, 76:18, 77:5, 77:7, 78:17, 82:13, 98:24
areas [5] - 24:13, 54:21, 71:23, 76:17, 77:16
argument [1] - 91:21
arrangement [1] - 22:8
arrive [1] - 54:2
aside [1] - 28:17
aspect [2] - 93:7, 93:17
assistance [1] - 70:2
Associates [1] - 3:6
assume [2] - 48:21, 92:18
assuming [2] - 8:22, 99:5
assured [1] - 44:8
AT [1] - 1:8
attached [2] - 41:7, 41:8
attention [3] - 24:12, 37:10, 45:1

attorney [4] - 13:10, 17:3, 109:14, 109:16
Attorney [1] - 1:17
ATTORNEY [218] - 5:4, 5:10, 5:15, 5:22, 6:2, 6:4, 6:6, 6:10, 6:12, 6:15, 7:11, 7:12, 7:18, 8:2, 8:4, 8:9, 8:11, 8:13, 8:14, 8:21, 8:25, 9:7, 9:12, 9:15, 9:21, 10:1, 10:4, 10:6, 10:9, 10:13, 10:15, 10:21, 10:24, 11:1, 11:11, 11:17, 11:18, 13:16, 13:18, 13:22, 16:10, 17:17, 17:21, 18:3, 18:4, 23:3, 24:3, 24:21, 25:7, 25:19, 26:1, 26:15, 27:2, 27:5, 27:16, 27:25, 28:11, 28:14, 28:20, 28:24, 29:4, 29:21, 30:18, 30:25, 31:8, 31:25, 32:10, 32:14, 33:19, 33:23, 34:2, 34:14, 34:19, 37:22, 38:16, 38:25, 39:5, 40:15, 41:3, 41:9, 42:9, 42:13, 43:2, 43:10, 43:16, 43:22, 44:10, 44:21, 44:23, 45:21, 46:4, 46:16, 47:11, 48:23, 49:15, 50:14, 51:4, 51:10, 51:19, 52:6, 52:12, 53:18, 55:25, 56:6, 56:14, 56:20, 57:1, 57:7, 57:11, 57:16, 57:19, 57:24, 58:1, 58:4, 59:4, 60:21, 61:11, 61:23, 62:7, 62:10, 62:17, 62:20, 62:24, 63:3, 63:4, 63:8, 64:18, 67:10, 68:12, 69:6, 69:13, 69:21, 70:10, 70:18, 70:21, 70:24, 73:8, 73:11, 73:15, 73:22, 74:1, 74:4, 74:16, 74:24, 75:11, 75:20, 75:24, 76:12, 76:13, 76:15, 77:11, 78:2, 79:12, 79:19, 79:23, 80:18, 81:2, 81:5, 81:9, 82:16, 84:1, 84:22, 84:25, 85:10, 86:13, 86:20, 86:22, 87:11, 88:1, 88:3, 88:14, 88:15, 88:18, 89:5, 89:15, 89:25,

90:10, 90:18, 91:2, 91:8, 91:14, 92:2, 92:7, 92:21, 93:12, 93:21, 94:25, 95:3, 95:4, 95:5, 95:11, 95:19, 95:24, 95:25, 96:1, 96:8, 96:16, 96:20, 96:24, 97:2, 97:4, 97:11, 97:16, 98:14, 99:13, 100:2, 102:11, 102:16, 102:23, 103:7, 105:14, 105:19, 105:24, 107:8, 108:5, 108:9, 108:11, 108:14
August [4] - 6:4, 7:21, 8:2, 14:6
available [7] - 30:16, 45:13, 63:13, 95:18, 96:15, 103:5, 104:14
aware [4] - 36:19, 90:13, 93:2, 93:16
Aye [5] - 31:17, 60:18, 69:5, 71:7, 99:23
aye [1] - 68:21

B

B-6 [3] - 4:17, 9:8, 9:13
B-7 [3] - 4:18, 9:16, 9:18
backyard [2] - 71:21, 73:3
bad [1] - 13:23
barrier [2] - 64:6, 66:13
barrier-free [2] - 64:6, 66:13
base [1] - 45:17
base-flood [1] - 45:17
based [3] - 22:10, 27:9, 97:9
basement [9] - 36:6, 36:8, 36:16, 36:19, 72:2, 72:17, 72:21, 79:2, 79:5
basis [1] - 81:16
bathing [1] - 75:17
bathroom [1] - 68:1
bathrooms [6] - 63:25, 64:1, 64:10, 65:21, 67:21, 68:2
Bayshore [1] - 50:2
bearing [1] - 89:17
beautiful [7] - 32:25, 33:9, 50:24, 74:12
became [1] - 26:19
become [1] - 101:12

becomes [1] - 52:22
beep [3] - 56:2, 56:8
beep-beep [1] - 56:2
begin [1] - 16:7
beginning [1] - 70:20
begins [2] - 85:11, 88:6
behalf [3] - 11:14, 79:7, 108:6
behind [3] - 50:11, 57:6, 57:13
below [2] - 15:11, 45:16
benefit [2] - 14:25, 22:9
best [4] - 53:25, 59:1, 78:7, 103:23
better [5] - 21:19, 22:9, 44:24, 82:1, 88:4
between [2] - 23:25, 59:7
big [1] - 82:3
biggest [1] - 73:19
bit [8] - 15:12, 20:1, 20:5, 20:13, 38:11, 65:10, 85:2, 98:8
BLOCK [1] - 1:5
Block [1] - 5:9
blocked [6] - 54:15, 55:14, 57:9, 58:10, 58:20, 60:4
blocking [2] - 18:15, 58:17
Bloom [1] - 72:4
Bloom(ph) [1] - 33:11
blowup [1] - 18:17
blue [4] - 38:20, 39:17, 39:18, 39:20
Blum [2] - 33:25, 36:5
BOARD [42] - 1:1, 1:11, 6:14, 9:11, 10:25, 23:23, 27:1, 29:9, 30:20, 31:3, 31:17, 40:22, 41:1, 47:20, 58:7, 60:18, 67:17, 68:17, 68:19, 68:21, 69:5, 71:7, 78:21, 79:3, 82:9, 84:11, 84:24, 85:6, 92:13, 94:14, 94:18, 94:23, 95:7, 97:3, 97:18, 99:23, 107:15, 107:17, 107:20, 107:24, 108:1, 108:3
Board [10] - 1:17, 1:18, 6:19, 8:15, 12:6, 104:11, 104:13, 104:14,

109:23 board [87] - 1:18, 5:23, 7:1, 11:3, 11:12, 12:4, 12:9, 12:23, 13:1, 13:3, 13:8, 13:12, 14:22, 16:2, 16:4, 16:18, 17:21, 21:14, 25:5, 26:4, 28:8, 29:6, 31:8, 44:16, 46:13, 46:17, 46:25, 47:3, 47:4, 47:5, 47:6, 47:9, 47:11, 47:12, 48:24, 49:23, 57:22, 60:7, 61:5, 61:12, 62:1, 63:8, 67:10, 68:14, 70:11, 70:14, 73:13, 74:1, 75:21, 77:12, 79:20, 86:14, 89:1, 89:6, 89:9, 89:18, 89:20, 89:21, 89:24, 90:2, 90:4, 90:5, 90:14, 91:6, 91:18, 93:1, 93:2, 93:11, 93:12, 93:14, 97:5, 98:5, 98:10, 98:17, 99:11, 100:3, 100:9, 100:10, 101:13, 101:16, 103:8, 103:16, 107:22, 108:5 board's [3] - 7:6, 25:24, 103:15 boat [30] - 19:10, 20:17, 21:1, 26:8, 26:24, 29:16, 45:11, 50:9, 50:11, 52:23, 53:5, 53:11, 53:21, 53:23, 54:1, 54:6, 55:1, 59:19, 59:22, 59:24, 66:8, 67:23, 84:18, 85:12, 86:6, 86:8, 88:6, 92:10, 96:5, 102:15 boaters [1] - 83:22 boats [30] - 26:20, 26:22, 26:23, 27:4, 27:8, 27:10, 27:14, 27:22, 29:19, 30:13, 30:22, 31:4, 33:15, 45:7, 45:16, 45:19, 46:15, 59:9, 59:22, 83:1, 84:12, 84:14, 84:17, 84:19, 85:2, 85:14, 85:18, 91:16, 96:11 body [5] - 48:6, 89:12, 89:14, 102:19, 104:6 boils [1] - 77:5 book [1] - 46:20	Borough [2] - 12:13, 47:25 BOROUGH [1] - 1:1 borough [8] - 78:15, 79:7, 89:7, 89:22, 89:23, 89:25, 90:1, 105:6 Borough's [1] - 41:12 bother [1] - 55:12 bothered [1] - 52:9 bottom [13] - 18:14, 19:16, 20:18, 30:3, 30:6, 30:13, 30:16, 30:21, 30:23, 36:10, 45:11, 45:19, 65:4 boundaries [1] - 38:5 break [1] - 87:16 bridge [1] - 19:19 brief [2] - 14:8, 69:11 bring [3] - 21:24, 72:7, 90:17 bringing [1] - 37:10 brings [1] - 52:3 Broad [3] - 54:11, 55:6, 98:22 Broadway [2] - 55:7, 60:2 Broman [1] - 29:21 brought [4] - 15:2, 45:1, 91:12, 104:1 brown [1] - 20:16 BROWN'S [1] - 1:5 Brown's [4] - 5:8, 48:19, 89:3, 91:24 buffered [1] - 21:19 build [3] - 68:6, 73:21, 83:6 Building [1] - 67:7 building [24] - 15:5, 15:6, 15:19, 19:4, 19:6, 25:15, 31:2, 36:15, 37:3, 41:9, 41:23, 60:23, 60:24, 61:3, 64:3, 65:18, 67:25, 68:5, 68:7, 68:10, 77:20, 83:16, 92:16 building's [1] - 63:16 built [1] - 41:11 bulkhead [1] - 91:25 bump [1] - 30:8 bunch [2] - 10:18, 75:15 bunk [1] - 45:11 BUONANTUONO [2] - 1:20, 109:3 Buonantuono [1] - 109:23 burnt [1] - 19:3 business [3] - 106:9,	106:11, 106:19 busy [4] - 30:12, 55:13, 55:16, 86:8 BY [4] - 1:20, 2:3, 4:25, 23:3 C CAFRA [5] - 25:5, 25:20, 27:23, 68:4, 68:11 calamity [1] - 6:24 calculate [1] - 95:12 calculated [1] - 24:16 calculation [2] - 95:6, 96:2 camp [1] - 105:9 cannot [2] - 44:16, 47:13 capacity [2] - 48:16 car [26] - 45:13, 50:11, 50:13, 50:16, 51:24, 52:4, 52:8, 52:9, 52:10, 53:3, 54:6, 54:18, 55:24, 56:1, 56:3, 56:11, 56:12, 56:16, 56:21, 57:6, 57:13, 57:14, 58:18, 58:20 care [2] - 11:8, 37:7 CARLOS [1] - 1:14 Carlos [1] - 107:4 cars [26] - 40:1, 50:4, 50:7, 50:12, 50:17, 51:6, 51:9, 51:12, 51:14, 52:1, 52:2, 52:11, 54:15, 55:8, 56:10, 56:23, 58:10, 58:16, 58:19, 58:23, 58:25, 60:4, 96:6 case [8] - 5:2, 22:15, 50:24, 51:8, 51:11, 53:17, 65:20, 86:9 casual [2] - 32:21, 33:3 categorize [1] - 101:11 caught [1] - 94:4 caused [1] - 71:15 causes [1] - 71:21 CCR [2] - 1:20, 109:23 centrally [1] - 21:18 certain [8] - 13:20, 17:24, 21:1, 23:9, 23:12, 53:7, 53:13, 70:3 certainly [1] - 75:4 certification [4] - 25:9, 93:24, 94:2, 94:5 certifications [1] -	94:6 Certified [1] - 109:4 certified [4] - 1:23, 47:15, 47:18, 47:21 certify [2] - 93:18, 109:6 CERTIFY [2] - 109:9, 109:13 cetera [1] - 106:21 chain [1] - 56:7 Chair [10] - 16:2, 60:21, 61:14, 63:8, 67:10, 69:6, 88:3, 100:3, 103:25, 108:15 CHAIRMAN [73] - 5:2, 5:7, 5:18, 11:5, 11:9, 16:9, 26:12, 29:6, 31:7, 31:10, 31:14, 31:16, 31:18, 34:22, 37:9, 37:16, 38:8, 38:22, 39:1, 52:17, 58:2, 58:22, 60:10, 60:15, 60:17, 60:19, 61:7, 64:23, 65:9, 67:15, 68:14, 68:18, 68:20, 68:22, 69:4, 69:12, 69:14, 70:25, 71:4, 71:6, 71:8, 77:17, 78:3, 78:7, 79:14, 80:25, 83:5, 83:13, 87:15, 87:19, 87:21, 88:17, 88:19, 88:22, 98:2, 98:6, 99:15, 99:20, 99:22, 99:24, 101:19, 101:21, 103:8, 103:12, 103:20, 105:16, 106:2, 107:1, 107:4, 107:6, 107:11, 107:13, 107:21 Chairman [14] - 1:12, 5:4, 5:11, 5:22, 11:7, 11:12, 29:10, 34:19, 38:25, 52:15, 86:13, 86:23, 107:20, 108:5 chance [3] - 17:14, 34:24, 56:11 change [8] - 33:13, 48:12, 48:13, 49:17, 61:1, 73:20, 76:11, 83:6 changed [8] - 15:15, 20:11, 24:9, 36:1, 40:7, 71:19, 72:10, 73:4 changes [6] - 18:9, 19:25, 20:2, 35:7, 94:11, 97:25	changing [2] - 36:23, 72:9 chapter [1] - 38:3 charter [5] - 26:20, 26:22, 26:23, 26:24, 27:4 charters [1] - 87:13 choosing [1] - 105:5 circulation [7] - 14:3, 14:13, 20:12, 20:20, 21:8, 22:24, 23:17 circumstance [1] - 22:15 circumstances [1] - 22:25 clarification [1] - 67:18 Class [1] - 41:7 Clay [3] - 2:17, 59:5, 59:10 clean [1] - 65:21 clear [3] - 40:16, 55:21, 64:19 CLERK [1] - 107:22 click [3] - 56:1, 56:7 click-click [1] - 56:1 client [3] - 15:14, 28:1, 28:7 clientele [2] - 59:6, 59:7 clogged [1] - 50:12 close [4] - 12:7, 60:12, 69:1, 99:18 closest [1] - 39:23 closet [1] - 64:16 CLR [1] - 109:23 club [1] - 102:6 CME [3] - 4:17, 9:8, 9:13 coastal [2] - 45:15, 46:2 Coastal [1] - 68:8 Code [1] - 67:8 code [15] - 41:11, 41:14, 44:17, 46:5, 46:10, 46:18, 46:20, 47:2, 47:3, 47:13, 47:14, 64:20, 68:6, 91:17, 91:20 coincidentally [1] - 80:6 COLETTE [1] - 1:13 colors [1] - 60:25 comfort [2] - 17:24, 59:4 comfortable [6] - 27:17, 59:11, 84:9, 88:15, 99:5, 106:14 coming [8] - 20:7, 36:9, 36:21, 37:16,
--	--	---	--	--

59:8, 66:8, 68:25, 99:3 commencement [1] - 109:6 COMMENCING [1] - 1:8 commending [1] - 105:11 COMMENT [1] - 3:13 comment [2] - 23:5, 52:16 comments [8] - 23:11, 69:15, 100:9, 100:20, 100:21, 103:14, 103:16, 103:24 commercial [1] - 33:6 Commission [5] - 89:2, 99:8, 104:4, 104:10, 104:15 commit [1] - 45:18 commitment [1] - 102:17 commitments [1] - 101:9 community [3] - 12:15, 100:7, 100:19 complained [1] - 98:21 complaints [1] - 98:25 complete [2] - 13:2, 101:7 completed [1] - 88:12 completely [2] - 50:12, 70:19 complex [1] - 12:5 compliance [1] - 28:6 complicated [1] - 13:24 complied [1] - 91:19 complies [1] - 67:7 comply [6] - 24:19, 46:9, 46:21, 46:23, 46:24 compounding [1] - 77:3 computer [1] - 10:11 computers [1] - 10:11 Conceptional [1] - 62:24 Conceptual [5] - 4:9, 62:5, 62:15, 62:23, 63:5 concern [10] - 54:23, 73:19, 73:23, 74:5, 74:17, 75:18, 80:7, 86:11, 86:25, 99:7 concerned [10] - 35:4, 35:15, 36:25, 37:7, 73:2, 75:25, 80:12,	81:14, 89:18, 99:9 concerns [8] - 14:9, 23:21, 28:5, 44:25, 45:1, 76:6, 78:14 conclude [1] - 69:10 concluded [2] - 85:17, 108:18 concludes [1] - 69:9 conclusion [1] - 63:13 concur [1] - 95:7 condemnation [1] - 13:5 condition [3] - 12:6, 46:15, 70:23 conditional [1] - 25:18 conditioned [1] - 68:9 conditions [3] - 46:17, 48:18, 107:9 conducted [2] - 29:24, 69:22 confident [1] - 22:12 configuration [1] - 83:10 configured [1] - 13:8 connect [1] - 41:22 connection [2] - 25:3, 41:21 connections [1] - 25:11 Consent [1] - 101:3 Conservation [1] - 25:1 consider [4] - 16:5, 100:13, 100:15, 101:13 considerable [1] - 29:23 consideration [3] - 49:13, 87:5, 106:20 considered [1] - 106:23 consists [1] - 7:15 construction [15] - 25:3, 25:14, 25:18, 41:10, 46:5, 47:2, 47:5, 49:19, 64:20, 69:18, 69:20, 69:22, 69:24, 69:25, 70:4 construction-level [1] - 25:14 contact [1] - 78:25 contain [1] - 77:25 containers [4] - 46:1, 91:13, 91:16, 91:25 contaminated [1] - 89:3 contamination [1] - 99:10 contents [1] - 63:10 contingent [2] - 103:2,	104:19 CONTINUATION [1] - 1:10 continue [2] - 105:5, 106:8 continued [3] - 16:24, 61:9, 73:21 continues [1] - 106:18 continuing [3] - 35:18, 35:23, 37:6 contribute [2] - 54:17, 60:2 control [1] - 14:12 controlled [3] - 22:25, 23:1, 23:20 copied [1] - 90:1 copies [1] - 13:19 copy [2] - 10:22, 104:16 corner [3] - 18:16, 21:19, 28:17 corners [1] - 77:15 Correct [3] - 8:10, 40:10, 79:22 correct [25] - 9:10, 9:11, 9:24, 11:4, 11:5, 24:2, 24:20, 25:13, 28:23, 28:24, 30:25, 31:6, 40:2, 40:12, 46:6, 53:19, 62:9, 63:4, 64:22, 66:4, 67:6, 76:25, 79:21, 86:24, 102:25 corrected [1] - 8:23 correctly [2] - 86:25, 96:25 cost [1] - 11:23 council [2] - 89:7, 104:5 Council [1] - 47:25 COUNCILMEMBER [13] - 17:10, 17:15, 17:19, 31:15, 60:14, 69:16, 70:5, 70:16, 71:5, 99:21, 105:17, 106:4, 107:19 Councilmember [2] - 1:12, 107:17 councilwoman [3] - 5:12, 5:19, 70:21 counsel [2] - 109:14, 109:17 Counsel [1] - 2:7 count [2] - 95:13, 96:24 counted [1] - 96:3 county [12] - 12:21, 12:25, 13:3, 13:7, 13:12, 13:25, 14:14, 20:2, 20:10, 24:25,	25:7, 25:8 County [1] - 102:5 COUNTY [1] - 1:2 couple [6] - 6:17, 20:2, 21:15, 49:12, 95:17, 104:1 course [9] - 16:19, 18:7, 18:16, 19:13, 19:16, 19:21, 22:4, 83:2, 107:10 COURT [1] - 1:23 court [2] - 11:19, 13:6 Court [3] - 1:23, 109:4, 109:23 covered [1] - 92:13 crafted [1] - 21:22 create [6] - 11:19, 14:23, 18:8, 96:12, 100:5, 105:7 created [2] - 15:1, 37:4 credentials [2] - 15:23, 16:12 credit [2] - 98:3, 98:7 Creek [1] - 50:3 creek [1] - 18:15 crossmember [1] - 30:4 curious [1] - 41:15 customer [1] - 59:16 customers [1] - 106:20	Davidson [1] - 107:18 days [4] - 53:13, 55:13, 80:10, 95:17 deal [1] - 49:22 dealing [4] - 47:6, 73:12, 73:15, 89:9 decide [1] - 93:4 decision [1] - 52:25 dedicate [1] - 26:6 dedicated [4] - 22:2, 26:25, 30:9, 102:18 deficiency [2] - 96:19, 97:7 deficient [1] - 97:3 delineated [3] - 38:4, 43:9, 43:20 delivery [1] - 21:23 demand [3] - 26:7, 27:12, 27:21 Denise [4] - 5:11, 6:13, 10:10, 10:18 DENISE [1] - 1:18 dense [1] - 75:2 DEP [1] - 101:2 department [4] - 44:3, 68:10, 70:2, 102:2 dependent [1] - 67:23 depth [1] - 86:18 describe [2] - 67:19, 96:16 described [2] - 45:10, 60:4 DESCRIPTION [2] - 4:3, 4:16 design [6] - 40:8, 43:1, 43:3, 59:14, 64:21, 96:9 designated [1] - 82:13 designed [5] - 15:7, 21:2, 30:3, 49:16, 64:13 deteriorate [1] - 81:18 develop [1] - 37:6 developed [1] - 16:21 development [3] - 18:10, 104:16, 104:18 devices [1] - 66:7 Dickinson [2] - 33:7, 33:8 diesel [1] - 70:6 difference [4] - 48:11, 57:2, 57:3, 57:20 different [5] - 19:23, 50:1, 51:22, 54:9, 71:14 difficult [1] - 7:24 direct [1] - 69:7 directed [12] - 12:8, 13:6, 42:15, 42:18,
D				
daily [1] - 106:24 damage [3] - 36:1, 46:7, 46:8 Damage [1] - 49:19 damaged [1] - 37:1 dark [2] - 20:13, 39:19 date [13] - 6:7, 6:8, 7:20, 7:24, 8:7, 13:17, 18:22, 28:7, 62:17, 80:13, 81:8, 85:7, 109:12 Dated [1] - 109:25 dated [18] - 4:4, 4:7, 4:8, 4:9, 4:17, 4:18, 7:16, 9:8, 9:13, 9:17, 9:19, 17:7, 17:8, 18:23, 48:19, 62:6, 62:15, 63:6 dates [1] - 101:23 DAVIDSON [14] - 1:12, 17:10, 17:15, 17:19, 31:15, 60:14, 69:16, 70:5, 70:16, 71:5, 99:21, 105:17, 106:4, 107:19				

42:19, 43:17, 43:18, 63:15, 89:23, 90:1, 99:2 directly [1] - 65:24 directs [1] - 102:19 dirt [3] - 36:15, 36:20, 72:19 discuss [2] - 89:16, 91:22 discussed [4] - 15:10, 63:10, 63:11, 91:15 discussing [1] - 15:12 discussion [4] - 20:1, 22:4, 48:24, 103:9 Discussion [1] - 5:17 discussions [1] - 102:3 dissipated [1] - 71:25 District [1] - 25:1 disturb [1] - 101:1 disturbance [2] - 77:15, 100:24 disturbed [5] - 36:22, 76:16, 76:17, 76:20 DO [2] - 109:9, 109:13 dock [8] - 28:18, 28:19, 41:16, 42:2, 42:5, 42:6, 42:12, 42:23 docks [5] - 41:24, 41:25, 42:16, 48:1, 48:2 documented [1] - 90:8 documents [1] - 10:18 DONALD [1] - 1:14 done [11] - 25:23, 35:17, 35:19, 37:2, 37:13, 53:12, 72:3, 72:5, 89:13, 93:24, 103:23 door [2] - 65:19, 65:23 double [2] - 39:13, 66:9 double-park [1] - 39:13 down [18] - 5:21, 18:16, 26:13, 32:24, 40:3, 41:16, 46:17, 52:19, 52:20, 54:1, 65:10, 72:8, 73:1, 75:15, 75:16, 77:5, 92:24, 105:3 downtown [1] - 21:25 dozen [3] - 51:9, 55:17 drain [1] - 71:20 drainage [1] - 73:5 drained [2] - 36:7, 36:9 drawing [2] - 38:20, 39:16	drawings [4] - 38:12, 38:21, 41:18, 48:3 drive [1] - 39:22 driven [3] - 14:13, 27:9, 27:10 driveway [5] - 40:1, 50:7, 50:11, 51:14, 56:23 driveways [1] - 19:15 drop [2] - 53:11, 53:21 dropped [1] - 78:19 due [1] - 78:19 dump [1] - 72:8 dumping [1] - 72:3 dumpster [2] - 80:8, 80:20 duration [1] - 69:19 during [4] - 69:22, 69:24, 70:4, 83:11	9:18, 9:24, 10:22, 11:4 emergency [9] - 20:7, 21:8, 43:8, 43:13, 44:9, 102:1, 102:13, 102:15, 103:6 emphasize [1] - 85:21 employee [2] - 109:14, 109:16 employees [4] - 29:24, 53:24, 67:3, 67:4 empty [1] - 30:15 end [5] - 35:1, 35:3, 35:10, 37:11, 83:14 ended [2] - 20:22, 72:16 enforce [1] - 85:8 enforcement [1] - 55:6 ENGINEER [24] - 9:11, 23:23, 27:1, 29:9, 30:20, 31:3, 40:22, 41:1, 47:20, 58:7, 67:17, 78:21, 79:3, 82:9, 84:11, 84:24, 85:6, 92:13, 94:14, 94:18, 94:23, 95:7, 97:3, 97:18 engineer [9] - 15:23, 16:11, 31:21, 35:6, 36:14, 37:18, 70:1, 78:24, 79:7 Engineer [1] - 1:18 Engineering [1] - 3:5 enjoyed [1] - 75:3 entered [1] - 101:2 entire [3] - 35:12, 76:7, 93:4 entirety [1] - 30:3 entitled [2] - 17:6, 18:21 entrance [3] - 20:3, 64:3, 65:13 environmental [6] - 89:1, 90:16, 90:19, 90:23, 101:4, 101:6 Environmental [5] - 89:2, 99:8, 104:4, 104:10, 104:15 Erickson [2] - 32:19, 33:5 Erikson's [1] - 32:24 Eriksons [1] - 74:11 error [1] - 6:21 ESQUIRE [3] - 1:17, 2:3, 2:3 essentially [1] - 74:20 establish [2] - 98:17, 105:7 established [1] - 59:6 et [1] - 106:21	evaluate [1] - 49:24 evening [6] - 11:13, 11:19, 16:14, 28:9, 70:12, 104:2 evolution [1] - 100:12 exactly [4] - 33:20, 40:17, 41:3, 62:7 examination [2] - 34:15, 34:18 excavation [1] - 77:1 exceeded [1] - 92:16 except [2] - 63:24, 95:16 Excuse [1] - 81:20 excuse [2] - 65:14, 73:10 executive [1] - 16:16 EXHIBIT [2] - 4:3, 4:16 Exhibit [11] - 7:16, 7:19, 9:5, 9:13, 9:16, 9:18, 17:8, 18:23, 39:6, 61:19, 62:4 exhibit [12] - 38:6, 38:7, 61:17, 61:21, 62:3, 62:13, 63:2, 63:5, 97:9, 97:12, 98:12, 98:16 EXHIBITS [1] - 4:25 exhibits [10] - 7:9, 61:12, 61:13, 61:14, 61:25, 93:19, 94:1, 94:3, 94:8, 97:25 existence [1] - 12:3 existing [4] - 14:24, 20:5, 48:18, 100:5 exists [1] - 12:2 exit [1] - 50:6 expand [1] - 48:1 expanded [1] - 36:1 expanding [2] - 76:21, 87:8 expect [1] - 101:10 expense [1] - 11:23 experience [7] - 44:3, 49:25, 51:23, 59:15, 59:25, 60:8 experienced [1] - 73:16 experiences [1] - 54:7 expert [1] - 15:24 expertise [1] - 61:6 explain [1] - 29:18 explanation [1] - 29:20 exposed [1] - 45:24 expressed [1] - 22:13 expressing [1] - 76:6 expressly [1] - 26:21 extended [1] - 13:9 extension [1] - 108:13	extra [2] - 9:2, 10:21 extremely [2] - 92:23, 106:22
F				
facilities [12] - 15:7, 15:11, 15:16, 50:1, 53:19, 60:1, 61:2, 63:14, 63:16, 70:11, 70:15, 76:5 facility [1] - 53:21 fact [11] - 26:10, 35:16, 45:23, 49:11, 54:16, 57:18, 72:6, 75:1, 98:24, 105:11 familiar [5] - 45:22, 59:24, 78:17, 78:20, 78:21 family [1] - 66:8 far [15] - 11:7, 35:3, 35:7, 53:10, 58:14, 71:22, 73:3, 75:5, 78:15, 78:18, 81:19, 82:18, 89:17, 90:10, 106:8 fashion [1] - 16:16 Father's [1] - 59:8 fault [5] - 6:17, 6:21, 7:6, 7:7, 13:23 favor [8] - 31:16, 60:17, 68:20, 69:4, 71:6, 93:5, 99:22, 102:9 favorably [3] - 16:5, 101:14, 106:11 fed [1] - 55:11 feet [6] - 5:20, 48:21, 65:4, 65:6, 65:7, 65:8 fell [2] - 86:3, 86:4 fence [1] - 81:15 few [4] - 32:16, 34:9, 82:19, 87:2 field [1] - 26:7 fighting [1] - 42:6 file [2] - 89:13, 104:13 filed [1] - 92:23 files [1] - 13:19 fill [2] - 77:2, 89:3 filling [7] - 35:17, 36:2, 71:23, 72:9, 100:21, 100:22, 101:5 final [10] - 13:14, 25:7, 25:8, 40:20, 44:13, 45:4, 47:23, 60:22, 71:9, 102:20 finally [2] - 13:24, 71:25				

financially [1] - 109:17 fine [2] - 10:8, 26:19 finished [1] - 88:20 fire [20] - 9:16, 9:24, 12:19, 21:3, 21:4, 21:7, 39:24, 41:6, 41:22, 42:6, 43:10, 43:25, 44:3, 44:6, 44:13, 44:16, 44:19, 44:23, 102:2, 102:19 Fire [2] - 4:18, 9:18 firemen [2] - 44:4, 54:12 firm [1] - 11:14 first [11] - 5:6, 7:3, 7:4, 11:16, 26:18, 36:19, 40:11, 89:1, 92:14, 98:19 fisherman [1] - 33:6 fits [1] - 99:5 five [7] - 16:19, 50:10, 50:12, 51:15, 86:16, 87:16, 87:22 five-minute [3] - 16:19, 86:16, 87:16 fixed [1] - 35:22 fixtures [1] - 64:11 flipped [1] - 80:9 floated [1] - 80:9 floating [3] - 41:8, 41:16, 41:25 flood [15] - 15:11, 15:18, 45:17, 46:2, 46:7, 46:8, 47:2, 49:3, 49:6, 63:14, 63:17, 64:2, 64:19, 66:17 Flood [1] - 49:19 flood-prevention [1] - 47:2 flooded [1] - 49:12 flooding [6] - 48:17, 48:25, 71:17, 90:25, 91:3, 91:7 floodplain [6] - 38:5, 47:16, 47:19, 47:21, 71:19, 73:4 floodplains [1] - 38:5 floods [1] - 80:4 Floor [6] - 4:9, 62:5, 62:15, 62:23, 62:24, 63:6 floor [5] - 15:16, 63:23, 65:7, 67:8 flows [1] - 81:15 flux [1] - 41:17 fob [1] - 56:2 focus [1] - 34:5 focused [3] - 18:12, 18:13, 19:1	follow [3] - 15:25, 22:14, 108:12 follow-through [1] - 108:12 following [1] - 41:5 follows [2] - 16:25, 61:10 food [4] - 14:21, 21:21, 21:24, 22:1 foot [3] - 36:6, 45:17, 64:2 footprint [2] - 19:5, 76:21 FOR [1] - 1:3 Ford [1] - 52:14 foregoing [1] - 109:9 forgot [1] - 27:6 form [1] - 13:14 formal [1] - 25:12 former [1] - 86:1 forth [1] - 109:12 forward [15] - 25:25, 31:20, 31:24, 35:11, 35:21, 37:17, 37:18, 37:21, 69:1, 71:12, 79:15, 81:21, 88:24, 94:8, 99:16 four [7] - 27:3, 50:10, 64:14, 77:14, 80:10, 87:13, 93:10 fourth [1] - 93:2 Fred [3] - 33:25, 36:5, 72:4 free [2] - 64:6, 66:13 Freehold [1] - 25:8 frequency [1] - 91:7 Friday [1] - 85:23 Front [5] - 5:3, 5:8, 18:14, 19:16, 39:23 front [11] - 8:16, 10:3, 10:23, 12:23, 20:2, 20:16, 23:7, 44:5, 44:7, 65:14 FRONT [1] - 1:4 fuel [3] - 28:2, 28:18, 101:24 fueling [9] - 28:1, 28:8, 28:12, 70:11, 92:9, 102:7, 102:10, 103:3, 103:4 full [10] - 12:14, 13:1, 18:8, 42:2, 42:12, 51:16, 80:3, 83:3, 86:1, 100:6 full-service [3] - 12:14, 18:8, 100:6 functional [1] - 41:21 functions [1] - 50:19 FURTHER [2] - 109:9, 109:13	future [1] - 91:6 G gap [1] - 43:5 garage [1] - 15:8 garbage [1] - 80:10 gas [1] - 70:6 general [1] - 71:16 generally [1] - 51:1 generate [1] - 22:11 generating [1] - 96:3 gentleman [1] - 78:14 given [2] - 35:11, 49:13 goal [5] - 12:12, 12:13, 18:8, 87:11, 100:5 God [1] - 32:3 governing [5] - 48:6, 89:12, 89:14, 102:18, 104:6 grading [2] - 76:18, 101:5 grant [1] - 47:13 Granted [1] - 86:3 granted [1] - 13:14 granting [1] - 68:3 gray [1] - 19:11 great [3] - 22:7, 80:11, 97:6 green [3] - 20:9, 57:15, 57:18 Greg [1] - 33:11 Grill [1] - 50:3 ground [6] - 15:16, 36:22, 45:7, 65:7, 80:10, 82:10 Grubhub [2] - 15:1, 21:23 guess [5] - 18:20, 83:8, 96:4, 97:13, 99:7 guidance [6] - 14:21, 71:2, 79:15, 88:23, 99:16, 100:13 gutters [1] - 77:21 guy [1] - 57:17 guys [4] - 13:23, 17:15, 84:16 H half [1] - 51:9 hammering [1] - 91:25 hand [4] - 17:14, 25:9, 95:2, 99:17 handed [1] - 56:16 handicap [3] - 63:21, 64:6, 65:25 handicap-accessible	[2] - 64:6, 65:25 handle [1] - 22:18 handled [1] - 13:10 happy [4] - 52:21, 53:1, 71:16, 106:17 hard [2] - 7:21, 61:12 harmony [1] - 99:6 hazard [2] - 24:17, 64:19 heads [1] - 14:11 hear [4] - 60:12, 87:17, 99:20, 107:2 heard [3] - 5:6, 76:3, 93:1 hearing [9] - 7:4, 11:22, 11:24, 17:23, 18:2, 62:11, 67:13, 69:8, 101:23 HEARING [1] - 1:10 hearings [5] - 13:11, 22:5, 53:8, 93:11, 100:9 heart [1] - 106:23 heavy [1] - 72:25 height [1] - 92:17 Heilbrunn [1] - 11:14 HEILBRUNN [1] - 2:2 held [2] - 5:17, 7:2 help [1] - 32:3 helped [2] - 103:14, 103:16 helpful [1] - 100:14 hereby [1] - 109:6 hereinbefore [1] - 109:12 high [9] - 27:12, 27:22, 50:25, 59:4, 64:24, 65:1, 65:3, 83:3, 102:17 Highway [1] - 2:4 himself [1] - 53:25 historic [1] - 100:21 history [1] - 5:24 hitches [1] - 59:20 hold [2] - 5:13, 78:4 hole [2] - 36:8, 36:10 holiday [5] - 22:16, 23:2, 50:24, 55:16, 86:3 home [3] - 32:17, 104:25, 108:8 homes [1] - 74:13 Honda [2] - 57:15, 57:18 hookup [1] - 44:8 hope [2] - 106:9, 106:22 hoping [3] - 28:4, 83:5, 105:9 Hospital [1] - 50:2	hot [1] - 52:9 hours [1] - 50:10 house [1] - 56:7 huge [3] - 58:3, 58:5 I I.. [1] - 17:2 idea [5] - 21:21, 21:23, 40:21, 57:14, 73:6 ideas [1] - 22:3 identical [2] - 26:8, 39:5 identified [2] - 95:10, 101:15 identify [4] - 52:10, 61:25, 62:2, 63:18 ignored [2] - 34:11, 37:5 illegal [1] - 72:3 illegally [2] - 35:20, 36:3 image [1] - 19:10 immediately [1] - 54:19 impacted [1] - 48:16 impeded [1] - 23:17 implemented [3] - 21:5, 22:3, 100:17 important [6] - 7:5, 14:9, 91:6, 104:7, 106:16, 106:22 impose [1] - 17:22 improvements [1] - 76:20 improves [1] - 20:20 IN [6] - 31:17, 60:18, 68:21, 69:5, 71:7, 99:23 in-depth [1] - 86:18 include [2] - 84:7, 94:22 included [4] - 40:24, 41:2, 97:21, 97:23 including [3] - 95:14, 97:18, 106:20 inconvenience [1] - 52:23 incorporated [4] - 14:14, 14:19, 61:3, 102:20 incorrect [1] - 53:17 increase [5] - 24:17, 48:9, 76:4, 76:5, 87:14 increased [3] - 24:14, 78:16, 94:23 increasing [1] - 87:7 incredible [1] - 106:7 index [1] - 104:12
---	--	---	--	---

indicate ^[1] - 85:16 indicated ^[5] - 26:5, 26:22, 53:19, 54:8, 96:9 indicates ^[2] - 36:10, 48:20 indicator ^[2] - 55:3, 80:11 infestation ^[1] - 71:24 information ^[2] - 78:25, 97:9 informational ^[1] - 104:15 informed ^[1] - 49:5 input ^[6] - 35:3, 38:2, 41:6, 60:5, 98:4, 98:5 inside ^[1] - 65:19 insight ^[1] - 40:14 install ^[2] - 28:19, 43:3 installed ^[1] - 24:16 instance ^[2] - 85:22, 102:1 instead ^[1] - 49:12 instructed ^[1] - 84:4 integrate ^[1] - 40:19 intend ^[3] - 15:20, 22:18, 69:23 intensification ^[1] - 74:19 intention ^[1] - 87:13 interest ^[1] - 28:2 interested ^[1] - 109:17 interesting ^[2] - 48:14, 90:7 interim ^[1] - 6:18 intermediate ^[2] - 64:8, 65:16 International ^[1] - 67:7 interrupt ^[1] - 23:4 interrupted ^[1] - 24:4 interruption ^[2] - 24:5, 24:22 introduce ^[1] - 61:22 introduction ^[1] - 18:7 inward ^[1] - 64:12 issue ^[22] - 15:9, 48:14, 49:18, 55:15, 58:8, 58:21, 73:9, 79:2, 79:8, 79:9, 80:4, 84:12, 89:6, 89:7, 89:8, 90:5, 90:6, 90:8, 90:13, 91:12, 93:10, 99:11 issues ^[16] - 6:18, 6:25, 12:20, 13:2, 14:4, 16:3, 73:16, 74:20, 89:1, 90:16, 90:19, 90:23, 90:24,	91:11, 92:9, 99:1 item ^[2] - 24:24, 92:9 items ^[1] - 50:22 itself ^[3] - 18:13, 41:20, 86:3 J janitor's ^[1] - 64:16 January ^[1] - 90:9 JARED ^[1] - 2:3 JERSEY ^[1] - 1:2 Jersey ^[6] - 1:24, 2:4, 66:14, 101:4, 102:4, 109:5 jet ^[9] - 26:4, 26:5, 26:7, 26:9, 82:12, 82:22, 87:5, 87:12, 99:1 Jim ^[4] - 33:11, 33:25, 36:5, 72:4 Jimmy ^[1] - 33:8 JOANNE ^[1] - 1:15 job ^[1] - 94:6 joined ^[1] - 59:24 Juan ^[1] - 107:4 JUAN ^[1] - 1:14 judge ^[1] - 97:5 July ^[7] - 6:2, 6:7, 6:8, 6:14, 6:15, 7:4, 16:17 july ^[1] - 6:3 June ^[3] - 85:13, 85:17, 86:12 jurisdiction ^[1] - 6:19 K keep ^[4] - 37:3, 58:24, 69:23, 70:3 keeps ^[1] - 35:18 KENNEDY ^[49] - 1:13, 27:3, 27:18, 27:24, 29:1, 31:13, 52:15, 52:18, 54:4, 54:22, 56:5, 66:2, 66:5, 66:15, 66:19, 66:23, 67:4, 71:3, 72:12, 78:10, 78:13, 78:23, 79:6, 80:13, 80:15, 81:20, 81:24, 82:6, 82:14, 82:17, 83:18, 83:21, 84:10, 85:20, 86:19, 86:24, 87:18, 89:10, 98:5, 98:8, 99:19, 101:20, 101:22, 102:12, 102:21, 102:25, 103:25, 105:22, 107:16	Kennedy ^[3] - 80:7, 98:23, 107:15 Kenneth ^[1] - 11:13 KENNETH ^[1] - 2:3 kept ^[2] - 57:18, 63:23 key ^[9] - 22:4, 56:7, 56:15, 56:17, 56:19, 56:21, 56:25, 57:22, 98:18 KEYPORT ^[1] - 1:1 Keyport ^[4] - 47:25, 89:2, 89:12, 98:10 keys ^[10] - 23:1, 50:14, 50:16, 51:5, 55:2, 55:3, 55:7, 55:8, 56:22, 57:22 kind ^[9] - 15:10, 36:11, 36:23, 65:16, 72:15, 73:5, 81:25, 82:24 knowing ^[1] - 16:17 knows ^[3] - 5:23, 12:2, 18:17 kpape@hpnjlaw.com ^[1] - 2:6 KUPB ^[1] - 1:6 L laboratories ^[1] - 64:17 land ^[3] - 30:12, 72:14, 74:9 Lane ^[11] - 3:18, 60:10, 80:1, 88:24, 89:5, 89:15, 90:18, 93:22, 97:12, 98:14, 99:14 LANE ^[76] - 37:25, 38:10, 38:19, 39:10, 39:16, 39:20, 39:25, 40:3, 40:7, 40:11, 40:13, 41:5, 41:13, 42:1, 42:7, 42:11, 42:20, 42:25, 43:5, 43:12, 43:19, 44:2, 44:18, 45:6, 45:14, 46:1, 46:7, 46:14, 47:9, 47:15, 47:24, 48:8, 48:13, 49:8, 49:17, 51:8, 51:13, 51:23, 52:7, 54:5, 55:5, 56:13, 56:18, 56:22, 57:5, 57:8, 57:12, 57:17, 57:21, 59:21, 88:25, 89:22, 90:7, 90:15, 90:23, 91:5, 91:11, 91:23, 92:5, 92:8, 92:18, 93:9, 93:18, 94:7, 94:17, 94:21, 95:9,	96:4, 96:14, 96:18, 97:8, 97:13, 97:24, 98:3, 98:9, 98:18 lane ^[8] - 20:15, 37:20, 37:22, 44:10, 46:4, 50:23, 55:25, 91:15 lanes ^[2] - 43:11, 43:25 large ^[1] - 72:6 last ^[25] - 4:5, 6:1, 6:7, 6:16, 7:13, 7:20, 9:3, 9:5, 9:9, 12:17, 13:15, 14:6, 16:17, 16:22, 24:14, 29:12, 30:21, 32:6, 38:2, 62:11, 75:8, 80:15, 81:4, 98:1, 105:3 lastly ^[1] - 27:25 latest ^[2] - 7:14, 38:12 launches ^[1] - 54:6 lawyer ^[1] - 76:22 layout ^[1] - 24:7 learned ^[3] - 60:8, 100:24, 103:12 lease ^[3] - 83:21, 83:23, 84:7 least ^[3] - 64:2, 64:14, 64:15 leave ^[1] - 55:18 LECKSTEIN ^[128] - 1:17, 5:4, 5:10, 5:15, 5:22, 6:3, 6:6, 6:12, 6:15, 7:12, 7:18, 8:2, 8:6, 8:11, 8:14, 8:17, 8:21, 9:1, 9:7, 9:12, 9:15, 9:21, 10:4, 10:8, 10:13, 10:21, 11:1, 11:6, 11:17, 13:16, 13:21, 17:3, 17:13, 18:3, 28:11, 28:20, 28:25, 31:8, 31:25, 32:5, 32:10, 32:14, 33:19, 33:23, 34:2, 34:4, 34:8, 34:19, 37:22, 38:16, 39:5, 40:15, 40:25, 41:3, 44:10, 44:21, 46:4, 46:8, 46:16, 47:11, 55:25, 56:6, 56:14, 56:20, 57:1, 57:7, 57:11, 57:16, 57:19, 58:1, 58:4, 62:17, 62:20, 62:24, 63:4, 70:21, 73:8, 73:11, 73:15, 73:22, 74:1, 74:4, 74:16, 74:24, 75:11, 75:20, 75:24, 76:13, 79:12, 79:19, 79:23, 80:18, 81:2, 81:5, 81:9,	86:22, 88:1, 88:14, 88:18, 89:5, 89:15, 89:25, 90:10, 90:18, 91:2, 91:8, 91:14, 92:2, 92:7, 92:21, 93:12, 93:21, 94:25, 95:4, 95:19, 95:25, 96:24, 97:4, 97:11, 97:16, 98:14, 99:13, 105:14, 105:19, 105:24, 107:8, 108:9, 108:14 Leckstein ^[2] - 34:14, 101:11 led ^[2] - 6:25, 34:11 left ^[1] - 72:1 length ^[6] - 15:10, 19:7, 22:7, 42:2, 42:12, 48:24 less ^[1] - 48:21 lessee ^[1] - 53:1 letter ^[13] - 4:17, 9:8, 9:9, 9:13, 23:6, 25:9, 67:19, 89:11, 89:16, 89:19, 104:3, 104:19 level ^[27] - 15:11, 17:24, 25:14, 40:11, 45:7, 45:11, 45:19, 48:20, 49:8, 49:14, 49:15, 49:22, 59:5, 64:2, 64:8, 64:12, 64:24, 64:25, 65:6, 65:8, 65:16, 65:25, 66:17, 67:24, 96:6, 96:7 levels ^[2] - 68:1, 96:22 License ^[2] - 1:20, 109:24 life ^[1] - 26:19 lifetime ^[1] - 44:4 lift ^[5] - 64:6, 66:1, 66:2, 66:10, 66:16 lifted ^[1] - 15:15 light ^[2] - 45:14, 49:25 lighter ^[1] - 19:11 likely ^[1] - 70:1 limit ^[2] - 15:18, 34:20 limited ^[1] - 101:15 line ^[1] - 19:17 list ^[1] - 12:22 listened ^[5] - 93:13, 93:15, 93:25, 100:11, 103:13 listening ^[2] - 93:20, 101:17 litigation ^[3] - 13:5, 13:10 live ^[1] - 56:7 lived ^[1] - 32:17 lives ^[1] - 5:20
---	---	--	---	--

LLC [5] - 1:4, 1:23, 2:2, 5:3, 5:8 local [2] - 25:11, 83:24 locate [1] - 56:12 located [1] - 21:18 location [2] - 48:25, 101:25 look [4] - 81:10, 98:12, 106:10, 106:15 looked [3] - 93:19, 93:25, 94:3 looking [5] - 14:22, 67:18, 94:8, 98:15, 100:12 looks [1] - 29:15 Lori [1] - 106:2 LORI [1] - 1:12 lose [1] - 56:3 losing [1] - 56:11 loss [1] - 20:22 LOT [1] - 1:5 LOUIS [2] - 76:25, 77:6 Louis [3] - 3:4, 15:22, 18:5 low [1] - 67:24 lower [3] - 63:23, 64:11, 67:24 lowest [2] - 96:6, 96:7 Luppataong [1] - 18:15	9:17, 14:5, 17:7, 18:22, 23:8, 62:15, 62:19, 86:4 MARINA [1] - 1:5 Marina [4] - 5:8, 48:19, 89:4, 91:25 marina [74] - 11:15, 12:1, 12:2, 12:7, 12:8, 12:9, 12:11, 12:14, 14:25, 15:8, 18:8, 18:13, 19:22, 19:23, 21:25, 22:10, 25:6, 27:8, 27:13, 27:14, 29:13, 29:22, 32:20, 33:3, 33:7, 33:9, 33:12, 33:14, 35:25, 36:6, 48:7, 49:1, 49:3, 50:15, 50:16, 51:2, 52:22, 54:9, 54:20, 55:5, 55:13, 59:10, 59:25, 67:2, 69:18, 69:24, 71:15, 72:5, 72:20, 73:24, 74:8, 75:22, 76:1, 76:10, 76:19, 77:2, 81:23, 82:21, 83:17, 84:3, 84:4, 87:7, 87:8, 92:6, 100:5, 100:6, 100:17, 105:2, 105:3, 105:4, 105:11, 105:12, 106:17 marinas [5] - 22:21, 59:15, 103:22, 104:23, 105:1 Mariner's [2] - 36:16, 72:20 mark [4] - 17:4, 39:4, 62:6, 65:3 MARK [1] - 1:12 marked [9] - 7:17, 9:6, 9:14, 9:20, 17:9, 18:24, 43:9, 44:5, 63:7 Marshal [2] - 4:18, 9:19 marshal [3] - 9:17, 9:24, 44:19 marshal's [2] - 41:6, 44:13 Master [3] - 49:9, 103:21, 104:21 math [1] - 96:25 matter [3] - 17:18, 54:16, 101:12 Mayor [8] - 1:13, 80:7, 84:1, 86:13, 88:3, 98:23, 105:15, 107:15	mayor [9] - 5:12, 5:19, 29:5, 54:7, 59:17, 63:20, 98:19, 104:5, 105:6 MAYOR [48] - 27:3, 27:18, 27:24, 29:1, 31:13, 52:15, 52:18, 54:4, 54:22, 56:5, 66:2, 66:5, 66:15, 66:19, 66:23, 67:4, 71:3, 72:12, 78:10, 78:13, 78:23, 79:6, 80:13, 80:15, 81:20, 81:24, 82:6, 82:14, 82:17, 83:18, 83:21, 84:10, 85:20, 86:19, 86:24, 87:18, 89:10, 98:5, 98:8, 99:19, 101:20, 101:22, 102:12, 102:21, 102:25, 103:25, 105:22, 107:16 mayor's [1] - 21:17 McDermott [3] - 1:13, 107:22, 107:23 mean [10] - 56:1, 56:14, 75:7, 75:12, 86:24, 90:3, 93:23, 97:5, 97:6, 105:19 means [2] - 77:18, 77:20 meantime [1] - 55:20 mechanism [1] - 66:16 meet [4] - 66:11, 66:12, 68:5, 69:25 meeting [10] - 6:1, 6:4, 23:8, 80:6, 80:21, 80:24, 81:5, 84:2, 98:20, 99:9 MEETING [1] - 1:3 meetings [2] - 80:17, 92:14 member [2] - 93:13, 93:15 MEMBER [15] - 5:14, 60:16, 68:17, 68:19, 69:3, 87:20, 103:11, 103:19, 107:3, 107:5, 107:12, 107:23, 107:25, 108:2, 108:4 members [16] - 11:12, 12:23, 16:2, 29:6, 60:6, 63:9, 67:11, 68:14, 86:14, 89:1, 90:4, 93:10, 98:9, 100:3, 103:8, 108:6 MEMBERS [7] - 1:11, 31:17, 60:18, 68:21,	69:5, 71:7, 99:23 memo [3] - 13:8, 14:5, 89:6 memorialized [1] - 101:10 men's [2] - 64:8, 64:15 mention [2] - 24:24, 27:7 mentioned [5] - 20:25, 36:13, 38:3, 90:25, 104:21 met [6] - 10:2, 14:6, 42:13, 43:17, 44:23, 63:10 method [2] - 14:24, 88:13 mezzanine [5] - 15:18, 29:2, 64:23, 65:5, 66:3 MICHAEL [76] - 37:25, 38:10, 38:19, 39:10, 39:16, 39:20, 39:25, 40:3, 40:7, 40:11, 40:13, 41:5, 41:13, 42:1, 42:7, 42:11, 42:20, 42:25, 43:5, 43:12, 43:19, 44:2, 44:18, 45:6, 45:14, 46:1, 46:7, 46:14, 47:9, 47:15, 47:24, 48:8, 48:13, 49:8, 49:17, 51:8, 51:13, 51:23, 52:7, 54:5, 55:5, 56:13, 56:18, 56:22, 57:5, 57:8, 57:12, 57:17, 57:21, 59:21, 88:25, 89:22, 90:7, 90:15, 90:23, 91:5, 91:11, 91:23, 92:5, 92:8, 92:18, 93:9, 93:18, 94:7, 94:17, 94:21, 95:9, 96:4, 96:14, 96:18, 97:8, 97:13, 97:24, 98:3, 98:9, 98:18 Michael [1] - 3:18 microphone [1] - 17:1 mid [2] - 86:4 mid-April [1] - 86:4 mid-March [1] - 86:4 MidAtlantic [1] - 3:5 might [2] - 51:9, 66:8 Millstone [2] - 1:24, 2:4 minor [2] - 14:1, 29:9 minus [1] - 96:25 minute [4] - 16:19, 86:16, 87:16 minutes [3] - 26:16, 53:2, 87:22	misleading [1] - 8:24 misrepresentations [1] - 45:5 mixed [1] - 51:25 MLUL [1] - 85:25 mobile [2] - 27:18, 27:21 mobility [1] - 66:7 modifications [1] - 14:1 Monmouth [1] - 102:5 MONMOUTH [1] - 1:2 month [1] - 49:12 moon [3] - 80:3, 80:4, 83:3 Moore [4] - 33:12, 34:1, 36:5, 72:4 moorings [1] - 102:6 morning [2] - 50:8, 72:8 most [2] - 67:12, 70:1 motion [15] - 31:10, 31:13, 60:12, 60:14, 68:17, 69:1, 71:3, 87:17, 87:18, 99:19, 105:15, 105:22, 105:25, 107:2, 107:3 motors [1] - 33:16 move [6] - 18:20, 20:4, 51:9, 51:15, 51:16, 88:9 moved [8] - 12:18, 21:18, 30:13, 30:15, 51:7, 51:12, 52:11, 88:7 movement [1] - 77:1 movements [1] - 20:6 moves [1] - 50:16 moving [1] - 72:6 MR [15] - 6:3, 8:6, 8:17, 8:20, 9:1, 10:8, 11:6, 13:21, 17:13, 28:25, 32:5, 34:4, 34:8, 40:25, 46:8 multiple [3] - 41:16, 50:4, 98:20 Municipal [1] - 1:18 municipal [2] - 78:24, 86:8 municipality [6] - 89:8, 104:12, 104:24, 105:1, 105:4, 106:21 museum [1] - 86:1 must [3] - 24:16, 38:1, 84:8
M				
machines [1] - 72:6 main [1] - 8:7 maintain [3] - 21:12, 104:23, 105:2 maintained [2] - 22:20, 51:5 maintenance [1] - 47:6 Major [1] - 82:16 major [2] - 96:19, 97:25 mall [1] - 58:5 managed [1] - 23:20 management [6] - 22:22, 50:15, 50:16, 51:7, 52:22, 52:25 manager [4] - 47:16, 47:19, 47:22, 53:15 maneuver [2] - 20:21, 21:10 Marc [1] - 92:18 MARC [1] - 1:17 marc [1] - 38:1 March [18] - 6:1, 8:4, 8:5, 8:7, 8:9, 8:13, 8:14, 8:17, 9:4, 9:8,				
N				
naked [1] - 75:16				

NAME ^[1] - 3:15 name ^[4] - 32:6, 32:8, 79:17 narrative ^[1] - 16:15 natural ^[5] - 32:21, 33:1, 33:3, 104:12 nature ^[1] - 47:8 nautical ^[3] - 15:6, 60:25, 105:9 nearby ^[1] - 21:20 need ^[23] - 5:14, 17:3, 24:10, 25:3, 29:20, 39:3, 44:4, 46:17, 47:1, 52:20, 59:3, 60:7, 65:20, 67:22, 67:25, 68:8, 85:9, 91:10, 91:22, 92:11, 94:12, 94:14, 94:18 needed ^[2] - 7:7, 66:20 needs ^[3] - 49:24, 54:16, 64:4 neighborhood ^[3] - 33:10, 75:19, 77:10 neighbors ^[4] - 106:10, 106:13, 106:19, 106:21 Nellis ^[3] - 10:10, 26:16, 79:1 NELLIS ^[1] - 1:18 never ^[1] - 26:9 NEW ^[1] - 1:2 New ^[6] - 1:24, 2:4, 66:13, 101:4, 102:3, 109:4 new ^[13] - 7:9, 15:5, 19:12, 19:19, 25:15, 38:21, 49:19, 61:21, 62:2, 62:12, 70:14, 76:17, 80:4 newer ^[1] - 8:12 news ^[1] - 97:24 Next ^[1] - 5:2 next ^[3] - 18:12, 18:20, 49:2 nice ^[3] - 33:10, 78:6, 85:23 NICHOLAS ^[1] - 1:15 night ^[2] - 81:4, 93:2 NJ ^[1] - 109:23 NO ^[1] - 1:6 no.. ^[1] - 41:25 nobody ^[1] - 44:2 non ^[2] - 52:1, 52:2 non-valet ^[2] - 52:1, 52:2 none ^[3] - 45:24, 58:10, 105:1 normal ^[2] - 26:19, 57:25	normally ^[1] - 57:21 north ^[2] - 63:24, 65:17 NOT ^[1] - 4:25 not.. ^[2] - 84:24, 98:11 Notary ^[1] - 109:3 note ^[2] - 24:24, 104:7 noted ^[3] - 5:1, 40:18, 50:23 nothing ^[8] - 32:3, 33:3, 37:2, 43:11, 46:12, 49:6, 92:3, 109:8 notice ^[3] - 17:23, 17:25, 97:9 noticed ^[3] - 6:22, 82:19 notification ^[1] - 6:20 notified ^[1] - 55:1 notify ^[1] - 53:24 November ^[1] - 10:17 nuisance ^[1] - 48:16 number ^[16] - 10:16, 21:6, 23:19, 26:17, 30:9, 42:18, 52:4, 52:6, 55:22, 57:23, 59:23, 64:10, 90:25, 97:22, 98:25, 100:8 numbered ^[2] - 57:4, 57:20 numbers ^[2] - 50:25, 65:3	12:20, 21:8, 39:24, 44:24 official's ^[1] - 21:4 officially ^[1] - 85:16 officials ^[2] - 41:22, 69:25 offseason ^[1] - 69:23 on-site ^[14] - 14:3, 14:12, 14:21, 21:21, 23:21, 26:25, 29:23, 29:24, 41:23, 51:5, 82:15, 84:6, 84:15, 101:5 once ^[3] - 9:25, 59:8, 84:18 one ^[57] - 8:12, 8:16, 10:11, 10:19, 10:20, 17:17, 18:20, 19:8, 19:16, 19:18, 19:20, 20:17, 20:23, 21:16, 22:4, 23:5, 24:11, 26:6, 26:13, 27:6, 27:18, 27:21, 31:23, 38:9, 38:11, 38:23, 39:22, 48:15, 50:8, 50:20, 52:8, 54:7, 58:18, 61:16, 61:17, 62:8, 63:11, 65:1, 67:2, 68:25, 72:23, 74:22, 79:25, 83:14, 84:11, 86:5, 92:10, 92:14, 98:24, 99:17, 100:16, 100:20, 101:22, 101:25, 103:21, 106:5 one-way ^[2] - 39:22 ones ^[3] - 23:25, 61:14, 96:23 open ^[6] - 12:20, 31:7, 31:11, 35:2, 68:16, 71:1 operate ^[4] - 22:11, 51:2, 73:24, 105:5 operating ^[1] - 76:1 operation ^[3] - 29:25, 55:8, 105:2 operational ^[4] - 22:22, 69:19, 69:24, 104:25 operations ^[5] - 19:10, 19:21, 53:8, 58:24, 87:8 operative ^[1] - 66:16 operator ^[1] - 29:22 opinion ^[4] - 36:3, 52:21, 71:10, 77:12 opportunity ^[6] - 35:11, 60:5, 69:10, 69:11, 71:9, 86:17 opposed ^[5] - 31:18,	60:19, 68:22, 71:8, 99:24 option ^[2] - 96:8, 103:5 orange ^[1] - 19:3 order ^[4] - 13:6, 17:23, 22:1, 50:5 Order ^[1] - 101:3 orders ^[1] - 15:1 Ordinance ^[2] - 38:4, 49:20 ordinance ^[6] - 46:21, 46:22, 47:3, 48:5, 95:6, 95:15 ordinance?" ^[1] - 46:23 ordinances ^[2] - 46:25, 47:17 organized ^[1] - 22:9 organizing ^[2] - 77:6, 77:8 orientation ^[1] - 14:18 original ^[2] - 37:6, 106:6 originally ^[1] - 21:20 out-of-service ^[1] - 31:4 outline ^[2] - 12:25, 16:6 outside ^[5] - 29:13, 56:6, 63:17, 65:18, 65:24 outstanding ^[2] - 25:4, 25:21 overall ^[4] - 4:7, 17:6, 17:8, 18:10 overflow ^[2] - 30:11, 98:22 overlooked ^[1] - 37:1 overturned ^[3] - 80:20, 80:23, 80:25 overview ^[1] - 16:16 OVIEDO ^[3] - 1:14, 107:3, 107:25 Oviedo ^[1] - 107:24 own ^[2] - 66:22, 88:10 owned ^[5] - 32:20, 33:5, 34:1, 59:22, 72:4 Owner ^[1] - 2:17 owner ^[1] - 101:2 owner/customer ^[1] - 88:7 owners ^[2] - 73:17, 100:22 owns ^[1] - 57:14	P.E ^[3] - 1:18, 3:4, 16:23 p.m ^[4] - 5:1, 87:24, 87:25, 108:18 P.M ^[1] - 1:8 pace ^[1] - 38:2 Pacheco ^[1] - 108:1 PACHECO ^[3] - 1:14, 87:20, 108:2 packet ^[1] - 18:1 packs ^[1] - 26:23 PAGE ^[4] - 3:3, 3:15, 4:3, 4:16 PAPE ^[110] - 2:2, 2:3, 2:3, 6:2, 6:4, 6:10, 7:11, 8:4, 8:9, 8:13, 8:20, 8:25, 10:1, 10:6, 10:9, 10:15, 10:24, 11:11, 11:18, 13:18, 13:22, 16:10, 17:17, 17:21, 18:4, 23:3, 24:3, 24:21, 25:7, 25:19, 26:1, 26:15, 27:2, 27:5, 27:16, 27:25, 28:14, 28:24, 29:4, 29:21, 30:18, 30:25, 34:14, 38:25, 41:9, 42:9, 42:13, 43:2, 43:10, 43:16, 43:22, 44:23, 45:21, 48:23, 49:15, 50:14, 51:4, 51:10, 51:19, 52:6, 52:12, 53:18, 57:24, 59:4, 60:21, 61:11, 61:23, 62:7, 62:10, 63:3, 63:8, 64:18, 67:10, 68:12, 69:6, 69:13, 69:21, 70:10, 70:18, 70:24, 76:12, 76:15, 77:11, 78:2, 82:16, 84:1, 84:22, 84:25, 85:10, 86:13, 86:20, 87:11, 88:3, 88:15, 95:3, 95:5, 95:11, 95:24, 96:1, 96:8, 96:16, 96:20, 97:2, 100:2, 102:11, 102:16, 102:23, 103:7, 108:5, 108:11 Pape ^[13] - 7:8, 9:23, 10:25, 11:10, 11:13, 11:14, 18:7, 53:15, 76:14, 94:25, 99:25, 101:19, 101:22 paper ^[4] - 6:22, 6:23, 75:9 parallel ^[2] - 20:18, 24:1 parcel ^[2] - 19:9,
O				
o'clock ^[1] - 72:7 oath ^[5] - 16:13, 16:15, 37:24, 61:5, 79:24 obligation ^[1] - 17:22 obvious ^[1] - 75:7 obviously ^[8] - 18:25, 20:25, 21:5, 24:25, 30:20, 67:21, 68:9, 84:19 Obviously ^[1] - 86:4 October ^[1] - 7:13 OF ^[4] - 1:1, 1:2, 1:9 off-site ^[3] - 84:5, 84:6, 84:8 offensive ^[1] - 23:13 offer ^[2] - 11:20, 49:16 offered ^[1] - 102:6 office ^[5] - 64:24, 64:25, 67:3, 83:17, 102:5 offices ^[6] - 65:10, 65:12, 65:15, 66:20, 66:21 official ^[5] - 11:21,				
P				
P.C ^[1] - 3:6				

19:17 parcels [1] - 19:8 pardon [1] - 94:17 park [21] - 21:10, 39:13, 39:25, 45:13, 50:8, 51:24, 51:25, 52:8, 54:11, 54:12, 54:20, 55:12, 75:9, 83:24, 84:5, 84:6, 84:8, 86:10, 99:2 parked [10] - 23:2, 51:14, 52:2, 55:4, 55:9, 56:23, 57:6, 57:12, 58:16, 84:20 parking [125] - 14:2, 15:1, 19:12, 19:13, 20:10, 20:14, 20:21, 20:23, 22:6, 22:11, 22:25, 23:10, 23:20, 24:1, 24:7, 24:15, 26:7, 26:8, 29:15, 29:17, 29:24, 29:25, 30:5, 30:9, 30:11, 30:17, 38:15, 38:18, 38:20, 39:11, 39:12, 39:14, 39:15, 40:8, 40:17, 43:8, 43:20, 43:23, 45:12, 48:14, 48:15, 48:20, 48:23, 48:25, 49:2, 49:5, 49:11, 49:14, 49:15, 49:23, 49:25, 50:1, 50:7, 50:18, 51:2, 51:3, 51:24, 52:5, 52:19, 54:14, 54:20, 54:21, 54:25, 55:6, 55:12, 55:21, 56:4, 56:12, 56:24, 57:4, 58:2, 58:6, 58:8, 58:9, 58:12, 58:17, 59:19, 60:1, 60:2, 76:4, 77:18, 80:2, 82:19, 82:20, 82:25, 83:7, 83:10, 84:13, 84:14, 84:15, 84:17, 84:18, 84:20, 84:21, 84:23, 85:4, 85:19, 88:8, 88:11, 94:11, 94:13, 94:14, 94:19, 95:21, 95:22, 96:3, 96:6, 96:10, 96:12, 96:19, 96:21, 97:7, 97:14, 97:19, 97:20, 97:22, 98:13, 99:5, 102:23 parks [1] - 49:4 part [18] - 12:14, 14:4, 14:23, 19:16, 27:12, 44:24, 45:3, 49:2, 58:14, 58:15, 72:13,	72:14, 91:17, 93:22, 94:5, 100:18 parties [1] - 109:15 Partners [1] - 3:5 parts [1] - 66:16 pass [1] - 106:23 passenger [1] - 26:23 past [3] - 73:16, 82:19, 99:1 path [1] - 50:6 paved [1] - 30:5 paving [2] - 77:17, 77:18 pay [1] - 102:14 pending [2] - 25:4, 25:23 people [24] - 30:14, 53:20, 54:17, 54:25, 55:6, 55:11, 55:17, 55:23, 56:9, 59:8, 59:9, 59:23, 75:15, 75:16, 75:19, 82:12, 82:20, 84:3, 84:15, 85:25, 86:10, 105:10, 106:6 per [1] - 43:4 percent [2] - 17:25, 56:9 perception [1] - 59:21 Perez [1] - 3:6 perfect [1] - 22:17 performed [1] - 47:21 perhaps [1] - 66:7 period [4] - 13:9, 69:24, 77:16, 87:4 Perlman [10] - 2:17, 53:19, 53:25, 70:13, 85:10, 86:17, 88:4, 88:8, 100:23, 102:16 Perlman's [1] - 53:24 permanent [1] - 101:12 permission [4] - 11:20, 15:21, 16:7, 61:24 permit [5] - 25:4, 25:14, 25:20, 48:1 permits [6] - 25:3, 25:17, 25:18, 49:19, 90:11, 90:12 permitted [2] - 26:21, 90:21 perpendicular [1] - 20:14 person [1] - 85:12 personal [2] - 52:21, 59:15 personally [1] - 108:7 personnel [2] - 29:23, 81:22	perspective [1] - 59:14 pertain [1] - 90:20 phases [2] - 58:9 photographs [2] - 33:21, 33:24 physically [2] - 74:10, 93:16 pick [2] - 17:2, 81:15 picked [1] - 81:13 picking [1] - 14:18 piece [1] - 70:9 pier [1] - 41:8 piers [2] - 48:1, 48:2 pile [2] - 36:20, 72:19 piled [1] - 36:14 pillings [2] - 41:8, 78:19 pipe [1] - 42:1 place [10] - 13:14, 22:23, 29:14, 34:16, 42:14, 42:17, 53:10, 85:3, 88:5, 109:12 placed [3] - 12:23, 16:13, 24:18 placement [1] - 14:17 Plan [7] - 4:4, 7:16, 38:3, 49:9, 62:23, 103:21, 104:22 plan [35] - 5:6, 7:13, 7:14, 11:15, 11:25, 12:1, 13:13, 14:15, 14:19, 14:23, 15:4, 19:3, 21:2, 25:8, 26:2, 29:5, 30:10, 40:20, 43:21, 45:4, 48:9, 48:19, 52:1, 61:18, 63:19, 69:8, 70:17, 95:8, 99:4, 100:4, 100:16, 101:14, 102:20, 104:17, 108:13 planning [17] - 13:1, 13:3, 13:8, 13:12, 20:13, 60:6, 75:1, 89:8, 89:18, 89:20, 89:21, 89:24, 90:2, 90:4, 90:5, 90:20, 99:11 PLANNING [1] - 1:1 Planning [3] - 1:18, 104:11, 104:13 plans [30] - 21:10, 22:24, 27:25, 28:12, 28:14, 28:16, 28:22, 35:8, 40:16, 40:18, 40:24, 41:2, 41:10, 43:20, 47:7, 47:17, 47:23, 49:21, 49:24, 63:15, 70:8, 70:19,	94:16, 94:20, 97:20, 97:21, 100:11, 100:13, 100:15 Plans [5] - 4:9, 62:5, 62:15, 62:25, 63:6 please.. [1] - 97:12 pleased [1] - 67:12 pleasure [1] - 11:22 plenty [1] - 86:2 plumbing [2] - 42:21 plus [1] - 45:17 POINT [1] - 1:5 point [13] - 12:18, 19:18, 19:20, 24:11, 24:14, 27:7, 37:14, 41:3, 43:14, 44:20, 52:13, 69:15, 94:12 Point [4] - 5:8, 48:19, 89:3, 91:24 pointed [1] - 24:12 pointing [1] - 5:11 points [5] - 16:1, 22:5, 24:6, 26:1, 63:11 police [2] - 70:2, 102:19 Police [1] - 102:4 population [1] - 75:2 portion [2] - 28:12, 63:25 portions [1] - 23:9 positioning [1] - 80:8 positive [2] - 21:13, 101:7 possible [3] - 33:17, 45:9, 101:24 potential [2] - 23:15, 23:19 power [2] - 55:6, 59:22 preference [1] - 14:23 premises [3] - 55:4, 83:24, 84:8 prep [1] - 93:14 prepared [4] - 23:8, 25:22, 28:9, 104:10 present [9] - 29:5, 34:23, 35:12, 48:9, 61:2, 61:12, 62:13, 93:10, 100:16 PRESENT [2] - 1:11, 1:17 presentation [5] - 12:17, 15:20, 16:18, 26:3, 69:7 presented [15] - 14:15, 15:4, 16:4, 21:16, 31:21, 35:7, 40:23, 53:16, 60:23, 60:25, 61:1, 61:15, 61:18, 68:24, 101:16	presenting [4] - 12:10, 12:11, 12:16, 48:6 preserve [1] - 103:22 preserved [1] - 12:7 pressure [1] - 36:9 pretty [2] - 15:3, 65:1 Pretty [1] - 87:1 prevent [1] - 84:15 prevention [1] - 47:2 Prevention [1] - 49:20 previous [3] - 38:9, 73:17, 93:11 previously [11] - 16:24, 19:6, 19:22, 20:9, 37:23, 61:9, 61:13, 64:13, 79:20, 84:16, 109:7 primarily [1] - 19:13 printed [2] - 20:13, 39:19 problem [12] - 34:12, 35:24, 44:19, 54:13, 71:18, 71:21, 72:1, 73:11, 74:15, 82:25, 83:4, 94:11 problems [4] - 33:13, 37:4, 37:6, 71:16 procedural [1] - 11:8 procedure [4] - 22:22, 50:22, 57:25, 67:20 proceeding [1] - 109:10 PROCEEDINGS [1] - 1:9 process [3] - 50:13, 55:19, 103:10 professional [3] - 15:23, 16:11, 60:22 Professional [1] - 109:5 professionals [2] - 100:10, 103:15 program [2] - 51:20, 59:18 prohibited [3] - 43:21, 43:23, 75:13 project [3] - 25:24, 71:10, 82:3 prolonged [1] - 5:24 promote [1] - 105:9 promptly [1] - 11:23 proper [1] - 89:20 properties [2] - 69:20, 77:24 property [22] - 5:21, 13:4, 19:17, 22:19, 22:20, 36:2, 36:25, 44:24, 47:5, 58:24, 58:25, 59:1, 73:17, 74:13, 74:20, 77:2,
---	--	--	--	---

78:1, 85:9, 100:24, 100:25, 101:1, 106:16 proposal [2] - 27:20, 48:7 proposed [4] - 15:5, 16:20, 19:4, 23:9 protect [2] - 44:7, 103:22 protection [1] - 44:6 proud [1] - 106:11 provide [1] - 50:6 provided [6] - 18:1, 26:16, 62:8, 95:5, 95:16, 100:13 provisions [1] - 46:10 Public [1] - 109:3 PUBLIC [2] - 1:10, 3:13 public [18] - 31:7, 31:11, 31:19, 34:24, 35:2, 60:11, 60:13, 68:16, 69:9, 71:1, 71:10, 98:4, 98:10, 99:16, 99:18, 100:10, 102:18 public's [2] - 103:14, 103:15 publish [2] - 17:23, 17:25 publishing [1] - 6:20 pull [1] - 50:17 pump [4] - 27:8, 27:13, 36:8, 43:14 pump-out [1] - 27:8 pumps [1] - 28:19 purchased [2] - 100:23, 104:25 purchaser [1] - 105:2 purpose [2] - 30:24, 43:18 purposes [1] - 102:18 pursuing [1] - 28:2 put [19] - 18:18, 20:10, 23:7, 36:21, 46:17, 53:23, 58:25, 72:19, 75:8, 75:17, 77:5, 81:17, 81:24, 82:1, 83:22, 98:1, 99:17, 104:5, 105:20 puts [3] - 57:22, 81:21, 85:13 putting [5] - 76:10, 76:20, 77:20, 82:5, 86:5	14:16, 29:7, 29:10, 31:9, 34:21, 34:25, 51:20, 52:4, 67:11, 67:16, 68:15, 69:14, 70:25, 88:20 quick [3] - 19:1, 23:24, 108:16 quickly [1] - 18:19 quiet [1] - 33:14 quite [2] - 15:12, 33:6	103:18 rear [1] - 64:3 reason [2] - 12:4, 93:9 reasonable [1] - 45:2 reasons [3] - 21:6, 101:8, 101:13 recap [2] - 19:2, 92:24 receipt [2] - 9:23, 24:7 receive [1] - 89:13 received [1] - 10:17 receiving [1] - 63:9 recently [2] - 85:22, 102:3 receptacle [1] - 14:17 recess [3] - 86:16, 87:23, 87:24 recognize [2] - 49:11, 91:6 recognized [2] - 35:20, 91:9 recommendation [3] - 14:20, 21:5, 21:17 recommended [1] - 40:23 reconstruct [1] - 19:12 record [21] - 5:17, 5:18, 11:18, 11:22, 15:24, 16:12, 24:18, 41:2, 56:5, 64:18, 87:25, 88:1, 89:11, 97:22, 101:9, 101:10, 101:12, 102:7, 104:3, 104:9, 105:13 recused [1] - 1:15 red [1] - 52:13 reduce [2] - 87:11, 87:12 referred [1] - 104:4 referring [2] - 78:18, 86:7 reflect [1] - 60:7 refresher [1] - 16:19 regarding [2] - 89:3, 98:25 Registered [1] - 109:5 regular [4] - 50:5, 50:9, 52:8, 81:16 REGULAR [1] - 1:3 regulation [3] - 45:22, 45:23, 45:25 regulations [1] - 64:20 reiterate [1] - 37:12 reiterating [1] - 86:25 relating [1] - 57:23 relationship [2] - 59:6, 59:10 relative [3] - 90:17, 109:14, 109:16	relief [5] - 15:19, 28:10, 63:13, 64:19, 101:15 relocated [2] - 29:2, 58:19 remain [1] - 100:18 remaining [1] - 16:3 remember [2] - 70:6, 98:19 remind [3] - 16:14, 61:4, 61:5 removal [1] - 67:20 remove [3] - 20:11, 70:18, 70:22 removed [6] - 28:21, 51:12, 66:24, 70:17, 96:11, 96:12 removing [3] - 70:12, 102:9, 103:4 rendering [8] - 4:7, 4:8, 17:6, 17:8, 18:10, 18:12, 18:21, 18:23 renting [1] - 55:1 reorganizing [1] - 77:15 repair [5] - 30:22, 31:1, 31:4, 65:20, 67:23 repeat [1] - 84:3 report [3] - 63:9, 89:2, 90:9 REPORTED [1] - 1:20 Reporter [2] - 109:4, 109:5 reporter [1] - 11:19 REPORTER [1] - 4:25 Reporters [1] - 1:23 Reporting [1] - 109:23 REPORTING [1] - 1:23 representation [1] - 88:16 repurposing [2] - 76:18, 77:16 request [7] - 5:5, 39:23, 43:4, 43:24, 102:12, 103:2 requested [1] - 15:19 requests/ requirements [1] - 12:22 require [2] - 67:21, 95:15 required [5] - 64:20, 90:12, 92:15, 95:25, 96:10 requirement [5] - 27:17, 27:23, 48:5, 49:9, 67:9 requirements [3] -	66:12, 68:6 requires [1] - 38:4 rescue [1] - 102:2 reserve [1] - 75:5 resident [1] - 85:21 residents [3] - 90:25, 98:10, 98:20 resolution [1] - 28:6 resources [2] - 75:6, 104:12 respect [1] - 77:13 responsible [1] - 100:25 responsive [1] - 30:18 rest [1] - 74:9 restaurants [1] - 14:24 rested [1] - 26:2 restoration [1] - 101:5 restricted [1] - 43:7 restroom [2] - 29:1, 64:4 restrooms [3] - 64:5, 66:19, 66:22 result [2] - 13:25, 100:17 resulted [1] - 14:1 resumes [1] - 87:25 RETAINED [1] - 4:25 return [1] - 12:8 returned [1] - 5:19 reusing [1] - 61:18 review [7] - 4:17, 9:8, 9:13, 9:16, 45:4, 47:21, 62:1 Review [2] - 4:18, 9:18 reviewed [2] - 12:5, 24:8 revise [1] - 63:15 Revised [2] - 4:4, 7:16 revised [7] - 4:5, 7:13, 7:20, 9:4, 9:6, 70:8 revisions [5] - 8:8, 14:13, 15:4, 15:22, 16:21 rigid [5] - 41:6, 41:18, 41:21, 42:5, 42:7 rise [1] - 49:8 rising [1] - 49:22 road [4] - 19:19, 52:19, 80:9, 82:5 roadways [1] - 83:25 Robert [2] - 3:17, 79:17 ROBERT [20] - 79:17, 79:22, 79:25, 80:14, 80:16, 80:22, 81:1, 81:3, 81:7, 81:11, 81:22, 82:2, 82:8, 82:11, 82:18, 83:9, 83:15, 83:19, 87:1,
Q				
qualified [1] - 61:5 questions [15] - 12:19,				

88:21 roll [2] - 88:2, 107:14 roll-call [1] - 107:14 room [4] - 64:8, 64:9, 64:13, 64:15 rotated [1] - 50:5 row [1] - 30:3 rows [1] - 30:16 Royster [1] - 108:3 ROYSTER [8] - 1:15, 60:16, 69:3, 103:11, 103:19, 107:5, 107:12, 108:4 RPR [2] - 1:20, 109:23 run [3] - 41:24, 92:6, 106:10 running [1] - 106:19 runoff [2] - 77:19, 77:21	Section [1] - 104:9 section [1] - 20:16 sections [1] - 41:17 secure [2] - 100:6, 100:18 see [21] - 8:19, 14:22, 17:12, 17:16, 17:20, 18:13, 19:4, 19:9, 19:15, 30:7, 31:11, 37:13, 57:6, 58:22, 73:18, 74:10, 79:1, 79:8, 79:9, 85:1, 106:18 seeing [3] - 48:6, 68:25, 99:17 Seeing [1] - 31:23 seem [1] - 35:20 sends [1] - 10:10 sent [3] - 9:25, 10:7, 10:19 separate [1] - 65:13 September [3] - 13:18, 89:11, 104:6 serve [2] - 15:7, 19:14 service [10] - 12:14, 18:8, 19:9, 21:21, 21:24, 25:2, 29:11, 29:13, 31:4, 100:6 served [1] - 25:14 services [6] - 19:23, 27:8, 27:12, 100:7, 102:13, 103:6 SESSA [74] - 1:12, 5:2, 5:7, 5:18, 11:5, 11:9, 16:9, 26:12, 29:6, 31:7, 31:10, 31:14, 31:16, 31:18, 34:22, 37:9, 37:16, 38:8, 38:22, 39:1, 52:17, 58:2, 58:22, 60:10, 60:15, 60:17, 60:19, 61:7, 64:23, 65:9, 67:15, 68:14, 68:18, 68:20, 68:22, 69:4, 69:12, 69:14, 70:25, 71:4, 71:6, 71:8, 77:17, 78:3, 78:7, 79:14, 80:25, 83:5, 83:13, 87:15, 87:19, 87:21, 88:17, 88:19, 88:22, 98:2, 98:6, 99:15, 99:20, 99:22, 99:24, 101:19, 101:21, 103:8, 103:12, 103:20, 105:16, 106:2, 107:1, 107:4, 107:6, 107:11, 107:13, 107:21 Sessa [1] - 107:20	set [8] - 28:17, 38:12, 38:13, 38:21, 40:20, 52:3, 85:6, 109:12 setting [1] - 33:3 sewer [2] - 25:11, 25:16 shall [2] - 22:20, 104:14 shape [2] - 103:14, 103:16 share [2] - 17:19, 91:24 shared [3] - 59:5, 75:5, 100:10 Sheet [4] - 4:9, 62:5, 62:14, 63:6 sheet [2] - 40:23, 63:1 sheets [9] - 4:4, 4:6, 7:15, 8:15, 8:18, 8:22, 8:24, 9:2 sheriff's [2] - 102:4, 102:5 shifting [1] - 72:10 shop [1] - 65:20 short [3] - 12:22, 97:15, 97:19 shot [2] - 59:3, 103:18 show [10] - 5:18, 10:19, 18:11, 18:18, 22:17, 28:16, 33:16, 33:20, 38:14 showed [1] - 19:1 showers [2] - 64:15, 64:16 showing [4] - 21:9, 22:24, 48:7, 81:14 shown [1] - 30:10 shows [4] - 38:20, 40:20, 75:18 shrinking [1] - 87:9 side [3] - 50:7, 65:17 sign [2] - 47:16, 102:17 signage [1] - 84:5 significant [1] - 98:25 similar [1] - 12:13 single [9] - 19:18, 47:2, 56:1, 92:25, 93:7, 93:14, 95:13, 96:2 sinks [1] - 64:14 sit [3] - 10:3, 35:9, 92:24 Site [4] - 4:4, 4:8, 7:16, 38:3 site [81] - 5:6, 7:13, 7:14, 11:15, 11:25, 12:1, 13:7, 13:13, 14:1, 14:3, 14:7, 14:12, 14:21, 14:23,	15:2, 15:4, 15:22, 16:20, 18:9, 18:17, 18:21, 18:23, 19:7, 19:19, 20:20, 21:11, 21:21, 22:6, 22:10, 22:23, 23:21, 25:1, 25:8, 26:2, 26:25, 28:2, 29:23, 29:24, 40:20, 40:24, 41:2, 41:23, 43:17, 43:19, 43:21, 47:7, 48:19, 51:5, 53:14, 69:7, 70:3, 70:17, 73:24, 74:18, 74:19, 76:5, 76:10, 76:18, 76:19, 82:15, 84:5, 84:6, 84:8, 84:15, 89:4, 90:22, 91:1, 91:4, 94:15, 94:19, 95:8, 97:21, 99:10, 100:4, 101:5, 101:14, 104:17, 108:13 sites [1] - 51:22 sits [1] - 30:7 sitting [1] - 46:19 situation [4] - 71:17, 77:9, 79:10, 86:11 situations [1] - 71:14 six [4] - 8:18, 26:23, 51:15 six-packs [1] - 26:23 six-passenger [1] - 26:23 size [5] - 27:9, 27:10, 66:5, 67:8, 87:9 sized [1] - 24:17 SK-1 [1] - 62:5 SK-1A [4] - 4:9, 62:14, 63:1, 63:6 ski [3] - 26:5, 26:7, 82:12 skis [6] - 26:5, 26:9, 82:22, 87:5, 87:12, 99:2 slightly [1] - 17:11 slip [5] - 95:13, 96:2, 96:3, 102:15 slips [15] - 18:18, 19:23, 26:6, 26:25, 27:1, 27:2, 27:11, 48:1, 48:3, 48:9, 55:1, 64:13, 87:6, 101:25, 102:18 slow [1] - 96:5 small [3] - 28:18, 32:20, 33:3 smaller [1] - 17:13 smart [1] - 106:19 snowing [1] - 86:5 Soil [2] - 24:25, 25:8	sold [1] - 33:7 solution [4] - 54:19, 58:23, 59:2, 67:14 solve [1] - 94:11 someone [7] - 29:13, 52:21, 56:11, 59:7, 64:4, 65:20, 73:7 someplace [2] - 77:19, 77:22 somewhere [1] - 52:23 son [1] - 79:21 soon [2] - 23:6, 86:15 sorry [7] - 17:4, 17:10, 33:22, 55:5, 62:18, 81:8, 95:23 sort [8] - 18:11, 19:2, 19:8, 22:14, 23:19, 24:24, 25:23, 36:4 sounded [1] - 105:20 sounds [5] - 45:6, 78:16, 82:2, 87:7, 94:10 Space [1] - 57:13 space [10] - 15:1, 15:8, 20:23, 50:5, 52:19, 57:10, 58:17, 95:13, 96:12, 96:15 spaces [35] - 20:10, 20:18, 20:19, 20:24, 21:12, 22:8, 22:12, 23:16, 30:9, 39:11, 40:21, 52:5, 55:23, 56:24, 57:4, 58:11, 58:12, 58:13, 58:16, 59:16, 83:7, 84:21, 94:24, 95:10, 95:11, 95:21, 96:10, 96:13, 97:3, 97:4, 97:15, 97:20, 97:21, 97:22 spam [2] - 10:12, 10:20 speaking [1] - 51:1 special [1] - 46:2 specific [2] - 12:22, 46:18 specifically [1] - 93:23 specified [1] - 31:2 spelling [1] - 32:6 spent [4] - 14:7, 14:8, 15:12, 44:24 spill [1] - 59:1 spoken [1] - 29:11 spot [5] - 21:23, 22:2, 53:1, 57:23, 105:20 spots [3] - 50:9, 52:8, 83:20 spotted [1] - 101:2 spring [1] - 62:11 sprinkler [4] - 14:10,
S				
safe [1] - 70:3 safety [2] - 21:6, 23:21 sailboats [1] - 59:22 sake [1] - 91:20 Salt [1] - 50:2 sanitary [8] - 15:7, 15:10, 15:15, 27:13, 27:15, 61:2, 63:14, 63:16 satellite [1] - 58:11 satisfy [2] - 23:20, 54:15 saw [1] - 13:15 scenario [5] - 38:23, 38:24, 39:8, 57:2, 58:13 scenarios [1] - 22:18 scheme [3] - 15:6, 54:14, 60:25 sea [2] - 49:8, 49:22 season [4] - 50:24, 85:11, 85:16, 88:6 Second [3] - 71:5, 87:19, 87:20 second [20] - 5:13, 6:11, 23:5, 24:11, 31:14, 31:15, 60:15, 60:16, 60:22, 68:18, 68:19, 69:2, 69:3, 71:4, 99:20, 99:21, 105:17, 107:5, 107:11, 107:12 secretary [1] - 18:1 Secretary [1] - 1:18 SECRETARY [8] - 6:14, 10:25, 107:15, 107:17, 107:20, 107:24, 108:1, 108:3				

14:11, 24:15, 25:16 sprinklers [2] - 21:3 stabilized [1] - 30:4 stacking [2] - 23:15, 95:22 staffing [1] - 50:19 stage [1] - 34:15 staging [1] - 69:18 stair [1] - 65:24 stairs [2] - 64:5, 67:5 stall [2] - 14:2, 96:3 stand [1] - 108:7 standard [3] - 50:22, 96:15, 96:22 standards [1] - 68:7 standing [1] - 77:14 standpipe [11] - 41:7, 41:18, 41:20, 42:5, 42:8, 42:10, 43:1, 43:3, 43:6, 43:15, 44:8 start [3] - 36:15, 72:19, 85:7 started [4] - 33:13, 33:14, 33:15, 71:22 state [3] - 32:5, 90:11, 104:2 STATE [1] - 1:2 State [6] - 2:4, 101:3, 102:4, 104:8, 109:4, 109:23 statement [4] - 70:20, 77:12, 84:7, 84:16 statements [4] - 76:22, 76:23, 77:13, 84:2 station [3] - 28:1, 28:2, 28:8 stationary [1] - 27:19 stations [1] - 50:2 status [1] - 90:9 Statute [1] - 104:8 stay [3] - 23:23, 24:4, 105:12 stenographically [1] - 109:11 STENOGRAPHICAL LY [1] - 1:20 step [2] - 65:10, 101:7 stepped [1] - 5:21 steps [1] - 65:15 Steve [2] - 15:25, 29:4 Steven [2] - 3:6, 60:22 still [25] - 23:20, 25:14, 33:9, 37:24, 48:21, 61:15, 66:25, 67:4, 67:22, 68:1, 68:4, 68:5, 68:6, 68:8, 70:7, 79:24, 82:23, 82:24, 83:1,	83:11, 94:18, 96:18, 102:10, 103:5 stipulate [1] - 91:9 stipulated [1] - 91:3 stop [3] - 74:2, 75:22, 79:1 storage [15] - 19:14, 28:18, 29:16, 29:18, 30:7, 30:23, 45:12, 83:1, 84:23, 84:25, 85:5, 85:7, 88:12, 95:14, 96:5 store [1] - 102:15 stored [5] - 30:22, 84:13, 84:14, 84:17, 85:18 stores [1] - 44:5 storm [2] - 55:16, 92:1 stream [1] - 79:9 Street [15] - 3:16, 3:17, 5:3, 5:8, 18:14, 19:16, 32:13, 39:23, 54:11, 54:12, 60:3, 75:10, 79:18, 82:20, 99:2 STREET [1] - 1:4 street [2] - 54:25, 75:17 streets [2] - 55:9, 59:2 strict [3] - 87:22, 96:1 strip [1] - 75:16 striped [8] - 19:12, 20:24, 21:11, 22:8, 44:6, 95:21, 96:22, 97:18 stroller [1] - 66:9 structure [7] - 64:1, 65:5, 76:11, 82:12, 92:11, 92:12, 92:16 structures [2] - 47:10, 47:12 stuff [4] - 35:19, 74:7, 77:4, 81:12 subcode [2] - 66:13 Subdivision [1] - 38:4 subdivision [2] - 13:13, 25:8 subject [5] - 13:4, 41:12, 44:12, 47:12, 48:25 submit [2] - 47:23, 104:18 submitted [2] - 24:9, 104:10 substantial [1] - 94:11 substantially [1] - 99:4 substantive [1] - 16:17 successful [1] - 12:14	sudden [2] - 33:15, 55:17 sufficient [3] - 22:12, 25:2, 97:6 suggest [1] - 34:5 suggestion [1] - 14:21 suits [1] - 75:17 sum [1] - 69:11 summarize [3] - 74:17, 99:7, 100:1 summary [1] - 15:3 summer [1] - 14:6 sump [3] - 36:8, 36:10 superior [1] - 14:3 supplies [1] - 22:1 supply [1] - 25:15 support [1] - 40:8 suppression [1] - 21:4 surely [1] - 102:11 surprised [1] - 99:10 surround [1] - 106:13 swear [2] - 32:1 sworn [5] - 16:12, 16:24, 37:23, 61:9, 109:7 system [8] - 24:16, 27:15, 36:12, 59:11, 72:16, 88:5, 88:9, 95:18 systems [4] - 14:10, 14:11, 25:16, 41:24	23:15, 30:11, 43:7 Terrace [1] - 1:24 testified [3] - 35:10, 79:20, 95:20 testify [3] - 16:1, 76:23, 109:7 testifying [2] - 16:24, 61:9 testimony [7] - 32:1, 53:16, 54:3, 54:24, 76:3, 95:12, 95:16 THE [54] - 7:25, 8:3, 8:10, 17:1, 17:5, 18:5, 18:25, 24:2, 24:20, 24:23, 25:13, 25:22, 27:6, 27:20, 28:15, 28:23, 30:2, 31:1, 31:6, 39:3, 39:8, 39:12, 39:18, 39:21, 40:2, 40:5, 40:10, 40:12, 40:19, 41:20, 42:4, 42:24, 45:9, 48:4, 48:10, 50:20, 59:13, 61:17, 62:4, 62:9, 62:12, 62:19, 62:22, 63:1, 63:22, 64:22, 64:25, 65:11, 66:4, 66:11, 66:18, 66:21, 66:25, 67:6 the.. [1] - 107:7 third [4] - 53:5, 58:12, 58:18, 98:12 three [14] - 8:18, 8:19, 8:20, 8:21, 8:24, 9:2, 16:19, 38:24, 58:9, 64:14, 64:16, 64:17, 71:24, 85:22 three-day [1] - 85:22 threw [1] - 38:1 throughout [2] - 22:5, 69:19 thrown [1] - 38:11 THURSDAY [1] - 1:8 tide [1] - 83:3 tie [1] - 43:14 tier [1] - 53:6 to.. [1] - 5:14 today [7] - 34:6, 34:11, 56:1, 56:10, 61:18, 61:22, 62:13 together [2] - 82:5, 98:1 toilets [2] - 64:14, 64:15 tonight [7] - 7:1, 73:12, 73:13, 73:23, 92:22, 100:12, 106:9 tonight's [1] - 17:23 Tony [3] - 4:18, 9:17,	9:19 took [5] - 6:5, 13:1, 13:14, 33:12, 63:25 tools [1] - 88:12 top [2] - 14:12, 28:16 topography [1] - 72:12 total [1] - 95:22 toward [1] - 103:23 town [7] - 14:24, 44:5, 49:16, 75:6, 105:7, 106:12, 106:18 Township [2] - 1:24, 2:4 track [1] - 57:18 trailers [1] - 86:2 train [1] - 50:2 TRANSCRIPT [1] - 1:9 transcript [4] - 11:20, 11:21, 11:24, 109:10 transition [1] - 87:3 transpired [2] - 6:18, 33:17 trash [4] - 14:17, 14:18, 21:17, 81:15 tremendous [1] - 22:9 tremendously [1] - 27:11 Trevor [7] - 9:9, 29:8, 47:18, 67:13, 67:16, 78:13, 94:12 TREVOR [1] - 1:18 true [2] - 48:22, 109:10 truth [7] - 32:2, 32:3, 98:2, 109:8 try [1] - 108:16 trying [9] - 42:20, 54:13, 66:9, 76:2, 76:4, 98:17, 105:7, 105:11 turn [5] - 17:11, 20:11, 55:2, 55:3, 105:15 Turning [2] - 4:5, 9:5 turning [5] - 7:19, 9:4, 20:6, 21:9, 39:9 Two [1] - 27:2 two [30] - 5:5, 7:9, 13:2, 17:5, 19:8, 19:15, 20:10, 20:14, 20:19, 26:1, 26:20, 26:22, 26:25, 27:1, 27:5, 29:9, 40:20, 48:18, 55:17, 58:9, 64:14, 64:15, 64:16, 71:24, 87:13, 96:22, 101:25, 102:17, 104:25 two-way [1] - 20:14 types [1] - 53:10
T				
T's [1] - 42:22 table [3] - 78:16, 79:2, 79:8 tank [2] - 27:13, 28:17 tanker [1] - 43:14 tanks [2] - 70:6 tapes [4] - 93:14, 93:15, 93:20, 93:25 tarps [6] - 81:17, 81:21, 82:1, 82:7, 82:9, 82:15 Taylor [3] - 30:19, 63:10, 78:24 TAYLOR [1] - 1:18 technically [2] - 25:17, 67:25 Tel [1] - 1:25 template [4] - 7:19, 9:4, 21:9, 39:9 Template [2] - 4:5, 9:5 temporary [1] - 82:15 ten [1] - 87:16 ten-minute [1] - 87:16 tenets [1] - 103:21 terms [7] - 19:22, 19:25, 20:6, 20:20,				

typically [1] - 19:10	V	voice [1] - 71:10 voiced [1] - 80:7 volition [1] - 88:10 volunteer [1] - 102:14 vote [2] - 69:11, 88:23	weekly [1] - 49:12 welcome [2] - 11:9, 18:4 well-delineated [1] - 38:4 well-documented [1] - 90:8 Weseloski [2] - 36:13, 72:24 WEST [1] - 1:4 West [3] - 5:3, 5:8, 18:14 western [1] - 58:15 wetlands [2] - 42:22, 71:23 where.. [1] - 94:24 whole [12] - 10:18, 32:2, 51:4, 52:3, 72:10, 72:11, 75:15, 76:11, 82:3, 93:4, 109:8 wider [1] - 20:4 wildlife [1] - 33:1 WILLIAM [1] - 1:13 winter [9] - 19:14, 30:7, 45:12, 84:22, 84:25, 85:4, 85:7, 85:16, 88:11 Winter [1] - 84:24 wintertime [1] - 19:13 wish [1] - 106:1 withdraw [1] - 28:3 withdrawn [1] - 92:8 witness [6] - 34:15, 34:18, 34:23, 34:25, 35:1, 60:22 WITNESS [54] - 7:25, 8:3, 8:10, 17:1, 17:5, 18:5, 18:25, 24:2, 24:20, 24:23, 25:13, 25:22, 27:6, 27:20, 28:15, 28:23, 30:2, 31:1, 31:6, 39:3, 39:8, 39:12, 39:18, 39:21, 40:2, 40:5, 40:10, 40:12, 40:19, 41:20, 42:4, 42:24, 45:9, 48:4, 48:10, 50:20, 59:13, 61:17, 62:4, 62:9, 62:12, 62:19, 62:22, 63:1, 63:22, 64:22, 64:25, 65:11, 66:4, 66:11, 66:18, 66:21, 66:25, 67:6 WITNESSES [1] - 3:3 witnesses [2] - 35:10, 109:7 women's [2] - 64:9, 64:13	words [1] - 96:17 works [2] - 51:22, 59:20 workspace [1] - 67:5 worry [1] - 106:12 worst [2] - 51:8, 51:11 wow [1] - 81:2 wrap [1] - 92:19 written [1] - 63:9
U	V-bump [1] - 30:8 valet [47] - 23:9, 24:13, 29:11, 29:17, 29:23, 38:14, 38:18, 38:20, 39:10, 40:17, 49:23, 49:24, 49:25, 50:19, 51:3, 51:20, 51:24, 52:1, 52:2, 52:10, 54:14, 55:8, 55:21, 55:23, 56:13, 56:15, 56:16, 56:18, 56:19, 56:21, 56:22, 56:24, 57:9, 57:17, 57:22, 58:8, 58:9, 58:17, 58:19, 59:16, 60:1, 95:18, 96:23, 97:19, 97:20 valid [1] - 86:11 valuable [1] - 100:14 variance [13] - 67:19, 67:22, 67:25, 68:3, 68:8, 92:15, 94:13, 94:15, 94:19, 94:22, 96:19, 101:15 variances [6] - 46:25, 92:12, 92:20, 92:22, 95:1 Vecchio [11] - 4:18, 5:16, 5:20, 9:17, 9:19, 14:7, 14:14, 23:16, 24:6, 42:14, 43:17 VECCHIO [2] - 1:15, 5:14 Vecchio's [4] - 14:4, 23:6, 23:11, 43:4 vehicle [4] - 24:8, 49:5, 102:2, 102:15 vehicles [16] - 20:7, 21:9, 21:11, 22:19, 23:1, 23:15, 24:15, 24:17, 29:16, 39:13, 43:8, 43:13, 44:9 versions [1] - 17:14 versus [1] - 83:1 vestibule [1] - 65:15 viable [2] - 100:6, 100:16 vibrant [1] - 12:14 view [1] - 18:15 Village [2] - 36:16, 72:20 violation [2] - 46:11, 46:12 virtual [1] - 62:10 visible [1] - 80:8 visitors [1] - 84:4 vocally [1] - 98:21	W wait [1] - 35:9 waiting [4] - 31:4, 31:5, 55:21, 70:8 waive [2] - 44:16, 91:18 waivers [2] - 47:13, 47:14 waiving [1] - 46:10 walk [1] - 32:23 walking [2] - 42:15, 82:21 wants [2] - 22:17, 31:20 Washington [11] - 3:16, 3:17, 32:12, 54:11, 55:7, 60:3, 75:9, 79:18, 82:20, 98:22, 99:2 watch [1] - 106:7 watched [1] - 32:18 water [49] - 25:10, 25:16, 30:14, 32:24, 33:2, 36:6, 36:9, 36:11, 36:16, 36:18, 36:24, 41:24, 42:4, 43:15, 49:1, 53:4, 53:11, 53:22, 53:24, 54:2, 65:3, 67:23, 71:22, 71:24, 72:2, 72:16, 72:17, 72:20, 72:22, 72:25, 74:14, 77:25, 78:16, 79:2, 79:4, 79:8, 83:2, 85:13, 85:14, 85:19, 86:2, 86:6, 88:8, 88:9, 96:2, 102:2, 105:8, 105:10 water-dependent [1] - 67:23 watercraft [1] - 102:1 waterfront [3] - 104:24, 105:4, 105:7 waterway [2] - 36:4, 78:18 ways [1] - 30:5 weather [3] - 22:16, 55:20, 85:24 weekend [5] - 22:16, 55:16, 85:22, 86:3, 86:7 weekends [3] - 23:2, 82:19, 87:2	WEST [1] - 1:4 West [3] - 5:3, 5:8, 18:14 western [1] - 58:15 wetlands [2] - 42:22, 71:23 where.. [1] - 94:24 whole [12] - 10:18, 32:2, 51:4, 52:3, 72:10, 72:11, 75:15, 76:11, 82:3, 93:4, 109:8 wider [1] - 20:4 wildlife [1] - 33:1 WILLIAM [1] - 1:13 winter [9] - 19:14, 30:7, 45:12, 84:22, 84:25, 85:4, 85:7, 85:16, 88:11 Winter [1] - 84:24 wintertime [1] - 19:13 wish [1] - 106:1 withdraw [1] - 28:3 withdrawn [1] - 92:8 witness [6] - 34:15, 34:18, 34:23, 34:25, 35:1, 60:22 WITNESS [54] - 7:25, 8:3, 8:10, 17:1, 17:5, 18:5, 18:25, 24:2, 24:20, 24:23, 25:13, 25:22, 27:6, 27:20, 28:15, 28:23, 30:2, 31:1, 31:6, 39:3, 39:8, 39:12, 39:18, 39:21, 40:2, 40:5, 40:10, 40:12, 40:19, 41:20, 42:4, 42:24, 45:9, 48:4, 48:10, 50:20, 59:13, 61:17, 62:4, 62:9, 62:12, 62:19, 62:22, 63:1, 63:22, 64:22, 64:25, 65:11, 66:4, 66:11, 66:18, 66:21, 66:25, 67:6 WITNESSES [1] - 3:3 witnesses [2] - 35:10, 109:7 women's [2] - 64:9, 64:13	Y Y-U-N-K-E-R [1] - 32:9 yacht [1] - 102:5 yanked [1] - 6:19 yard [2] - 32:23, 32:24 yards [2] - 74:12, 82:21 year [7] - 26:18, 46:19, 75:8, 80:15, 95:17, 98:1 years [12] - 13:2, 32:17, 34:9, 34:12, 35:17, 37:2, 49:10, 59:23, 71:13, 71:24, 75:3, 78:19 youth [1] - 105:8 YUNKER [52] - 32:4, 32:8, 32:12, 32:16, 33:22, 33:25, 34:3, 34:7, 34:10, 35:14, 37:15, 71:13, 72:13, 73:10, 73:14, 73:18, 73:25, 74:3, 74:6, 74:22, 74:25, 75:14, 75:23, 76:9, 77:3, 77:8, 78:5, 78:9, 78:12, 79:4, 79:11, 79:13, 79:17, 79:22, 79:25, 80:14, 80:16, 80:22, 81:1, 81:3, 81:7, 81:11, 81:22, 82:2, 82:8, 82:11, 82:18, 83:9, 83:15, 83:19, 87:1, 88:21 yunker [3] - 71:11, 73:8, 75:20 Yunker [6] - 3:16, 3:17, 32:9, 79:18, 79:19, 88:19
			Z zone [6] - 45:15, 46:2, 46:3, 63:14, 63:17 Zone [2] - 68:7, 68:8 zoning [5] - 47:4, 47:6, 47:7, 90:6, 90:20 Zoom [1] - 80:16	

ZUEGNER [2] - 76:25,
77:6

Zuegner [13] - 3:4,
15:22, 16:11, 18:5,
26:3, 29:7, 30:1,
31:12, 31:21, 37:19,
38:17, 60:12, 60:20