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2
3
4
5
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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :
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TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES
Monday, September 12, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MATT SONTZ, MEMBER

5

CAROL MOLNAR, MEMBER

6

SAMUEL REISEN, SECOND ALTERNATE

7

- - -

8

DON SAMMET, TOWN PLANNER

9

10 A B S E N T:

11

MICHAEL COHEN, MEMBER

12

ALLYSON HROBLAK, MEMBER

13

ELDY PAVON, MEMBER

14

CHARLES GELINAS, FIRST ALTERNATE

15

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

17

WELLS, JAWORSKI & LIEBMAN, LLP

18

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

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16
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18
19
20
21
22
23
24
25

- - -
I N D E X
- - -

STATEMENT BY THE CHAIRMAN	8
ROLL CALL	9
APPROVAL OF MINUTES: AUGUST 9, 2022	11
ADOPTION OF RESOLUTIONS: 315 WYCHWOOD ROAD (CARRIED 09/19/2022 SPECIAL MEETING)	12

- - -
A P P L I C A T I O N S
- - -

WITHDRAWN

NONE

CARRIED

ZBA 21-036 (CARRIED TO 10/12/2022) BOHDAN AND OLENA KIYKO 935 CLEVELAND AVENUE	12
--	----

ZBA 22-016 (CARRIED TO 10/19/2022) MICHAEL MORIARTY 318 BELMAR PLACE	97
--	----

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

- - -
(CARRIED FROM 08/09/2022)
- - -

ZBA 21-065
LETICIA BURGOON
308 HYSLIP AVENUE 12

WITNESS PAGE

JEFFERY BURGOON 14
LETICIA BURGOON 14

KATHERINE GIOIA 25

EXHIBIT DESCRIPTION PAGE

A-1 APPLICANT'S STATEMENT AND
SUMMARY OF PROPOSED CHANGES 15

*MOTION TO APPROVE APPLICATIO
WITH CONDITIONS 36

- - -

ZBA 22-006
KAI CHUNG HO
732 TAMAQUES WAY 37

WITNESS PAGE

KAI CHUNG HO 38
CINDY BOERNER LAY 41

NEIL PATEL 58

EXHIBIT DESCRIPTION PAGE

NONE

*MOTION TO APPROVE APPLICATION
WITH CONDITIONS 63

- - -

1			
2	ZBA 22-013		
3	MARK CASSIDY		
	110 HAMILTON AVENUE		64
4	<u>WITNESS</u>		<u>PAGE</u>
5	MARK CASSIDY		65
6	MELISSA CASSIDY		65
	DAVID BAILEY		67
7			
8	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
9	A-1	PHOTO SET OF NEIGHBORING HOMES	79
10		<i>*MOTION TO APPROVE APPLICATION</i>	
11		<i>WITH CONDITIONS</i>	94
12		- - -	
13			
14	ZBA 21-059		
15	BRIAN O'CONNOR		
	322 PARK STREET		97
16	<u>WITNESS</u>		<u>PAGE</u>
17	BRIAN O'CONNOR		99
18	JENNY MONTANA O'CONNOR		99
	GREG BLASI		108
	JAMES WATSON		119
19			
20	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
21	NONE		
22		<i>*MOTION TO APPROVE APPLICATION</i>	
		<i>WITH CONDITIONS</i>	136
23			
24			
25		- - -	

1			
2	ZBA 22-011		
3	ANTHONY CUOMO		
3	851 CARLETON ROAD		137
4	<u>WITNESS</u>		<u>PAGE</u>
5	ANTHONY CUOMO		137
6			
7	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
8	NONE		
9		<i>*MOTION TO APPROVE APPLICATION</i>	
10		<i>WITH CONDITIONS</i>	159
11		- - -	
12			
13	ZBA 22-007		
14	ANIRBAN CHAKRAVARTY		
15	8 DORIS PARKWAY		159
16	<u>WITNESS</u>		<u>PAGE</u>
17	ANIRBAN CHAKRAVARTY		161
18	RANA CHAKRAVARTY		161
19			
20		<i>*MOTION TO APPROVE APPLICATION</i>	
21		<i>AS SUBMITTED</i>	169
22			
23			
24			
25			

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

- - -
N E W A P P E A L S
- - -

ZBA 22-014
STEVEN SEPERSON AND MELISSA GLUCK
706 EMBREE CRESCENT 170

WITNESS PAGE

STEVEN SEPERSON 170

EXHIBIT DESCRIPTION PAGE

NONE

**MOTION TO APPROVE APPLICATION
WITH CONDITIONS* 180

- - -

1
2
3
4
5
6
7
8
9
10
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14
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16
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18
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P R O C E E D I N G S
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CHAIRMAN FUSARO: Good evening.

Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Good evening.

This is the regularly scheduled meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board at the town hall, mailing of the notices to the Westfield Leader, Newark Star Ledger, and filing with the town clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act.

Kathryn Razin, our Board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Zoning Board has the power to grant variances from

1 the zoning ordinance. The Board can only grant a
2 variance in accordance with the Municipal Land Use
3 Law, and these variances can be "D" use-type
4 variances or "C" bulk-type variances. In all
5 cases, it is the Applicant's burden to prove his
6 or her case and the Applicant must demonstrate
7 that granting the variance will not create a
8 substantial amount of negative impact to the
9 public or a substantial impact to the intent or
10 purpose of the zoning ordinance.

11 CHAIRMAN FUSARO: Thank you. Don,
12 can you please call the roll?

13 MR. SAMMET: Certainly. Mr. Cohen
14 is absent. Chair Fusaro.

15 CHAIRMAN FUSARO: Here.

16 MR. SAMMET: Ms. Hroblak is absent
17 this evening. Vice-chair Masciale.

18 MR. MASCIALE: Here.

19 MR. SAMMET: Ms. Molnar.

20 MS. MOLNAR: Here.

21 MR. SAMMET: Ms. Pavon is absent.
22 Mr. Sontz.

23 MR. SONTZ: Here.

24 MR. SAMMET: Mr. Gelinas is absent.
25 And Mr. Reisen.

1 MR. REISEN: Present.

2 CHAIRMAN FUSARO: Thank you, Don. I
3 have one housekeeping item that I'd like to put on
4 the record, and it pertains to a correspondence
5 between the public or the Applicants and the
6 Board. I just want to reiterate that any
7 correspondence to any member of the Board must be
8 sent directly to the Board secretary. While we
9 appreciate everyone's questions, comments, and
10 concerns we've had in the past some Applicants
11 reach out directly to Board Members either via
12 email, telephone or text, etcetera. So I would
13 just like to remind everyone any correspondence
14 related to any Board application must be sent to
15 the Board secretary and she or he will distribute
16 it to us.

17 The minutes from the last meeting, I
18 assume that the Board Members have had a chance to
19 review them?

20 MR. MASCIALE: Yes.

21 CHAIRMAN FUSARO: Are there any
22 questions, comments, or concerns?

23 MR. SAMMET: I think I have three
24 eligible members for the minutes; Vice-chair
25 Masciale, Ms. Molnar, and Mr. Sontz. Can I have a

1 vote on the minutes?

2 MS. RAZIN: Probably, no. I would
3 maybe do two.

4 MR. SAMMET: Two?

5 MS. RAZIN: Because actually
6 Ms. Molnar was not...

7 MR. SAMMET: Oh, I apologize. Yes.

8 CHAIRMAN FUSARO: So do you want to
9 hold on until the next meeting?

10 MS. RAZIN: Just two.

11 CHAIRMAN FUSARO: Just two Board
12 Members. Okay.

13 MS. RAZIN: You can do it or however
14 you want.

15 CHAIRMAN FUSARO: All right. That's
16 fine. Let's move ahead. Do we have a motion to
17 approve the minutes?

18 MR. MASCIALE: So moved.

19 MR. SAMMET: I have
20 Vice-chair Masciale. Second?

21 MR. SONTZ: Second.

22 MR. SAMMET: All in favor.

23 BOARD MEMBERS: Aye.

24 MR. SAMMET: Any abstentions.

25 Mr. Reisen, Ms. Molnar, and Mr. Fusaro.

1 CHAIRMAN FUSARO: Thank you, Don.
2 We had one resolution that was to be memorialized
3 this evening from our previous meeting of
4 August the 9th, however, the three Board Members
5 that voted in the affirmative on that resolution
6 are not here this evening, so we're going to
7 postpone that vote for that resolution to our next
8 special meeting which is this coming Monday,
9 September 19th. That's the Freeman application on
10 Wychwood Road. That will be memorialized at next
11 Monday's special meeting. That was the only
12 resolution from the last meeting. There are no
13 withdrawals.

14 There is one application this
15 evening which is the first application on the
16 agenda that's being carried. It is a "D" variance
17 and the applicant has decided to carry that
18 application to our October meeting which is
19 October the 12th. The application number is
20 ZBA 21-036, 935 Cleveland Avenue. So that
21 application will be carried to the October 12th
22 meeting without further notice.

23 Which brings us to our first
24 application this evening application ZBA 21-065,
25 Leticia Burgoon, 308 Hyslip Avenue. Applicant is

1 seeking approval to build a rear yard deck
2 contrary to the Westfield Land Use Ordinance:
3 Section 12.04F1 where maximum building coverage
4 permitted is 20% not to exceed 3,600-square-feet
5 and proposed is 23.8%; Section 12.04F2 where the
6 limited increase in coverage permitted for decks
7 is 2% not to exceed 400-square-feet and proposed
8 is 7% and 442-square-feet; Section 12.04F2C where
9 building coverage in combination with a deck
10 should not exceed 22% and 30.8% is proposed; and
11 Section 12.4G where improvement coverage permitted
12 is 50% not to exceed 6,400-square feet and
13 proposed is 59.8%. Good evening.

14 MR. BURGOON: Good evening.

15 CHAIRMAN FUSARO: Please state your
16 name and address for the record. I assume you are
17 the Applicants.

18 MR. BURGOON: Yes. Letty and
19 Jeff Burgoon, 308 Hyslip Avenue.

20 CHAIRMAN FUSARO: Thank you so much.
21 Please state your name and address for the record.

22 MR. BURGOON: Jeff Burgoon,
23 308 Hyslip Avenue.

24 MS. BURGOON: Leticia Burgoon,
25 308 Hyslip Avenue.

1 CHAIRMAN FUSARO: Please raise your
2 right hand.

3 JEFFREY BURGOON AND LETICIA BURGOON,
4 having been duly sworn, were examined and
5 testified as follows:

6 CHAIRMAN FUSARO: Please tells us
7 about your application.

8 MR. BURGOON: We have just a little
9 supplemental, if that's okay with you, a statement
10 which I'll read if that's okay.

11 MS. RAZIN: Are you reading it
12 word-for-word?

13 MR. BURGOON: Your choice.

14 MS. RAZIN: It's fine. If you're
15 going to read it, then you don't need for me --
16 it's up to you. You can hand it out.

17 MR. BURGOON: Because there's like a
18 little handout.

19 MS. RAZIN: So why don't we mark
20 this as Exhibit A-1? Do you want to call it
21 something? Applicant's statement, submission?
22 Applicant's exhibit? You tell me.

23 MR. BURGOON: That's good.
24 Applicant's Exhibit would be great. Thank you.
25 And there's just a little kind of map here with a

1 before and after.

2 MS. RAZIN: You said -- how about we
3 do Applicant's Statement and Summary of Proposed
4 Changes? Okay. So it's going to be Applicant's
5 Statement and Summary of Proposed Changes, and
6 it's going to be Exhibit A-1. Let me just write
7 that down; if you don't mind.

8 (Whereupon, Applicant's Exhibit A-1,
9 APPLICANT'S STATEMENT AND SUMMARY OF PROPOSED
10 CHANGES, was marked for identification.)

11 CHAIRMAN FUSARO: Have you seen the
12 staff report that was prepared by our planner?

13 MR. BURGOON: Yes. And we worked
14 with Mr. Sammet a little bit.

15 CHAIRMAN FUSARO: He had mentioned
16 several questions, so I'm assuming that this
17 revision that you're handing us is going to
18 address them?

19 MR. BURGOON: It does. In fact,
20 there have been some answers, obviously, and some
21 revisions to the numbers that had been submitted
22 in our original survey.

23 MR. SAMMET: Yes. And I spoke with
24 Mr. Burgoon and he very kindly work with his
25 surveyor to get the calculations down pat, and I

1 agree with them. It looks like what we're seeing
2 here matches what I came up with as well.

3 CHAIRMAN FUSARO: Thank you.

4 MR. SAMMET: I'll say, Katie --
5 well, maybe I should just state it so it's here
6 for everyone on the Board. The coverage by
7 buildings and above-grade structures permitted is
8 20% proposed is 24.9%. The proposed coverage with
9 buildings and above-grade structures including
10 decks permitted is 23% proposed is 30.6%.

11 MS. MOLNAR: How much was that?

12 MR. SAMMET: 30.6%. And the maximum
13 all-improvement coverage permitted is 50% proposed
14 is 54.9%. Does that sound right, Mr. Burgoon?

15 MR. BURGOON: Yes.

16 MS. RAZIN: 54.9?

17 MR. BURGOON: Yes.

18 MR. SAMMET: 54. Five-four point
19 nine.

20 MS. MOLNAR: Does it matter that you
21 don't advertise in the papers that it differs now?

22 MR. SAMMET: The variance sections
23 are correct, and we also put into the notice any
24 and all modifications deemed necessary.

25 CHAIRMAN FUSARO: Please proceed.

1 MR. BURGOON: Thank you, Mr. Sammet,
2 and the Board here for hearing our request today.
3 We wish to construct a deck off of the rear of our
4 home to replace an existing paver/patio in the
5 little supplemental that you got here. It kind of
6 shows you the before and after. We respectfully
7 ask for these variances against -- chiefly,
8 they're all building and all improvement coverage
9 limits, but Mr. Sammet just went through all of
10 them -- while also providing a reduction in our
11 overall impervious coverage is going to help us
12 lessen impacts of rain on our property and the
13 properties of our neighbors. Regarding the
14 summary for why we're doing this; improved outdoor
15 gathering space. As all families, we like to use
16 our backyard. And as noted on our survey, we'd
17 like to have our friends and neighbors come and
18 sit and enjoy. And the survey as it basically
19 shows, our deck is essentially going to remove and
20 replace our existing rear patio bringing our
21 outdoor living space above grade and expanding it
22 very slightly to allow us a little more outdoor
23 space with some privacy and safety in mind.

24 The current backyard space has an
25 at-grade paver patio which was installed by the

1 prior owners. And so while we've enjoyed that,
2 its shape and its location at grade and the
3 driveway are a few reasons why we'd like to
4 replace it with a deck. The current space is
5 oddly shaped. It only allows for kind of a small
6 table and we'd like to expand that a little bit
7 and shift it over, which the deck would allow.
8 The current space, which brings me to the next
9 point, the current patio is essentially right in
10 the driveway which we share with our neighbors.
11 So we've got a shared driveway that goes all the
12 way to the back and we both use that same one to
13 pull into our garages. And so, when we're out
14 there sitting having meals at our table in our
15 driveway and the neighbors are coming and going,
16 that's a concern of ours from a safety perspective
17 and otherwise.

18 And so, the new deck is just going
19 to have a more regular rectangular shape. It's
20 going to sit largely within the confines of the
21 existing footprint, but be a more rectangular
22 shape, which gives us a little bit more space for
23 a table and seating so we can enjoy the outdoors
24 with that kind of sense of separation both
25 physical and mental that we prefer. Also, while

1 we're doing this, even though our all improvement
2 coverage will increase slightly, as Mr. Sammet
3 just mentioned, we also think there's an advantage
4 to this both for ourselves and for our neighbors
5 just generally in the reduction of our impervious
6 coverage by the removal of the pavers. During the
7 rainstorms that we had in the last year, we and
8 our neighbors immediately had quite a bit of rain.
9 And some of our neighbors, including the one
10 immediately to the left of us, had quite a bit of
11 damage. We had slight damage. In speaking with a
12 couple of waterproofing companies on how to reduce
13 that, one of the recommendations they made was to
14 reduce some of the impervious coverage. And so to
15 bring up our pavers and replace them with
16 something like a deck or something like that which
17 would let water through in addition to changing
18 the grading would be a help. So that's part of
19 our project.

20 Regarding the variance
21 considerations; we spoke to Mr. Sammet who
22 recommended that, if anything, we should seek a
23 C(2) flexible variance request where the
24 Applicants must make sure that our request relates
25 to a piece of property specifically that the

1 proposed variance of the -- the purposes of the
2 Municipal Land Use Law would be advanced by
3 granting the variance. That the variance can be
4 granted without substantial detriment to the
5 public good, that the benefits substantially
6 outweigh the detriment, and that the variance will
7 not substantially impair the intent and purpose of
8 the zoning plan and zoning board ordinance. And
9 so, addressing those kinds of negative criteria
10 that we need to make sure that we're not going
11 against any one fell swoop.

12 If I could, just to summarize, it's
13 the improvement of the overall impervious coverage
14 that's going to help with the drainage for
15 ourselves and our neighbors. We do believe that
16 we're within keeping of neighborhood norms. We
17 did an informal survey by walking around, Google
18 Earthing the neighbors, and we found that on our
19 block, out of 12 homes, seven of them have
20 above-grade decks. And four of them, including
21 ours, have at-grade patios. And then one has a
22 large pool area. So we think that by shifting
23 what's largely the existing footprint into an
24 above-grade deck, that's going to be certainly
25 within keeping with the norms for the properties

1 on our block and not disturb the suburban
2 character of the neighborhood. We've spoken with
3 all of our direct neighbors about this. And so
4 that would be left, right, and behind including
5 Ms. Kitty Gioia who is with us this evening and
6 voiced her support for the project. She's got a
7 lovely deck that we enjoy sometimes, and she's
8 right next door to us and supports this as well,
9 as do the other neighbors who weren't able to make
10 it.

11 So, summary; just I've provided the
12 diagram. I think the numbers that Mr. Sammet
13 stated are correct. This diagram really hits the
14 highlights which show kind of the before and after
15 the left and right where the patio is and how
16 that's being replaced by the deck in addition to
17 the numbers down the middle; maximum building
18 coverage, all improvement coverage, and this other
19 impervious coverage which is actually an
20 improvement; just to restate. So I think that's
21 the gist of it. I just want to thank you again
22 for the consideration and the help of Mr. Sammet,
23 and I'll take your questions or concerns.

24 CHAIRMAN FUSARO: Thank you. I see
25 that you're reducing the overall coverage. I'm

1 looking at the colored plan that you just handed
2 out to us. Can you point out where the reduction
3 is in the coverage? I'm assuming it's that you're
4 removing the patio area underneath the deck.

5 MR. BURGOON: Yeah, that's right.

6 CHAIRMAN FUSARO: However, the deck
7 is larger than the patio area.

8 MR. REISEN: It's 214-square-feet is
9 the difference between the patio sizes.

10 CHAIRMAN FUSARO: Again, I'm looking
11 at the same sketch. The area immediately adjacent
12 to the right-hand side of the crosshatch deck
13 area, that paver area or existing patio area
14 there, is that a walkway into a rear entrance to
15 the house or...?

16 MR. BURGOON: Yes.

17 CHAIRMAN FUSARO: Okay. I just
18 wanted to confirm that because that can be another
19 area where we can probably reduce coverage.

20 MR. BURGOON: It could be, yes.
21 Yeah.

22 MR. REISEN: Can I just ask; what
23 about the pavers that go all the way to the block
24 wall, the back wall at the edge of the property;
25 is that just a wall or a fence?

1 MR. BURGOON: There's a side
2 entrance there and we certainly thought about
3 that.

4 MR. REISEN: I mean going from away
5 from the house, straight away from the house, on
6 the photo.

7 MR. BURGOON: Yeah. That's the
8 front and that goes right out to the street.
9 Yeah.

10 MR. REISEN: Got ya'.

11 MS. MOLNAR: Can I ask a question?

12 CHAIRMAN FUSARO: Yes, please.

13 MS. MOLNAR: Both diagrams say
14 "block drive slash patio." And in your handout,
15 you say "the current patio is essentially right in
16 the driveway which we share with our neighbors."
17 Are you going to continue using that area as a
18 patio?

19 MR. BURGOON: The preference is not
20 to. Once the deck will be there that provides
21 kind of a dividing line that we won't go outside
22 of unless we have to. It is, as you can see, a
23 little larger than the footprint of the current
24 and the block patio that you can see right there
25 which gives us a little more space for the table

1 and chairs that we'd like to be able to have. And
2 so, the intent would certainly be that we wouldn't
3 have to do that anymore, and that's one of the
4 bonuses.

5 MS. MOLNAR: But you still label it
6 "patio." Looks like the intent is there to use
7 it.

8 MR. BURGOON: Oh, yeah. The intent
9 was not -- it was just a misstatement. I mean
10 it's really the same material but it wouldn't be a
11 patio going forward. That would really just be
12 where the cars are parked or kind of drive in.

13 CHAIRMAN FUSARO: That block patio
14 area that you have listed basically is a
15 continuation of your driveway?

16 MR. BURGOON: Exactly. That's
17 exactly right.

18 CHAIRMAN FUSARO: Do any other Board
19 Members have any questions regarding the
20 application? Seeing none. Is there anyone in the
21 audience who would like to address the
22 application? If so, please come forward and state
23 your name and address for the record. Come up,
24 ma'am.

25 MS. GIOIA: My name is

1 Catherine Gioia. I live to the right of the
2 Burgoons. I have a deck --

3 MS. RAZIN: I'm sorry. Can you just
4 spell your last name, and can you hold on because
5 he has to swear you in?

6 MS. GIOIA: I'm sorry?

7 CHAIRMAN FUSARO: Spell your last
8 name and then I'm going to swear you in.

9 MS. GIOIA: Okay. G-i-o-i-a, Gioia.

10 KATHERINE GIOIA, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Please proceed.

13 MS. GIOIA: I live to the right of
14 the Burgoons. I have a deck which is similar to
15 what they are going to add to their property.
16 We've enjoyed it. I've had it since 1978. I came
17 to this particular court and it was approved. We
18 have the same backyard. The same space. And for
19 them, with their children who will enjoy it, I
20 think would be an asset for them and for us
21 neighbors. And again, they are in the driveway
22 with their patio so it's a risk for their children
23 also.

24 MR. MASCIALE: Can I ask you how
25 large your deck is?

1 MS. GIOIA: I'm sorry?

2 MR. MASCIALE: How large is your
3 deck?

4 MS. GIOIA: How large? Oh, I would
5 have to go and get the plans.

6 MR. MASCIALE: Okay. Just kind of a
7 rough idea.

8 MS. GIOIA: It was approved. It's a
9 good-sized deck.

10 MR. MASCIALE: A good-sized deck.
11 Okay. Thank you.

12 CHAIRMAN FUSARO: Thank you so much.
13 We appreciate your testimony.

14 MS. GIOIA: Thank you. Any
15 questions?

16 CHAIRMAN FUSARO: Anyone else have
17 any questions for Ms. Gioia? No? Thank you.

18 MS. GIOIA: Thank you.

19 CHAIRMAN FUSARO: Hold on.

20 MR. REISEN: A quick question. When
21 Aida came last year, did you have water
22 accumulation?

23 MS. GIOIA: Did I what?

24 MR. REISEN: Did you have water
25 accumulation in your property at all?

1 MS. GIOIA: I did have water
2 accumulation, yeah.

3 MR. REISEN: That's all I have.

4 CHAIRMAN FUSARO: Thank you. Do you
5 have any -- before I close the meeting to you and
6 the rest of the public -- do you have any
7 questions, comments, concerns? Any final
8 statements?

9 MR. BURGOON: No.

10 CHAIRMAN FUSARO: You're good.
11 Thank you so much. We'll close that portion of
12 the meeting and open it up to Board discussion.
13 You've heard from the Applicants their reasoning
14 behind the request for the variances. We also
15 heard from the neighbor, obviously, that she has a
16 similar-sized deck. I understand, and as the
17 Applicant has also stated, apparently during the
18 last storm there had been some stormwater issues
19 with flooding in the area and water in the
20 basement. The Applicant's statement had also
21 mentioned that they are in the process off
22 mitigating that with a potential waterproofing
23 contractor. While the coverage is substantially
24 over, they are reducing the overall impervious
25 coverage of the lot by approximately 200 and --

1 looks like 214-feet -- square feet, I'm sorry,
2 which is obviously a positive. And since it is a
3 -- when you look at the photographs in our
4 package, you can see that it is a shared driveway.
5 The Applicants do have children and I do
6 understand their concern about vehicles coming in
7 and out of the adjacent driveway which is
8 connected to theirs. So that, I understand that
9 as well. The reason I asked my initial question
10 regarding that small area adjacent to the concrete
11 driveway is if that can be eliminated to further
12 reduce the coverage, apparently, that small
13 section leads to an entrance. However, looking at
14 the photographs, it doesn't appear to be the case.
15 So perhaps, I don't know what that square footage
16 is. I'm sure it's minimal, but since we're in an
17 area that already has some water issues, perhaps
18 we can ask the Applicants if they're willing to
19 remove that small section of pavers immediately
20 adjacent to the drive. And based on the
21 photographs, it doesn't look like that leads to
22 anything but a planter. Do you guys concur?

23 MR. MASCIALE: You're talking about
24 the block driveway.

25 CHAIRMAN FUSARO: I'm talking about

1 this right here. I thought that led to a rear
2 door, but in the photograph, it leads to nothing.

3 MR. MASCIALE: All right.

4 MS. MOLNAR: It's cosmetic.

5 MR. MASCIALE: It's easier to walk
6 through that.

7 MR. REISEN: Effectively, this area
8 --

9 CHAIRMAN FUSARO: Correct. And
10 square that area off. Because then the rear
11 entrance to the house is over by looking at the
12 photographs.

13 MS. MOLNAR: What about that other
14 walkway in the front?

15 CHAIRMAN FUSARO: The walkway in the
16 front; I don't believe we have any photographs of
17 the front, but it looks like that walkway in the
18 front leads from the driveway to the street to
19 what I would assume is a side entrance. Let me
20 look to see if we have a photograph of that.

21 MR. MASCIALE: We heard testimony
22 that it was a side entrance.

23 MS. MOLNAR: Was what?

24 MS. RAZIN: A side entrance.

25 MS. MOLNAR: It's a side entrance.

1 Okay.

2 MR. SAMMET: Yup.

3 CHAIRMAN FUSARO: Okay. Good. Do
4 any other Board Members have any other comments or
5 concerns? If it's okay with everyone, I'm going
6 to ask the Applicants to come back up to see if
7 they would agree to eliminate that small portion.
8 I'm going to reopen that portion.

9 Quick question for you; based on the
10 sketch that you provided to us -- the colored
11 rendering here, the colored sketch -- you see the
12 little area immediately adjacent to the deck?

13 MR. BURGOON: Yeah.

14 CHAIRMAN FUSARO: It appears that
15 portion of pavers doesn't lead to anything; am I
16 correct?

17 MR. BURGOON: Well, it does. But
18 the spirit of the question I think is going to be
19 can we remove that? It leads to the -- kind of
20 the back door now, but with the new configuration
21 of the deck wherein you're forced to go up the
22 steps anyway, then it won't serve a purpose
23 anymore. So I think that's the crux of your
24 question is do we get rid of it, and I think,
25 yeah, certainly.

1 CHAIRMAN FUSARO: If we put that
2 condition on your approval, it would be okay with
3 you?

4 MR. BURGOON: Yes.

5 CHAIRMAN FUSARO: Great. Thank you
6 so much.

7 MS. RAZIN: Can I ask a follow-up
8 question?

9 MR. BURGOON: Of course.

10 MS. RAZIN: If the application is
11 approved with that condition, I would need to have
12 the calculation of that square footage. Would you
13 be able to provide me with that calculation in a
14 short amount of time?

15 MR. BURGOON: Yes.

16 MS. RAZIN: Not tomorrow, but some
17 reasonable amount of time because it affects the
18 variance relief granted. So in some reasonable
19 amount of time if you could provide it to
20 Mr. Sammet.

21 MR. BURGOON: Yes.

22 CHAIRMAN FUSARO: Thank you so much.
23 I don't think we have any other discussion on
24 this. Does anybody else?

25 MR. MASCIALE: You know, you look at

1 the numbers and you say this the crazy, but then
2 you when go through it. You know could they do
3 this with the patio? Yeah, they could. Could
4 they build screening to get the separation? Yeah.
5 But I think the deck is a better solution. It
6 relieves the impervious coverage. It's just
7 moving it all in the proper direction. I don't
8 know how we got where we are today. But that's
9 not really our job. But I do feel positive we're
10 moving in the right direction. And I think it
11 would be beneficial in keeping with the
12 neighborhood. I think with the c(2) approval and
13 how it's affecting the neighbors, I don't see it
14 really...

15 CHAIRMAN FUSARO: And we heard from
16 one of the neighbors because she has a similar
17 type deck and she supports the application. We
18 haven't heard any negative comments from any of
19 the other neighbors. So based on the c(2)
20 criteria, I think we have that covered; no
21 negative impact.

22 MS. MOLNAR: Based on the pictures,
23 it looks like this house has been added to several
24 times.

25 CHAIRMAN FUSARO: Say that again.

1 MS. MOLNAR: It looks like there's
2 been additions to this home several times in the
3 rear to the right.

4 CHAIRMAN FUSARO: No. That's the
5 bump-out that you see on the colored plan.

6 MS. MOLNAR: Yeah.

7 CHAIRMAN FUSARO: Yeah. The deck
8 has an option, it's that bump-out.

9 MS. MOLNAR: It has a what? It
10 looks like it was added.

11 CHAIRMAN FUSARO: This portion here?

12 MS. MOLNAR: Yeah. On the picture,
13 it looks like it's been added. It's on a
14 one-story addition.

15 CHAIRMAN FUSARO: Yeah. It's shown
16 on -- yeah. Yeah.

17 MS. MOLNAR: And to the right, it
18 looks like another addition.

19 CHAIRMAN FUSARO: To the right?

20 MR. BURGOON: If I could; the right
21 definitely was like a one-season or two-season
22 porch sort of thing.

23 MS. MOLNAR: It's a sunroom.

24 MR. BURGOON: Exactly. Which you
25 know, before we moved in, they had it done.

1 MS. MOLNAR: So that affects...

2 CHAIRMAN FUSARO: You think it
3 sticks out a little?

4 MS. MOLNAR: Yeah. So that affects
5 -- all those additions over time. There're no
6 prior applications in the files; right?

7 MR. SAMMET: No. No variance was
8 ever requested.

9 CHAIRMAN FUSARO: Now, that's not --
10 Carol, I believe if you look closely to some of
11 the other photographs, that leader that you see
12 coming down that's flush with the wall. There's
13 no bump-out there. There's a soffit and fascia
14 over those two windows, however, I think that's in
15 the same plane as shown on the colored plan.

16 MS. MOLNAR: There's another
17 one-story addition here. It's been added to the
18 house.

19 MR. MASCIALE: A closed porch, they
20 enclosed the on the right. They probably added on
21 the left. But I don't know, does that really
22 matter?

23 MS. MOLNAR: No. I'm just wondering
24 over the years.

25 CHAIRMAN FUSARO: I'm going to

1 reopen it again. You've heard the questions from
2 Ms. Molnar.

3 MR. BURGOON: We don't think, we
4 don't believe that's the case. The addition that
5 you see here that looks kind of like an outhouse
6 sort of thing was an addition and we think that's
7 original. Kitty can probably speak to because
8 she's been here --

9 MS. GIOIA: I've been here since
10 1972.

11 CHAIRMAN FUSARO: Come up to the
12 mic. Go ahead.

13 MS. GIOIA: I have been here since
14 1972, there are no additions to that house. The
15 only change was they winterized a summer porch.
16 But there are no additions to that house. It's an
17 original house. In fact, I was there when the
18 original owners lived there.

19 CHAIRMAN FUSARO: Thank you.

20 MS. GIOIA: Thank you.

21 CHAIRMAN FUSARO: Any other Board
22 Members have any discussions? No. So if we were
23 to approve the application, I believe the one
24 condition that we discussed was the removal of
25 that small paver area immediately located to the

1 right of the proposed deck, and the calculation of
2 that square footage would be prepared by the
3 Applicant and submitted to the Board so to it
4 could be incorporated into the resolution.

5 Can I have a motion?

6 MR. REISEN: Motion to approve the
7 application with the condition that the Chair just
8 said.

9 CHAIRMAN FUSARO: Second?

10 MR. SONTZ: Second.

11 MR. SAMMET: The roll call.
12 Chair Fusaro.

13 CHAIRMAN FUSARO: Yes.

14 MR. SAMMET: Vice-chair Masciale.

15 MR. MASCIALE: Yes.

16 MR. SAMMET: Ms. Molnar.

17 MS. MOLNAR: Yes.

18 MR. SAMMET: Mr. Sontz.

19 MR. SONTZ: Yes.

20 MR. SAMMET: Mr. Reisen.

21 MR. REISEN: Yes.

22 MR. SAMMET: You're approved.

23 CHAIRMAN FUSARO: Your application
24 has been approved. Good luck.

25 MR. BURGOON: Thank you.

1 MS. BURGOON: Thank you so much.

2 CHAIRMAN FUSARO: Our next
3 application is application number ZBA 22-006,
4 Kai Chung Ho, 732 Tamaques Way. Applicant is
5 seeking approval for additions and renovations to
6 include a new one-car garage, mudroom, and family
7 room at ground floor. New patio, porch, and deck
8 modifications at first floor. New balcony and
9 master bedroom suite addition at second floor.
10 Miscellaneous interior renovations and
11 miscellaneous exterior finish upgrades such as
12 siding, windows, and roofing contrary to the
13 Westfield Land Use Ordinance: Section 11.07E-5
14 where front yard setback permitted is 40-feet and
15 proposed is 31.5-feet; and Section 11.07E-14 where
16 garage facade setback permitted is 2-feet proposed
17 is 0-feet. Good evening.

18 MR. HO: Good evening.

19 CHAIRMAN FUSARO: I'm assuming
20 you're the Applicant?

21 MR. HO: Yes, I am.

22 CHAIRMAN FUSARO: Please state your
23 name and address for the record.

24 MR. HO: My name is Kai Chung Ho. I
25 live at the address 732 Tamaques Way.

1 CHAIRMAN FUSARO: Please raise your
2 right hand.

3 KAI CHUNG HO, having been duly
4 sworn, was examined and testified as follows:

5 CHAIRMAN FUSARO: Thank you. I
6 assume you have --

7 MR. HO: Our architect.

8 CHAIRMAN FUSARO: -- your architect
9 with you? Why don't you go ahead and tell us a
10 little about your application, and then we'll call
11 up your architect to continue?

12 MR. HO: Yeah, sure. So we moved to
13 our home in 2014 and we chose it for its location
14 and access to the train station. At the time, we
15 had no children, so the house was the right size
16 for us. But since then, we've added two kids and
17 two large dogs to our family, and have been
18 working from home since the pandemic. And what we
19 found out was during work hours, we really have no
20 space for both of us to work with privacy
21 especially when we're on calls and meetings. And,
22 therefore, we're undertaking this renovation to
23 create more space for our family to grow into and
24 to have dedicated workspaces. And we did consider
25 alternatives. We considered moving and just

1 buying another house in other towns or within town
2 that better suited our needs and it would have
3 been much easier.

4 But in the end, it came down to the
5 intangibles which is our house location and our
6 neighbors who we've developed a relationship with
7 over the years. And I just want to say in one
8 instance -- there were numerous instances where we
9 turned to our neighbors for help. There were
10 unforeseen circumstances and they were there for
11 us. But the most memorable one for me was when my
12 wife was hit by a falling tree limb while walking
13 dogs and got a concussion while I was away for a
14 work trip. One of our neighbors helped pick up
15 our daughter from school and helped with meals and
16 our dogs until I got a flight back home. That
17 neighbor is now my daughter's kindergarten
18 teacher.

19 And additionally, my direct next
20 neighbor next to me at 728 Tamaques Way, he came
21 in support of my meeting last -- he came to our
22 last meeting where I was scheduled to come in
23 support of my application. Unfortunately, we
24 didn't get to go and he couldn't come today. But
25 he wouldn't leave even after sitting for three

1 hours before we were called to go home even after
2 I asked him to leave many times. So it's these
3 instances, examples where these intangibles for us
4 are an example of what they'll do for us. And
5 these are the things I would gladly do for any of
6 them.

7 In the end, we just decided to stay
8 and renovate. And so, we went into this project
9 without needs in mind. Actually, without
10 realizing that we required variances. The main
11 reason we wanted to build a porch is to safely
12 manage traffic as we enter. With two large dogs
13 and two small kids, it takes a lot for everyone to
14 pass through the doors, and we wanted a safe place
15 where they can be protected from the elements or
16 from running in the street by accident; as my son
17 loves to do -- open doors and running out. So I
18 plan to keep the porch so the kids and the dogs
19 have a place to hang out while we do whatever we
20 do to get everyone ready. And we also thought how
21 this would impact our neighbors, but it would be
22 minimal because the porch would actually match my
23 neighbor's setback. And since we're at the end of
24 a curved street, the line-of-sight obstructions
25 would be minimal. As for the garage, we simply

1 wanted to match the existing garage similar to
2 many of our neighbors who have built second
3 garages to their homes. And if there are any
4 questions, please let me know. Otherwise, I'll
5 turn it over to Cindy who is our architect for
6 this project.

7 CHAIRMAN FUSARO: Thank you. You
8 said that you had your architect with you?

9 MR. HO: Yes.

10 CHAIRMAN FUSARO: Come up to the
11 mic. Please state your name and address for the
12 record.

13 MS. BOERNER LAY: Cindy Boerner Lay,
14 B-o-e-r-n-e-r L-a-y, 6 Squire Hill Road, Long
15 Valley, New Jersey.

16 CINDY BOERNER LAY, having been duly
17 sworn, was examined and testified as follows:

18 CHAIRMAN FUSARO: I don't believe
19 you've appeared before our Board this year.

20 MS. BOERNER LAY: I have not.

21 CHAIRMAN FUSARO: If you could give
22 us a little background and your credentials.

23 MS. BOERNER LAY: I graduated in
24 1996 from NJIT Summa Cud Laude. I've been a
25 licensed architect since 2000. I've appeared

1 before many boards throughout Union, Morris,
2 Essex, Sussex Counties -- Fanwood, Berkeley
3 Heights, Summit, New Providence. But no, I have
4 not appeared before you. And I'm also a Class-A
5 member of my own (indiscernible.)

6 CHAIRMAN FUSARO: And your license
7 is current?

8 MS. BOERNER LAY: It is.

9 CHAIRMAN FUSARO: Thank you so much.
10 Do any Board Members have any questions? We'll
11 recognize you in the field of architecture.
12 Please proceed.

13 MS. BOERNER LAY: I just wanted to
14 do a handout first so you have them. I have A1
15 and A2. A1 is neighborhood photos. And A2 is a
16 higher average, like per survey, the average of
17 front yard setbacks.

18 I can talk to you loud. Is it all
19 right if I kind of step away from the microphone?

20 CHAIRMAN FUSARO: It's fine. We can
21 hear you.

22 MS. BOERNER LAY: I just wanted to
23 briefly walk you through the project. First,
24 these are the same drawings that you have in front
25 of you. They haven't been altered in any way, so

1 I don't think they need to be marked. This is
2 Sheet 2. Again, the same Sheet 2 that you have in
3 front of you. This is the ground floor on the A2
4 Plan. So at the basement, we have existing
5 storage and playroom area. At the ground floor,
6 we have currently there's an existing entranceway,
7 there's a rec room, there's a bedroom, bathroom,
8 laundry room, and one-car garage. Our intent was
9 to convert the existing entrance and part of the
10 room rec into a guest room, turn the laundry and
11 bathroom area into a full bathroom, add the family
12 room off the back, keep the existing garage and
13 add a new garage bay with a mudroom behind it.

14 Sheet 3, which again, is the same
15 drawings that you have in front of you. It's the
16 first- and second-floor plans. It's a split
17 level, so, obviously, we have split floor plans.
18 On the first floor, we have an existing area here
19 that is currently the living room, dining room,
20 and kitchen. I've recently renovated it a couple
21 of years ago, so we're looking to maintain as much
22 of that as possible. So the difference at this
23 level is we're basically splitting the living
24 room, so the living room and the foyer, so we're
25 raising the foyer up a half a level. Right now,

1 you enter into the ground floor. And now, you'll
2 be entering into the first floor, so a more
3 traditional entrance. We're adding that front
4 porch, and there's an existing back deck. At the
5 second floor, there're currently three bedrooms, a
6 bathroom, and a master bath. Our intention is
7 basically to modify the one bedroom to create a
8 hall to will give access to the bedrooms built
9 over the garage addition. And then, we'll be
10 building a master suite over the family room
11 addition in the area.

12 Sheet 4, is our front and rear
13 elevations. So the front, again, the right-hand
14 side is remaining the one-story element that it is
15 now. The difference, again, is the addition of
16 that front porch. On the left-hand side, the
17 existing house ends here. Again, we're adding
18 that additional garage bay with a bedroom space
19 above. We're removing that front entrance up to
20 the first-floor level. And we're changing that
21 from a door to a window. And then we're just
22 changing the roof profile. Right now, it has a
23 very low-slump hip roof profile. So we're just
24 doing a more traditional, again, Colonializing the
25 split level of the house. At that rear, again,

1 it's this sort of one-story element on the left
2 which will remain. And on the right-hand side is
3 the new family room addition with master suite
4 above, and the new mudroom that's behind the new
5 garage with the bedrooms above.

6 Sheet 5, is our side elevations.
7 From looking at the street, it's the left side.
8 So this is the new garage and bedroom addition
9 with mudroom entrance. And then this is the
10 family room/master suite kind of stepped back.
11 And then, from the opposite side, this is the
12 existing one story that's remaining which is going
13 to be our kitchen, living room, and entrance.
14 This is the new porch. Again, the family room and
15 master suite addition in the rear. And then,
16 we'll just put a different roof line over the
17 existing bedroom space.

18 Our proposals require two variances
19 both related to the garage addition, and both due
20 to an existing nonconforming condition. Our first
21 variance is for the front yard setback. Our
22 existing is 34.95-feet, and our proposed to the
23 house is also 34.95-feet. To the front porch is
24 31.5-feet, and to the garage roof canopy is
25 32.95-feet whereas 40.05 is the established

1 average which is shown on that handout A2 Survey.
2 However, we have one major outlier that skews our
3 average data, which has a front yard setback
4 that's almost two times the distance of the other
5 homes within 200-feet. If we remove this outlier,
6 which we believe the neighbors directly to the
7 right of us actually knocked down and rebuilt
8 their house fairly recently. Right?

9 MR. HO: Left house; 721.

10 MS. BOERNER LAY: To the right of
11 you.

12 MR. HO: Oh, looking at my front
13 door?

14 MS. BOERNER LAY: Yes.

15 MR. HO: Yes. Yes.

16 MS. BOERNER LAY: So standing at the
17 front door looking to the right; to the right of
18 them knocked down and rebuilt. And they actually
19 used an average of 36.3, so we also believe that
20 they removed this outlier when they were creating
21 their established average. So if we remove this
22 outlier, the established average becomes
23 34.83-feet, which basically brings us down to a
24 2.9-foot violation. It should also be noted that
25 our direct side neighbor to the opposite side, to

1 the left, who already has an existing front yard
2 setback of 31.9-feet whereas our proposal is
3 31.5-feet. So we are within inches of each other.

4 Our existing home is existing
5 nonconforming. It was originally constructed too
6 close to the front yard setback, presumably as the
7 zoning regulations were most likely different when
8 the home was constructed. Our main additions
9 nearly match the existing line of the existing
10 house. The porch will project slightly from the
11 front of the house but allows for a safe, covered
12 entrance and exit from the home as well as adds
13 visual curb appeal. If you look at the other
14 handout I gave you, the A1 Neighbor Map, which is
15 also here, but I don't think you'll be able to see
16 it from there. So looking at your handout, out of
17 the 15 homes in our neighborhood, nine, or 60% of
18 them have front porches or porticos; not just an
19 overhang. We believe the front porch adds not
20 only aesthetic appeal, but it provides a safe,
21 covered entrance free of snow and ice and rain,
22 and is also a consistent element in the
23 neighborhood. The porch is as slender as possible
24 at 5-feet while still remaining functional. It is
25 one story, and it's an open porch that's not a

1 solid wall. Therefore, we believe it does not
2 block the light, air, and view of any neighboring
3 properties. And since it's built as a deck
4 structure, it does not affect drainage or creates
5 any undesirable water flow onto neighboring
6 properties. We believe the benefits are
7 aesthetically pleasing, conformance of a
8 neighborhood, and improving the housing stock of
9 the neighborhood with no negative effects.

10 The other variance we need is for
11 the garage. It nearly matches the existing garage
12 elevation. And the garage roof canopy, again, we
13 believe adds aesthetic appeal and safety from snow
14 and ice away from the garage. We propose a
15 standing seamed metal roof on the canopy as well
16 as the front porch to tie them together. The
17 required setback for the garage is to be stepped
18 back 2-feet from the main dwelling setback.
19 Again, we're nearly matching the existing garage
20 elevation that actually projects 1-foot-8 forward
21 of the main massing to conceal the cantilevered
22 second floor. We believe that it's a little
23 awkward to setback the garage, the new garage
24 2-feet, and it would still require a front yard
25 setback variance anyway. Again, we do not believe

1 that the nonconformance creates any negative
2 effect on ours or any neighboring properties. In
3 fact, we also feel it's consistent aesthetically
4 in the neighborhood. Out of the 15 other homes in
5 the neighborhood, 14 of them also have garages
6 that are flush or protrude from the house and are
7 not recessed. Only one is recessed, and that one,
8 again, is the neighboring house to the right which
9 was, again, knocked down and rebuilt, so they had
10 to conform. However, similar to ours, it is
11 recessed from the face of the porch, not from the
12 main massing of the house. All the other setbacks
13 and coverages conform.

14 In conclusion, for all these
15 reasons, we believe our proposal is an improvement
16 and update to the dated split-level home. Most
17 homes in the neighborhood have done similar
18 improvements. Again, if you look at the
19 neighborhood photos, out of the 15 homes, 11 or
20 73% of them have done considerable additions and
21 upgrades visible to the road and similar in nature
22 to our proposal. Quite frankly, leaving our home
23 in its more original condition sticks out as an
24 oddity in the up-and-coming and ever-improving
25 neighborhood. Our variances are both due to a

1 hardship with a nonconforming front yard setback
2 and garage projection satisfying the c(1)
3 requirements. We believe our proposal is a
4 positive addition to the neighborhood satisfying
5 the c(2) with no negative effects, keeps the
6 neighborhood norm, does not block the light, air,
7 or view, and improves the housing stock. And we
8 hope that the Board looks favorably upon our
9 request. Thank you.

10 MR. SAMMET: I'll mention the front
11 yard setback issue as well, as the architect
12 mentioned, the ordinance clearly gives us the
13 ability to disregard a front yard setback which
14 obviously deviates from the front yard pattern.
15 In this case, we have a setback, as the architect
16 mentioned, that's nearly twice as deep as those
17 which are prevalent in the neighborhood. And,
18 therefore, it's my opinion that the front yard
19 setback required for this application is the
20 34.8-feet that was mentioned.

21 CHAIRMAN FUSARO: Okay. Not the
22 40-feet?

23 MR. SAMMET: Not the 40-feet. It's
24 34.8-feet that's required. And I thank the
25 Applicant and the professionals for doing that

1 calculation. It was something that I requested
2 when I spoke with them. So that's great. So
3 34.8-feet required front yard.

4 MS. BOERNER LAY: Thank you.

5 CHAIRMAN FUSARO: So 34.8 is the
6 required setback and you currently have, correct
7 me if I'm wrong, Don, per the handout we were just
8 given, 34.95.

9 MS. BOERNER LAY: Is the main house,
10 and 31.5 is the front porch, and 32.95 is the
11 garage roof canopy.

12 CHAIRMAN FUSARO: 31.5-feet on the
13 front porch.

14 MS. BURGOON: Yes.

15 CHAIRMAN FUSARO: For the proposed
16 front porch.

17 MS. BOERNER LAY: Yes.

18 MR. SAMMET: The porch is 4-foot-8
19 deep.

20 MS. BOERNER LAY: Five feet.

21 MR. SAMMET: Five foot, and all the
22 others, so...

23 MS. BOERNER LAY: Yeah. It's not an
24 egregious front porch.

25 MR. SAMMET: It's not oversized.

1 MS. BOERNER LAY: It's big enough to
2 put chairs, a table, and still be able to walk
3 past it.

4 CHAIRMAN FUSARO: Correct.

5 MS. BOERNER LAY: And when I say
6 "table" I mean like a side table, not like a patio
7 table.

8 CHAIRMAN FUSARO: I have one other
9 quick question. I read in the application that we
10 were provided there's a shed that is going to be
11 -- I read in one place it said it's going to be
12 relocated or it's going to be removed. Can you
13 clarify when the shed -- I'm assuming it's going
14 to be removed?

15 MS. BOERNER LAY: I believe, yes.
16 We're removing the existing shed. Correct.

17 CHAIRMAN FUSARO: It's going to be
18 removed in its entirety?

19 MS. BOERNER LAY: Yes.

20 CHAIRMAN FUSARO: Thank you.

21 MS. BOERNER LAY: They are placed
22 currently under preexisting nonconforming. It's
23 actually over the property line currently.

24 CHAIRMAN FUSARO: Yeah. It looks
25 like it's slightly off the property line.

1 MS. BOERNER LAY: Yes.

2 CHAIRMAN FUSARO: Great. Thank you.

3 Does anyone from the Board have any questions of
4 the architect?

5 MS. MOLNAR: Yeah. What percentage
6 of the house is being demolished?

7 MS. BOERNER LAY: None of it is
8 being demolished except for, obviously, the walls
9 that we need to remove to build. But we're not
10 actually demolishing.

11 MS. MOLNAR: The interior walls are
12 being demolished. Okay. The new home is going to
13 have a totally different fenestration?

14 MS. BOERNER LAY: Windows? Window
15 patterns?

16 MS. MOLNAR: Yes.

17 MS. BOERNER LAY: So, again, the
18 right-hand side -- so this portion, which actually
19 is going to be the back and the side, the
20 right-hand side, will be fairly well maintained,
21 but the front will be different because, again,
22 I'm moving that door. That's this side, basically
23 all new windows. The existing windows aren't
24 large enough to meet egress. So as soon as we
25 started to move bedrooms around, that's something

1 we had to make larger anyway.

2 MS. MOLNAR: Could the porch be
3 moved back to make it a little smaller so that
4 it's not impinging on the front yard setback?

5 MS. BOERNER LAY: That would be a
6 lot of work because there's a basement as well
7 underneath that, so you'd be demolishing an
8 existing finished basement and existing
9 first-floor living space which was just renovated
10 a couple of years ago.

11 MS. MOLNAR: So it's finished
12 underneath the porch?

13 MS. BOERNER LAY: No, the living
14 room. So we can't move the porch back because the
15 living room is already there.

16 MS. MOLNAR: Oh, I see. The porch
17 is on top of that.

18 MS. BOERNER LAY: This is the
19 existing front wall of the house, we're not
20 changing that. We're only adding the porch to
21 that and there is a basement below this. And this
22 was recently renovated. (Indicating.)

23 MS. MOLNAR: You can't put the porch
24 over the basement?

25 MS. BOERNER LAY: No. We shouldn't

1 do that. That's a water problem waiting to
2 happen.

3 CHAIRMAN FUSARO: A couple of other
4 questions. Your two proposed garages are
5 9-foot-10-inches-wide. That seems to work okay?
6 That's kind of a narrow width there. I understand
7 why you probably don't want to go out further, but
8 that's going to work for you and the Applicant, at
9 9-foot-10?

10 MS. MOLNAR: What's our ordinance
11 require?

12 CHAIRMAN FUSARO: Say that again.

13 MS. MOLNAR: Our ordinance; what
14 does it require?

15 MR. SAMMET: Nine-foot-wide.

16 CHAIRMAN FUSARO: Nine-foot.

17 MS. BOERNER LAY: I mean, again,
18 it's not egregiously wide. This is the existing
19 line of the outside of the house, so we have a
20 structural bearing line which is where the columns
21 are. And, obviously, if we go further, it's just
22 going to require another variance. So in an ideal
23 world would it be a little bit bigger? Sure. But
24 is 9-foot-10 going to work? Yes.

25 CHAIRMAN FUSARO: One other quick

1 question. I believe you mentioned in your
2 testimony that a number of homes in the area in
3 the photographs that you gave us have front
4 porches. I'm looking at the photos --

5 MS. BOERNER LAY: Or porticos.

6 CHAIRMAN FUSARO: I'm sorry?

7 MS. BOERNER LAY: Or porticos.

8 CHAIRMAN FUSARO: Okay. Or
9 porticos. I'm looking at the photographs and only
10 one, to the best of my knowledge, 722, looks like
11 it has a porch. The other ones --

12 MS. BOERNER LAY: So, yeah. So,
13 again, it has porches or porticos. Out of 15,
14 there're nine.

15 CHAIRMAN FUSARO: 720 has a portico
16 it looks like, 724 we can't tell.

17 MS. BOERNER LAY: This one has a
18 portico. This one has a portico. This one has a
19 portico. This one has a porch. This one has a
20 porch. This one has a portico. This one has a
21 portico. This one has a portico. (Indicating.)

22 CHAIRMAN FUSARO: So the only one
23 that has a porch currently is 728. And that is
24 ---

25 MS. BOERNER LAY: 728, 724.

1 CHAIRMAN FUSARO: I can't tell.

2 I'll take your word for it.

3 MR. REISEN: The second page has --

4 MS. BOERNER LAY: A large portico.

5 CHAIRMAN FUSARO: Thanks.

6 MS. MOLNAR: Will all the gutters in
7 the house vent out to the street?

8 MS. BOERNER LAY: Do you know where
9 your downspouts lead?

10 MR. HO: Yeah. It goes to the back
11 where the trees are. There's like a little outlet
12 where the water goes out. There's a river in the
13 back.

14 MS. MOLNAR: The back of the house
15 vents to the backyard. What about the front?

16 MR. HO: And there's one that goes
17 into the street in the front.

18 MS. MOLNAR: The front goes to the
19 street?

20 MR. HO: Yes.

21 MS. MOLNAR: It doesn't spill out on
22 the lawn?

23 MR. HO: No. It doesn't spill out
24 on the lawn.

25 MS. MOLNAR: Okay. Thank you.

1 MS. BOERNER LAY: And their lot
2 coverage is actually way below the maximum
3 allowable; from a water pressure perspective.

4 CHAIRMAN FUSARO: Any other Board
5 Members have any questions of the architect or the
6 Applicant at this time? Seeing none. Is there
7 anyone in the audience that would like to address
8 the application with respect to the architect's
9 testimony and/or the Applicant? If so, please
10 come forward. Say your name and address for the
11 record. Good evening.

12 MR. PATEL: Good evening, everyone.
13 Neil Patel, 728 Tamaques Way. I'm his neighbor.

14 CHAIRMAN FUSARO: Please raise your
15 right hand.

16 NEIL PATEL, having been duly sworn,
17 was examined and testified as follows:

18 MR. PATEL: I'm fully supportive of
19 this renovation for all of the points that the
20 architect mentioned and the testimony.

21 CHAIRMAN FUSARO: You said you're
22 728; right?

23 MR. PATEL: Yes, sir.

24 CHAIRMAN FUSARO: You're the person
25 that has the porch in the photographs?

1 MR. PATEL: The porch, yes.

2 CHAIRMAN FUSARO: Thank you. We
3 appreciate your support of the application.

4 MR. PATEL: Thank you.

5 CHAIRMAN FUSARO: Thank you so much.

6 MS. MOLNAR: I have one more
7 question.

8 CHAIRMAN FUSARO: Go ahead.

9 MS. MOLNAR: Someone testified that
10 there is a hardship. What is the hardship?

11 MS. BOERNER LAY: There's existing
12 nonconforming currently.

13 MS. MOLNAR: There's what?

14 MS. BOERNER LAY: There's existing
15 nonconforming currently. The garage already
16 projects from the house, so we're matching that.
17 And the front setback is already existing
18 nonconforming.

19 MS. MOLNAR: Right now, you still
20 meet 40.95 when 40 is required. But you're
21 exacerbating it by going down --

22 MS. BOERNER LAY: With the porch.
23 Correct.

24 MS. MOLNAR: Yes. You're enlarging
25 the -- the existing.

1 CHAIRMAN FUSARO: Don, correct me if
2 I'm wrong, under c(1) there really isn't a...the
3 lot's not undersized, the dimensions are correct?

4 MR. SAMMET: The dimensions are
5 correct. And the c(1) argument, I believe, is the
6 location of existing improvements on the home. In
7 this case, the existing nonconformities. And I
8 think that in part plays into the porch, but also
9 the c(2) where it's is it a better alternative,
10 better fitting with the neighborhood. I believe
11 that's why the Applicant brought up the porticos.

12 CHAIRMAN FUSARO: I fully understand
13 the c(2) I just had a question about --

14 MR. SAMMET: Okay. Sure.

15 CHAIRMAN FUSARO: Are there any
16 other statements you'd like to make? Any
17 questions for us? No? I'm going to close this
18 portion of the meeting and up it up to Board
19 discussion. Okay.

20 We've heard from the Applicant and
21 his architect as to what exactly is going to be
22 changed in the home, and the garage, obviously,
23 and a porch. I know that throughout the town of
24 Westfield we look favorably upon porches. It is
25 increasing the...or decreasing, I should say, the

1 front yard setback, but on by about 3-feet,
2 3.3-feet. So I don't think that's...

3 MR. MASCIALE: Maybe we can make a
4 condition that the porch remains open.

5 CHAIRMAN FUSARO: Yeah. That's my
6 usual...I typically add that condition that it
7 remains open on three sides. And as the architect
8 mentioned, the porch that they are adding to the
9 front of the house is very minimal. It's not wide
10 at all. You can barely put a couple of chairs and
11 a table, a small coffee-type table there. I think
12 under the c(2) variance it will certainly be a
13 nice addition to the neighborhood. As the
14 architect mentioned, numerous homes have either a
15 portico and/or a porch as is evidenced by the
16 photographs that were given to us as part of the
17 exhibit. So that having been said, how does the
18 rest of the Board feel?

19 MS. MOLNAR: I have one observation.
20 Looking at the rear of the house, it looks like
21 there's been an addition on the rear, it bumps
22 out.

23 CHAIRMAN FUSARO: Which photograph
24 are you looking at?

25 MS. MOLNAR: Number 4.

1 CHAIRMAN FUSARO: Photograph
2 Number 4, the rear of the home?

3 MS. MOLNAR: Yeah. You see that
4 bump-out? It says no prior applications, but with
5 that front yard setback seemed deficient.

6 CHAIRMAN FUSARO: No prior
7 applications that require variances.

8 MR. SAMMET: Variance applications.

9 MS. MOLNAR: But that would be part
10 of a variance request because that front yard is
11 deficient.

12 CHAIRMAN FUSARO: The addition in
13 the back didn't require variance so... I guess
14 probably there was an addition, but since it
15 didn't require a variance, that's why it's not
16 applicable, it's not in this application.

17 Any other Board discussion? No? So
18 basically, if we were to approve the application
19 the two conditions that we discussed were, one,
20 that the porch remains open on three sides; and,
21 two, that -- just to confirm -- that the existing
22 shed located along the rear of the property will
23 be removed in its entirety. Does everyone agree
24 with that?

25 MR. MASCIALE: Agreed. So moved to

1 motion to accept the application with the
2 conditions the Chairman stated.

3 MR. REISEN: Should we ask the
4 Applicant if they're okay with those conditions?
5 The porch being open.

6 CHAIRMAN FUSARO: We can, yeah.
7 Come up. So you've heard our discussion and
8 you've heard the two conditions. And if we were
9 to approve the application, we're going to attach
10 those two conditions. Are you good with them?

11 MR. HO: Yes.

12 CHAIRMAN FUSARO: Thank you so much.
13 The Applicant confirmed, and we have a motion from
14 Mr. Masciale to approve the application with those
15 two conditions that I mentioned. Do we have a
16 second?

17 MR. REISEN: Second.

18 CHAIRMAN FUSARO: Mr. Sammet.

19 MR. SAMMET: Roll call.

20 Chair Fusaro.

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Vice-chair Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. SAMMET: Mr. Sontz.

2 MR. SONTZ: Yes.

3 MR. SAMMET: Mr. Reisen.

4 MR. REISEN: Yes.

5 CHAIRMAN FUSARO: Your application
6 is approved. Good luck.

7 MS. BOERNER LAY: Thank you very
8 much.

9 CHAIRMAN FUSARO: Our next
10 application this evening is ZBA Number 22-013,
11 Mark Cassidy, 110 Hamilton Avenue. Applicant is
12 seeking approval to construct a front porch
13 addition across the front of the existing house as
14 well as a dormer addition to the attic to add two
15 bedrooms and a bathroom contrary to the Westfield
16 Land Use Ordinance Section 11.10E-5 where minimum
17 front yard setback permitted is 38.9-feet and
18 proposed is 35.2-feet; and Section 11.10E-14 where
19 minimum garage space permitted is two and proposed
20 is one. Good evening.

21 MR. CASSIDY: Good evening. How are
22 you?

23 CHAIRMAN FUSARO: I assume you are
24 Mr. Cassidy?

25 MR. CASSIDY: Yes.

1 CHAIRMAN FUSARO: Please state your
2 name and address for the record.

3 MR. CASSIDY: Mark Cassidy,
4 C-a-s-s-i-d-y, 110 Hamilton Avenue, Westfield.

5 CHAIRMAN FUSARO: And ma'am?

6 MS. CASSIDY: Melissa Cassidy,
7 100 Hamilton Ave.

8 CHAIRMAN FUSARO: Can the two of you
9 raise your right hands?

10 MARK CASSIDY and MELISSA CASSIDY,
11 having been duly sworn, were examined and
12 testified as follows:

13 CHAIRMAN FUSARO: Thank you so much.
14 Please proceeded.

15 MR. CASSIDY: My wife and I moved
16 in, well, somewhat recently, but we bought the
17 house about a year ago. At the time, we had a
18 daughter who was about one-and-a-half, and then we
19 had another daughter that was about one or two
20 months. So probably too much information, but my
21 wife is unexpectedly pregnant again, so, a growing
22 family. Another girl. Three girls.

23 CHAIRMAN FUSARO: Congratulations.

24 MR. CASSIDY: Thank you. So we're
25 kind of getting in somewhat desperate need of

1 space. We really love the area. Very glad we
2 bought here. I'm from Nutley, North Jersey.
3 People are a lot more friendly down here for sure.
4 We really love the area, it's a wonderful town.
5 So we're hoping and seeking this variance I guess
6 mainly just to add space. Bedrooms, because of
7 the -- like I said, the addition to the family.
8 Maybe another addition to the family in the
9 future; who knows? Maybe not. But ultimately,
10 just a growing family who needs more space. So
11 we're seeking the variance I think to get the
12 house up to par with the surrounding area. I
13 don't think we're looking to go above and beyond.
14 I think we're probably the smallest house on the
15 block. We're at least one of the smaller houses
16 on the block in the area. So I guess that's
17 mostly it. And the front porch, we're looking for
18 just some outdoor living space. It's an
19 undersized lot so it's somewhat a little bit
20 tight. But, yeah, you know, her parents come over
21 and we have the kids and we want them to be able
22 to enjoy the front yard because we have basically
23 a creek in the backyard, so it's not conducive to
24 the kids playing. So we really want them to be
25 able to play in the front yard which is flat and

1 it's grassy. So it would be nice to be able to
2 sit on the porch and kind of hang out in front and
3 let them play and watch them. And in a nutshell,
4 that's kind of it. And this is my architect.

5 CHAIRMAN FUSARO: Thank you. I see
6 Mr. Bailey. Good evening, Mr. Bailey. Please
7 state your name and address for the record.

8 MR. BAILEY: Dave Bailey architect.
9 Office address 828 South Avenue West, Westfield.

10 DAVID BAILEY, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you so much.
13 Since you've testified before the Board numerous
14 times this year, we'll continue to recognize you
15 as an expert in the field of architecture. Please
16 proceed.

17 MR. BAILEY: I'd like to address the
18 existing nonconforming condition of the one-car
19 garage. If you go to the Sheet SP-1.

20 CHAIRMAN FUSARO: Excuse me one
21 second. Did you get this?

22 MR. REISEN: I just got this folder.

23 CHAIRMAN FUSARO: Mine was in a
24 folder as well. You got them?

25 MR. SONTZ: I do not.

1 CHAIRMAN FUSARO: Ms. Molnar, do you
2 have these?

3 MS. MOLNAR: Yes.

4 CHAIRMAN FUSARO: You do. So two of
5 us do and three of us don't. I can share.

6 MR. SAMMET: Who else needs one?

7 MR. SONTZ: I'll share with Carol.

8 CHAIRMAN FUSARO: Please proceed.

9 MR. BAILEY: Sheet SP-1 the Site
10 Plans. Number 1 in SP-1, the Existing Site Plan.
11 The existing house has a one-car attached garage.
12 One of the existing nonconforming conditions is
13 the undersized property. It's in an RS-12 zone
14 which requires a 12,000-square-foot minimum lot
15 area, the existing lot area is 8,614-square-feet.
16 So it's smaller than required by the zone because.
17 And because the house exists on this undersized
18 property, there's no space to widen that existing
19 garage to be a two-car because there's only a
20 13-foot side yard setback on the garage side
21 currently. You need 12 1/2-feet minimum in the
22 RS-12 zone. If you try and do a detached garage,
23 you've got that big storm sewer easement cutting
24 across the back of the property and so it's
25 difficult -- impossible to do a detached garage

1 there. So that's an existing nonconforming
2 condition. It's really hard to make that conform
3 with a two-car, but what exists is nonconforming.

4 Let me walk you through the floor
5 plans. If you can look at Sheet EX-2, the
6 Existing Floor Plans. The Existing First Floor
7 Plan has the attached one-car garage, the great
8 room across the back, living room, dining room,
9 and entry hall in the front. And the second floor
10 has four bedrooms. The fourth one in the front at
11 the top of the stairs is small. There're just the
12 two bathrooms. And then, there's Existing Number
13 4, Existing Attic Plan EX-2. The exiting attic is
14 unfinished. And another nonconforming existing
15 condition is the attic that is 7-foot or higher
16 above the attic floor is 402-square-feet. So
17 that's 36.78% of the second floor. So currently,
18 the attic counts as a third floor. So it's
19 already existing nonconforming being three stories
20 with the area that's 7-foot higher and
21 402-square-feet.

22 Currently, if you look at EX-1, the
23 Existing Elevations, Number One EX-1, there's a
24 small little portico now which is very plain
25 looking and undersized proportionally with this

1 big two-story house. And you can see that also on
2 the existing photographs. If you go to PH-1, the
3 top left-hand corner, that's Existing Plan
4 Elevation. So again, you've got this relatively
5 small portico that looks like it's stuck on the
6 front of the house. And there's you know a big
7 tall roof. It's very plain looking. There're no
8 dormers. On the third floor even over the garage,
9 the existing -- right top photograph -- the
10 Existing Rear Elevation, again, the house in the
11 back is pretty boxy. No dormers in the attic.
12 And the existing lower left-hand corner, that's
13 also the rear elevation. Again, you've got the
14 one-story attached one-car garage on the left, and
15 then the main house, again, with no dormers on the
16 third floor even though it's big enough to be
17 considered a story.

18 If you also look at the sheet, the
19 top left-hand corner of the photograph, this
20 street, Hamilton Avenue, it comes downhill from
21 the corner, which is Prospect Street. So just to
22 the right of the Cassidy's residence, there is a
23 property that fronts on Prospect Street, and you
24 can see from the photograph there, it's up a
25 pretty steep incline and there's an existing

1 retaining wall along the Cassidy's property line.
2 So there's a substantial change in grade uphill
3 going to the right of the Cassidy's. And going to
4 the left of the Cassidy's, there's three
5 continuous going downhill. You can see from that
6 photograph, there's some good landscaped
7 screening. You've got the hill and trees and
8 backyard of the adjoining house on Prospect. And
9 then you have this big tree on the left-hand
10 corner of the Cassidy's property shielding the
11 view down Hamilton Avenue from their front yard.
12 Again, you can see that big tree and shrubs on the
13 bottom right-hand corner of the photograph;
14 Existing East Side Elevation. You can also see
15 from these photographs, like Mr. Cassidy stated,
16 the rear yard slopes downhill toward the creek and
17 the wetlands owned by the town.

18 And I'll walk you through the
19 proposed drawings. So if you look at Sheet A2,
20 the Proposed Floor Plans, Drawing 2 on A2, we're
21 proposing a sitting porch addition across the
22 front of the house. It will be projecting from
23 the house 6-feet which is big enough to put chairs
24 on but not oversized. And it will be about
25 25-feet-wide. So it's good proportions on the

1 front of the house. So for the porch, if you look
2 at the first Sheet 1, A1, Proposed Elevation
3 Number 1, you can see it's an open porch with
4 several columns. It's low enough from the ground
5 that the Cassidys didn't want a railing, they want
6 an open view from the yard. So it's an open
7 porch, one story, 25-feet-wide. Again, projects
8 out 6-feet, so it's functional. It improves the
9 curb appeal in the front of the house. You can
10 see on 1 on A1, we're proposing three doghouse
11 dormers across the front of the house on the third
12 floor. This gives a typical center-hall Colonial
13 look. And they're not massive dormers. So even
14 though the existing attic is considered
15 three stories, the view from the neighborhood
16 along Hamilton is three regular doghouse dormers,
17 which is very standard for this center-hall
18 Colonial-style house; which, again, you can see on
19 1 in A1. They're five-foot-wide. There are three
20 doghouse dormers evenly spaced. We're proposing
21 on Drawing 4 on A1 a shed-dormer addition on the
22 back on the third floor. That will fit the
23 bathroom. And it's in the middle of the house on
24 the back; 15-foot-8-inches-wide. From the tax map
25 and photographs behind the Cassidy's is open land.

1 It's the town's wetlands and backyards and homes
2 along Prospect Street. So there's no house
3 sitting behind the Cassidy's looking at the rear
4 of the house. So no one is really going to see
5 this shed dormer across the back which is
6 necessary to fit a bathroom. The dormers that are
7 seen from the neighborhood, the three doghouse
8 ones, again, they're small and, again, very
9 customary for a center-hall Colonial house.

10 The floor plans for the second and
11 third floor --

12 (Whereupon, there's a discussion
13 held off the record.)

14 MS. MOLNAR: One question, what kind
15 of siding does the house have? I can't tell from
16 the photograph.

17 MR. CASSIDY: Currently, it's just
18 like a vinyl.

19 MR. BAILEY: Yeah, a vinyl.

20 MS. MOLNAR: So the addition, the
21 exterior of the addition will have the same
22 exterior?

23 MR. BAILEY: Yes. The dormers will
24 match the existing finish. It's not that old of a
25 house. It's in pretty good shape, it's relatively

1 new. We talked about structured awnings, but the
2 front porch is a wood-framed front porch; the
3 dormers will match the existing siding. I think
4 the roof is in pretty good shape, we'll just match
5 the roofing.

6 MS. MOLNAR: Do you know when the
7 house was built?

8 MR. CASSIDY: '92.

9 MS. MOLNAR: 1992?

10 MR. CASSIDY: Um-hmm.

11 MR. BAILEY: If I can walk you
12 through the proposed plans for the top floors. In
13 A3 of Proposed Floor Plans, Number 1 of A3, the
14 Proposed Second Floor. To fit in additional
15 bedrooms and bathrooms, we're going to stack a new
16 staircase over the existing staircase that will go
17 from the second floor up to the third floor. So
18 it's stacked over the existing stairs from the
19 second floor down to the first floor, and we're
20 taking out space from that existing small bedroom
21 in the front middle of the second floor. The
22 Cassidy's wanted a laundry room on the second
23 floor for convenience and a dog bath area too. So
24 that existing small bedroom is going to be a
25 center hall and have the laundry closet and dog

1 bath.

2 When you come upstairs to the third
3 floor, the additions are the three doghouses
4 across the front living space. It allows light
5 and ventilation into the two proposed bedrooms
6 left and right. There's a third dormer in the
7 center that's in the center hall bringing light
8 and ventilation into the center hall. And then,
9 the shed dormer across the back is providing space
10 for the Jack-and-Jill bathroom. So we're
11 increasing the area that's 7-foot or higher. The
12 structure of the third floor would be for dormer
13 additions, 206-feet larger than the existing third
14 floor. So the existing third-floor area that's
15 7-foot or higher is 402-square-feet, and we're
16 proposing with these four additions going in the
17 area that's 7-foot or higher being 608-square-feet
18 to 206-square-feet existing to fit the four
19 dormers in to get the windows which share a bath
20 in the back. And the dormers in the front
21 increase the curb appeal in the front.

22 CHAIRMAN FUSARO: Thank you,
23 Mr. Bailey. A couple of quick questions. The
24 required front yard setback of 38.9-feet, and then
25 it's stated that you're proposing or proposed is

1 35.2. However, in our packet, there is a letter
2 dated from February 18, 2022, from EKA, which
3 states "the average of all the lots on the table
4 above are 33.4." So is it 33.4 or yours is 35.2;
5 is that correct?

6 MR. BAILEY: Well, one of the
7 properties EKA Associates counted towards the
8 front yard calculation was the corner lot on
9 Prospect, which, given the shape of that lot, the
10 front yard should be on Prospect. So that should
11 not be counted towards the front yard setback
12 average calculation. Mr. Sammet can probably
13 weigh in on that. But my understanding is that
14 you only count the homes on your side of the
15 street on your block that have the same front
16 yard. So, again, that corner lot on Prospect,
17 that front yard is on Prospect. You're allowed on
18 the corner lot to be 20-feet from the property
19 line. It's certainly in our favor to count that
20 towards the estimated front yard depth because it
21 makes the variance smaller.

22 MR. SAMMET: Mr. Bailey is
23 absolutely correct. We wouldn't use that. If you
24 look at EKA's sheet, Mr. Watson's calculations, we
25 would not use Lot 64 because its front yard faces

1 Prospect.

2 CHAIRMAN FUSARO: Since it faces
3 Prospect.

4 MR. BAILEY: So I took the liberty
5 of changing that. But if the Board would rather
6 take the bigger number...

7 CHAIRMAN FUSARO: We're at 35.2.

8 MR. BAILEY: Yes.

9 CHAIRMAN FUSARO: I just wanted to
10 confirm that.

11 MR. BAILEY: And then, let me walk
12 you through the front porch variance. Drawing 2
13 on A2, again, we're projecting 6-foot out from the
14 front of the house and have a sitting porch,
15 25-feet-wide. And because the street is crooked
16 to the property or the house is crooked to the
17 street, looking at the front of the house, the
18 right-side porch addition is only 2-feet into that
19 estimated front yard depth. And the left side is
20 3-foot-8 into that front yard setback. So it's an
21 angled variance. So, again, the closest we are to
22 the street is the 2-feet, and the furthest from
23 the street is the 3-foot-8 for the front yard
24 setback variance. And believe Mr. Cassidy has
25 some pictures of the neighboring homes. You know,

1 again, this street going down Hamilton, it's going
2 downhill, it's got a lot of trees and shrubbery.
3 And going uphill, it's a corner lot, and so it's
4 not a front yard anyway. And it certainly
5 disrupts the street frontage looking down at
6 Hamilton from Prospect.

7 MR. CASSIDY: I think I added those
8 photos. There should be one that kind of shows
9 the side looking down.

10 MR. SAMMET: I see photos of your
11 home that were distributed to the Board.

12 MR. CASSIDY: Yeah. There should be
13 one looking up and one looking down the street
14 kind of.

15 MR. BAILEY: There are homes that
16 have porticos, there are homes that have sitting
17 porches in the area on Hamilton as well as on
18 Prospect. So it is a front porch neighborhood.
19 It won't be out of character.

20 MR. REISEN: I don't know if this is
21 the one you meant. (Indicating.)

22 MR. CASSIDY: Yeah. Like that one.
23 And then I also have these, which kind of depict
24 the dormers on houses around the area whether it's
25 our block or the next block over.

1 MR. BAILEY: Yeah. So the
2 neighborhood has two-and-a-half and three-story
3 houses existing. So they won't be out of
4 character with the neighboring homes.

5 MS. RAZIN: Just tell me how many
6 photos that you have.

7 MR. CASSIDY: So there's one, two,
8 three, four, five, six. Okay. And we're going to
9 mark that as A-1.

10 MS. RAZIN: Six photos. Okay. And
11 we're going to mark that as...

12 MR. CASSIDY: You'll mark them as a
13 group?

14 MS. RAZIN: Yes.

15 MR. CASSIDY: Okay. Thank you.

16 MS. RAZIN: Photo set of neighboring
17 homes.

18 (Whereupon, Applicant's Exhibit A-1,
19 PHOTO SET OF NEIGHBORING HOMES, was marked for
20 identification.)

21 MS. RAZIN: You took those,
22 Mr. Cassidy.

23 CHAIRMAN FUSARO: You took those
24 photographs?

25 MR. CASSIDY: Oh...

1 CHAIRMAN FUSARO: No. No.

2 MR. CASSIDY: Sorry. I took them,
3 yeah.

4 CHAIRMAN FUSARO: We've marked them.
5 Pass them down.

6 MR. MASCIALE: I have a question,
7 Frank.

8 CHAIRMAN FUSARO: Sure.

9 MR. MASCIALE: So is there -- it's a
10 three-story preexisting?

11 MS. MOLNAR: No. I have a question.
12 It's two-and-a-half?

13 CHAIRMAN FUSARO: It's
14 two-and-a-half.

15 MR. BAILEY: Well, no because of the
16 calculations. If you go to the Existing Floor
17 Plans, EX2, and you look at Number 4, Existing
18 Attic Plan, that blue shaded area, that's the area
19 that's 7-foot or higher above the attic floor at
20 the top of the rafter.

21 MR. MASCIALE: Wasn't that over a
22 third which is allowed?

23 MR. BAILEY: It's up to a third is
24 the definition of a half story. So up to a third
25 of the area of the second floor, it's considered a

1 half story. More than a third of the second floor
2 is considered three stories.

3 CHAIRMAN FUSARO: So that that
4 bathroom addition you're putting in the back puts
5 you over 10%?

6 MR. MASCIALE: No. It's already
7 over to begin with.

8 MR. BAILEY: No, it's already over.
9 So the three doghouse additions towards the front
10 which are relatively small, and then the shed
11 dormer in the back make the existing nonconformity
12 even more nonconforming. Because 1/3 of the
13 second floor is 364-square-feet. The existing
14 attic that's 7-foot or higher is 402-square-feet.
15 So it's 38.78% of the second floor is the existing
16 attic. So the existing attic counts as a third
17 floor. It's already nonconforming.

18 MR. MASCIALE: So would that be a
19 preexisting condition?

20 MR. BAILEY: Yes.

21 MR. MASCIALE: Because it's not
22 listed in our package as a preexisting condition.

23 MR. BAILEY: Sorry. It is
24 preexisting.

25 MS. MOLNAR: It was not listed in

1 the 1996 variance either.

2 MR. SAMMET: Well, don't forget
3 there was a major ordinance change in 2009. So
4 this house was built in the '90s?

5 MR. CASSIDY: 1992.

6 MR. SAMMET: 1992.

7 MR. MASCIALE: So would it be a
8 preexisting condition then?

9 MR. SAMMET: Yes.

10 MR. MASCIALE: Okay. So it's not
11 listed but it is a preexisting condition?

12 MR. SAMMET: Right.

13 MR. MASCIALE: And then my opinion,
14 you're making it bigger by adding all that on to
15 it.

16 MR. SAMMET: That's correct.

17 CHAIRMAN FUSARO: You're adding on
18 to the nonconformity.

19 MR. BAILEY: You know, given the
20 undersized property -- so, again, going back to
21 the Proposed Site Plan on SP-1, given that it's an
22 eight-and-a-half-thousand square-foot property
23 instead of the required 12,000-square-feet, to
24 gain the extra space they need for their growing
25 family, you can't just push additions out the

1 back. You're limited by the setbacks, you've got
2 the storm sewer easement. So really, the only
3 place to add more bedrooms is to go up. So that's
4 why --

5 MR. MASCIALE: I also noticed
6 there's a bedroom proposed in the basement.

7 MR. BAILEY: Yeah. They finished
8 the basement.

9 MR. CASSIDY: It's more of an
10 office, but, yes.

11 CHAIRMAN FUSARO: Currently, it's a
12 bedroom in the basement, four on the second floor,
13 and two in the attic.

14 MR. CASSIDY: Well, the one on the
15 second floor would become the laundry room.
16 Because it's a small bedroom, it's not really even
17 a -- it's not -- I don't know. You can call it a
18 bedroom.

19 MR. BAILEY: It's an odd shape.

20 MR. CASSIDY: So it's just going to
21 become a hallway and laundry room. So you'd end
22 up with three bedrooms on the second floor.

23 MR. BAILEY: And there's no finished
24 attic currently. So currently, you know, the
25 basement is a recent renovation. So when they

1 bought the house, it was just the four bedrooms,
2 and second floor, and an unfinished basement.

3 CHAIRMAN FUSARO: Thank you. I had
4 made some notes regarding the easement along the
5 rear. You did mention that.

6 MR. BAILEY: You know, fitting in
7 with the existing neighborhood, the dormers in the
8 attic fit in scale-wise. They don't have the
9 option of putting that addition out the back; it's
10 an undersized property, the setbacks, the
11 easements.

12 CHAIRMAN FUSARO: You know one of
13 our -- as Don noted in his report to the Board,
14 which I assume you have a copy of -- if there were
15 to be a two-car garage added to the structures at
16 some future point in time, that it would not
17 really fit into the property. You had mentioned
18 that there're wetlands along the back of the
19 property.

20 MR. BAILEY: Well, the property
21 behind them on the tax map there's a big wetlands
22 area that the town uses for stormwater drainage.
23 And there currently is an underground culvert
24 where the easement is. Actually, if look at the
25 site plans, actually that underground culvert

1 actually opens up and dumps on the Cassidy's
2 property. So it makes it very awkward, as you
3 said, to have kids play in that back area.
4 There's an existing buried conduit, and across the
5 street, across Hamilton Avenue, there is an open
6 stream. So it's an open stream across Hamilton
7 Avenue and it gets to the Cassidy's property it
8 gets buried into a concrete conduit that opens up
9 and dumps in the back of the property. Behind
10 their property is the wetlands. So I don't know
11 how flooded your yard gets during major floods,
12 but you certainly you've got a lot of obstacles to
13 putting a detached garage back there.

14 MR. CASSIDY: Yeah. You wouldn't
15 want the kids playing back there.

16 MR. SAMMET: So I guess my point
17 where I was going was that if the Applicant were
18 to provide a two-car garage it's impossible, near
19 impossible to do so with the building on the
20 existing structure. You'd have to put something
21 in the rear yard, a detached garage, and that
22 would add to impervious coverage. There're
23 wetlands issues I'm hearing in the back. It's
24 used as a play area for the children as an open
25 space on the property in general. So I guess the

1 question is: Does the home function fine, if you
2 will, with a single-car garage? Do you have to
3 park on the street? Are your guests having to
4 park a block away? Or is a one-car garage suiting
5 to the use of your property?

6 MR. CASSIDY: Yes. It's a long
7 driveway. I mean you can fit one car in the
8 garage and then another three really in the
9 driveway. So, yeah.

10 MR. BAILEY: And Hamilton Avenue
11 isn't a very busy street. It's a dead end. And
12 there're no restrictions on the amount of time you
13 can park there.

14 CHAIRMAN FUSARO: Your testimony is
15 that the current functioning of the home, it
16 functions fine with the one-car garage, you have
17 enough parking in your driveway, and you're really
18 not utilizing any street parking at this time?

19 MR. CASSIDY: Yes, correct.

20 MR. BAILEY: And the other existing
21 nonconforming condition is the property is
22 shallower than required in an RS-12 zone. What's
23 required in a minimum of 120-feet, the property is
24 115-feet. So if the required was deeper, I'd make
25 the front yard setback go away. But it's a

1 shallow property required by the RS-12 code, and
2 also undersize in area. It's undersized in at
3 least a couple of different ways. And the house
4 exists --

5 MR. SAMMET: I'll mention another
6 difficulty with providing a two-car garage is --
7 it may have been mentioned already -- there's a
8 10-foot-wide storm sewer running through the
9 backyard which adding to that backyard, I feel, is
10 un-buildable for a structure.

11 MR. BAILEY: Right.

12 CHAIRMAN FUSARO: I had a couple of
13 other quick questions. With respect to the
14 10-foot storm sewer; I'm looking at your SP-1 plan
15 and you have the storm sewer right-of-way is
16 10-feet. Looks like your deck encroaches on it
17 slightly. I'm assuming that that's correct?

18 MR. BAILEY: Yeah.

19 CHAIRMAN FUSARO: However, could
20 you, or would you know why that concrete headwall
21 and that ditch is outside of that storm sewer
22 easement? Shouldn't it be inside the storm sewer?

23 MR. BAILEY: Myself and Mr. Cassidy
24 have spoken to a bunch of people, and the
25 engineering department, and the surveyors, and

1 basically, forget about moving the easement; it's
2 there. Mr. Cassidy can --

3 CHAIRMAN FUSARO: Okay. So the
4 storm sewer was put in the wrong spot and the
5 easement was put in the wrong spot; is that
6 correct?

7 MR. BAILEY: So I pointed that out
8 when I was first hired, and it's been addressed in
9 various channels and basically they said forget
10 about it.

11 MR. CASSIDY: Yeah. From the people
12 I've spoken to in town, essentially, the answer
13 was that the tax maps or -- I'm sorry, I didn't
14 know what kind of map it's called --

15 MR. BAILEY: Storm sewer.

16 MR. CASSIDY: -- but the storm sewer
17 map wasn't updated properly.

18 CHAIRMAN FUSARO: And that was with
19 the engineering department, the town engineer's
20 department.

21 MR. CASSIDY: Yes.

22 MR. BAILEY: When I looked on the
23 town's website, the storm sewer map for this
24 property still shows the open creek which,
25 obviously, is not the existing condition. And,

1 again, nobody wants to address it.

2 CHAIRMAN FUSARO: Just curious.

3 MR. BAILEY: It's under the rug.

4 CHAIRMAN FUSARO: The other question
5 I had is the stone wall running along the driveway
6 side of the property; I'm assuming that that is
7 there for a grade differential or elevation. I'm
8 looking at the photographs.

9 MR. BAILEY: Right. The upper
10 left-hand corner, the grade going to Prospect is
11 steeper, and it's an existing retaining wall.

12 CHAIRMAN FUSARO: Okay. So that's a
13 retaining wall, and it looks like it's about 3- or
14 4-feet high.

15 MR. BAILEY: Right. That's
16 existing.

17 CHAIRMAN FUSARO: I'm looking at
18 PH-1, the Existing Front Elevation in the upper
19 left-hand corner of the photograph. It's a stone
20 wall. We know that there's a hardship with
21 respect to the lot size. It could fall under a
22 c(1) variance. Any Board Members have any other
23 questions for the Applicant or the architect?

24 MS. MOLNAR: Does Don agree with the
25 third-floor calculations?

1 MR. SAMMET: Yes.

2 MS. MOLNAR: Yes.

3 CHAIRMAN FUSARO: Anyone else? Is
4 there anyone in the audience that would like to
5 address the application with respect to the
6 testimony of the architect or the Applicant? If
7 so, please come forward. Seeing none, we'll close
8 that portion. Mr. Bailey, and Mr. and Mrs.
9 Cassidy, any other statements you'd like to make
10 to the Board before we close it and open up to
11 Board discussion?

12 MR. CASSIDY: No. Thank you for
13 hearing us.

14 MR. BAILEY: I'm good.

15 CHAIRMAN FUSARO: Thank you so much.
16 Okay. Let's open it up to Board discussion.
17 We've obviously heard from the Applicant and their
18 architect with respect to the addition -- proposed
19 additions to the property. The porch, which is
20 going to encroach an additional 3.7-feet into the
21 front yard setback, once you take into account
22 that the corner property immediately adjacent to
23 this particular property falls on Prospect Street,
24 not on Hamilton. So we don't have to deal with
25 that. We've heard about the 10-foot-wide easement

1 along the rear of the property. Even though
2 located6 or something is located improperly back
3 there. So that's not part of our jurisdiction,
4 that's engineering jurisdiction, so we'll leave
5 that as it be. The porch is 6-feet-wide which is
6 not an unreasonable width for a porch. If we were
7 to approve the application, my suggestion for a
8 condition would be our usual one which is that it
9 remains open, obviously, on three sides. The
10 upstairs attic, which is being converted to what
11 looks like two bedrooms plus a bath. Most of it
12 is currently existing with the exception of that
13 kick-out in the back which is going to become a
14 bathroom, and the three dormers in the front,
15 which I assume are basically for aesthetic reasons
16 and probably for some egress from the two bedrooms
17 in case of a fire. Other than that, I don't have
18 too many other comments with respect to the
19 application. How does the Board feel?

20 MR. MASCIALE: I'll jump in here. I
21 think this is a good case for where the land use
22 changing the variances -- the ordinances. You
23 know it was meant to catch houses with expansions
24 like this with new construction. The overall
25 height is not -- but you're really exaggerating

1 the third story by making it worse where it's
2 already over. Can the house handle it? You know
3 they showed pictures of the neighborhood with
4 similar type third stories in the neighborhood.
5 And I think it would fit into the neighborhood.
6 But on the other hand, they're crying now that
7 they have only have a few thousand square feet,
8 which in my mind, means that you don't build a
9 house that big just because you're at
10 4,000-square-feet. Just because you're under
11 doesn't mean you can do whatever you want. You're
12 shoving five bedrooms into the house. You're
13 maximizing it. I think it's a lot, but I think
14 it's still going to fit into the neighborhood. I
15 don't see the benefit of denying it but, I'm not
16 happy about it. I think they're maximizing it to
17 the max.

18 CHAIRMAN FUSARO: I would agree with
19 you, Chris. Two points being -- and we've heard
20 some testimony with respect to a possible future
21 second garage, which is basically impossible to
22 put on the property based on the current location
23 of the home. In addition, I believe we're
24 creating a six-bedroom home with everything
25 including the kitchen sink, including a dog bath;

1 which I've never seen in a house, but God bless
2 ya'. So, yeah. I mean based on the photographs,
3 of the surrounding properties given to us and
4 based on the c(1) variance request that it's a
5 hardship with respect to the size of the lot, as
6 Mr. Bailey said, had they had the additional
7 5-feet with respect to the depth, the front yard
8 setback variance would not be required. Like you
9 said, Chris, I think they're super maximizing
10 everything. But then again, a lot of the homes in
11 the neighborhood are larger, and we haven't heard
12 anyone from the neighborhood come to testify
13 against the application. So based on that, I
14 guess I would be in support of the application
15 with the one condition that I mentioned. How does
16 the rest of the Board feel? Carol?

17 MS. MOLNAR: Yeah, I agree.

18 CHAIRMAN FUSARO: Matt?

19 MR. SONTZ: I agree. If this was a
20 regular-sized lot I'd be concerned because by
21 fault it would be, well, they're maximizing the
22 house, the next thing they'll do is maximize the
23 yard. They'll come back for something. But this
24 storm sewer right-of-way just destroys any
25 possibility of doing anything in the back. So,

1 naturally, what they can do is maximize the house.
2 I think all things considered; it's fine.

3 MR. REISEN: I just think one more
4 thing, we're also pro-porch per the per the
5 ordinance. So I'm in support of the application.

6 CHAIRMAN FUSARO: All right. That
7 having been said, do we have a motion?

8 MS. RAZIN: With the one
9 condition...

10 CHAIRMAN FUSARO: The one condition
11 I would stipulate is that the porch remains open
12 on three sides.

13 MR. REISEN: Motion to accept the
14 application with the condition that the porch
15 proposed remains open on three sides.

16 CHAIRMAN FUSARO: Do we have a
17 second?

18 MR. SONTZ: Second.

19 CHAIRMAN FUSARO: Mr. Sammet?
20 Seconded by Mr. Sontz.

21 MR. SAMMET: I'll go around the
22 table this time. Ms. Molnar.

23 MS. MOLNAR: Yes.

24 MR. SAMMET: Mr. Sontz.

25 MR. SONTZ: Yes.

1 MR. SAMMET: Vice-chair Masciale.

2 MR. MASCIALE: Yes.

3 MR. SAMMET: Chair Fusaro.

4 CHAIRMAN FUSARO: Yes.

5 MR. SAMMET: And Mr. Reisen.

6 MR. REISEN: Yes.

7 CHAIRMAN FUSARO: Your application
8 is approved. Good luck.

9 MR. CASSIDY: Thank you.

10 MR. MASCIALE: Do you want to take a
11 break?

12 CHAIRMAN FUSARO: Yeah. We're going
13 to take a 10-minute break. We still have one,
14 two, three, four, five applications left. I'm
15 hoping that we get through most of them. We'll
16 discuss it during our break and let you know what
17 we decide. See you in 10 minutes.

18 (Break taken.)

19 CHAIRMAN FUSARO: We are back. We
20 have five additional applications scheduled for
21 this evening. The last application is
22 Mr. Michael Moriarty, 318 Belmar Place. Is the
23 Applicant present?

24 MR. MORIARTY: Yes.

25 CHAIRMAN FUSARO: Mr. Moriarty, I

1 apologize, but I don't believe we're only going to
2 get -- we're not going to start any new
3 applications before 11:00 this evening. We have
4 four ahead of you. So I'm going to ask that that
5 application be carried to our October meeting.

6 MR. SAMMET: We need to schedule the
7 extension at the time --

8 CHAIRMAN FUSARO: I'm sorry?

9 MR. SAMMET: The Applicant would
10 need to grant an extension of time in which the
11 Board must act.

12 CHAIRMAN FUSARO: Okay. And it's
13 September 17. Okay. Can you come forward? I'm
14 sorry. Thank you, Mr. Moriarty.

15 MR. MORIARTY: Yeah, sure.

16 CHAIRMAN FUSARO: We have four
17 applications still to go through this evening
18 ahead of you, you would be the fifth. You're
19 welcome to stay and wait if you'd like, but the
20 chances of getting to you are slim to none. So I
21 would leave it up to you. And based on our
22 decision date of September 17, I would ask -- we
23 would have to carry to the October meeting, right
24 Don, not the special meeting next Monday?

25 MS. RAZIN: No, we could carry him

1 to the 19th.

2 CHAIRMAN FUSARO: We could carry him
3 to the 19th. Okay. We have a special meeting
4 scheduled for next Monday.

5 MR. MORIARTY: Yeah, I'll be back
6 home, yeah. It's the same time of night?

7 CHAIRMAN FUSARO: Yeah. Next Monday
8 evening, same place, same time; 7:30. Depending
9 on how many we get through between now and 11:00,
10 you would be probably number one or number two
11 that evening.

12 MR. MORIARTY: Okay. I'll
13 definitely take that. Yup.

14 CHAIRMAN FUSARO: She's going to
15 carry this application without further notice.

16 MR. MORIARTY: Thank you very much.
17 I appreciate it.

18 CHAIRMAN FUSARO: And the next to
19 last application is Steven Seperson and
20 Melissa Gluck, 706 Embree Crescent. We're going
21 to try to get to you. You're welcome to stay.
22 All right. Great. Okay. Let's proceed.

23 Our next application is ZBA 21-059
24 Brian O'Connor, 322 Park Street. Applicant is
25 seeking approval to construct a two-and-a-half

1 story addition contrary to the Westfield Land Use
2 Ordinance: Section 11.12E14 where minimum garage
3 space permitted is a one-car garage and proposed
4 is none. Good evening. How are you?

5 MR. O'CONNOR: Good evening. Good.

6 CHAIRMAN FUSARO: Please state your
7 name and address for the record.

8 MR. O'CONNOR: Brian O'Connor,
9 322 Park Street, Westfield, New Jersey.

10 MS. O'CONNOR: Jenny Montana
11 O'Connor, 322 Park Street.

12 MS. RAZIN: I'm sorry, what was your
13 first name again?

14 MS. O'CONNOR: I'm sorry?

15 MS. RAZIN: I just couldn't hear
16 you.

17 MS. O'CONNOR: Jenny.

18 MS. RAZIN: Oh, Jenna.

19 CHAIRMAN FUSARO: Jenny. We're all
20 a little hard of hearing.

21 (Laughter.)

22 MS. RAZIN: It's just hard to hear
23 because I'm not looking up at you.

24 MS. O'CONNOR: It's okay.

25 CHAIRMAN FUSARO: Please raise your

1 right hand.

2 BRIAN O'CONNOR and
3 JENNY MONTANA O'CONNOR, having been duly sworn,
4 were examined and testified as follows:

5 CHAIRMAN FUSARO: Thank you so much.
6 Please tell us about your application.

7 MR. O'CONNOR: We moved to Westfield
8 about a year-and-a-half ago. We have three kids;
9 they're 8, 10, and 12 now. Kind of like what
10 you've heard from other applicants, and you
11 probably hear it a lot, we need some more space.
12 We love the architecture. The house was built in
13 like the late 1800s; beautiful old architecture.
14 After living in it, even in a short time, we
15 realized we need more space. Our boys need their
16 own space. So we're looking to put on a family
17 room to the side of the house together with a
18 bedroom. The second floor has three bedrooms, one
19 of them is really kind of tiny and we were using
20 it as an office through Covid. So we're looking
21 to put a bedroom above that family room on the
22 second floor with a second bathroom. Right now,
23 there's a small bathroom with just a shower. So
24 that's what we're looking to do. I know there's a
25 shed on the property. There's no garage

1 currently. I don't know if there was one.
2 Perhaps a long time back. I think the previous
3 owner had lived there for at least 25 years I
4 think. So I think the shed has been there for
5 some time. We have a really long driveway that
6 runs from Park Street all the way around to
7 Summit. It probably fits about five cars in that
8 driveway. We've never used the roadway in the
9 year-and-a-half that we've been living there.
10 I've always used the driveway. So that's what
11 we're looking to do. I'll have Greg and Jim talk
12 about the plans. And Jenny wanted to speak and
13 say something as well.

14 MS. O'CONNOR: Thank you. I just
15 wanted to point out that we bought this home
16 because it was so unique and historic. Obviously,
17 you can tell from my accent that I'm from here,
18 I'm from New York. So we saw this house and we
19 fell in love with it because it was so completely
20 different from anything that we were used to.
21 It's not your traditional home that we were shown
22 when we were shown around here. It's not your
23 modern farmhouse that everyone seems to be having
24 here. Frankly, though it's not only unique, but
25 it's really. It was on the market for a really

1 long time because it does need a lot of work. So
2 it really is a labor of love. I'm not so sure
3 it's a labor of love for my husband, but it really
4 is a labor of love for me. And so it's a real big
5 project to try and restore this house to its
6 original charm and grandeur. And that's why when
7 we bought it we retained the architect that we did
8 because all the research that we did, he,
9 apparently, is the one that specialized in
10 restoring old homes. And it really is my dream to
11 restore this home to its Victorian nature from
12 years ago.

13 So we really want to bring this
14 house back to its original state of what it looked
15 like. We're not looking to try and, you know,
16 modernize it on the outside. But it does need to
17 have some type of updates on the inside to make it
18 just a little bit more comfortable for our family.
19 You know, we have one of those creepy basements
20 that's like a cellar, it's completely unfinished,
21 and the ceilings are really low so the kids really
22 can't go down there. We don't have a bedroom.
23 The parents, as us, we don't have a bedroom on the
24 second floor. The bedroom is up in the attic.
25 Which, at first, seemed like a really good idea.

1 But we have three mischievous boys who have
2 bedrooms on their own floor. So now, in
3 hindsight, it's probably not such a great idea
4 that they have bedrooms without any parental
5 observation.

6 We do have a shed. We actually love
7 the shed. I know it might sound strange, but we
8 don't want a garage. We had a garage in New York
9 and it just became a place where we dumped all of
10 our garbage. So we actually were thrilled when we
11 found a house that didn't have a garage. The shed
12 we have here is actually like a Victorian-style
13 shed. So it goes really well with the
14 architecture of the home. The shed actually
15 separates our home from our neighbor's home. And
16 there's actually like landscaping around the shed
17 which separates our driveway from our neighbor's
18 driveway. So the thought about putting a garage
19 there now would actually take away the joy from me
20 and my neighbor because we share that garden that
21 separates our driveways. And I would really hate
22 to lose that garden that exists between our homes.

23 So, for us, we love the way the
24 outside of the house looks, so we hope that we can
25 have this plan to kind of bring it back up. But

1 we did get two experts here, and you might be like
2 that's sort of overkill, but we're not from the
3 area. And like I said, I really love this home,
4 that's why we bought it. And we just wanted to
5 make sure we did everything aboveboard and did
6 everything correctly. So we hope that we've done
7 everything that you need and hope that we can
8 satisfy all of your questions this evening. Thank
9 you.

10 CHAIRMAN FUSARO: Thank you. Would
11 you happen to know what year, approximately, the
12 home was built?

13 MR. O'CONNOR: Yeah. I think 1880
14 is what I heard.

15 CHAIRMAN FUSARO: Approximately,
16 1880.

17 MR. O'CONNOR: Yeah.

18 MS. MOLNAR: Can I ask a question?

19 CHAIRMAN FUSARO: Sure.

20 MS. MOLNAR: Do you have a finished
21 third floor?

22 MR. O'CONNOR: Yes.

23 (Crosstalk.)

24 MS. MOLNAR: What's actually up
25 there.

1 MR. O'CONNOR: So when we bought it,
2 it was sort of like the primary bathroom with its
3 own bathroom.

4 MS. MOLNAR: A full-sized bath.

5 MR. O'CONNOR: Yeah. I mean the
6 ceiling, you know, the walls come in on an angle a
7 little bit. But it's actually a shower.

8 MS. MOLNAR: There's a bedroom and
9 there's another office up there.

10 MR. O'CONNOR: There're two more
11 rooms. It's kind of like you can't really do much
12 with them.

13 MS. MOLNAR: Two rooms and a bedroom
14 though in the front.

15 MS. O'CONNOR: It's a little sewing
16 room. And the previous owner used it as a sewing
17 room, but they're not bedrooms.

18 MR. O'CONNOR: The bedroom is in the
19 back of the house.

20 MS. MOLNAR: In the front of the
21 house there're no bedrooms?

22 MR. O'CONNOR: No. There's just
23 like a little room you would use to like sew.

24 MS. O'CONNOR: They don't have any
25 closets. There're no closets in those rooms.

1 (Crosstalk.)

2 MS. MOLNAR: The bedroom is in the
3 back of the house?

4 MS. O'CONNOR: Yeah, the bedroom is
5 in the back of the house.

6 MS. MOLNAR: I have to ask our
7 planner. Don, does this qualify as a third floor?

8 MR. SAMMET: I didn't do those
9 calculations to check into it. It wasn't part of
10 the application.

11 (Crosstalk.)

12 MS. MOLNAR: Otherwise --

13 MR. MASCIALE: It could be
14 preexisting.

15 MR. SAMMET: Yeah. A preexisting --

16 MS. MOLNAR: Otherwise, you would
17 leave that bedroom because it's being
18 two-and-a-half stories. But he's going for three;
19 right?

20 MR. SAMMET: No.

21 MR. MASCIALE: No. I don't see
22 that, Carol.

23 MS. MOLNAR: Does he need a variance
24 still because it is three stories?

25 MR. SAMMET: Not unless they're

1 exacerbating that three-story condition; no.

2 CHAIRMAN FUSARO: In the addition,
3 there's a two-story addition.

4 MR. O'CONNOR: Just two. Just a
5 second floor.

6 MS. MOLNAR: Well, he's enlarging a
7 two-and-a-half to three; right?

8 MR. MASCIALE: No.

9 CHAIRMAN FUSARO: No. Three is
10 existing. He's not touching anything on top.

11 MS. MOLNAR: He's stating it's
12 two-and-a-half. The application says a
13 "two-and-a-half story."

14 CHAIRMAN FUSARO: Okay.

15 MS. MOLNAR: So now, it's now a
16 three-story.

17 MS. RAZIN: I don't think -- they're
18 not adding on. They're not exacerbating that
19 existing -- they're not adding to that existing
20 area, that third floor.

21 MR. O'CONNOR: No.

22 MR. SAMMET: Right.

23 MS. RAZIN: So they're not adding to
24 that area then, so they're not changing that. The
25 existing nonconformity -- if that's an existing

1 nonconformity, they're not changing that.

2 MS. MOLNAR: So when the third story
3 was remolded, perhaps a variance should have been
4 (indiscernible.)

5 MS. RAZIN: I didn't hear you.
6 What?

7 MS. MOLNAR: When the third story
8 was remodeled, perhaps a variance was needed at
9 that time.

10 MS. RAZIN: No. Nobody said it was
11 remolded.

12 MR. O'CONNOR: I don't know. I was
13 just saying --

14 (Crosstalk.)

15 MS. RAZIN: They didn't say --
16 nobody has testified to it being remodeled.

17 CHAIRMAN FUSARO: They only
18 purchased the home two years ago.

19 MS. O'CONNOR: But the third floor
20 is part of the original structure. It's a
21 three-story home originally.

22 CHAIRMAN FUSARO: I'm familiar with
23 the house. I went to high school here in 1979.
24 I'm familiar with that house, I was in it many
25 years ago.

1 MS. O'CONNOR: Good.

2 MS. MOLNAR: Okay. So no variance
3 is required. Okay.

4 CHAIRMAN FUSARO: Thank you for your
5 testimony. I see Mr. Blasi is here. Say your
6 name and address for the record.

7 MR. BLASI: My name is Greg Blasi.
8 I live at 779 Carleton Road.

9 CHAIRMAN FUSARO: Please raise your
10 right hand.

11 GREG BLASI, having been duly sworn,
12 was examined and testified as follows:

13 CHAIRMAN FUSARO: Mr. Blasi, you've
14 testified before the Board this year. We'll
15 continue to recognize you as an expert in the
16 field of architecture. Please proceed.

17 MR. BLASI: Thank you. I would like
18 to start with SD-00. The variances that are
19 required are front yard setback for the porch, and
20 for, as we already stated, not having a garage.
21 Regarding the front yard porch; I just wanted to
22 say that the porch is the same depth as the
23 existing porch. As we look at the plan, I'm going
24 to switch to SD-01. The addition on the first
25 floor is a restoration of this front porch, which

1 I'll show you in the elevations, and this family
2 room, this new family room right here to the left
3 side of the front when you're looking at the front
4 yard. It has an openness now to the existing
5 kitchen. You're able to come into the house as a
6 center hall, and either go to the living room to
7 the left, family room to the right, and a more
8 natural connection to the kitchen itself. And it
9 has windows on three sides to the yard; this large
10 open corner of the property. And it has windows
11 out the (interference.) What the client, Jenny,
12 had spoken about as far as the basement; the
13 basement is an existing brick wall basement. It's
14 got very low ceilings. It's called out as 5'10.
15 Under the beam, it's 6'7, 6'7 at the joist. So
16 creating a new lower basement at this addition
17 allows you to come down the stairs, take a few
18 additional steps down, and have an 8-foot-4
19 ceiling with natural windows in this basement area
20 to have a playroom for the kids.

21 CHAIRMAN FUSARO: Excuse me one
22 quick second Mr. Blasi. We had two sets of plans
23 in our packet. Can you -- in that summary you're
24 doing right now -- can you please just explain to
25 us what the difference is between the plans dated

1 June 25, 2021, and the ones you're working off of
2 right now, which are March 24, 2022?

3 MR. BLASI: I believe it had to do
4 with the zoning calculations, zoning chart only.

5 CHAIRMAN FUSARO: Thank you.

6 MR. BLASI: As we go up to the
7 second floor, you have a new bedroom above the new
8 family room below with a bathroom, full bath. So
9 as you come up to the original hall, all these
10 bedrooms remain the same, you come down, and
11 you're able in the front to pass through a
12 hallway. And as you come in this vestibule, you
13 can go to the right to a bathroom with a toilet
14 and a shower which allows an additional bathroom
15 for the kids upstairs, as well as this new
16 bedroom. And then above that is just a flat roof.
17 There is no attic, and there is no half story
18 above that family room.

19 As I turn to SD-04, the top
20 elevation shows the front porch, which again is
21 the same depth as the front porch existing. What
22 it is doing it's proposing new brick piers,
23 lattice, and columns. The details in the frieze
24 matches more of the existing time period of this
25 house. So if you would pass the house today,

1 you'll see that porch is an amalgamation of
2 bastardized details over years, and this is
3 restoring it back to that time period. This is
4 showing the addition, this color rendering over
5 here showing additions. Shows the scale of the
6 windows; the scale proportion of the windows. The
7 muntin pattern is following the existing house.
8 The frieze on the second floor and dentils are
9 following the existing house. And the frieze on
10 the first floor is being taken across the porch
11 around the first floor, the addition, which is
12 brought along this side, which has larger windows
13 on the side as well following the same muntin size
14 and pattern of the existing home. Windows letting
15 natural light into the lower level. And also, the
16 details turning the corner on the porch. A
17 low-pitched copper roof, a metal roof would also
18 match the time period of the 1880s that identifies
19 the home.

20 As I turn to SD-05, this is the rear
21 elevation of the home, which you would see the
22 side addition. The rear transom windows, windows
23 on the second-floor master bedroom, and the
24 balustrade coming across to tie in the details
25 picking up on the dentil frieze having this low,

1 very low balustrade up above. Again, no attic, no
2 storage, just a flat roof up there. And that's
3 going from the side yard, right side yard, it's
4 just showing what the neighbor would see of the
5 new porch, new columns, and frieze.

6 So comments that I'd like to say
7 about the house is it's historic in nature. That
8 the details, materials will match the existing
9 house. The details will match the existing home.
10 The front porch, which I said earlier, is more
11 accurate details and materials than the original.
12 We have masonry piers, and again, the depth of the
13 porch is the same depth as the existing porch.
14 The square footage remaining allows for a two-car
15 garage to be built at a later time. There's
16 enough room now leftover in building coverage to
17 build a garage at a later time, which I hope
18 whoever the owner that decides to build it might
19 actually come back to build a carriage house or a
20 garage that matches the style of this home and the
21 time period of this home. And lastly, I'd just
22 like to say that the basement, again, modernizing
23 and having amenities that other houses have allows
24 for another bedroom, but really for a family room
25 large enough for the family to meet in. And also,

1 provide a basement room, playroom area with
2 headroom that would match existing other homes and
3 building modern additions.

4 CHAIRMAN FUSARO: Thank you,
5 Mr. Blasi.

6 MS. MOLNAR: One question; are you
7 aware that there's a variance needed for a front
8 yard setback? It wasn't advertised.

9 MR. SAMMET: We put in a provision
10 in all our notices in case any additional
11 variances are requested.

12 MR. REISEN: The catchall.

13 MR. SAMMET: So-called "catchall."

14 MS. MOLNAR: Correct. So you're
15 aware of the front yard setback?

16 MR. BLASI: Correct. But again,
17 Carol, the front yard setback; the front yard
18 porch walk is exactly in the same place as it is
19 now. Although, it does need a variance because
20 it's being increased.

21 MS. RAZIN: Although what?

22 MR. BLASI: It needs a variance
23 because it's being increased and it is in the same
24 location.

25 CHAIRMAN FUSARO: The setback is the

1 same --

2 MR. BLASI: The depth is the same.

3 CHAIRMAN FUSARO: -- you're

4 increasing it in size.

5 MR. BLASI: Correct.

6 CHAIRMAN FUSARO: So it's still at
7 42.78 as it is today even though the requirement
8 is 45 per the code?

9 MR. BLASI: Correct. And it has
10 been increased, a little bit enlarged. And the
11 purpose of that was if you look at the alignments
12 on the columns aligning the center door, the
13 windows above; this is catching the windows in
14 that space to allow the porch to really relate
15 properly to the home.

16 MS. MOLNAR: While you're remodeling
17 it, was there any thought put into the third
18 floor? It sounds like the floor plan is really
19 not the best, most efficient.

20 MR. BLASI: The third floor? The
21 third floor they have is the master bedroom. It's
22 a master bedroom, master bath.

23 MS. MOLNAR: The third?

24 MR. BLASI: The third. There's no
25 new space on the third floor in this addition.

1 Only second floor.

2 MS. MOLNAR: Right. I was wondering
3 though if you were going to -- this would be the
4 best time to reconfigure the third floor.

5 MR. BLASI: No. I don't -- there's
6 no...that wasn't in the scope of work.

7 CHAIRMAN FUSARO: Would this home be
8 considered historic since it was built in 1880? I
9 know you're on the Historic Preservation
10 Commission.

11 MR. BLASI: It's not landmarked.
12 It's not landmarked, but it's one of the older
13 homes.

14 MS. MOLNAR: It is landmarked.

15 MR. BLASI: It is not landmarked,
16 no. It is not in the historic district and it is
17 not landmarked. But it is of that time period and
18 quality, yes.

19 CHAIRMAN FUSARO: Thank you. I have
20 a couple of other quick comments. I see you're
21 putting in two family rooms; one in the basement
22 and one...

23 MR. BLASI: I said a "family room" I
24 said a "playroom." It changes as my kids did.
25 It's going to be a playroom/toy room, to playroom,

1 to later on it might be an exercise room. Who
2 knows? But it is the only room that will have
3 height that is -- as you walk around the existing
4 basement now, it's at 6'7.

5 CHAIRMAN FUSARO: And we did discuss
6 the additional variance. I had made a note of it.
7 It was noticed properly. You said that Don --

8 MR. SAMMET: Yes.

9 CHAIRMAN FUSARO: -- noticed it.

10 MR. SAMMET: Yes.

11 CHAIRMAN FUSARO: And then, if the
12 application were to be approved, obviously, my
13 suggestion would be that the porch remains three
14 sides open.

15 MS. MOLNAR: I have a question.
16 Since -- you said, technically, it's not the
17 historic, does the -- thank you for serving on the
18 Historic Preservation Commission -- does the
19 Historic Preservation Commission have any
20 jurisdiction over this house at all?

21 MR. BLASI: My understanding would
22 be, no. It's not being torn down and it's not...

23 MR. SAMMET: Yeah. It's not locally
24 designated. There's no Certificate of
25 Appropriateness application that's required for

1 this work to take place.

2 MS. MOLNAR: Would you be open to
3 the concept of showing these plans to the Historic
4 Preservation Commission?

5 MR. BLASI: That would be up to the
6 clients. You would have to ask the clients
7 themselves. I don't see why the Historic
8 Preservation would have an issue.

9 MS. MOLNAR: I know this house and
10 I'm just really nervous about adding the addition.

11 MR. BLASI: So that's where I hope
12 -- so think of where -- if you passed it today,
13 right, the existing porch, if you look at it and
14 look at the photographs, the existing porch is not
15 in the style that this house had been. So this,
16 the town is so fortunate enough to have homeowners
17 who are willing to do this of restoring it back to
18 its original character. And the side addition is
19 what you would find on a house like this that was
20 putting on an addition.

21 CHAIRMAN FUSARO: Mr. Blasi, a quick
22 question. I'm looking at some of your photographs
23 that were submitted with your packet and I just
24 want to confirm; the existing porch, you just
25 mentioned, doesn't really match up with the house.

1 The existing porch is an L-shape; is that correct?

2 MR. BLASI: No.

3 CHAIRMAN FUSARO: That's what this

4 -- I'm assuming this is part of the variance.

5 MR. BLASI: Oh, yes, that's correct.

6 CHAIRMAN FUSARO: This is an

7 L-shape?

8 MR. BLASI: Yes, that's correct.

9 CHAIRMAN FUSARO: So you're saying
10 you're taking this portion of the porch off?

11 MR. BLASI: Correct. With this
12 still being...yes.

13 CHAIRMAN FUSARO: You're taking this
14 portion off --

15 MR. BLASI: Correct.

16 CHAIRMAN FUSARO: -- and you're
17 extending it over to line up with the --

18 MR. BLASI: Yep. That is in this
19 location here. Correct. But it's still --
20 although this is L-shaped, this has been modified
21 to match the shape of the windows.

22 CHAIRMAN FUSARO: It won't be an
23 L-shape anymore?

24 MR. BLASI: It won't be an L-shape
25 anymore, correct.

1 CHAIRMAN FUSARO: Thank you. Does
2 any other Board Member have any other questions
3 for Mr. Blasi or the Applicant at this time? No?
4 Do you have any other...?

5 MR. BLASI: Yes.

6 CHAIRMAN FUSARO: Thank you. Good
7 evening. Please state your name and address for
8 the record.

9 MR. WATSON: Good evening. Sure.
10 James Watson, EKA Associates, 328 Park Avenue,
11 Scotch Plains, New Jersey.

12 JAMES WATSON, having been duly
13 sworn, was examined and testified as follows:

14 CHAIRMAN FUSARO: Thank you so much.
15 You've testified before our Board numerous times
16 this year. We'll continue to recognize you in the
17 field of planning and engineering. Please
18 proceed.

19 MR. WATSON: Terrific. Tonight, as
20 the application was explained, we have two
21 variances we have to deal with. First is the
22 front yard setback. We are not meeting your
23 average. That is a reiteration of a lot of
24 concerns from years ago, something new. We're
25 also asking for relief because your ordinance

1 requires we have at least a one-car garage. I'm
2 going to deal with that under c(2) tonight. As
3 you all know, we have to talk about five things on
4 this specific parcel. Positive criteria and
5 negative, and then we have to weigh them out and
6 then come to a conclusion about substantial
7 detriment.

8 First thing, the specific parcel.
9 The lot is on a corner, it's an odd-shaped lot.
10 I'm falling apart here. Okay. As you can see,
11 it's an odd-shaped parcel. It's on the corner of
12 Park Street and Summit. There's an odd-shaped
13 right-of-way involved in this as well. In
14 addition to that, according to your tax rolls, the
15 house was built in 1880, so you do have an older
16 home in the area that never had a garage because
17 we didn't have -- horses, horse-drawn carriages,
18 and we didn't have automobiles then. We also have
19 a limit on parking in this area. You have a
20 two-hour limit between 8:00 a.m. and 2:00 p.m.,
21 Monday through Saturday. So an advantage to this
22 application not having a garage is -- I'll refer
23 to the site plan -- you have a driveway that goes
24 from Park Street along the -- I don't see the
25 north area along here -- along the avenue side of

1 the house, goes past the rear of the house, cuts
2 in front of the shed and goes out to Summit Avenue
3 near the rear line of the property. The two
4 variances; first, I'll do the front yard setback
5 very quickly. I can make a real good argument
6 that this really doesn't need much of a variance
7 because you're replacing the porch in kind. They
8 can get away with leaving that porch and cutting
9 it off and it won't look as nice. They're
10 spending a lot of money to make this a very
11 nice-looking house. The porch is going back in
12 the exact same spot as it is now, it's like 74,
13 it's a little bigger, but it's where it should be
14 on the house. And there were several back and
15 forths about front yard averaging. What I can
16 testify to is if you stand on this corner of the
17 existing porch and you look down the street,
18 Lot 16 is behind you, and you line up exactly with
19 15, Lot 14 faces the other side street. So this
20 is actually right where it should be.

21 And when we talk about the positives
22 that we need for the proof for eliminating the
23 garage, we can go to the Purposes of Zoning. The
24 first one I believe we comply with is (a) which is
25 general welfare. You're continuing investment in

1 the community. This is a good restoration
2 project. In the last couple of years, Westfield
3 has really encouraged this type of investment
4 where you take older homes and you spend a lot of
5 money to make them look appropriate. Also goes to
6 safety with the garage. Right now, the way the
7 driveway is configured, we can get between four
8 and eight cars in the driveway. Just the
9 driveway. So if you're worried about parking,
10 which is the primary reason you have a garage to
11 get a car off the street and park in front of it,
12 we more than accomplish what the purpose of having
13 that requirement is. Also, I believe we comply
14 with (e) layman's term "streetscape." And nothing
15 is going to change. We're restoring this to its
16 original setup. I think as you're going down the
17 street, you're not going to notice this. Because
18 of the money spent and the architect's time
19 designing this, this is going to fit perfectly
20 with what is there now. And finally, (j) from the
21 Purposes of Zoning, you're keeping the original
22 layout that has a garage with no garage and just a
23 driveway set up on this. As Mr. Blasi testified
24 to, at a later date if they want to come back and
25 there is room for not having a variance, he has

1 enough room for a two-car garage to be placed
2 there. My problem with that is because of the
3 setbacks, that garage, if eliminate the shed and
4 push that garage towards Park Street, you're going
5 to kind of block that beautiful addition that
6 they're putting on a historic house. So I would
7 encourage that we keep things the way they are.

8 The third thing we have to talk
9 about is the negatives. I don't think there are
10 any. I think there's plenty of parking here. And
11 if you go to RSIS, you're allowed to use spaces
12 along the frontage in front of your house. So the
13 configuration now from the shed to the property
14 line on Park Street you have 100-feet; that's five
15 cars. From the new addition to the shed, it
16 starts at 16-feet and it widens out at 20. You
17 can get an extra car in there, so you've got two
18 more. Then you have another one coming in off
19 Summit; so now, you're up to eight. With the
20 frontage on Summit, you can get four cars. With
21 the frontage along Park Street, as RSIS indicates,
22 you can get three more. So you're up to 15
23 spaces. If you're concerned about the parking,
24 you have enough in the immediate area.

25 Finally, we'll, not finally...the

1 positive and negative, when you way them out, just
2 a quick recap. The original house was built in
3 1880. Now has four to eight off-street parking
4 spaces that will remain. It does have storage in
5 the shed. It is a nice-sized shed. It's not just
6 a little 6-by-6 shed, you know, made of plastic
7 that you can put up from Home Depot. The
8 adjoining street frontage can provide seven more
9 parking spaces than we have on-site. What I
10 didn't go through is in the immediate area, taking
11 Park Street and going north -- because this all
12 multi-family south of us -- if you go north of
13 Park Street, you have 22 lots, eight of them do
14 not have garages. So that's 36%. If you want to
15 add in the several lots along here, it goes down
16 to 28%. It's not the predominant feature in the
17 neighborhood, but it is not -- it's there, you'll
18 see it. Utah it's just not the predominant
19 feature. Again, like I testified to, there're no
20 negatives. I haven't heard any complaints about
21 this application at all. We haven't seen any
22 other review, you know, other than Mr. Sammet's
23 usual well-done letter. But I think you can agree
24 with me that if you approve this application there
25 will be no substantial detriment to the zoning

1 ordinance or the Master Plan of Westfield. Thank
2 you.

3 CHAIRMAN FUSARO: Thank you,
4 Mr. Watson. Is there anyone in the audience that
5 would like to address the testimony of either the
6 Applicant, architect, or the planner at this time?
7 Please come forward. See none. We'll close that
8 portion.

9 I've got a couple of questions that
10 I just want to bounce off probably I would say the
11 architect, and possibly the Applicant. Mr. Blasi,
12 what is the width of the existing porch currently?

13 MR. BLASI: The width of the
14 proposed is 36.6, so I'm going to say 31.6. It's
15 actually -- if you look at the demolition line on
16 the plan, it's actually shorter.

17 CHAIRMAN FUSARO: And the depth?
18 I'm sorry.

19 MR. BLASI: The depth is 8-foot-4.

20 CHAIRMAN FUSARO: Eight-foot. Just
21 one of the items that was mentioned in
22 Mr. Sammet's report is what would reducing the
23 depth of the porch do to the project. 8-foot-4 is
24 a decent-sized porch. We usually see porches in
25 4- to 6-foot depths. However, I guess noting that

1 you're going to remain on the existing foundation.
2 Is that correct?

3 MR. BLASI: Right. It's going to be
4 in the same line as the existing foundations. And
5 I would ask, if you look at the age of this home
6 and you went down to the right side when you got
7 to Boulevard, those porches on Boulevard are that
8 depth. So we now do porches at 6-feet because you
9 want to have enough room for a couch and a chair
10 to walk by. But that is much more of a typical
11 porch depth that you can find in 1880.

12 MR. SAMMET: Yeah. That was kind of
13 my question: If the porch depth were to be
14 reduced is that really keeping with the character
15 of this 1980s home?

16 CHAIRMAN FUSARO: A couple of other
17 quick questions. We know the variance, one of the
18 variances before us has to do with the garage.
19 Based on the size and coverage of the lot, it
20 appears that certainly in the future there appears
21 to be enough room on the property to construct a
22 two-car garage. I would assume where the shed
23 currently is. And if it became a coverage issue,
24 you could certainly eliminate a portion of the
25 driveway so there're basically two entrances; one

1 off of Summit and one off of Park. Do you know if
2 there are any plans -- perhaps you have to think
3 -- are there any plans, future plans, to add a
4 garage to this property?

5 MR. O'CONNOR: No.

6 CHAIRMAN FUSARO: Okay. Thank you.
7 And then my only other comment is, and I'll assume
8 that you're aware -- and Don, you might need to
9 answer this question -- the existing shed is
10 2-foot-9 off of the property line. Normally, I'm
11 assuming that this is the same shed that's been
12 around for ages. Our current zoning requires it
13 to be 5-feet.

14 MR. SAMMET: Right.

15 CHAIRMAN FUSARO: That doesn't
16 require a variance at this time?

17 MR. SAMMET: No. It's not being
18 changed in any way whatsoever.

19 CHAIRMAN FUSARO: So it's an
20 existing nonconforming condition.

21 MR. SAMMET: Yeah.

22 CHAIRMAN FUSARO: Okay. I believe
23 that those are the only comments that I had. Do
24 any Members of the Board have any comments for any
25 of the professionals or the Applicant at this

1 time? No? Seeing none. Mr. Blasi, any closing
2 statements you'd like to make?

3 MR. BLASI: No. Just, again, it's
4 unique for me to be able to come in front of you
5 with a house like this. So I hope you'll look
6 favorable. Again, to reiterate what Jim said is
7 that we've been trying to save these old homes for
8 this long, and to have someone that will actually
9 restore it and add onto it for a few modern needs
10 but do it appropriately in the same materials at a
11 cost that comes to them of restoring it properly;
12 I'm glad that we have it. So I hope you look
13 favorably upon the application.

14 CHAIRMAN FUSARO: Thank you. I'm
15 going to close that portion of the meeting and
16 open it up to Board discussion. We've heard from
17 the Applicants, planner, and the architect. The
18 home was built in 1880. It's not listed as a
19 landmark home on a historic register, so that
20 really doesn't come into play with respect to the
21 application that's before us. I am a little
22 concerned. This is a highly visible home. The
23 addition that's proposed is being proposed right
24 in the front and the side of the home which both
25 face streets. So it's going to be highly visible.

1 I am happy to see that both the Applicant and the
2 architect have put a fair amount of work into
3 designing both the addition and certainly
4 renovating the porch so that it blends in with the
5 unique character of this home. This is one of the
6 few homes in Westfield with this type of
7 characteristic porch and third-floor roofline
8 area.

9 That having been said, I think we
10 also mentioned that a garage, should it be deemed
11 necessary by some future owners, could be
12 constructed on the project. We've heard from the
13 planner there's plenty of on-site parking; enough
14 for a minimum of eight vehicles. The off-street
15 parking that you mentioned, keep in mind that --
16 the planner also mentioned this as well -- that
17 there is a time limit with respect to the
18 off-street parking since it's in the high school
19 area. So I believe it's a two-hour time limit for
20 off-street parking. I don't see the need for 15
21 cars to be parked at this house right now. But in
22 case he has a massive block party, those people
23 can only stay two hours. Anyway, that having been
24 said, how does the rest of the Board feel?

25 MS. MOLNAR: Both professionals used

1 the word "historic." I know it's not designated,
2 but both professionals used "historic." And I
3 know it's not required, but I would be interested
4 in hearing what the Historic Preservation
5 Commission has to say about this addition.

6 CHAIRMAN FUSARO: I don't know if
7 that's in our purview. Our Board attorney is
8 shaking her head.

9 MS. RAZIN: It's not.

10 MR. SAMMET: I think it's identified
11 in the Master Plan as being part of Boulevard
12 Historic District. If that's the case, the
13 ordinance does allow for the Board to refer to the
14 Commission for their advisory comments.

15 CHAIRMAN FUSARO: So because of its
16 proximity to the historic --

17 MR. SAMMET: Or its location, its
18 identification in the historic preservation
19 element in the town Master Plan.

20 MS. MOLNAR: Yeah. It's a very
21 important historic home.

22 MR. MASCIALE: I'm going to go
23 against you, Carol, on that. No surprise there
24 just because what's in front of us is the garage,
25 and we're not passing variances on the house

1 itself. Maybe if that was the case, I would feel
2 more strongly about it. But we're being asked
3 here to approve there's no garage and the setback.
4 And I think what they're doing with the porch is
5 improving it tremendously.

6 MS. MOLNAR: But the whole addition
7 could be changing the whole aspect of the house.
8 I'm not an expert. That's why we refer to the
9 Historic Preservation Commission. That's their
10 job. They're more adept in that.

11 CHAIRMAN FUSARO: I believe that the
12 Historic Commission would -- and again, I'm not
13 speaking for them -- my thought would be that they
14 would look at the actual building elements that
15 are being used. You've heard from the architect
16 that the frieze is being kept the same, the dentil
17 work along the second floor is being kept the
18 same. I would think that that's what they would
19 be more concerned about. Certainly, they have no
20 say about the garage. As I mentioned, when I
21 first --

22 MS. MOLNAR: Or scale. They might
23 think the addition is bulky compared to the rest
24 of the house. I don't know. I'm not an expert.

25 MR. SAMMET: It's not part of the

1 application.

2 CHAIRMAN FUSARO: Yeah. That's why
3 I'm a little hesitant to look at it because it
4 really isn't part of the application. And as I
5 stated previously, I would have loved for the
6 addition to be in the back somewhere, but,
7 obviously, that's not the case. It's smack in the
8 corner of the front of the property.

9 MR. MASCIALE: It is visible.

10 CHAIRMAN FUSARO: It is designed,
11 you know, the design takes into account the very
12 specific architectural elements that the current
13 home has. So, yeah, I'm kind of...

14 MS. MOLNAR: And it is in the
15 Boulevard Historic District; right?

16 CHAIRMAN FUSARO: A portion of the
17 Boulevard is part of the historic district; is
18 that correct, Don?

19 MR. SAMMET: Yeah. I think the
20 property is part, if not, an individual site
21 located within the Boulevard Historic District
22 identified in the town Master Plan, but not fully
23 designated.

24 MS. MOLNAR: Well, that speaks
25 volumes to me.

1 MR. REISEN: Although, I was just
2 going to say we have one member of the Historic
3 Board here, the architect.

4 (Crosstalk.)

5 MR. SAMMET: Mr. Blasi is on the
6 Commission.

7 MS. MOLNAR: Yeah, but we didn't
8 hear from the other board members.

9 MR. SAMMET: Understood. But he is
10 a member.

11 CHAIRMAN FUSARO: I believe
12 Mr. Blasi is not only a member but I believe
13 you're the architect for the Historic Preservation
14 Commission.

15 MR. BLASI: No. I'm an architect on
16 the committee. I just don't know if I would be
17 able to speak as a --

18 MS. RAZIN: You wouldn't be able to
19 speak because you would be conflicted. But just
20 for the record, you're on the Historic
21 Preservation Committee in town. Commission, I'm
22 sorry.

23 MR. BLASI: Yes. Correct.

24 MS. RAZIN: Does that give you
25 any...?

1 MS. MOLNAR: No.

2 MS. RAZIN: No. Okay. I'm just
3 wondering because you have an expert.

4 MS. MOLNAR: Now we're talking about
5 dollars and cents. These other members may be
6 looking at it from a totally historic point of
7 view if they're not involved financially. You
8 might get different answers.

9 CHAIRMAN FUSARO: We understand.

10 MS. RAZIN: I'm just -- it's just a
11 question.

12 CHAIRMAN FUSARO: I understand your
13 point. I don't know how many members there are on
14 the Historic Preservation Commission. Mr. Blasi,
15 how many members are there? Do you know offhand?

16 MR. BLASI: I think nine.

17 CHAIRMAN FUSARO: Nine. So we've
18 heard from one of them.

19 MR. SONTZ: My view is I would be in
20 support of the project now. The house hasn't had
21 a garage in forever, so I don't know why
22 continuing not having a garage would be a problem.
23 The fact that their porch is getting larger but
24 not closer to the street is not a problem to me.
25 I, for one, I live in a house that the tax maps

1 put at about 1895. I have a house that, as the
2 architect had said, my house is bastardized. You
3 can tell the different parts of my 1895 house have
4 been changing every decade from 1895 to now. And
5 the fact that the homeowners can build whatever
6 they want within the scope of the building code
7 and variances and they don't have to conform
8 anything to looking like 1880, and the fact that
9 they've put in this much effort I think we should
10 thank them for that. And I'm fully in support of
11 this project before they change their mind and say
12 let's spend the money on something else like a
13 pool or something.

14 CHAIRMAN FUSARO: Sam, did you want
15 to add something?

16 MR. REISEN: I just think what Matt
17 said. I'm in support because they are spending
18 more money to try and keep the house and bring it
19 back to what it looked like. Honestly, I would
20 love an outside that goes around in an L-shape,
21 but I understand (indiscernible.) I'm in support
22 of the application.

23 CHAIRMAN FUSARO: All right. So
24 we've kind of heard from everyone now on the
25 Board. As I mentioned earlier, the one condition

1 that I would attach to the approval would be that
2 the porch remains open on three sides. It's
3 currently being changed from an L-shaped porch to
4 a straight porch across the front.

5 That having been said, could I have
6 a motion?

7 MR. REISEN: I'll make a motion to
8 accept the application with the condition of
9 keeping the porch open on three sides.

10 CHAIRMAN FUSARO: Do we have a
11 second?

12 MR. SONTZ: Second.

13 CHAIRMAN FUSARO: Mr. Sontz.

14 MR. SAMMET: Mr. Sontz. I'll go
15 around the dais again.

16 Ms. Molnar.

17 MS. MOLNAR: No.

18 MR. SAMMET: Mr. Sontz.

19 MR. SONTZ: Yes.

20 MR. SAMMET: Vice-chair Masciale.

21 MR. MASCIALE: Yes.

22 MR. SAMMET: Chair Fusaro.

23 CHAIRMAN FUSARO: Yes.

24 MR. SAMMET: And Mr. Reisen.

25 MR. REISEN: Yes.

1 MR. SAMMET: It's approved.

2 CHAIRMAN FUSARO: Your application
3 is approved. Good luck.

4 MR. O'CONNOR: Thank you.

5 MR. BLASI: Thank you very much.

6 CHAIRMAN FUSARO: Moving right
7 along. Our next application is ZBA 22-011,
8 Anthony Cuomo, 851 Carleton Road. Applicant is
9 seeking approval to construct a third-story
10 addition to the existing home contrary to the
11 Westfield Land Use Ordinance: Section 11.07E-12
12 where maximum eave height permitted is 22-feet and
13 proposed is 26-feet-11-inches; Section 11.07E-6
14 where maximum side yard permitted is 10-feet and
15 proposed is 9.7-feet; and Section 11.07E-8 where
16 maximum story height permitted is two-and-a-half
17 stories and proposed is three stories.

18 Good evening. Please state your
19 name and address for the record.

20 MR. CUOMO: Sure. My name is
21 Anthony Cuomo. I live at 851 Carleton Road in
22 Westfield.

23 ANTHONY CUOMO, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: Thank you so much.

1 Please tell us about your application.

2 MR. CUOMO: Good evening. Thank you
3 for hearing me out. So my application is similar
4 to a lot of people during the pandemic. I moved
5 to Westfield before the pandemic, but during the
6 pandemic, my wife's job became solely remote. I'm
7 in a hybrid model. So our request is to build out
8 the third story to put an additional but also two
9 office spaces up there where we can close a door.
10 We're both in a lot of meetings during the day and
11 so we tried sharing a space in the existing house
12 without doors and it doesn't work out well. So
13 that's the main thing. We also have one son.
14 We're planning on expanding our family as well.
15 So right now our current layout is three bedrooms,
16 so adding an additional bedroom upstairs will
17 assist us with that. And so that's where the
18 dormer -- there's a dormer on the third story, so
19 we don't want to affect the front of the house.
20 Our house is not as old as the previous
21 applicant's, but it was built in 1924. It's a
22 Tudor home and we love the outside of the house.
23 So all our suggestions are just to build out
24 towards the back. And towards the back, there's
25 an apartment building behind us, so it's not

1 directly neighbors. So we're not overseeing
2 somebody that closely to us.

3 And so for the other portion of our
4 request is off our master bedroom, we also have a
5 bathroom. This is where it's going to encroach on
6 the 10-foot side yard. That is already an
7 existing nonconformity. We're just planning on
8 making the room on the side slightly larger in
9 order to build a walk-in closet as well. Because
10 of our house being built so long ago, we actually
11 don't have a very large closet space or storage
12 space in our bedroom. So we currently use the
13 closet space in the guest bedroom, which our son
14 will eventually move in to. So we just want to be
15 able to keep our clothes in our current room and
16 then also have a master bath off of that as well.
17 Our original plan we submitted actually had the
18 master bath going all the way to the back of the
19 house, which was around 28-feet. But we know that
20 was nonconforming with the variance of 25-feet, so
21 we actually shortened it 3-feet to be in
22 compliance with that so we didn't have to go for
23 that variance.

24 COURT REPORTER: Slow down a little
25 bit.

1 MR. CUOMO: I'm sorry. So we
2 already tried taking that into consideration, the
3 additional space, so we shortened it in order for
4 that not to be an additional variance requested.
5 So that's the purpose of our project. We've
6 already spoken with our neighbors. We sent all
7 the information out to them. Our neighbors across
8 the street are very grateful that we moved into
9 and we didn't try to knock it down and build up.
10 Because I think he told us it was one of the first
11 houses built on our block and he loved it for that
12 feeling and the warmth that it has for being as
13 old as it is. So we don't want to touch the
14 existing layout of the house, we just want to
15 build out to make that room more useful.

16 MR. MASCIALE: Can you just help me
17 out? I'm looking at your pictures, the exterior
18 photos. I'm looking at the front of your Tudor
19 home, it's beautiful. And there's a right arrow
20 coming down.

21 MR. CUOMO: Yes. So that is to say
22 that from that front of the house, that view
23 should not change, but from the ridge to the back
24 of the house will become a dormer. So it's over
25 that portion of the house that the dormers would

1 be raised up. Because of it already being an
2 A-frame, the point of the A-frame is already as
3 high as the maximum height the roof would be. So
4 we're not going up, it's just a dormer. It's a
5 shed dormer off the back.

6 MR. MASCIALE: You're not increasing
7 --

8 MR. CUOMO: No. It's just a shed
9 dormer off of the back, so we don't affect the
10 front of the house and the view.

11 MR. SONTZ: Did you do these
12 drawings yourself or were they by someone?
13 Because, usually, we get architectural drawings
14 with a stamp and who did them, and this is just
15 kind of a photocopied page.

16 MR. CUOMO: The person who prepared
17 them is my contractor. So I did not have an
18 architect prepare these plans. So, yeah, we sized
19 out the dimensions.

20 MR. SONTZ: Who did the chart?

21 MR. CUOMO: I completed the chart.

22 MR. SONTZ: So, for instance, you
23 put for Maximum Floor Area Ratio and Total
24 Habitable Floor Area you put "32." That doesn't
25 seem right.

1 MR. CUOMO: 32%?

2 MR. SONTZ: Is that what it is? And
3 how did you calculate? You calculated this?

4 MR. CUOMO: I calculated based off
5 of the survey that we had. The measurements of
6 the house.

7 MR. SONTZ: And, Don, was that
8 checked?

9 MR. SAMMET: I didn't review this
10 one.

11 MR. CUOMO: I'm sorry. I counted it
12 to 26%, the requirement is 32.

13 MR. SONTZ: So this wasn't checked
14 by anyone?

15 MR. SAMMET: Not by me. Lyndsay did
16 the report on this one, and Zuzanna would have
17 done the completeness review.

18 MR. SONTZ: So we're good on floor
19 area ratio and such?

20 MR. SAMMET: I have to rely on the
21 other professional who looked at this Mr. Sontz,
22 I'm sorry.

23 CHAIRMAN FUSARO: Mr. Cuomo, the
24 homes in -- the remaining homes adjacent to you in
25 the neighborhood, I'm assuming that your home is

1 consistent with the size of the homes that are
2 currently around your property?

3 MR. CUOMO: Yes. There's one that's
4 three houses south of me that does have a
5 third-floor dormer in the back of their house.
6 And there's also a house at the end of my block on
7 Grove that also has a third-story dormer that we
8 saw from the street. I didn't go inspect in their
9 backyards, unfortunately.

10 CHAIRMAN FUSARO: All right. I have
11 a couple quick questions for you. I believe you
12 testified that there's not going to be any work or
13 visible work, I should say, that will be visible
14 from the street, any front-facing facade; is that
15 correct?

16 MR. CUOMO: Not on the front-facing
17 facade. The only thing that will be added is to
18 the roofline. A slight valley will have to be
19 added for the dormer to be the full length of the
20 house. But that is the only impact to the front
21 of the house.

22 CHAIRMAN FUSARO: Yeah. My concern
23 is that, obviously, it's an English Tudor-type
24 design for the front of the house. I mean the
25 back is kind of -- I see there's something

1 questionable siding and so forth there. However,
2 as long as we're not seeing anything in the front
3 that's going to change the Tudor characteristic of
4 this home.

5 MR. CUOMO: Absolutely.

6 CHAIRMAN FUSARO: Then we would put
7 a stipulation in it that any facade work toward
8 the front of the house would be in the English
9 Tudor style.

10 MR. CUOMO: I'm fine with that
11 stipulation.

12 CHAIRMAN FUSARO: My other question
13 pertains to the third floor. The plans or the
14 sketches, I should say, that were submitted in our
15 packet, your third-floor layout shows a -- well,
16 the existing third floor is complete -- is
17 completely storage; is that correct?

18 MR. CUOMO: There is a portion of
19 that where it says "existing finished space" but
20 that is within the A-frame, so it's a very short
21 -- it's 7-feet in maximum from I think a
22 3 1/2-feet ceiling, and then it starts sloping.
23 So it's not necessarily like a livable space. So
24 we currently have like a makeshift office up
25 there. It doesn't really work well. And also

1 like our exercise bike. But that's all we can fit
2 up there. So it is essentially storage.

3 CHAIRMAN FUSARO: And then your
4 future plan for the third floor basically has your
5 office, exercise area --

6 MR. CUOMO: That exercise area is
7 probably mislabeled. It should be bedroom slash
8 second office. So it's not just going to be like
9 an exercise room. It will be a living space with
10 a bed and closet.

11 CHAIRMAN FUSARO: And the room to
12 the front is not identified. Is that --

13 MR. CUOMO: That is storage. That's
14 unfinished storage because the slope not changing
15 on the front of the house, that is all just going
16 to be going down to...

17 CHAIRMAN FUSARO: So that's an
18 unfinished storage space.

19 MR. CUOMO: Correct.

20 CHAIRMAN FUSARO: Which is what it
21 is now?

22 MR. CUOMO: Exactly.

23 CHAIRMAN FUSARO: That's fine. You
24 do realize that, as Mr. Sontz had mentioned, that
25 you will need architectural drawings signed and

1 sealed by a registered architect before you
2 perform this work?

3 MR. CUOMO: I'll leave that up to my
4 contractor to achieve that, yes.

5 CHAIRMAN FUSARO: Okay. In order to
6 get a building permit, right, Don?

7 MR. SAMMET: I think a homeowner can
8 prepare it themselves, and if not the homeowner, a
9 registered architect. That's my understanding.

10 CHAIRMAN FUSARO: Even for, from
11 what I understand, even if they have to construct
12 (indiscernible) Don?

13 MR. SAMMET: Yeah. That's my
14 understanding for a single-family home. But I'm
15 the expert.

16 CHAIRMAN FUSARO: Let the building
17 department when they file for it, that's not our
18 --

19 MR. SONTZ: No. My understanding is
20 a homeowner doing work on their own house can
21 submit drawings even if they're not a registered
22 architect.

23 CHAIRMAN FUSARO: That's correct.

24 MR. SONTZ: But they still have to
25 conform with all building codes and design

1 practices and things like that.

2 CHAIRMAN FUSARO: Sure, if they're
3 doing the work themselves, correct. Having an
4 outside contractor do it -- but, again, we'll
5 leave that up to the building department.

6 Is there anyone in the audience that
7 would like to address the application at this
8 time? Please come forward and state your name and
9 address. Seeing none. We'll close that portion.
10 Mr. Cuomo, is there any -- or does anybody else
11 have any questions for Mr. Cuomo at this time, any
12 other Board Members? No? Everyone is shaking
13 their head, "no." I'll take that as a "no." Are
14 there any closing statements you'd like to make,
15 Mr. Cuomo?

16 MR. CUOMO: The only thing that I
17 would like to say is, as you can see, the lot is
18 like the -- the normal lot for this space is
19 supposed to be 10,000-square-feet, we're at
20 9,000-square-feet. So we're slightly smaller than
21 every other lot. Not by a ton, but by enough that
22 if we were to build out the back we would really
23 lose the minimum backyard space that we have. And
24 we do enjoy having our son be able to run around
25 in our backyard and play there. So we didn't want

1 to cut into that. We do have a deck, but we use
2 that to entertain just to enjoy the outdoors. So
3 we don't want to cut into that where what we want
4 to achieve can be achieved by just going up
5 slightly.

6 CHAIRMAN FUSARO: Thank you. We'll
7 close that portion of the meeting and open it up
8 to Board discussion. Basically, we've heard from
9 the Applicant his reasoning for asking for the
10 addition. He did state that -- and I requested,
11 and perhaps we should even add a condition stating
12 that any work to the front facade of the home be
13 performed in the style of the existing English
14 Tudor home. The third floor that they are adding
15 the dormer to is basically just for an office as
16 well as an exercise room slash possible additional
17 bedroom. And the front-facing portion of the
18 third floor will remain as basically unfinished
19 storage space since there is a headroom issue
20 there. And then, Don, perhaps you can enlighten
21 us a little with respect to the two-and-a-half
22 stories versus three. I guess it's because
23 they're adding that dormer in the back?

24 MR. SAMMET: That's right. It
25 increases the floor area in the attic level. They

1 can get a full third story.

2 CHAIRMAN FUSARO: Do we -- I don't
3 see anything in the photographs of any adjacent --
4 do we know if any adjacent properties have a
5 three-story? It looks like from one of the
6 photographs in the rear of the home, which is
7 Photograph Number 3, there's a picture of the home
8 across the street which looks like it could have a
9 third floor. We can open it back up to the
10 Applicant and ask him that question if the Board
11 is amenable.

12 MR. REISEN: If you look at...is
13 that the one?

14 CHAIRMAN FUSARO: That's the one.
15 Yeah. Mr. Cuomo, quick question. Any additional
16 homes in the neighborhood, certainly that are
17 adjacent to your property or several homes away
18 that currently have three stories?

19 MR. CUOMO: I don't know if they're
20 categorized as, like, formally three stories.
21 Like if they have enough square livable space to
22 be considered a third story. I know it does go up
23 that high, but I haven't been in all those homes.
24 So I'm not sure.

25 CHAIRMAN FUSARO: It's quite all

1 right. I figured we would ask. Thank you.

2 MR. MASCIALE: I'll jump on that,
3 Frank. I think the point of the land use for the
4 third story was on there is to alleviate the
5 massing. And in this case, there's no change to
6 the front. They're achieving the expansion
7 through the expansion in the dormers, and that's
8 why I was relieved to hear that they're not going
9 up any higher. So I don't think they're really
10 creating a massing effect which is what the
11 ordinance put in place to eliminate. So in this
12 case, I think I'm okay with the third story
13 expansion. And I think that's what the check is
14 for us to look at. And to me, it's not meeting
15 that criteria. So I'm in support of it.

16 MR. SONTZ: I'm okay with it too,
17 but one of the concerns -- and I don't know what
18 the advice would be from our counsel -- when a
19 licensed architect submits drawings to us to
20 approve an application, I have a sense of
21 confidence that it's not going to change because a
22 licensed architect is going submit his drawings to
23 the building department, or if there is a change,
24 that architect knows that there's been a variance
25 application and knows what the process is for

1 addressing that. In this case, there is no such
2 thing. We have these drawings and we're going to
3 be approving these drawings that are -- other than
4 saying the ones that were attached to the
5 application. And when this goes to an architect,
6 you know, how do we know things aren't going to
7 change and it's not going to slip through the
8 cracks and they say, oh, we already have a
9 variance approval, but here's something else and
10 then --

11 MS. RAZIN: Stop. You can make that
12 condition I mean such that the plans that are
13 ultimately submitted have to match the exact
14 relief that you're granting. Right? So if
15 there's a change once they are done -- assuming
16 that the requirement is that they have to be done
17 by an architect once they're submitted; right?
18 We're not making that finding. But that if
19 there're any changes, that it comes back -- you
20 know, beyond any changes that would normally
21 result in an -- but would be done in an
22 application, that they would have to come back.

23 MR. SONTZ: I think we should put
24 that in this application because these drawings
25 aren't sealed drawings. So if anyone reads it,

1 any professional reads it, I think they should see
2 that.

3 CHAIRMAN FUSARO: I have no issue
4 with that, Matt. Especially since the Applicant
5 has testified that his builder helped him create
6 these plans. And my understanding of the building
7 code --

8 MS. RAZIN: I mean you are granting
9 variance relief, so you can put in a reasonable
10 provision. You can ask the Applicant if he's okay
11 with it. But nevertheless, it's a reasonable
12 condition. You are granting relief and --

13 MR. SONTZ: I wouldn't ask him
14 because if he said "no" he wasn't agreeable --

15 (Laughter.)

16 MS. RAZIN: I'm not suggesting he
17 say "yes" or "no." I'm just suggesting you can
18 ask him, but you can still impose the condition,
19 you know, impose reasonable conditions that are
20 tailored to your variance to be granted.

21 CHAIRMAN FUSARO: I would agree with
22 Matt that we put some sort of stipulation in the
23 approval if we decide to approve the application.
24 Also, my understanding of the building code is
25 that if the homeowner is doing the work himself,

1 he is allowed to draw up the plans and submit
2 them. If it is being done by an outside
3 contractor being done by a business, it has to be
4 --

5 MS. RAZIN: And I don't that. But I
6 believe that their typical -- the typical
7 condition that we have is that their plan needs to
8 be substantially -- has to be substantially
9 similar. They're generally protected because I
10 think I put that in as a standard condition, but
11 you can make it extra.

12 MR. SAMMET: Oh, yeah. Rest
13 assured, if the Board grants they accept that
14 variance it doesn't mean they can build whatever
15 they want, but it has to be...

16 (Crosstalk.)

17 MS. RAZIN: But I think I put that
18 is one of our standard conditions anyway. But you
19 can make it a stronger condition that if something
20 deviates, you know, you can expressly require --

21 MR. SONTZ: Right. Don, to your
22 point, you're right, that means they can't. But
23 like when an architect does it, I'm very confident
24 that the architect doesn't check on the homeowner
25 or contractor when they come in and say we want to

1 make this change. The architect, just because of
2 his or her license is going to say you can't do
3 that, we have to disclose this to the building
4 department and they'll want us to go back to the
5 zoning board and change it. Whereas, we don't
6 have that. So if they go to an architect tomorrow
7 they might say we have an approval for...but the
8 architect may not realize there're plans.

9 MS. RAZIN: There's got to be
10 checks. I mean, there're checks and balances when
11 it goes to the building department. Someone's
12 going to look and say we're going to get the
13 approval and there's going to be a resolution that
14 says you're allowed X-number of feet and X-number
15 of whatever. So there are checks and balances as
16 to what the relief is. I'm not suggesting that --
17 no, no, no, I'm not suggesting that you don't put
18 it in the condition. I'm just telling you that
19 there are checks from what's granted here to what
20 goes in the next step.

21 MR. SONTZ: There is. But there's
22 an added step here.

23 MS. RAZIN: No, I hear you. I hear
24 you.

25 MR. SONTZ: This is not a licensed

1 drawing.

2 MS. RAZIN: Signed and sealed.

3 MR. SONTZ: And it's going to go
4 from here; is going to be two steps instead of one
5 step to get to the building department.

6 MS. RAZIN: I hear what you're
7 saying.

8 CHAIRMAN FUSARO: Nor do we have a
9 signed and sealed survey for the property.

10 MR. SONTZ: No, we do have that.
11 It's a signed and sealed survey from Salvatore --
12 it's on the page right...

13 CHAIRMAN FUSARO: Oh, yeah, yeah.

14 MR. SONTZ: I mean it's a photocopy
15 of one, but I assume...

16 MR. SAMMET: I have the original on
17 file.

18 CHAIRMAN FUSARO: We'll get
19 Mr. Whitehead in here. He would have required an
20 original with the seal.

21 (Laughter.)

22 MR. SAMMET: And I'd tell him I have
23 one right here in the file, Mr. Whitehead.

24 CHAIRMAN FUSARO: Right, Chris.

25 (Laughter.)

1 MR. MASCIALE: It's the truth.

2 CHAIRMAN FUSARO: Carol, anything
3 else?

4 MS. MOLNAR: I'm good.

5 CHAIRMAN FUSARO: You're good.

6 MR. REISEN: I support the two
7 conditions you both mentioned. I also support the
8 application.

9 CHAIRMAN FUSARO: So what we're
10 looking at, from my understanding, is we're going
11 to put two conditions. Number one; that any
12 modifications made to the front-facing facade of
13 the home match the existing English Tudor-style
14 design. That's number one. And Number 2; that
15 the plans currently submitted -- I'm trying to
16 think of how we can word this --

17 MR. REISEN: Any deviations from
18 the...

19 MS. RAZIN: Any deviations from the
20 current plans -- any changes to the plan -- if
21 there're any changes to the current plans that are
22 approved and the relief that's granted requires
23 the Applicant to come back to the Board for
24 additional review and approval before --

25 MR. SONTZ: Can we put in that the

1 Applicant's design professional has a certify that
2 his or her plans conform to the plans submitted to
3 the building department -- to us?

4 MS. RAZIN: I guess you can. Or you
5 can ask them if they could submit -- you can ask
6 that a plan be submitted to us instead. Like, you
7 want a signed and sealed plan submitted to us or
8 submitted to our professionals to verify it. Say
9 you want it submitted to Don or... You know what
10 I mean? We're not -- you're not going to review
11 it; right?

12 MR. SONTZ: Right. I guess doing it
13 that way makes Don do the work. Doing it the
14 right way makes the design professionals.

15 MR. SAMMET: In a sense, we're doing
16 the work anyway. Because when the construction
17 permit comes in, it goes to --

18 (Crosstalk.)

19 MS. RAZIN: When it comes in, the
20 Board isn't going to get it when it comes in
21 unless there's a change.

22 MR. SONTZ: Exactly. I guess I know
23 Don's check is built in. I'd rather a design
24 professional do a check too so if there's any --

25 MS. RAZIN: Whose design

1 professional?

2 MR. SONTZ: The owner's design
3 professional.

4 MS. RAZIN: Okay. Say it again, I'm
5 trying to understand what everyone means.

6 MR. SONTZ: When the owner's design
7 professional submits his or her sealed drawings,
8 there's a certification on the drawing that the
9 drawings conform to what was submitted to Zoning
10 Board.

11 MS. RAZIN: Okay.

12 CHAIRMAN FUSARO: That's fine. And
13 any building permit application goes to zoning
14 first before it even goes to applying for
15 electrical and so forth.

16 MR. REISEN: And if not, they'd have
17 to come to the Board again for relief to be
18 granted.

19 MR. SAMMET: Yeah. If plans
20 submitted do not -- if plans submitted vary from
21 what was shown to and approved by the Board, we
22 will not issue the zoning approval for those
23 plans.

24 MS. MOLNAR: Do they come back here?

25 MR. SAMMET: Yes.

1 MR. SONTZ: Or conform.

2 MR. SAMMET: Or conform.

3 CHAIRMAN FUSARO: So having
4 discussed those two conditions; do we have a
5 motion?

6 MR. REISEN: I'll make a motion to
7 approve the application with the two conditions
8 that were just put on the record.

9 CHAIRMAN FUSARO: And a second?

10 MR. MASCIALE: Second.

11 CHAIRMAN FUSARO: By Mr. Masciale.
12 Mr. Sammet...

13 MR. SAMMET: I'll mix it up and go
14 this way. Mr. Reisen.

15 MR. REISEN: Yes.

16 MR. SAMMET: Chair Fusaro.

17 CHAIRMAN FUSARO: Yes.

18 MR. SAMMET: Vice-chair Masciale.

19 MR. MASCIALE: Yes.

20 MR. SAMMET: Mr. Sontz.

21 MR. SONTZ: Yes.

22 MR. SAMMET: Ms. Molnar.

23 MS. MOLNAR: Yes.

24 CHAIRMAN FUSARO: The application is
25 approved. Good luck.

1 MR. CUOMO: Thank you, everyone.

2 CHAIRMAN FUSARO: Moving right
3 along. Our next application is ZBA Number 22-007
4 -- I apologize in advance if I mispronounce your
5 name -- Anirban Chakravarty, 8 Doris Parkway.
6 Applicant is seeking to renovate the first floor
7 and construct a second-floor addition towards the
8 rear side yard contrary to the Westfield Land Use
9 Ordinance: Section: 11.09E-6 where the minimum
10 side yard setback permitted is 10-feet and
11 proposed is 6.5-feet; and, Section 2.11G where the
12 maximum continuous wall length at zoning side yard
13 permitted is 25-feet and proposed is 28.10-feet.
14 Good evening.

15 MR. CHAKRAVARTY: Good evening.

16 CHAIRMAN FUSARO: Please state your
17 name and address for the record. And I apologize
18 for mispronouncing your name.

19 MR. CHAKRAVARTY: No problem. My
20 name is Anirban Chakravarty residing at 8 Doris
21 Parkway. My wife.

22 MS. CHAKRAVARTY: Rana Chakravarty,
23 8 Doris Parkway.

24 MS. RAZIN: Can you please spell
25 your first name for me?

1 MS. CHAKRAVARTY: Rana, R-a-n-a.

2 CHAIRMAN FUSARO: Please raise your
3 right hand.

4 ANIRBAN CHAKRAVARTY and
5 RANA CHAKRAVARTY, having been duly sworn, were
6 examined and testified as follows:

7 CHAIRMAN FUSARO: Thank you so much.
8 Please tell us about your application.

9 MR. CHAKRAVARTY: Basically we moved
10 into Westfield in 2018. We were renting and then
11 we purchased this house in 2021. And this is an
12 old house built in 1940, and with a little
13 modifications and upgrades done to it. So this
14 house is like old house, very little closet space,
15 but its location is fantastic. The schools are,
16 like, close by, and we have two kids going to
17 school in Westfield. And we have excellent
18 neighbors and everything. But we wanted to make
19 some upgrades to the house. We are not very
20 knowledgeable about the zoning laws and
21 everything. We are not from here, we are coming
22 from India. But when we learned that after
23 submitting the permit application, we learned that
24 we need to go for a variance.

25 So what we want to do is it we have

1 this master bedroom which just has a very small
2 closet space. And there is an eaves space towards
3 the back of the house that is not really usable.
4 So we just want to build one addition there to
5 make a bathroom and a closet. So it's completely
6 on the back of the house, and just adds some
7 closet space and a bathroom. And apart from that
8 --

9 MS. CHAKRAVARTY: And the kitchen.

10 MR. CHAKRAVARTY: And the kitchen
11 renovation, but that's...

12 MS. CHAKRAVARTY: And the roof.

13 MR. CHAKRAVARTY: Yeah. And the
14 roof needs to be done.

15 CHAIRMAN FUSARO: Thank you.

16 MR. CHAKRAVARTY: And the other
17 point I want to mention is the office space that's
18 on the first floor, that was an already
19 nonconforming structure. And because we are
20 building a structure above it, that's what is
21 exacerbating the situation and causing the
22 variance. And the length of the wall, the other
23 variance nonconformity that we have here is
24 because the -- I think the recess is not more than
25 2-feet or more than 1-feet. So I think that's the

1 reason why it's being considered as a straight
2 wall.

3 CHAIRMAN FUSARO: So the continuous
4 wall, if I'm looking from the front of the house,
5 the continuous wall length of 28-feet is the wall
6 to the left; is that correct?

7 MS. MOLNAR: What page is that?

8 MR. CHAKRAVARTY: Yes.

9 CHAIRMAN FUSARO: I'm looking at
10 Sheet 3 of 9, A200.00. The right side of the home
11 has an indentation.

12 MS. MOLNAR: The other side is
13 straight.

14 CHAIRMAN FUSARO: The other side
15 does not.

16 MS. MOLNAR: And that's proposed
17 (indiscernible.)

18 CHAIRMAN FUSARO: I believe that's
19 correct on the proposed plans. Let me look if
20 there're existing plans. It looks like if you go
21 back to the previous sheet A100.00 that wall along
22 the left is existing. That's 28-feet continuous
23 wall. It currently looks like there's a bathroom
24 there and a shower and the rest of it is the
25 kitchen and the dining room. And the proposed

1 plan is still the kitchen, the dining room; it's
2 the same.

3 MR. SAMMET: It's as you're looking
4 at the house, the right side.

5 CHAIRMAN FUSARO: It's the right
6 side?

7 MR. SAMMET: Because of the offset.
8 If you look at Sheet 3 of 9.

9 CHAIRMAN FUSARO: Yes, I'm looking
10 at that.

11 MR. SAMMET: Those -- I guess that's
12 what they describe it as; Drawing 2 Proposed Plan
13 Second Floor. You see it's just an offset. It's
14 only a 1-foot offset and you need 2-feet to break
15 the continuous wall length.

16 CHAIRMAN FUSARO: Even though, Don,
17 that first floor it's already -- the first-floor
18 offset is also 1-foot? What is that a fireplace
19 or whatever or bay window? I can't tell. What is
20 that?

21 MR. REISEN: In the living room?

22 CHAIRMAN FUSARO: In the living
23 room. So both floors are offset.

24 MR. SAMMET: Yeah. It's 1-foot.

25 CHAIRMAN FUSARO: Question, Don, if

1 that is the nonconformity of the 28-feet on the
2 right, is that the same condition on left?

3 MR. SAMMET: I think the left side
4 -- let me ask the Applicants. As you're looking
5 at your home, the left side, it also faces Doris
6 Parkway sort of on the bend in the road; is that
7 correct?

8 MR. CHAKRAVARTY: Yes.

9 MR. SAMMET: Yeah. So the
10 continuous wall length is going to go along that
11 street facing the side.

12 CHAIRMAN FUSARO: It's on both
13 sides. So it's a side, front side yard.

14 MR. SAMMET: Yup.

15 MS. CHAKRAVARTY: The extension is
16 going to face the back of the house. It's not in
17 front; the extension that we're planning to put.

18 CHAIRMAN FUSARO: Now that we
19 understand. If we were to increase that to --
20 it's 2-feet, right, Don?

21 MR. SAMMET: Correct, 2-foot.

22 CHAIRMAN FUSARO: That would make
23 the side yard even less.

24 MR. SAMMET: Correct.

25 CHAIRMAN FUSARO: So it's

1 counterproductive.

2 MR. MASCIALE: Is there another
3 architectural detail there that can be -- we've
4 had a lot of applications over the years, and
5 usually it's just for like very small bump-outs,
6 the houses are small and they're very tight on
7 that street.

8 CHAIRMAN FUSARO: And this is a
9 corner one too.

10 MR. MASCIALE: And this is a corner.

11 CHAIRMAN FUSARO: That's
12 exacerbating it. Do any Board Members have
13 questions for the Applicant at this time? Seeing
14 none. Does anyone in the audience wish to address
15 the application? Please come forward and state
16 your name and address for the record. Seeing
17 none, we'll close that portion. Is there anything
18 else you'd like to add before we close it and open
19 it up to Board discussion?

20 MR. CHAKRAVARTY: Yeah. Just that
21 as I mentioned; this is a very old house with
22 little bedroom and closet space. I mean in the
23 master bedroom, there's a single-door closet that
24 we share and the lady of the house doesn't have a
25 full closet to herself. That might be a hardship

1 that I'm facing.

2 CHAIRMAN FUSARO: Understood. Thank
3 you. Okay. So getting into the Board discussion.

4 MS. MOLNAR: I have one question.

5 CHAIRMAN FUSARO: I'm sorry.

6 MS. MOLNAR: Is the screen porch
7 remaining when you're done?

8 MR. CHAKRAVARTY: Yes.

9 MS. MOLNAR: I would recommend that
10 it remain open.

11 CHAIRMAN FUSARO: The screened porch
12 that's in the back.

13 MR. MASCIALE: Is that really open
14 because it's screened?

15 MR. SONTZ: It's a three-season
16 porch; right?

17 MR. MASCIALE: Yeah.

18 MR. SONTZ: It's not heeding air
19 conditioning.

20 MS. MOLNAR: We don't want them to
21 make it a room without coming back.

22 CHAIRMAN FUSARO: I guess we can
23 always add --

24 MS. RAZIN: You can ask.

25 CHAIRMAN FUSARO: We can ask.

1 MS. RAZIN: If it's not related to
2 the variance then you can't include it.

3 CHAIRMAN FUSARO: Yeah, we can't add
4 that.

5 MS. RAZIN: It's my advice that you
6 can't impose a condition --

7 CHAIRMAN FUSARO: There are
8 basically two variances that are before us that
9 have to do side yard setback and with the
10 continuous wall length. It really doesn't have
11 anything to do with the porch. And even if -- and
12 Don, correct me if I'm wrong, I don't think
13 there're any coverage issues here?

14 MR. SAMMET: No.

15 CHAIRMAN FUSARO: So if the porch --
16 I mean, I don't know -- if it were to be enclosed,
17 would that have any --

18 MR. SAMMET: No, it wouldn't because
19 it's not -- by our ordinance, it's not considered
20 a porch.

21 CHAIRMAN FUSARO: Right. All right.
22 As I was saying, we're basically, and as Chris had
23 said, the homes in this are compact and are small,
24 and to further exacerbate the situation of this
25 home, it's on the corner. So I don't see a major

1 issue with either one of the variances that are
2 being requested. I fully understood the maximum
3 wall length issue, as Chris had mentioned, even
4 though it's only 1-foot, they did make an attempt
5 to add some architectural detail so the house
6 isn't a complete square rectangle. If you were to
7 conform to that bump-out, it would make the side
8 yard setback exacerbate that one variance to
9 eliminate another variance. So I don't think that
10 that's really an issue. How does the rest of the
11 Board feel? Good? Carol, good? Sam? That
12 having been said, can we have a motion?

13 MR. MASCIALE: I'll make a motion to
14 accept the application.

15 MR. REISEN: Second.

16 CHAIRMAN FUSARO: Second,
17 Mr. Reisen. Mr. Sammet...

18 MR. SAMMET: Ms. Molnar.

19 MS. MOLNAR: Yes.

20 MR. SAMMET: Mr. Sontz.

21 MR. SONTZ: Yes.

22 MR. SAMMET: Vice-chair Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Chair Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MR. SAMMET: Mr. Reisen.

2 MR. REISEN: Yes.

3 CHAIRMAN FUSARO: Your application
4 is approved. Good luck.

5 MR. CHAKRAVARTY: Thank you so much.

6 CHAIRMAN FUSARO: And then our last
7 application of the evening. Application Number
8 ZBA 22-014, Steven Seperson and Melissa Gluck,
9 706 Embree Crescent. Applicant is seeking
10 approval to locate a generator on the property
11 contrary to the Westfield Land Use Ordinance
12 Section 13.02I-13 where generators shall not be
13 located within a front or street side yard and a
14 street side yard location is proposed. Good
15 evening. I assume you are Mr. Seperson.

16 MR. SEPERSON: Yes, sir.

17 CHAIRMAN FUSARO: Please state your
18 name and address for the record.

19 MR. SEPERSON: Steven Seperson,
20 706 Embree Crescent.

21 CHAIRMAN FUSARO: Please raise your
22 right hand.

23 STEVEN SEPERSON, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: Thank you so much.

1 Tell us about your application.

2 MR. SEPERSON: We're seeking to
3 install a generator on the side of our home. We
4 live on a corner lot which the front of our house
5 is facing Embree Crescent, and the side of our
6 home is facing Eaglecroft Road. Approximately one
7 year ago this evening, our home was severely
8 impacted by Hurricane Aida. We lost our entire
9 garage, finished basement, and all of the main
10 utilities of our home. As part of our mediation,
11 we're looking to install a generator primarily to
12 ensure our sump pump does not lose power, but also
13 all our other appliances also do not lose power in
14 the home. We're seeking a hardship variance due
15 to the narrowness of our property. The rear of
16 our home is very narrow, and also has an existing
17 patio. It is not practical for the generator to
18 be located here as it would limit the use of the
19 patio as well as block the door and stairway from
20 the house to the patio. But more importantly, it
21 would not be possible to be put in a safe location
22 away from my two young children. Furthermore, the
23 natural gas lines are already located in the
24 location where we're seeking approval. Finally,
25 and assuming approval, we plan to put plants to

1 screen the generator from the public once it is
2 installed. I thank you for your consideration. I
3 would be happy to answer any other questions.

4 CHAIRMAN FUSARO: Thank you,
5 Mr. Seperson.

6 MR. MASCIALE: Could you just go
7 over what you're proposing for screening?

8 MR. SEPERSON: I'm planning on doing
9 plants and shrubbery in front of it.

10 MR. MASCIALE: Just all plants,
11 shrubby, no fencing.

12 MR. SEPERSON: Correct.

13 MR. MASCIALE: So it's all-natural.

14 MR. SONTZ: And where do you plan to
15 put it? In front of or behind that iron fence?

16 MR. SEPERSON: In front of.

17 CHAIRMAN FUSARO: It's actually, I
18 believe -- I had the original question, Matt. If
19 you look in our packet, there's a site plan that
20 shows a green -- it looks like this. It shows the
21 proposed generator location.

22 MR. SONTZ: It does? Where?

23 CHAIRMAN FUSARO: Right here, Matt.
24 There's one with and one without. Yeah, there's
25 one with and one without.

1 MR. SONTZ: I don't think I have
2 that, but, okay.

3 CHAIRMAN FUSARO: Although, I have
4 to -- the sides of the pad, I believe it's
5 mentioned somewhere -- it would appear to me that
6 the green mark out on the plan that's in our
7 packets seems a little bit larger than what the
8 generator --

9 MR. SEPERSON: Yeah. It was in the
10 -- it was an (indiscernible) location where it be
11 located. There's a picture where the contractor
12 physically put a piece of cardboard, that's
13 exactly where it be located. It was just more to
14 locate on the survey so you'd have a visualization
15 of where it would be located.

16 (Crosstalk.)

17 MR. SAMMET: I think the specs from
18 the submission --

19 CHAIRMAN FUSARO: That's the
20 generator, the cardboard in this photograph?

21 MR. SEPERSON: Yes, sir.

22 MR. MASCIALE: They're pretty bid,
23 they're tall.

24 CHAIRMAN FUSARO: It's right there.
25 And Mr. Sontz's question pertains to that aluminum

1 fence, and, again, please correct me if I'm wrong,
2 that location of that generator is where the
3 electric meter is which is in front of the fence;
4 correct?

5 MR. SEPERSON: Correct.

6 CHAIRMAN FUSARO: Quick question for
7 you; is there a reason why we can't put it behind
8 the fence?

9 MR. SEPERSON: I was told it needs
10 to be at least 3-feet from the property line would
11 be then located in the middle of the yard on the
12 side from the fence.

13 CHAIRMAN FUSARO: Okay. If it were
14 to be behind the fence, it would be too close to
15 the property line.

16 MR. SAMMET: I'm not sure about
17 that.

18 MR. MASCIALE: I'm not sure, no.

19 MR. SEPERSON: I was told it has to
20 be 3-feet from the wall of the house -- like the
21 side of the house. So then, it would be located
22 right in the middle of the yard.

23 CHAIRMAN FUSARO: Yeah, 3-feet from
24 the house. However, that corner of that house is
25 23.2-feet to the property line, and that's the

1 area behind that fence.

2 MR. SEPERSON: They said there's a
3 window there and there're other parameters that
4 cause this basement window right where you're
5 talking, and they said there's other; I don't
6 recall off the top of my head.

7 CHAIRMAN FUSARO: I see the basement
8 window behind the shrub. Because, yeah, you were
9 referencing the house windows.

10 MR. SEPERSON: No, it's a basement
11 window.

12 CHAIRMAN FUSARO: I see the one
13 behind the shrub, the window to the basement.

14 MS. MOLNAR: Did you look at the
15 possibility of putting it on the left side of the
16 house?

17 MR. SEPERSON: Yeah. There're not
18 enough properties, it's very narrow. It
19 essentially would be on the property line of my
20 neighbor.

21 CHAIRMAN FUSARO: The left side of
22 the house basically --

23 MR. SAMMET: You need a 5-foot
24 setback for the generator.

25 CHAIRMAN FUSARO: You need a 5-foot

1 setback?

2 MR. SAMMET: From the side property
3 line, yeah.

4 CHAIRMAN FUSARO: Okay. So then
5 that, if it's only 5-feet, that would work on the
6 left side of the house. However, I will ask the
7 Applicant, my guess is that the reason they're
8 putting it on the other side of the home is that's
9 where the electric meter is, and it's probably
10 near the gas meter, and you don't have to run
11 200-feet of gas pipe and a transfer switch all the
12 way over to the other side of the house.

13 MR. SEPERSON: Correct. And also,
14 we have a downward driveway, so you would
15 essentially have to run it around the entire
16 house. You couldn't even go under.

17 MR. MASCIALE: I'm just concerned
18 about the natural screening, in the winter, the
19 type of screening you have. Some people put low
20 fences in front of them. Can you put, like, a
21 little fence in a front yard?

22 MR. SAMMET: Yeah. People screen --
23 can you. People sometimes do lattice.

24 MR. MASCIALE: Right. I'm in favor
25 of the natural screening as long as you maintain

1 it. Is it okay if we maybe put a condition that
2 it be maintained, the natural screening?

3 (Crosstalk.)

4 MR. SEPERSON: Yeah. We have
5 landscapers that come.

6 MR. MASCIALE: Yeah. Something like
7 that because plants die, and over the winter, you
8 know...

9 MR. SAMMET: People do lattice for
10 AC condensers because they need the airflow I
11 think more so than a power generator. But
12 evergreen screening would work. You'd probably
13 need one, maybe two shrubs.

14 CHAIRMAN FUSARO: It looks from the
15 photographs that -- this particular photograph
16 here -- that there's one shrub already facing the
17 front of the home, that would be protecting a part
18 of it, adding something to the other side.

19 MR. SONTZ: And you can see a base
20 in that picture. Clearly, they don't want it
21 where the kids are playing. Clearly, they're
22 playing on that side of the fence. It looks like
23 that side of the fence is the only spot for it. I
24 mean you can't tell him he can't have a generator
25 when it's going to destroy the house.

1 CHAIRMAN FUSARO: Right.

2 Understood.

3 MS. MOLNAR: Aren't most gas
4 connections in the front of the house?

5 CHAIRMAN FUSARO: The gas company in
6 town is changing everything including the kitchen
7 sink nowadays. The ones that are inside of the
8 house are being relocated to the outside of the
9 house. It doesn't appear from this photograph the
10 gas meter is in that location. There's an
11 electric meter in that location, there's a lawn
12 sprinkler setup in that location; I see the
13 backflow preventer there. Where is the gas meter
14 located?

15 MR. SEPERSON: Right next to the
16 electric meter.

17 CHAIRMAN FUSARO: Right next to the
18 electric meter. Behind the bush, I guess.

19 MR. SEPERSON: Correct.

20 CHAIRMAN FUSARO: From a logistics
21 standpoint, I guess that's kind of where the
22 generator needs to be.

23 MS. MOLNAR: It sounds like our
24 ordinance is really problematic. Most homes in
25 Westfield have gas meters in the front; right?

1 CHAIRMAN FUSARO: That's correct.

2 MS. MOLNAR: They're going to have
3 to run a pipe.

4 CHAIRMAN FUSARO: The gas meter in
5 my house is in the front, and my generator is on
6 the side. They had to run it all along the entire
7 perimeter.

8 MS. MOLNAR: Yeah. I was thinking
9 the piping goes to the side.

10 CHAIRMAN FUSARO: Correct.

11 MR. SAMMET: I think I just heard an
12 annual report recommendation.

13 MS. MOLNAR: There's one on Wychwood
14 Road, I guess you can see when you walk, and it
15 still sticks out like a sore thumb.

16 MR. SONTZ: Is that one we approved?

17 MS. MOLNAR: The house with the
18 generator, everybody knows which house it is on
19 Wychwood Road.

20 CHAIRMAN FUSARO: Well, the
21 generators do test themselves once a week. They
22 run for approximately half an hour.

23 MR. SAMMET: When this ordinance
24 changed prohibiting this is relatively recently;
25 three years ago.

1 CHAIRMAN FUSARO: I don't know if I
2 asked anyone from the audience about if they want
3 to address this application. Since there's nobody
4 in the audience, I'll take that as a "no."
5 Mr. Seperson, is there anything else you'd like to
6 add?

7 MR. SEPERSON: Thank you for your
8 time. I've actually learned a ton about Westfield
9 and property zoning, so it's been interesting.
10 Thank you for your time.

11 CHAIRMAN FUSARO: Let's close that
12 portion and open to Board discussion. We've
13 pretty much heard from the Applicant as to why it
14 needs to be in this area. As Mr. Masciale had
15 said, we would put -- and the Applicant has
16 agreed, we'd put a condition in there that the
17 generator be screened from that side or front yard
18 there with either arborvitae or some type of
19 natural screening, and that that screening be
20 maintained. I don't think there's anything else.
21 Do any other Board Members have any questions,
22 comments, or concerns? No? Seeing none, do we
23 have a motion?

24 MR. REISEN: I'll make a motion to
25 approve the application with the condition of the

1 natural screening and that it's up-kept.

2 CHAIRMAN FUSARO: Do we have a
3 second?

4 MR. SONTZ: Second.

5 CHAIRMAN FUSARO: Seconded by
6 Mr. Sontz.

7 MR. SAMMET: Ms. Molnar.

8 MS. MOLNAR: Yes.

9 MR. SONTZ: Yes.

10 MR. SAMMET: Vice-chair Masciale.

11 MR. MASCIALE: Yes.

12 MR. SAMMET: Chair Fusaro.

13 CHAIRMAN FUSARO: Yes.

14 MR. SAMMET: Mr. Reisen.

15 MR. REISEN: Yes.

16 MR. SAMMET: You're approved.

17 CHAIRMAN FUSARO: Your application
18 is approved. Good luck. Good evening, and thank
19 you for your time.

20 MR. SEPERSON: Thank you, everyone.
21 Can I ask...does that mean I can start? Because
22 this storm is making me freak out right now. Or
23 is there another process or can I talk to you
24 after?

25 MR. SAMMET: Yeah, you can start.

1 You're proceeding at your own risk meaning that
2 there's an appeal period for the Board. So if
3 someone heard about the decision and didn't like
4 it, they can appeal it.

5 MR. REISEN: Like the neighbor who
6 is going to be on that side.

7 MR. SEPERSON: Understood.

8 CHAIRMAN FUSARO: What happens is
9 this resolution will be approved at our next
10 monthly meeting, which is October 12, and then,
11 there's a 45-day appeal period if anyone wants to
12 appeal; your neighbor, whatever, decides they want
13 to appeal the resolution, then another 45 days.

14 MR. SEPERSON: Understood.

15 CHAIRMAN FUSARO: If you decide to
16 move ahead and move forward before that, then,
17 like Mr. Sammet said, you're at your own risk.

18 MR. SEPERSON: Understood. Thank
19 you.

20 CHAIRMAN FUSARO: Good evening.

21 Motion to adjourn.

22 MR. MASCIALE: So moved.

23 MR. REISEN: Second.

24

25

	- 82:23	164:14, 165:20	3	62:2, 69:13, 72:21, 80:17, 125:25
'90s [1] - 82:4	12,000-square-foot [1] - 68:14	2-foot [1] - 165:21	3 [6] - 43:14, 89:13, 144:22, 149:7, 163:10, 164:8	4,000-square-foot [1] - 92:10
'92 [1] - 74:8	12.04F1 [1] - 13:3	2-foot-9 [1] - 127:10	3,600-square-foot [1] - 13:4	4-foot [1] - 89:14
0	12.04F2 [1] - 13:5	2.11G [1] - 160:11	3-feet [5] - 61:1, 139:21, 174:10, 174:20, 174:23	4-foot-8 [1] - 51:18
0-foot [1] - 37:17	12.4G [1] - 13:8	2.9-foot [1] - 46:24	3-foot-8 [2] - 77:20, 77:23	40 [1] - 59:20
08/09/2022 [1] - 4:2	120-foot [1] - 86:23	20 [1] - 123:16	3.3-feet [1] - 61:2	40-foot [3] - 37:14, 50:22, 50:23
09/19/2022 [1] - 3:7	12th [2] - 12:19, 12:21	20% [2] - 13:4, 16:8	3.7-feet [1] - 90:20	40.05 [1] - 45:25
1	13-foot [1] - 68:20	20-feet [1] - 76:18	30.6% [2] - 16:10, 16:12	40.95 [1] - 59:20
1 [6] - 68:10, 72:2, 72:3, 72:10, 72:19, 74:13	13.021-13 [1] - 170:12	200 [1] - 27:25	31.5 [1] - 51:10	400-square-foot [1] - 13:7
1-foot [1] - 162:25	136 [1] - 5:22	200-feet [2] - 46:5, 176:11	31.5-feet [4] - 37:15, 45:24, 47:3, 51:12	402-square-foot [4] - 69:16, 69:21, 75:15, 81:14
1-foot [4] - 164:14, 164:18, 164:24, 169:4	137 [2] - 6:3, 6:5	2000 [1] - 41:25	31.6 [1] - 125:14	41 [1] - 4:19
1-foot-8 [1] - 48:20	14 [4] - 4:7, 4:7, 49:5, 121:19	2009 [1] - 82:3	31.9-feet [1] - 47:2	42.78 [1] - 114:7
1/2-foot [2] - 68:21, 144:22	15 [8] - 4:11, 47:17, 49:4, 49:19, 56:13, 121:19, 123:22, 129:20	2014 [1] - 38:13	315 [1] - 3:7	425 [1] - 1:13
1/3 [1] - 81:12	15-foot-8-inches-wide [1] - 72:24	2018 [1] - 161:10	318 [2] - 3:20, 95:22	442-square-foot [1] - 13:8
10 [2] - 95:17, 99:9	159 [2] - 6:9, 6:13	2021 [2] - 110:1, 161:11	32 [2] - 141:24, 142:12	45 [2] - 114:8, 182:13
10% [1] - 81:5	16 [1] - 121:18	2022 [4] - 1:12, 3:5, 76:2, 110:2	32% [1] - 142:1	45-day [1] - 182:11
10,000-square-foot [1] - 147:19	16-feet [1] - 123:16	206-feet [1] - 75:13	32.95 [1] - 51:10	5
10-foot [3] - 87:16, 137:14, 160:10	161 [2] - 6:15, 6:16	206-square-foot [1] - 75:18	32.95-feet [1] - 45:25	5 [1] - 45:6
10-foot [2] - 87:14, 139:6	169 [1] - 6:20	21-036 [2] - 3:16, 12:20	322 [4] - 5:14, 97:24, 98:9, 98:11	5'10 [1] - 109:14
10-foot-wide [2] - 87:8, 90:25	17 [2] - 96:13, 96:22	21-059 [2] - 5:13, 97:23	328 [1] - 119:10	5-feet [4] - 47:24, 93:7, 127:13, 176:5
10-minute [1] - 95:13	170 [2] - 7:5, 7:7	21-065 [2] - 4:4, 12:24	33.4 [2] - 76:4	5-foot [2] - 175:23, 175:25
10/12/2022 [1] - 3:16	18 [1] - 76:2	214-feet [1] - 28:1	33.8 [1] - 51:5	50% [2] - 13:12, 16:13
10/19/2022 [1] - 3:19	180 [1] - 7:11	214-square-foot [1] - 22:8	34.8-feet [3] - 50:20, 50:24, 51:3	54 [1] - 16:18
100 [1] - 65:7	1800s [1] - 99:13	22 [1] - 124:13	34.8-feet [1] - 46:23	54.9 [1] - 16:16
100-feet [1] - 123:14	1880 [8] - 103:13, 103:16, 115:8, 120:15, 124:3, 126:11, 128:18, 135:8	22% [1] - 13:10	34.83-feet [1] - 46:23	54.9% [1] - 16:14
108 [1] - 5:17	1880s [1] - 111:18	22-006 [2] - 4:15, 37:3	34.95 [1] - 51:8	58 [1] - 4:20
10:55 [1] - 183:2	1895 [3] - 135:1, 135:3, 135:4	22-007 [2] - 6:12, 160:3	34.95-feet [2] - 45:22, 45:23	59.8% [1] - 13:13
11 [2] - 3:5, 49:19	1924 [1] - 138:21	22-011 [2] - 6:2, 137:7	35.2 [3] - 76:1, 76:4, 77:7	6
11.07E-12 [1] - 137:11	1940 [1] - 161:12	22-013 [2] - 5:2, 64:10	35.2-feet [1] - 64:18	6 [1] - 41:14
11.07E-14 [1] - 37:15	1972 [2] - 35:10, 35:14	22-014 [2] - 7:4, 170:8	36 [1] - 4:13	6' [3] - 109:15, 116:4
11.07E-5 [1] - 37:13	1978 [1] - 25:16	22-016 [1] - 3:19	36% [1] - 124:14	6,400-square [1] - 13:12
11.07E-6 [1] - 137:13	1979 [1] - 107:23	22-feet [1] - 137:12	36.3 [1] - 46:19	6-by-6 [1] - 124:6
11.07E-8 [1] - 137:15	1980s [1] - 126:15	23% [1] - 16:10	36.6 [1] - 125:14	6-feet [3] - 71:23, 72:8, 126:8
11.09E-6 [1] - 160:9	1992 [3] - 74:9, 82:5, 82:6	23.2-feet [1] - 174:25	36.6% [1] - 69:17	6-feet-wide [1] - 91:5
11.10E-14 [1] - 64:18	1996 [2] - 41:24, 82:1	23.8% [1] - 13:5	364-square-foot [1] - 81:13	6-foot [2] - 77:13, 125:25
11.10E-5 [1] - 64:16	19th [3] - 12:9, 97:1, 97:3	24 [1] - 110:2	37 [1] - 4:16	6.5-feet [1] - 160:11
11.12E14 [1] - 98:2		24.9% [1] - 16:8	38 [1] - 4:18	60% [1] - 47:17
110 [3] - 5:3, 64:11, 65:4	2	25 [3] - 4:8, 100:3, 110:1	38.78% [1] - 81:15	608-square-foot [1] - 75:17
115-feet [1] - 86:24	2 [6] - 43:2, 71:20, 77:12, 156:14, 164:12	25-feet [2] - 139:20, 160:13	38.9-feet [2] - 64:17, 75:24	63 [1] - 4:24
119 [1] - 5:18	2% [1] - 13:7	25-feet-wide [3] - 71:25, 72:7, 77:15	4	64 [2] - 5:3, 76:25
11:00 [2] - 96:3, 97:9	2-foot [8] - 37:16, 48:18, 48:24, 77:18, 77:22, 162:25,	26% [1] - 142:12	4 [7] - 44:12, 61:25,	65 [2] - 5:5, 5:5
12 [8] - 1:12, 3:7, 3:17, 4:5, 20:19, 68:21, 99:9, 182:10		26-feet-11-inches [1] - 137:13		67 [1] - 5:6
12,000-square-foot [1]		28% [1] - 124:16		
		28-feet [4] - 139:19, 163:5, 163:22, 165:1		
		28.10-feet [1] - 160:13		
		2:00 [1] - 120:20		

7	<p>A-frame [3] - 141:2, 144:20</p> <p>a...the [1] - 60:2</p> <p>a.m [1] - 120:20</p> <p>A1 [7] - 42:14, 42:15, 47:14, 72:2, 72:10, 72:19, 72:21</p> <p>A100.00 [1] - 163:21</p> <p>A2 [7] - 42:15, 43:3, 46:1, 71:19, 71:20, 77:13</p> <p>A200.00 [1] - 163:10</p> <p>A3 [2] - 74:13</p> <p>ability [1] - 50:13</p> <p>able [15] - 21:9, 24:1, 31:13, 47:15, 52:2, 66:21, 66:25, 67:1, 109:5, 110:11, 128:4, 133:17, 133:18, 139:15, 147:24</p> <p>above-grade [4] - 16:7, 16:9, 20:20, 20:24</p> <p>aboveboard [1] - 103:5</p> <p>absent [4] - 9:14, 9:16, 9:21, 9:24</p> <p>absolutely [2] - 76:23, 144:5</p> <p>abstentions [1] - 11:24</p> <p>AC [1] - 177:10</p> <p>accent [1] - 100:17</p> <p>accept [5] - 63:1, 94:13, 136:8, 153:13, 169:14</p> <p>access [2] - 38:14, 44:8</p> <p>accident [1] - 40:16</p> <p>accomplish [1] - 122:12</p> <p>accordance [2] - 8:18, 9:2</p> <p>according [1] - 120:14</p> <p>account [2] - 90:21, 132:11</p> <p>accumulation [3] - 26:22, 26:25, 27:2</p> <p>accurate [1] - 112:11</p> <p>achieve [2] - 146:4, 148:4</p> <p>achieved [1] - 148:4</p> <p>achieving [1] - 150:6</p> <p>act [1] - 96:11</p> <p>Act [1] - 8:19</p> <p>action [1] - 8:11</p> <p>actual [1] - 131:14</p> <p>add [18] - 25:15, 43:11, 43:13, 61:6,</p>	<p>64:14, 66:6, 83:3, 85:22, 124:15, 127:3, 128:9, 135:15, 148:11, 166:18, 167:23, 168:3, 169:5, 180:6</p> <p>added [11] - 32:23, 33:10, 33:13, 34:17, 34:20, 38:16, 78:7, 84:15, 143:17, 143:19, 154:22</p> <p>adding [15] - 44:3, 44:17, 54:20, 61:8, 82:14, 82:17, 87:9, 106:18, 106:19, 106:23, 117:10, 138:16, 148:14, 148:23, 177:18</p> <p>addition [58] - 19:17, 21:16, 33:14, 33:18, 34:17, 35:4, 35:6, 37:9, 44:9, 44:11, 44:15, 45:3, 45:8, 45:15, 45:19, 50:4, 61:13, 61:21, 62:12, 62:14, 64:13, 64:14, 66:7, 66:8, 71:21, 72:21, 73:20, 73:21, 77:18, 81:4, 84:9, 90:18, 92:23, 98:1, 106:2, 106:3, 108:24, 109:16, 111:4, 111:11, 111:22, 114:25, 117:10, 117:18, 117:20, 120:14, 123:5, 123:15, 128:23, 129:3, 130:5, 131:6, 131:23, 132:6, 137:10, 148:10, 160:7, 162:4</p> <p>additional [16] - 44:18, 74:14, 90:20, 93:6, 95:20, 109:18, 110:14, 113:10, 116:6, 138:8, 138:16, 140:3, 140:4, 148:16, 149:15, 156:24</p> <p>additionally [1] - 39:19</p> <p>additions [15] - 33:2, 34:5, 35:14, 35:16, 37:5, 47:8, 49:20, 75:3, 75:13, 75:16, 81:9, 82:25, 90:19, 111:5, 113:3</p> <p>address [28] - 13:16, 13:21, 15:18, 24:21,</p>	<p>24:23, 37:23, 37:25, 41:11, 58:7, 58:10, 65:2, 67:7, 67:9, 67:17, 89:1, 90:5, 98:7, 108:6, 119:7, 125:5, 137:19, 147:7, 147:9, 160:17, 166:14, 166:16, 170:18, 180:3</p> <p>addressed [1] - 88:8</p> <p>addressing [2] - 20:9, 151:1</p> <p>adds [4] - 47:12, 47:19, 48:13, 162:6</p> <p>adept [1] - 131:10</p> <p>adequate [1] - 8:13</p> <p>adjacent [10] - 22:11, 28:7, 28:10, 28:20, 30:12, 90:22, 142:24, 149:3, 149:4, 149:17</p> <p>adjoining [2] - 71:8, 124:8</p> <p>adjourn [1] - 182:21</p> <p>adjourned [1] - 183:1</p> <p>ADJUSTMENT [1] - 1:2</p> <p>Adjustment [1] - 8:10</p> <p>Adjustment's [1] - 8:22</p> <p>ADOPTED [1] - 1:11</p> <p>ADOPTION [1] - 3:6</p> <p>advance [1] - 160:4</p> <p>advanced [1] - 20:2</p> <p>advantage [2] - 19:3, 120:21</p> <p>advertise [1] - 16:21</p> <p>advertised [1] - 113:8</p> <p>advice [2] - 150:18, 168:5</p> <p>advisory [1] - 130:14</p> <p>aesthetic [3] - 47:20, 48:13, 91:15</p> <p>aesthetically [2] - 48:7, 49:3</p> <p>affect [3] - 48:4, 138:19, 141:9</p> <p>affecting [1] - 32:13</p> <p>affects [2] - 31:17, 34:4</p> <p>affects.. [1] - 34:1</p> <p>age [1] - 126:5</p> <p>agenda [1] - 12:16</p> <p>ages [1] - 127:12</p> <p>ago [11] - 43:21, 54:10, 65:17, 99:8, 101:12, 107:18, 107:25, 119:24, 139:10, 171:7,</p>	<p>179:25</p> <p>agree [9] - 16:1, 30:7, 62:23, 89:24, 92:18, 93:17, 93:19, 124:23, 152:21</p> <p>agreeable [1] - 152:14</p> <p>agreed [2] - 62:25, 180:16</p> <p>ahead [7] - 11:16, 35:12, 38:9, 59:8, 96:4, 96:18, 182:16</p> <p>Aida [2] - 26:21, 171:8</p> <p>air [3] - 48:2, 50:6, 167:18</p> <p>airflow [1] - 177:10</p> <p>aligning [1] - 114:12</p> <p>alignments [1] - 114:11</p> <p>all-improvement [1] - 16:13</p> <p>all-natural [1] - 172:13</p> <p>Allegiance [2] - 8:5, 8:6</p> <p>alleviate [1] - 150:4</p> <p>allow [4] - 17:22, 18:7, 114:14, 130:13</p> <p>allowable [1] - 58:3</p> <p>allowed [5] - 76:17, 80:22, 123:11, 153:1, 154:14</p> <p>allows [7] - 18:5, 47:11, 75:4, 109:17, 110:14, 112:14, 112:23</p> <p>ALLYSON [1] - 2:12</p> <p>almost [1] - 46:4</p> <p>altered [1] - 42:25</p> <p>ALTERNATE [2] - 2:6, 2:14</p> <p>alternative [1] - 60:9</p> <p>alternatives [1] - 38:25</p> <p>aluminum [1] - 173:25</p> <p>amalgamation [1] - 111:1</p> <p>amenable [1] - 149:11</p> <p>amenities [1] - 112:23</p> <p>amount [6] - 9:8, 31:14, 31:17, 31:19, 86:12, 129:2</p> <p>AND [5] - 3:17, 4:11, 7:4, 14:3, 15:9</p> <p>angle [1] - 104:6</p> <p>angled [1] - 77:21</p> <p>Anirban [2] - 160:5, 160:20</p> <p>ANIRBAN [3] - 6:13, 6:15, 161:4</p> <p>annual [1] - 179:12</p> <p>answer [3] - 88:12,</p>
8	<p>8 [6] - 3:3, 6:13, 99:9, 160:5, 160:20, 160:23</p> <p>8,614-square-feet [1] - 68:15</p> <p>8-foot-4 [3] - 109:18, 125:19, 125:23</p> <p>828 [1] - 67:9</p> <p>851 [3] - 6:3, 137:8, 137:21</p> <p>8:00 [1] - 120:20</p>			
9	<p>9 [4] - 3:4, 3:5, 163:10, 164:8</p> <p>9,000-square-feet [1] - 147:20</p> <p>9-foot-10 [2] - 55:9, 55:24</p> <p>9-foot-10-inches-wide [1] - 55:5</p> <p>9.7-feet [1] - 137:15</p> <p>935 [2] - 3:17, 12:20</p> <p>94 [1] - 5:10</p> <p>97 [2] - 3:20, 5:14</p> <p>99 [2] - 5:16, 5:17</p> <p>9th [1] - 12:4</p>			
A	<p>a-1 [1] - 4:11</p> <p>A-1 [6] - 5:8, 14:20, 15:6, 15:8, 79:9, 79:18</p>			

<p>127:9, 172:3 answers [2] - 15:20, 134:8 ANTHONY [3] - 6:2, 6:5, 137:23 Anthony [2] - 137:8, 137:21 any.. [1] - 133:25 anyway [7] - 30:22, 48:25, 54:1, 78:4, 129:23, 153:18, 157:16 apart [2] - 120:10, 162:7 apartment [1] - 138:25 apologize [4] - 11:7, 96:1, 160:4, 160:17 appeal [10] - 47:13, 47:20, 48:13, 72:9, 75:21, 182:2, 182:4, 182:11, 182:12, 182:13 appear [3] - 28:14, 173:5, 178:9 appeared [3] - 41:19, 41:25, 42:4 appliances [1] - 171:13 applicable [1] - 62:16 Applicant [38] - 9:6, 12:25, 27:17, 36:3, 37:4, 37:20, 50:25, 55:8, 58:6, 58:9, 60:11, 60:20, 63:4, 63:13, 64:11, 85:17, 89:23, 90:6, 90:17, 95:23, 96:9, 97:24, 119:3, 125:6, 125:11, 127:25, 129:1, 148:9, 149:10, 152:4, 152:10, 156:23, 160:6, 166:13, 170:9, 176:7, 180:13, 180:15 applicant [2] - 12:17, 137:8 APPLICANT'S [2] - 4:11, 15:9 applicant's [4] - 14:21, 14:22, 14:24, 138:21 Applicant's [7] - 9:5, 15:3, 15:4, 15:8, 27:20, 79:18, 157:1 applicants [1] - 99:10 Applicants [10] - 10:5, 10:10, 13:17, 19:24, 27:13, 28:5, 28:18, 30:6, 128:17, 165:4</p>	<p>APPLICATIO [1] - 4:13 application [87] - 10:14, 12:9, 12:14, 12:15, 12:18, 12:19, 12:21, 12:24, 14:7, 24:20, 24:22, 31:10, 32:17, 35:23, 36:7, 36:23, 37:3, 38:10, 39:23, 50:19, 52:9, 58:8, 59:3, 62:16, 62:18, 63:1, 63:9, 63:14, 64:5, 64:10, 90:5, 91:7, 91:19, 93:13, 93:14, 94:5, 94:14, 95:7, 95:21, 96:5, 97:15, 97:19, 97:23, 99:6, 105:10, 106:12, 116:12, 116:25, 119:20, 120:22, 124:21, 124:24, 128:13, 128:21, 132:1, 132:4, 135:22, 136:8, 137:2, 137:7, 138:1, 138:3, 147:7, 150:20, 150:25, 151:5, 151:22, 151:24, 152:23, 156:8, 158:13, 159:7, 159:24, 160:3, 161:8, 161:23, 166:15, 169:14, 170:3, 170:7, 171:1, 180:3, 180:25, 181:17 APPLICATION [6] - 4:23, 5:10, 5:21, 6:9, 6:20, 7:11 applications [10] - 8:13, 34:6, 62:4, 62:7, 62:8, 95:14, 95:20, 96:3, 96:17, 166:4 applying [1] - 158:14 appreciate [4] - 10:9, 26:13, 59:3, 97:17 appropriate [1] - 122:5 appropriately [1] - 128:10 Appropriateness [1] - 116:25 approval [17] - 13:1, 31:2, 32:12, 37:5, 64:12, 97:25, 136:1, 137:9, 151:9, 152:23, 154:7, 154:13, 156:24, 158:22, 170:10,</p>	<p>171:24, 171:25 APPROVAL [1] - 3:5 approve [13] - 11:17, 35:23, 36:6, 62:18, 63:9, 63:14, 91:7, 124:24, 131:3, 150:20, 152:23, 159:7, 180:25 APPROVE [7] - 4:13, 4:23, 5:10, 5:21, 6:9, 6:20, 7:11 approved [18] - 25:17, 26:8, 31:11, 36:22, 36:24, 64:6, 95:8, 116:12, 137:1, 137:3, 156:22, 158:21, 159:25, 170:4, 179:16, 181:16, 181:18, 182:9 approving [1] - 151:3 arborvitae [1] - 180:18 architect [43] - 38:7, 38:8, 38:11, 41:5, 41:8, 41:25, 50:11, 50:15, 53:4, 58:5, 58:20, 60:21, 61:7, 61:14, 67:4, 67:8, 89:23, 90:6, 90:18, 101:7, 125:6, 125:11, 128:17, 129:2, 131:15, 133:3, 133:13, 133:15, 135:2, 141:18, 146:1, 146:9, 146:22, 150:19, 150:22, 150:24, 151:5, 151:17, 153:23, 153:24, 154:1, 154:6, 154:8 architect's [2] - 58:8, 122:18 architectural [5] - 132:12, 141:13, 145:25, 166:3, 169:5 architecture [6] - 42:11, 67:15, 99:12, 99:13, 102:14, 108:16 area [60] - 20:22, 22:4, 22:7, 22:11, 22:13, 22:19, 23:17, 24:14, 27:19, 28:10, 28:17, 29:7, 29:10, 30:12, 35:25, 43:5, 43:11, 43:18, 44:11, 56:2, 66:1, 66:4, 66:12, 66:16, 68:15, 69:20, 74:23, 75:11, 75:14,</p>	<p>75:17, 78:17, 78:24, 80:18, 80:25, 84:22, 85:3, 85:24, 87:2, 103:3, 106:20, 106:24, 109:19, 113:1, 120:16, 120:19, 120:25, 123:24, 124:10, 129:8, 129:19, 142:19, 145:5, 145:6, 148:25, 175:1, 180:14 Area [2] - 141:23, 141:24 argument [2] - 60:5, 121:5 arrow [1] - 140:19 AS [1] - 6:20 as.. [1] - 79:11 ask...does [1] - 181:21 aspect [1] - 131:7 asset [1] - 25:20 assist [1] - 138:17 Associates [2] - 76:7, 119:10 assume [10] - 10:18, 13:16, 29:19, 38:6, 64:23, 84:14, 91:15, 126:22, 127:7, 170:15 assume.. [1] - 155:15 assuming [11] - 15:16, 22:3, 37:19, 52:13, 87:17, 89:6, 118:4, 127:11, 142:25, 151:15, 171:25 assured [1] - 153:13 at-grade [2] - 17:25, 20:21 at...is [1] - 149:12 attach [2] - 63:9, 136:1 attached [4] - 68:11, 69:7, 70:14, 151:4 attempt [1] - 169:4 Attic [2] - 69:13, 80:18 attic [19] - 64:14, 69:13, 69:15, 69:16, 69:18, 70:11, 72:14, 80:19, 81:14, 81:16, 83:13, 83:24, 84:8, 91:10, 101:24, 110:17, 112:1, 148:25 attorney [2] - 8:20, 130:7 Attorney [1] - 2:18 audience [8] - 24:21, 58:7, 90:4, 125:4, 147:6, 166:14,</p>	<p>180:2, 180:4 August [1] - 12:4 AUGUST [1] - 3:5 automobiles [1] - 120:18 Ave [1] - 65:7 AVENUE [3] - 3:17, 4:5, 5:3 avenue [1] - 120:25 Avenue [15] - 12:20, 12:25, 13:19, 13:23, 13:25, 64:11, 65:4, 67:9, 70:20, 71:11, 85:5, 85:7, 86:10, 119:10, 121:2 average [10] - 42:16, 46:1, 46:3, 46:19, 46:21, 46:22, 76:3, 76:12, 119:23 averaging [1] - 121:15 aware [3] - 113:7, 113:15, 127:8 awkward [2] - 48:23, 85:2 awnings [1] - 74:1 Aye [1] - 11:23</p>
B				
			<p>backflow [1] - 178:13 background [1] - 41:22 backyard [10] - 17:16, 17:24, 25:18, 57:15, 66:23, 71:8, 87:9, 147:23, 147:25 backyards [2] - 73:1, 143:9 bailey [2] - 90:8, 93:6 BAILEY [37] - 5:6, 67:8, 67:10, 67:17, 68:9, 73:19, 73:23, 74:11, 76:6, 77:4, 77:8, 77:11, 78:15, 79:1, 80:15, 80:23, 81:8, 81:20, 81:23, 82:19, 83:7, 83:19, 83:23, 84:6, 84:20, 86:10, 86:20, 87:11, 87:18, 87:23, 88:7, 88:15, 88:22, 89:3, 89:9, 89:15, 90:14 Bailey [5] - 67:6, 67:8, 75:23, 76:22 balances [2] - 154:10, 154:15 balcony [1] - 37:8 balustrade [2] - 111:24, 112:1 barely [1] - 61:10</p>	

<p>base [1] - 177:19</p> <p>based [11] - 28:20, 30:9, 32:19, 32:22, 92:22, 93:2, 93:4, 93:13, 96:21, 126:19, 142:4</p> <p>basement [25] - 27:20, 43:4, 54:6, 54:8, 54:21, 54:24, 83:6, 83:8, 83:12, 83:25, 84:2, 109:12, 109:13, 109:16, 109:19, 112:22, 113:1, 115:21, 116:4, 171:9, 175:4, 175:7, 175:10, 175:13</p> <p>basements [1] - 101:19</p> <p>bastardized [2] - 111:2, 135:2</p> <p>bath [11] - 44:6, 74:23, 75:1, 75:19, 91:11, 92:25, 104:4, 110:8, 114:22, 139:16, 139:18</p> <p>bathroom [21] - 43:7, 43:11, 44:6, 64:15, 72:23, 73:6, 75:10, 81:4, 91:14, 99:22, 99:23, 104:2, 104:3, 110:8, 110:13, 110:14, 139:5, 162:5, 162:7, 163:23</p> <p>bathrooms [2] - 69:12, 74:15</p> <p>bay [3] - 43:13, 44:18, 164:19</p> <p>be.. [1] - 153:15</p> <p>beam [1] - 109:15</p> <p>bearing [1] - 55:20</p> <p>beautiful [3] - 99:13, 123:5, 140:19</p> <p>became [3] - 102:9, 126:23, 138:6</p> <p>become [4] - 83:15, 83:21, 91:13, 140:24</p> <p>becomes [1] - 46:22</p> <p>bed [1] - 145:10</p> <p>bedroom [39] - 37:9, 43:7, 44:7, 44:18, 45:8, 45:17, 74:20, 74:24, 83:6, 83:12, 83:16, 83:18, 92:24, 99:18, 99:21, 101:22, 101:23, 101:24, 104:8, 104:13, 104:18, 105:2, 105:4, 105:17, 110:7,</p>	<p>110:16, 111:23, 112:24, 114:21, 114:22, 138:16, 139:4, 139:12, 139:13, 145:7, 148:17, 162:1, 166:22, 166:23</p> <p>bedrooms [22] - 44:5, 44:8, 45:5, 53:25, 64:15, 66:6, 69:10, 74:15, 75:5, 83:3, 83:22, 84:1, 91:11, 91:16, 92:12, 99:18, 102:2, 102:4, 104:17, 104:21, 110:10, 138:15</p> <p>begin [1] - 81:7</p> <p>behind [17] - 21:4, 27:14, 43:13, 45:4, 72:25, 73:3, 84:21, 85:9, 121:18, 138:25, 172:15, 174:7, 174:14, 175:1, 175:8, 175:13, 178:18</p> <p>being...yes [1] - 118:12</p> <p>BELMAR [1] - 3:20</p> <p>Belmar [1] - 95:22</p> <p>below [3] - 54:21, 58:2, 110:8</p> <p>bend [1] - 165:6</p> <p>beneficial [1] - 32:11</p> <p>benefit [1] - 92:15</p> <p>benefits [2] - 20:5, 48:6</p> <p>Berkeley [1] - 42:2</p> <p>best [3] - 56:10, 114:19, 115:4</p> <p>better [4] - 32:5, 39:2, 60:9, 60:10</p> <p>between [7] - 10:5, 22:9, 97:9, 102:22, 109:25, 120:20, 122:7</p> <p>beyond [2] - 66:13, 151:20</p> <p>bid [1] - 173:22</p> <p>big [11] - 52:1, 68:23, 70:1, 70:6, 70:16, 71:9, 71:12, 71:23, 84:21, 92:9, 101:4</p> <p>bigger [4] - 55:23, 77:6, 82:14, 121:13</p> <p>bike [1] - 145:1</p> <p>bit [12] - 15:14, 18:6, 18:22, 19:8, 19:10, 55:23, 66:19, 101:18, 104:7, 114:10, 139:25,</p>	<p>173:7</p> <p>Blasi [11] - 108:5, 108:7, 109:22, 113:5, 119:3, 122:23, 125:11, 128:1, 133:5, 133:12, 134:14</p> <p>BLASI [36] - 5:17, 108:7, 108:11, 108:17, 110:3, 110:6, 113:16, 113:22, 114:2, 114:5, 114:9, 114:20, 114:24, 115:5, 115:11, 115:15, 115:23, 116:21, 117:5, 117:11, 118:2, 118:5, 118:8, 118:11, 118:15, 118:18, 118:24, 119:5, 125:13, 125:19, 126:3, 128:3, 133:15, 133:23, 134:16, 137:5</p> <p>blasi [2] - 108:13, 117:21</p> <p>blends [1] - 129:4</p> <p>bles [1] - 93:1</p> <p>block [20] - 20:19, 21:1, 22:23, 23:14, 23:24, 24:13, 28:24, 48:2, 50:6, 66:15, 66:16, 76:15, 78:25, 86:4, 123:5, 129:22, 140:11, 143:6, 171:19</p> <p>blue [1] - 80:18</p> <p>BOARD [3] - 1:2, 2:18, 11:23</p> <p>Board [67] - 8:10, 8:12, 8:20, 8:21, 8:25, 9:1, 10:6, 10:7, 10:8, 10:11, 10:14, 10:15, 10:18, 11:11, 12:4, 16:6, 17:2, 24:18, 27:12, 30:4, 35:21, 36:3, 41:19, 42:10, 50:8, 53:3, 58:4, 60:18, 61:18, 62:17, 67:13, 77:5, 78:11, 84:13, 89:22, 90:10, 90:11, 90:16, 91:19, 93:16, 96:11, 108:14, 119:2, 119:15, 127:24, 128:16, 129:24, 130:7, 130:13, 133:3, 135:25,</p>	<p>147:12, 148:8, 149:10, 153:13, 156:23, 157:20, 158:10, 158:17, 158:21, 166:12, 166:19, 167:3, 169:11, 180:12, 180:21, 182:2</p> <p>board [4] - 8:15, 20:8, 133:8, 154:5</p> <p>boards [1] - 42:1</p> <p>BOERNER [43] - 4:19, 41:13, 41:14, 41:16, 41:20, 41:23, 42:8, 42:13, 42:22, 46:10, 46:14, 46:16, 51:4, 51:9, 51:17, 51:20, 51:23, 52:1, 52:5, 52:15, 52:19, 52:21, 53:1, 53:7, 53:14, 53:17, 54:5, 54:13, 54:18, 54:25, 55:17, 56:5, 56:7, 56:12, 56:17, 56:25, 57:4, 57:8, 58:1, 59:11, 59:14, 59:22, 64:7</p> <p>Boerner [1] - 41:13</p> <p>BOHDAN [1] - 3:17</p> <p>bonuses [1] - 24:4</p> <p>bottom [1] - 71:13</p> <p>bought [7] - 65:16, 66:2, 84:1, 100:15, 101:7, 103:4, 104:1</p> <p>Boulevard [6] - 126:7, 130:11, 132:15, 132:17, 132:21</p> <p>bounce [1] - 125:10</p> <p>boxy [1] - 70:11</p> <p>boys [2] - 99:15, 102:1</p> <p>break [4] - 95:11, 95:13, 95:16, 164:14</p> <p>Break [1] - 95:18</p> <p>Brian [2] - 97:24, 98:8</p> <p>BRIAN [3] - 5:14, 5:16, 99:2</p> <p>brick [2] - 109:13, 110:22</p> <p>brief [1] - 8:21</p> <p>briefly [1] - 42:23</p> <p>bring [4] - 19:15, 58:4, 60:18, 61:18, 62:17, 67:13, 77:5, 78:11, 84:13, 89:22, 90:10, 90:11, 90:16, 91:19, 93:16, 96:11, 108:14, 119:2, 119:15, 127:24, 128:16, 129:24, 130:7, 130:13, 133:3, 135:25,</p>	<p>40:11, 53:9, 92:8, 112:17, 112:18, 112:19, 135:5, 138:7, 138:23, 139:9, 140:9, 140:15, 147:22, 153:14, 162:4</p> <p>buildable [1] - 87:10</p> <p>builder [1] - 152:5</p> <p>Building [1] - 1:13</p> <p>building [24] - 13:3, 13:9, 17:8, 21:17, 44:10, 85:19, 112:16, 113:3, 131:14, 135:6, 138:25, 146:6, 146:16, 146:25, 147:5, 150:23, 152:6, 152:24, 154:3, 154:11, 155:5, 157:3, 158:13, 162:20</p> <p>buildings [2] - 16:7, 16:9</p> <p>built [17] - 41:2, 44:8, 48:3, 74:7, 82:4, 99:12, 103:12, 112:15, 115:8, 120:15, 124:2, 128:18, 138:21, 139:10, 140:11, 157:23, 161:12</p> <p>bulk [1] - 9:4</p> <p>bulk-type [1] - 9:4</p> <p>bulky [1] - 131:23</p> <p>bulletin [1] - 8:15</p> <p>bump [6] - 33:5, 33:8, 34:13, 62:4, 166:5, 169:7</p> <p>bump-out [5] - 33:5, 33:8, 34:13, 62:4, 169:7</p> <p>bump-outs [1] - 166:5</p> <p>bumps [1] - 61:21</p> <p>bunch [1] - 87:24</p> <p>burden [1] - 9:5</p> <p>BURGOON [39] - 4:4, 4:7, 4:7, 13:14, 13:18, 13:22, 13:24, 14:3, 14:8, 14:13, 14:17, 14:23, 15:13, 15:19, 16:15, 16:17, 17:1, 22:5, 22:16, 22:20, 23:1, 23:7, 23:19, 24:8, 24:16, 27:9, 30:13, 30:17, 31:4, 31:9, 31:15, 31:21, 33:20, 33:24, 35:3, 36:25, 37:1, 51:14</p>
--	---	---	--	---

<p>Burgoon ^[5] - 12:25, 13:19, 13:22, 13:24, 16:14</p> <p>burgoon ^[1] - 15:24</p> <p>Burgoons ^[2] - 25:2, 25:14</p> <p>buried ^[2] - 85:4, 85:8</p> <p>bush ^[1] - 178:18</p> <p>business ^[1] - 153:3</p> <p>busy ^[1] - 86:11</p> <p>buying ^[1] - 39:1</p> <p>BY ^[2] - 2:18, 3:3</p>	<p>12:21, 96:5</p> <p>carry ^[5] - 12:17, 96:23, 96:25, 97:2, 97:15</p> <p>cars ^[6] - 24:12, 100:7, 122:8, 123:15, 123:20, 129:21</p> <p>case ^[15] - 9:6, 28:14, 35:4, 50:15, 60:7, 91:17, 91:21, 113:10, 129:22, 130:12, 131:1, 132:7, 150:5, 150:12, 151:1</p> <p>cases ^[1] - 9:5</p> <p>CASSIDY ^[35] - 5:2, 5:5, 5:5, 64:21, 64:25, 65:3, 65:4, 65:6, 65:10, 65:15, 65:24, 73:17, 74:8, 74:10, 78:7, 78:12, 78:22, 79:7, 79:12, 79:15, 79:25, 80:2, 82:5, 83:9, 83:14, 83:20, 85:14, 86:6, 86:19, 88:11, 88:16, 88:21, 90:12, 95:9</p> <p>cassidy ^[1] - 71:15</p> <p>Cassidy ^[9] - 64:11, 64:24, 65:3, 65:6, 77:24, 79:22, 87:23, 88:2, 90:9</p> <p>Cassidy's ^[10] - 70:22, 71:1, 71:3, 71:4, 71:10, 72:25, 73:3, 74:22, 85:1, 85:7</p> <p>Cassidys ^[1] - 72:5</p> <p>catch ^[1] - 91:23</p> <p>catchall ^[2] - 113:12, 113:13</p> <p>catching ^[1] - 114:13</p> <p>categorized ^[1] - 149:20</p> <p>Catherine ^[1] - 25:1</p> <p>causing ^[1] - 162:21</p> <p>ceiling ^[3] - 104:6, 109:19, 144:22</p> <p>ceilings ^[2] - 101:21, 109:14</p> <p>cellar ^[1] - 101:20</p> <p>center ^[9] - 72:12, 72:17, 73:9, 74:25, 75:7, 75:8, 109:6, 114:12</p> <p>center-hall ^[3] - 72:12, 72:17, 73:9</p> <p>cents ^[1] - 134:5</p> <p>certainly ^[14] - 9:13, 20:24, 23:2, 24:2, 30:25, 61:12, 76:19,</p>	<p>78:4, 85:12, 126:20, 126:24, 129:3, 131:19, 149:16</p> <p>Certificate ^[1] - 116:24</p> <p>certification ^[1] - 158:8</p> <p>certify ^[1] - 157:1</p> <p>Chair ^[6] - 9:14, 36:7, 63:20, 136:22, 169:24, 181:12</p> <p>chair ^[14] - 9:17, 10:24, 11:20, 36:12, 36:14, 63:22, 95:1, 95:3, 126:9, 136:20, 159:16, 159:18, 169:22, 181:10</p> <p>CHAIRMAN ^[334] - 2:2, 2:3, 3:3, 8:4, 8:8, 9:11, 9:15, 10:2, 10:21, 11:8, 11:11, 11:15, 12:1, 13:15, 13:20, 14:1, 14:6, 15:11, 15:15, 16:3, 16:25, 21:24, 22:6, 22:10, 22:17, 23:12, 24:13, 24:18, 25:7, 25:12, 26:12, 26:16, 26:19, 27:4, 27:10, 28:25, 29:9, 29:15, 30:3, 30:14, 31:1, 31:5, 31:22, 32:15, 32:25, 33:4, 33:7, 33:11, 33:15, 33:19, 34:2, 34:9, 34:25, 35:11, 35:19, 35:21, 36:9, 36:13, 36:23, 37:2, 37:19, 37:22, 38:1, 38:5, 38:8, 41:7, 41:10, 41:18, 41:21, 42:6, 42:9, 42:20, 50:21, 51:5, 51:12, 51:15, 52:4, 52:8, 52:17, 52:20, 52:24, 53:2, 55:3, 55:12, 55:16, 55:25, 56:6, 56:8, 56:15, 56:22, 57:1, 57:5, 58:4, 58:14, 58:21, 58:24, 59:2, 59:5, 59:8, 60:1, 60:12, 60:15, 61:5, 61:23, 62:1, 62:6, 62:12, 63:6, 63:12, 63:18, 63:21, 64:5, 64:9, 64:23, 65:1, 65:5, 65:8, 65:13, 65:23, 67:5, 67:12, 67:20, 67:23, 68:1, 68:4, 68:8, 75:22, 77:2, 77:7, 77:9, 79:23,</p>	<p>80:1, 80:4, 80:8, 80:13, 81:3, 82:17, 83:11, 84:3, 84:12, 86:14, 87:12, 87:19, 88:3, 88:18, 89:2, 89:4, 89:12, 89:17, 90:3, 90:15, 92:18, 93:18, 94:6, 94:10, 94:16, 94:19, 95:4, 95:7, 95:12, 95:19, 95:25, 96:8, 96:12, 96:16, 97:2, 97:7, 97:14, 97:18, 98:6, 98:19, 98:25, 99:5, 103:10, 103:15, 103:19, 106:2, 106:9, 106:14, 107:17, 107:22, 108:4, 108:9, 108:13, 109:21, 110:5, 113:4, 113:25, 114:3, 114:6, 115:7, 115:19, 116:5, 116:9, 116:11, 117:21, 118:3, 118:6, 118:9, 118:13, 118:16, 118:22, 119:1, 119:6, 119:14, 125:3, 125:17, 125:20, 126:16, 127:6, 127:15, 127:19, 127:22, 128:14, 130:6, 130:15, 131:11, 132:2, 132:10, 132:16, 133:11, 134:9, 134:12, 134:17, 135:14, 135:23, 136:10, 136:13, 136:23, 137:2, 137:6, 137:25, 142:23, 143:10, 143:22, 144:6, 144:12, 145:3, 145:11, 145:17, 145:20, 145:23, 146:5, 146:10, 146:16, 146:23, 147:2, 148:6, 149:2, 149:14, 149:25, 152:3, 152:21, 155:8, 155:13, 155:18, 155:24, 156:2, 156:5, 156:9, 158:12, 159:3, 159:9, 159:11, 159:17, 159:24, 160:2, 160:16,</p>	<p>161:2, 161:7, 162:15, 163:3, 163:9, 163:14, 163:18, 164:5, 164:9, 164:16, 164:22, 164:25, 165:12, 165:18, 165:22, 165:25, 166:8, 166:11, 167:2, 167:5, 167:11, 167:22, 167:25, 168:3, 168:7, 168:15, 168:21, 169:16, 169:25, 170:3, 170:6, 170:17, 170:21, 170:25, 172:4, 172:17, 172:23, 173:3, 173:19, 173:24, 174:6, 174:13, 174:23, 175:7, 175:12, 175:21, 175:25, 176:4, 177:14, 178:1, 178:5, 178:17, 178:20, 179:1, 179:4, 179:10, 179:20, 180:1, 180:11, 181:2, 181:5, 181:13, 181:17, 182:8, 182:15, 182:20</p> <p>Chairman ^[1] - 63:2</p> <p>chairs ^[4] - 24:1, 52:2, 61:10, 71:23</p> <p>Chakravarty ^[3] - 160:5, 160:20, 160:22</p> <p>CHAKRAVARTY ^[21] - 6:13, 6:15, 6:16, 160:15, 160:19, 160:22, 161:1, 161:4, 161:5, 161:9, 162:9, 162:10, 162:12, 162:13, 162:16, 163:8, 165:8, 165:15, 166:20, 167:8, 170:5</p> <p>chance ^[1] - 10:18</p> <p>chances ^[1] - 96:20</p> <p>change ^[15] - 35:15, 71:2, 82:3, 122:15, 135:11, 140:23, 144:3, 150:5, 150:21, 150:23, 151:7, 151:15, 154:1, 154:5, 157:21</p> <p>changed ^[4] - 60:22, 127:18, 136:3,</p>
C				
<p>c(1) ^[5] - 50:2, 60:2, 60:5, 89:22, 93:4</p> <p>C(2) ^[1] - 19:23</p> <p>c(2) ^[7] - 32:12, 32:19, 50:5, 60:9, 60:13, 61:12, 120:2</p> <p>calculate ^[1] - 142:3</p> <p>calculated ^[2] - 142:3, 142:4</p> <p>calculation ^[6] - 31:12, 31:13, 36:1, 51:1, 76:8, 76:12</p> <p>calculations ^[6] - 15:25, 76:24, 80:16, 89:25, 105:9, 110:4</p> <p>CALL ^[1] - 3:4</p> <p>canopy ^[4] - 45:24, 48:12, 48:15, 51:11</p> <p>cantilevered ^[1] - 48:21</p> <p>car ^[22] - 37:6, 43:8, 67:18, 68:11, 68:19, 69:3, 69:7, 70:14, 84:15, 85:18, 86:2, 86:4, 86:7, 86:16, 87:6, 98:3, 112:14, 120:1, 122:11, 123:1, 123:17, 126:22</p> <p>cardboard ^[2] - 173:12, 173:20</p> <p>Carleton ^[3] - 108:8, 137:8, 137:21</p> <p>CARLETON ^[1] - 6:3</p> <p>Carol ^[7] - 34:10, 68:7, 93:16, 105:22, 113:17, 130:23, 169:11</p> <p>carol ^[1] - 156:2</p> <p>CAROL ^[1] - 2:5</p> <p>carriage ^[1] - 112:19</p> <p>carriages ^[1] - 120:17</p> <p>CARRIED ^[5] - 3:7, 3:15, 3:16, 3:19, 4:2</p> <p>carried ^[3] - 12:16,</p>				

<p>179:24 Changes [2] - 15:4, 15:5 changes [5] - 115:24, 151:19, 151:20, 156:20, 156:21 CHANGES [2] - 4:11, 15:10 changing [12] - 19:17, 44:20, 44:22, 54:20, 77:5, 91:22, 106:24, 107:1, 131:7, 135:4, 145:14, 178:6 channels [1] - 88:9 character [6] - 21:2, 78:19, 79:4, 117:18, 126:14, 129:5 characteristic [2] - 129:7, 144:3 CHARLES [1] - 2:14 charm [1] - 101:6 chart [3] - 110:4, 141:20, 141:21 check [5] - 105:9, 150:13, 153:24, 157:23, 157:24 checked [2] - 142:8, 142:13 checks [4] - 154:10, 154:15, 154:19 chiefly [1] - 17:7 children [6] - 25:19, 25:22, 28:5, 38:15, 85:24, 171:22 choice [1] - 14:13 chose [1] - 38:13 Chris [5] - 92:19, 93:9, 155:24, 168:22, 169:3 CHRIS [1] - 2:3 CHUNG [3] - 4:16, 4:18, 38:3 Chung [2] - 37:4, 37:24 Cindy [2] - 41:5, 41:13 CINDY [2] - 4:19, 41:16 circumstances [1] - 39:10 clarify [1] - 52:13 Class [1] - 42:4 Class-A [1] - 42:4 clearly [3] - 50:12, 177:20, 177:21 clerk [1] - 8:17 Cleveland [1] - 12:20 CLEVELAND [1] - 3:17 client [1] - 109:11 clients [2] - 117:6</p>	<p>close [16] - 27:5, 27:11, 47:6, 60:17, 90:7, 90:10, 125:7, 128:15, 138:9, 147:9, 148:7, 161:16, 166:17, 166:18, 174:14, 180:11 closed [1] - 34:19 closely [2] - 34:10, 139:2 closer [1] - 134:24 closest [1] - 77:21 closet [12] - 74:25, 139:9, 139:11, 139:13, 145:10, 161:14, 162:2, 162:5, 162:7, 166:22, 166:23, 166:25 closets [2] - 104:25 closing [2] - 128:1, 147:14 clothes [1] - 139:15 coast [1] - 128:11 code [5] - 87:1, 114:8, 135:6, 152:7, 152:24 codes [1] - 146:25 coffee [1] - 61:11 coffee-type [1] - 61:11 Cohen [1] - 9:13 COHEN [1] - 2:11 Colonial [3] - 72:12, 72:18, 73:9 Colonial-style [1] - 72:18 Colonializing [1] - 44:24 color [1] - 111:4 colored [5] - 22:1, 30:10, 30:11, 33:5, 34:15 columns [5] - 55:20, 72:4, 110:23, 112:5, 114:12 combination [1] - 13:9 comfortable [1] - 101:18 coming [10] - 12:8, 18:15, 28:6, 34:12, 49:24, 111:24, 123:18, 140:20, 161:21, 167:21 Commencing [1] - 1:14 comment [1] - 127:7 comments [12] - 10:9, 10:22, 27:7, 30:4, 32:18, 91:18, 112:6, 115:20, 127:23,</p>	<p>127:24, 130:14, 180:22 commission [1] - 133:21 Commission [11] - 115:10, 116:18, 116:19, 117:4, 130:5, 130:14, 131:9, 131:12, 133:6, 133:14, 134:14 committee [1] - 133:16 Committee [1] - 133:21 community [1] - 122:1 compact [1] - 168:23 companies [1] - 19:12 company [1] - 178:5 compared [1] - 131:23 complaints [1] - 124:20 complete [2] - 144:16, 169:6 completed [1] - 141:21 completely [4] - 100:19, 101:20, 144:17, 162:5 completeness [1] - 142:17 compliance [1] - 139:22 comply [2] - 121:24, 122:13 conceal [1] - 48:21 concept [1] - 117:3 concern [3] - 18:16, 28:6, 143:22 concerned [5] - 93:20, 123:23, 128:22, 131:19, 176:17 concerns [8] - 10:10, 10:22, 21:23, 27:7, 30:5, 119:24, 150:17, 180:22 conclusion [2] - 49:14, 120:6 concrete [3] - 28:10, 85:8, 87:20 concur [1] - 28:22 concussion [1] - 39:13 condensers [1] - 177:10 condition [38] - 31:2, 31:11, 35:24, 36:7, 45:20, 49:23, 61:4, 61:6, 67:18, 69:2, 69:15, 81:19, 81:22,</p>	<p>82:8, 82:11, 86:21, 88:25, 91:8, 93:15, 94:10, 94:14, 106:1, 127:20, 135:25, 136:8, 148:11, 151:12, 152:12, 152:18, 153:7, 153:10, 153:19, 154:18, 165:2, 168:6, 177:1, 180:16, 180:25 condition.. [1] - 94:9 conditioning [1] - 167:19 CONDITIONS [6] - 4:13, 4:24, 5:10, 5:22, 6:9, 7:11 conditions [13] - 62:19, 63:2, 63:4, 63:8, 63:10, 63:15, 68:12, 152:19, 153:18, 156:7, 156:11, 159:4, 159:7 conductive [1] - 66:23 conduit [2] - 85:4, 85:8 confidence [1] - 150:21 confident [1] - 153:23 configuration [2] - 30:20, 123:13 configured [1] - 122:7 confines [1] - 18:20 confirm [4] - 22:18, 62:21, 77:10, 117:24 confirmed [1] - 63:13 conflicted [1] - 133:19 conform [10] - 49:10, 49:13, 69:2, 135:7, 146:25, 157:2, 158:9, 159:1, 159:2, 169:7 conformance [1] - 48:7 congratulations [1] - 65:23 connected [1] - 28:8 connection [1] - 109:8 connections [1] - 178:4 consider [1] - 38:24 considerable [1] - 49:20 consideration [3] - 21:22, 140:2, 172:2 considerations [1] - 19:21 considered [10] - 38:25, 70:17, 72:14, 80:25, 81:2, 94:2,</p>	<p>115:8, 149:22, 163:1, 168:19 considers [1] - 8:13 consistent [3] - 47:22, 49:3, 143:1 construct [7] - 17:3, 64:12, 97:25, 126:21, 137:9, 146:11, 160:7 constructed [3] - 47:5, 47:8, 129:12 construction [2] - 91:24, 157:16 continuation [1] - 24:15 continue [5] - 23:17, 38:11, 67:14, 108:15, 119:16 continuing [2] - 121:25, 134:22 continuous [8] - 71:5, 160:12, 163:3, 163:5, 163:22, 164:15, 165:10, 168:10 contractor [7] - 27:23, 141:17, 146:4, 147:4, 153:3, 153:25, 173:11 contrary [7] - 13:2, 37:12, 64:15, 98:1, 137:10, 160:8, 170:11 convenience [1] - 74:23 convert [1] - 43:9 converted [1] - 91:10 copper [1] - 111:17 copy [1] - 84:14 corner [24] - 70:3, 70:12, 70:19, 70:21, 71:10, 71:13, 76:8, 76:16, 76:18, 78:3, 89:10, 89:19, 90:22, 109:10, 111:16, 120:9, 120:11, 121:16, 132:8, 166:9, 166:10, 168:25, 171:4, 174:24 correct [50] - 16:23, 21:13, 29:9, 30:16, 51:6, 52:4, 52:16, 59:23, 60:1, 60:3, 60:5, 76:5, 76:23, 82:16, 86:19, 87:17, 88:6, 113:14, 113:16, 114:5, 114:9, 118:1, 118:5, 118:8, 118:11,</p>
---	--	--	--	--

<p>118:15, 118:19, 118:25, 126:2, 132:18, 133:23, 143:15, 144:17, 145:19, 146:23, 147:3, 163:6, 163:19, 165:7, 165:21, 165:24, 168:12, 172:12, 174:1, 174:4, 174:5, 176:13, 178:19, 179:1, 179:10</p> <p>correctly [1] - 103:6</p> <p>correspondence [3] - 10:4, 10:7, 10:13</p> <p>cosmetic [1] - 29:4</p> <p>couch [1] - 126:9</p> <p>counsel [1] - 150:18</p> <p>count [2] - 76:14, 76:19</p> <p>counted [3] - 76:7, 76:11, 142:11</p> <p>counterproductive [1] - 166:1</p> <p>Counties [1] - 42:2</p> <p>counts [2] - 69:18, 81:16</p> <p>couple [13] - 19:12, 43:20, 54:10, 55:3, 61:10, 75:23, 87:3, 87:12, 115:20, 122:2, 125:9, 126:16, 143:11</p> <p>course [1] - 31:9</p> <p>court [1] - 25:17</p> <p>COURT [1] - 139:24</p> <p>coverage [29] - 13:3, 13:6, 13:9, 13:11, 16:6, 16:8, 16:13, 17:8, 17:11, 19:2, 19:6, 19:14, 20:13, 21:18, 21:19, 21:25, 22:3, 22:19, 27:23, 27:25, 28:12, 32:6, 58:2, 85:22, 112:16, 126:19, 126:23, 168:13</p> <p>coverages [1] - 49:13</p> <p>covered [3] - 32:20, 47:11, 47:21</p> <p>Covid [1] - 99:20</p> <p>cracks [1] - 151:8</p> <p>crazy [1] - 32:1</p> <p>create [4] - 9:7, 38:23, 44:7, 152:5</p> <p>creates [2] - 48:4, 49:1</p> <p>creating [4] - 46:20, 92:24, 109:16, 150:10</p> <p>credentials [1] - 41:22</p>	<p>creek [3] - 66:23, 71:16, 88:24</p> <p>creepy [1] - 101:19</p> <p>Crescent [4] - 97:20, 170:9, 170:20, 171:5</p> <p>CRESCENT [1] - 7:5</p> <p>criteria [5] - 8:22, 20:9, 32:20, 120:4, 150:15</p> <p>crooked [2] - 77:15, 77:16</p> <p>crosshatch [1] - 22:12</p> <p>Crosstalk [3] - 103:23, 105:1, 133:4</p> <p>crosstalk [6] - 105:11, 107:14, 153:16, 157:18, 173:16, 177:3</p> <p>crux [1] - 30:23</p> <p>crying [1] - 92:6</p> <p>Cud [1] - 41:24</p> <p>culvert [2] - 84:23, 84:25</p> <p>Cuomo [5] - 137:8, 137:21, 142:23, 147:15, 149:15</p> <p>CUOMO [26] - 6:2, 6:5, 137:20, 137:23, 138:2, 140:1, 140:21, 141:8, 141:16, 141:21, 142:1, 142:4, 142:11, 143:3, 143:16, 144:5, 144:10, 144:18, 145:6, 145:13, 145:19, 145:22, 146:3, 147:16, 149:19, 160:1</p> <p>cuomo [2] - 147:10, 147:11</p> <p>curb [3] - 47:13, 72:9, 75:21</p> <p>curious [1] - 89:2</p> <p>current [15] - 17:24, 18:4, 18:8, 18:9, 23:15, 23:23, 42:7, 86:15, 92:22, 127:12, 132:12, 138:15, 139:15, 156:20, 156:21</p> <p>curved [1] - 40:24</p> <p>customary [1] - 73:9</p> <p>cut [2] - 148:1, 148:3</p> <p>cuts [1] - 121:1</p> <p>cutting [2] - 68:23, 121:8</p>	<h2>D</h2>	<p>dais [1] - 136:15</p> <p>damage [2] - 19:11</p> <p>data [1] - 46:3</p> <p>date [2] - 96:22, 122:24</p> <p>dated [3] - 49:16, 76:2, 109:25</p> <p>daughter [3] - 39:15, 65:18, 65:19</p> <p>daughter's [1] - 39:17</p> <p>Dave [1] - 67:8</p> <p>DAVID [2] - 5:6, 67:10</p> <p>days [1] - 182:13</p> <p>dead [1] - 86:11</p> <p>deal [3] - 90:24, 119:21, 120:2</p> <p>decade [1] - 135:4</p> <p>decent [1] - 125:24</p> <p>decent-sized [1] - 125:24</p> <p>decide [3] - 95:17, 152:23, 182:15</p> <p>decided [2] - 12:17, 40:7</p> <p>decides [2] - 112:18, 182:12</p> <p>decision [2] - 96:22, 182:3</p> <p>deck [33] - 13:1, 13:9, 17:3, 17:19, 18:4, 18:7, 18:18, 19:16, 20:24, 21:7, 21:16, 22:4, 22:6, 22:12, 23:20, 25:2, 25:14, 25:25, 26:3, 26:9, 26:10, 27:16, 30:12, 30:21, 32:5, 32:17, 33:7, 36:1, 37:7, 44:4, 48:3, 87:16, 148:1</p> <p>decks [3] - 13:6, 16:10, 20:20</p> <p>dedicated [1] - 60:25</p> <p>dedicated [1] - 38:24</p> <p>deemed [2] - 16:24, 129:10</p> <p>deep [2] - 50:16, 51:19</p> <p>deeper [1] - 86:24</p> <p>deficient [2] - 62:5, 62:11</p> <p>definitely [2] - 33:21, 97:13</p> <p>definition [1] - 80:24</p> <p>demolished [3] - 53:6, 53:8, 53:12</p> <p>demolishing [2] - 53:10, 54:7</p> <p>demolition [1] - 125:15</p> <p>demonstrate [1] - 9:6</p> <p>dentil [2] - 111:25, 131:16</p> <p>dentils [1] - 111:8</p> <p>denying [1] - 92:15</p> <p>department [10] - 87:25, 88:19, 88:20, 146:17, 147:5, 150:23, 154:4, 154:11, 155:5, 157:3</p> <p>depict [1] - 78:23</p> <p>Depot [1] - 124:7</p> <p>depth [14] - 76:20, 77:19, 93:7, 108:22, 110:21, 112:12, 112:13, 114:2, 125:17, 125:19, 125:23, 126:8, 126:11, 126:13</p> <p>depths [1] - 125:25</p> <p>describe [1] - 164:12</p> <p>DESCRIPTION [7] - 4:10, 4:21, 5:7, 5:19, 6:6, 6:17, 7:8</p> <p>design [10] - 132:11, 143:24, 146:25, 156:14, 157:1, 157:14, 157:23, 157:25, 158:2, 158:6</p> <p>designated [3] - 116:24, 130:1, 132:23</p> <p>designed [1] - 132:10</p> <p>designing [2] - 122:19, 129:3</p> <p>desperate [1] - 65:25</p> <p>destroy [1] - 177:25</p> <p>destroys [1] - 93:24</p> <p>detached [4] - 68:22, 68:25, 85:13, 85:21</p> <p>detail [2] - 166:3, 169:5</p> <p>details [7] - 110:23, 111:2, 111:16, 111:24, 112:8, 112:9, 112:11</p> <p>detriment [4] - 20:4, 20:6, 120:7, 124:25</p> <p>developed [1] - 39:6</p> <p>deviates [2] - 50:14, 153:20</p> <p>deviations [2] - 156:17, 156:19</p> <p>diagram [2] - 21:12, 21:13</p> <p>diagrams [1] - 23:13</p> <p>die [1] - 177:7</p> <p>difference [4] - 22:9, 43:22, 44:15, 109:25</p>	<p>different [8] - 45:16, 47:7, 53:13, 53:21, 87:3, 100:20, 134:8, 135:3</p> <p>differential [1] - 89:7</p> <p>differs [1] - 16:21</p> <p>difficult [1] - 68:25</p> <p>difficulty [1] - 87:6</p> <p>dimensions [3] - 60:3, 60:4, 141:19</p> <p>dining [4] - 43:19, 69:8, 163:25, 164:1</p> <p>direct [3] - 21:3, 39:19, 46:25</p> <p>direction [2] - 32:7, 32:10</p> <p>directly [4] - 10:8, 10:11, 46:6, 139:1</p> <p>disclose [1] - 154:3</p> <p>discuss [2] - 95:16, 116:5</p> <p>discussed [3] - 35:24, 62:19, 159:4</p> <p>discussion [13] - 27:12, 31:23, 60:19, 62:17, 63:7, 73:12, 90:11, 90:16, 128:16, 148:8, 166:19, 167:3, 180:12</p> <p>discussions [1] - 35:22</p> <p>disregard [1] - 50:13</p> <p>disrupts [1] - 78:5</p> <p>distance [1] - 46:4</p> <p>distribute [1] - 10:15</p> <p>distributed [1] - 78:11</p> <p>district [2] - 115:16, 132:17</p> <p>District [3] - 130:12, 132:15, 132:21</p> <p>disturb [1] - 21:1</p> <p>ditch [1] - 87:21</p> <p>dividing [1] - 23:21</p> <p>dog [3] - 74:23, 74:25, 92:25</p> <p>doghouse [5] - 72:10, 72:16, 72:20, 73:7, 81:9</p> <p>doghouses [1] - 75:3</p> <p>dogs [5] - 38:17, 39:13, 39:16, 40:12, 40:18</p> <p>dollars [1] - 134:5</p> <p>DON [1] - 2:8</p> <p>don [4] - 9:11, 60:1, 105:7, 153:21</p> <p>Don [19] - 10:2, 12:1, 51:7, 84:13, 89:24, 96:24, 116:7, 127:8,</p>
--	--	------------	--	---

132:18, 142:7,
146:6, 146:12,
148:20, 157:9,
157:13, 164:16,
164:25, 165:20,
168:12
Don's [1] - 157:23
done [14] - 33:25,
49:17, 49:20, 103:6,
124:23, 142:17,
151:15, 151:16,
151:21, 153:2,
153:3, 161:13,
162:14, 167:7
door [11] - 21:8, 29:2,
30:20, 44:21, 46:13,
46:17, 53:22,
114:12, 138:9,
166:23, 171:19
doors [3] - 40:14,
40:17, 138:12
DORIS [1] - 6:13
Doris [4] - 160:5,
160:20, 160:23,
165:5
dormer [18] - 64:14,
72:21, 73:5, 75:6,
75:9, 75:12, 81:11,
138:18, 140:24,
141:4, 141:5, 141:9,
143:5, 143:7,
143:19, 148:15,
148:23
dormers [17] - 70:8,
70:11, 70:15, 72:11,
72:13, 72:16, 72:20,
73:6, 73:23, 74:3,
75:19, 75:20, 78:24,
84:7, 91:14, 140:25,
150:7
down [31] - 15:7,
15:25, 21:17, 34:12,
39:4, 46:7, 46:18,
46:23, 49:9, 59:21,
66:3, 71:11, 74:19,
78:1, 78:5, 78:9,
78:13, 80:5, 101:22,
109:17, 109:18,
110:10, 116:22,
121:17, 122:16,
124:15, 126:6,
139:24, 140:9,
140:20, 145:16
downhill [4] - 70:20,
71:5, 71:16, 78:2
downspouts [1] - 57:9
downward [1] -
176:14
drainage [3] - 20:14,
48:4, 84:22

draw [1] - 153:1
drawing [3] - 77:12,
155:1, 158:8
Drawing [3] - 71:20,
72:21, 164:12
drawings [15] - 42:24,
43:15, 71:19,
141:12, 141:13,
145:25, 146:21,
150:19, 150:22,
151:2, 151:3,
151:24, 151:25,
158:7, 158:9
drawn [1] - 120:17
dream [1] - 101:10
drive [3] - 23:14,
24:12, 28:20
driveway [28] - 18:3,
18:10, 18:11, 18:15,
23:16, 24:15, 25:21,
28:4, 28:7, 28:11,
28:24, 29:18, 86:7,
86:9, 86:17, 89:5,
100:5, 100:8,
100:10, 102:17,
102:18, 120:23,
122:7, 122:8, 122:9,
122:23, 126:25,
176:14
driveways [1] - 102:21
due [3] - 45:19, 49:25,
171:14
duly [13] - 14:4, 25:10,
38:3, 41:16, 58:16,
65:11, 67:10, 99:3,
108:11, 119:12,
137:23, 161:5,
170:23
dumped [1] - 102:9
dumps [2] - 85:1, 85:9
during [8] - 19:6,
27:17, 38:19, 85:11,
95:16, 138:4, 138:5,
138:10
dwelling [1] - 48:18

E

Eaglecroft [1] - 171:6
Earthing [1] - 20:18
easement [8] - 68:23,
83:2, 84:4, 84:24,
87:22, 88:1, 88:5,
90:25
easements [1] - 84:11
easier [2] - 29:5, 39:3
East [2] - 1:13, 71:14
eave [1] - 137:12
eaves [1] - 162:2
edge [1] - 22:24

effect [2] - 49:2,
150:10
effectively [1] - 29:7
effects [2] - 48:9, 50:5
efficient [1] - 114:19
effort [1] - 135:9
egregious [1] - 51:24
egregiously [1] -
55:18
egress [2] - 53:24,
91:16
eight [7] - 82:22,
122:8, 123:19,
124:3, 124:13,
125:20, 129:14
eight-and-a-half-
thousand [1] - 82:22
eight-foot [1] - 125:20
either [7] - 10:11,
61:14, 82:1, 109:6,
125:5, 169:1, 180:18
EKA [3] - 76:2, 76:7,
119:10
EKA's [1] - 76:24
ELDY [1] - 2:13
electric [5] - 174:3,
176:9, 178:11,
178:16, 178:18
electrical [1] - 158:15
element [4] - 44:14,
45:1, 47:22, 130:19
elements [3] - 40:15,
131:14, 132:12
elevation [6] - 48:12,
48:20, 70:13, 89:7,
110:20, 111:21
Elevation [5] - 70:4,
70:10, 71:14, 72:2,
89:18
elevations [3] - 44:13,
45:6, 109:1
Elevations [1] - 69:23
eligible [1] - 10:24
eliminate [5] - 30:7,
123:3, 126:24,
150:11, 169:9
eliminated [1] - 28:11
eliminating [1] -
121:22
email [1] - 10:12
Embree [4] - 97:20,
170:9, 170:20, 171:5
EMBREE [1] - 7:5
enclosed [2] - 34:20,
168:16
encourage [1] - 123:7
encouraged [1] -
122:3
encroach [2] - 90:20,
139:5

encroaches [1] -
87:16
end [6] - 39:4, 40:7,
40:23, 83:21, 86:11,
143:6
ends [1] - 44:17
engineer's [1] - 88:19
engineering [4] -
87:25, 88:19, 91:4,
119:17
English [4] - 143:23,
144:8, 148:13,
156:13
enjoy [7] - 17:18,
18:23, 21:7, 25:19,
66:22, 147:24, 148:2
enjoyed [2] - 18:1,
25:16
enlarged [1] - 114:10
enlarging [2] - 59:24,
106:6
enlighten [1] - 148:20
ensure [1] - 171:12
enter [2] - 40:12, 44:1
entering [1] - 44:2
entertain [1] - 148:2
entire [3] - 171:8,
176:15, 179:6
entirety [2] - 52:18,
62:23
entrance [15] - 22:14,
23:2, 28:13, 29:11,
29:19, 29:22, 29:24,
29:25, 43:9, 44:3,
44:19, 45:9, 45:13,
47:12, 47:21
entrances [1] - 126:25
entranceway [1] -
43:6
entry [1] - 69:9
especially [2] - 38:21,
152:4
ESQ [1] - 2:18
essentially [7] - 17:19,
18:9, 23:15, 88:12,
145:2, 175:19,
176:15
Essex [1] - 42:2
established [3] -
45:25, 46:21, 46:22
estimated [2] - 76:20,
77:19
etcetera [1] - 10:12
evening [38] - 8:4, 8:8,
8:24, 9:17, 12:3,
12:6, 12:15, 12:24,
13:13, 13:14, 21:5,
37:17, 37:18, 58:11,
58:12, 64:10, 64:20,
64:21, 67:6, 95:21,

96:3, 96:17, 97:8,
97:11, 98:4, 98:5,
103:8, 119:7, 119:9,
137:18, 138:2,
160:14, 160:15,
170:7, 170:15,
171:7, 181:18,
182:20
evenly [1] - 72:20
eventually [1] - 139:14
ever-improving [1] -
49:24
evergreen [1] - 177:12
evidenced [1] - 61:15
EX-1 [2] - 69:22, 69:23
EX-2 [2] - 69:5, 69:13
EX2 [1] - 80:17
exacerbate [2] -
168:24, 169:8
exacerbating [5] -
59:21, 106:1,
106:18, 162:21,
166:12
exact [2] - 121:12,
151:13
exactly [9] - 24:16,
24:17, 33:24, 60:21,
113:18, 121:18,
145:22, 157:22,
173:13
exaggerating [1] -
91:25
examined [13] - 14:4,
25:11, 38:4, 41:17,
58:17, 65:11, 67:11,
99:4, 108:12,
119:13, 137:24,
161:6, 170:24
example [1] - 40:4
examples [1] - 40:3
exceed [4] - 13:4,
13:7, 13:10, 13:12
excellent [1] - 161:17
except [1] - 53:8
exception [1] - 91:12
excuse [2] - 67:20,
109:21
exercise [6] - 116:1,
145:1, 145:5, 145:6,
145:9, 148:16
EXHIBIT [7] - 4:10,
4:21, 5:7, 5:19, 6:6,
6:17, 7:8
Exhibit [5] - 14:20,
14:24, 15:6, 15:8,
79:18
exhibit [2] - 14:22,
61:17
existing [112] - 17:4,
17:20, 18:21, 20:23,

22:13, 41:1, 43:4,
43:6, 43:9, 43:12,
43:18, 44:4, 44:17,
45:12, 45:17, 45:20,
45:22, 47:1, 47:4,
47:9, 48:11, 48:19,
52:16, 53:23, 54:8,
54:19, 55:18, 59:11,
59:14, 59:17, 59:25,
60:6, 60:7, 62:21,
64:13, 67:18, 68:11,
68:12, 68:15, 68:18,
69:1, 69:14, 69:19,
70:2, 70:9, 70:12,
70:25, 72:14, 73:24,
74:3, 74:16, 74:18,
74:20, 74:24, 75:13,
75:14, 75:18, 79:3,
81:11, 81:13, 81:15,
81:16, 84:7, 85:4,
85:20, 86:20, 88:25,
89:11, 89:16, 91:12,
106:10, 106:19,
106:25, 108:23,
109:4, 109:13,
110:21, 110:24,
111:7, 111:9,
111:14, 112:8,
112:9, 112:13,
113:2, 116:3,
117:13, 117:14,
117:24, 118:1,
121:17, 125:12,
126:1, 126:4, 127:9,
127:20, 137:10,
138:11, 139:7,
140:14, 144:16,
144:19, 148:13,
156:13, 163:20,
163:22, 171:16

Existing [12] - 68:10,
69:6, 69:12, 69:13,
69:23, 70:3, 70:10,
71:14, 80:16, 80:17,
89:18

exists [4] - 68:17,
69:3, 87:4, 102:22

exit [1] - 47:12

exiting [1] - 69:13

expand [1] - 18:6

expanding [2] - 17:21,
138:14

expansion [3] - 150:6,
150:7, 150:13

expansions [1] -
91:23

expert [6] - 67:15,
108:15, 131:8,
131:24, 134:3,
146:15

experts [1] - 103:1

explain [1] - 109:24

explained [1] - 119:20

explaining [1] - 8:21

expressly [1] - 153:20

extending [1] - 118:17

extension [4] - 96:7,
96:10, 165:15,
165:17

exterior [4] - 37:11,
73:21, 73:22, 140:17

extra [3] - 82:24,
123:17, 153:11

F

facade [6] - 37:16,
143:14, 143:17,
144:7, 148:12,
156:12

face [3] - 49:11,
128:25, 165:16

faces [4] - 76:25, 77:2,
121:19, 165:5

facia [1] - 34:13

facing [9] - 143:14,
143:16, 148:17,
156:12, 165:11,
167:1, 171:5, 171:6,
177:16

fact [6] - 15:19, 35:17,
49:3, 134:23, 135:5,
135:8

fair [1] - 129:2

fairly [2] - 46:8, 53:20

fall [1] - 89:21

falling [2] - 39:12,
120:10

falls [1] - 90:23

familiar [2] - 107:22,
107:24

families [1] - 17:15

family [28] - 37:6,
38:17, 38:23, 43:11,
44:10, 45:3, 45:10,
45:14, 65:22, 66:7,
66:8, 66:10, 82:25,
99:16, 99:21,
101:18, 109:1,
109:2, 109:7, 110:8,
110:18, 112:24,
112:25, 115:21,
115:23, 124:12,
138:14, 146:14

fantastic [1] - 161:15

Fanwood [1] - 42:2

far [1] - 109:12

farmhouse [1] -
100:23

fault [1] - 93:21

favor [3] - 11:22,
76:19, 176:24

favorable [1] - 128:6

favorably [3] - 50:8,
60:24, 128:13

feature [2] - 124:16,
124:19

February [1] - 76:2

feet [5] - 13:12, 28:1,
51:20, 92:7, 154:14

fell [2] - 20:11, 100:19

fence [11] - 22:25,
172:15, 174:1,
174:3, 174:8,
174:12, 174:14,
175:1, 176:21,
177:22, 177:23

fences [1] - 176:20

fencing [1] - 172:11

fenestration [1] -
53:13

few [5] - 18:3, 92:7,
109:17, 128:9, 129:6

field [4] - 42:11, 67:15,
108:16, 119:17

fifth [1] - 96:18

figured [1] - 150:1

file [3] - 146:17,
155:17, 155:23

files [1] - 34:6

filling [1] - 8:17

final [1] - 27:7

finally [3] - 122:20,
123:25, 171:24

finally...the [1] -
123:25

financially [1] - 134:7

fine [9] - 11:16, 14:14,
42:20, 86:1, 86:16,
94:2, 144:10,
145:23, 158:12

finish [2] - 37:11,
73:24

finished [7] - 54:8,
54:11, 83:7, 83:23,
103:20, 144:19,
171:9

fire [1] - 91:17

fireplace [1] - 164:18

First [1] - 69:6

first [31] - 12:15,
12:23, 37:8, 42:14,
42:23, 43:16, 43:18,
44:2, 44:20, 45:20,
54:9, 72:2, 74:19,
88:8, 98:13, 101:25,
108:24, 111:10,
111:11, 119:21,
120:8, 121:4,
121:24, 131:21,

140:10, 158:14,
160:6, 160:25,
162:18, 164:17

FIRST [1] - 2:14

first-floor [3] - 44:20,
54:9, 164:17

fit [11] - 72:22, 73:6,
74:14, 75:18, 84:8,
84:17, 86:7, 92:5,
92:14, 122:19, 145:1

fits [1] - 100:7

fitting [2] - 60:10, 84:6

five [11] - 16:18,
51:20, 51:21, 72:19,
79:8, 92:12, 95:14,
95:20, 100:7, 120:3,
123:14

five-foot-wide [1] -
72:19

five-four [1] - 16:18

flat [3] - 66:25, 110:16,
112:2

flexible [1] - 19:23

flight [1] - 39:16

flooded [1] - 85:11

flooding [1] - 27:19

floods [1] - 85:11

Floor [9] - 69:6, 71:20,
74:13, 74:14, 80:16,
141:23, 141:24,
164:13

floor [85] - 37:7, 37:8,
37:9, 43:3, 43:5,
43:16, 43:17, 43:18,
44:1, 44:2, 44:5,
44:20, 48:22, 54:9,
69:4, 69:9, 69:16,
69:17, 69:18, 70:8,
70:16, 72:12, 72:22,
73:10, 73:11, 74:17,
74:19, 74:21, 74:23,
75:3, 75:12, 75:14,
80:19, 80:25, 81:1,
81:13, 81:15, 81:17,
83:12, 83:15, 83:22,
84:2, 89:25, 99:18,
99:22, 101:24,
102:2, 103:21,
105:7, 106:5,
106:20, 107:19,
108:25, 110:7,
111:8, 111:10,
111:11, 111:23,
114:18, 114:20,
114:21, 114:25,
115:1, 115:4, 129:7,
131:17, 142:18,
143:5, 144:13,
144:15, 144:16,
145:4, 148:14,

148:18, 148:25,
149:9, 160:6, 160:7,
162:18, 164:17

floors [2] - 74:12,
164:23

flow [1] - 48:5

flush [2] - 34:12, 49:6

folder [2] - 67:22,
67:24

follow [1] - 31:7

follow-up [1] - 31:7

following [3] - 111:7,
111:9, 111:13

follows [13] - 14:5,
25:11, 38:4, 41:17,
58:17, 65:12, 67:11,
99:4, 108:12,
119:13, 137:24,
161:6, 170:24

foot [6] - 51:21, 55:15,
55:16, 72:19, 82:22,
125:20

footage [4] - 28:15,
31:12, 36:2, 112:14

footprint [3] - 18:21,
20:23, 23:23

for...but [1] - 154:7

forced [1] - 30:21

forever [1] - 134:21

forget [3] - 82:2, 88:1,
88:9

formal [1] - 8:11

formally [1] - 149:20

forth [2] - 144:1,
158:15

forths [1] - 121:15

fortunate [1] - 117:16

forward [10] - 24:11,
24:22, 48:20, 58:10,
90:7, 96:13, 125:7,
147:8, 166:15,
182:16

foundation [1] - 126:1

foundations [1] -
126:4

four [14] - 16:18,
20:20, 69:10, 75:16,
75:18, 79:8, 83:12,
84:1, 95:14, 96:4,
96:16, 122:7,
123:20, 124:3

fourth [1] - 69:10

foyer [2] - 43:24,
43:25

frame [3] - 141:2,
144:20

framed [1] - 74:2

FRANK [1] - 2:2

Frank [2] - 80:7, 150:3

frankly [2] - 49:22,

<p>100:24 freak [1] - 181:22 free [1] - 47:21 Freeman [1] - 12:9 friendly [1] - 66:3 friends [1] - 17:17 frieze [6] - 110:23, 111:8, 111:9, 111:25, 112:5, 131:16 FROM [1] - 4:2 Front [1] - 89:18 front [149] - 23:8, 29:14, 29:16, 29:17, 29:18, 37:14, 42:17, 42:24, 43:3, 43:15, 44:3, 44:12, 44:13, 44:16, 44:19, 45:21, 45:23, 46:3, 46:12, 46:17, 47:1, 47:6, 47:11, 47:18, 47:19, 48:16, 48:24, 50:1, 50:10, 50:13, 50:14, 50:18, 51:3, 51:10, 51:13, 51:16, 51:24, 53:21, 54:4, 54:19, 56:3, 57:15, 57:17, 57:18, 59:17, 61:1, 61:9, 62:5, 62:10, 64:12, 64:13, 64:17, 66:17, 66:22, 66:25, 67:2, 69:9, 69:10, 70:6, 71:11, 71:22, 72:1, 72:9, 72:11, 74:2, 74:21, 75:4, 75:20, 75:21, 75:24, 76:8, 76:10, 76:11, 76:15, 76:17, 76:20, 76:25, 77:12, 77:14, 77:17, 77:19, 77:20, 77:23, 78:4, 78:18, 81:9, 86:25, 90:21, 91:14, 93:7, 104:14, 104:20, 108:19, 108:21, 108:25, 109:3, 110:11, 110:20, 110:21, 112:10, 113:7, 113:15, 113:17, 119:22, 121:2, 121:4, 121:15, 122:11, 123:12, 128:4, 128:24, 130:24, 132:8, 136:4, 138:19, 140:18, 140:22, 141:10, 143:14, 143:16, 143:20, 143:24, 144:2, 144:8, 145:12,</p>	<p>145:15, 148:12, 148:17, 150:6, 156:12, 163:4, 165:13, 165:17, 170:13, 171:4, 172:9, 172:15, 172:16, 174:3, 176:20, 176:21, 177:17, 178:4, 178:25, 179:5, 180:17 front-facing [4] - 143:14, 143:16, 148:17, 156:12 frontage [5] - 78:5, 123:12, 123:20, 123:21, 124:8 fronts [1] - 70:23 full [6] - 43:11, 104:4, 110:8, 143:19, 149:1, 166:25 full-sized [1] - 104:4 fully [5] - 58:18, 60:12, 132:22, 135:10, 169:2 function [1] - 86:1 functional [2] - 47:24, 72:8 functioning [1] - 86:15 functions [1] - 86:16 furthermore [1] - 171:22 furthest [1] - 77:22 Fusaro [9] - 9:14, 11:25, 36:12, 63:20, 95:3, 136:22, 159:16, 169:24, 181:12 FUSARO [332] - 2:2, 8:4, 8:8, 9:11, 9:15, 10:2, 10:21, 11:8, 11:11, 11:15, 12:1, 13:15, 13:20, 14:1, 14:6, 15:11, 15:15, 16:3, 16:25, 21:24, 22:6, 22:10, 22:17, 23:12, 24:13, 24:18, 25:7, 25:12, 26:12, 26:16, 26:19, 27:4, 27:10, 28:25, 29:9, 29:15, 30:3, 30:14, 31:1, 31:5, 31:22, 32:15, 32:25, 33:4, 33:7, 33:11, 33:15, 33:19, 34:2, 34:9, 34:25, 35:11, 35:19, 35:21, 36:9, 36:13, 36:23, 37:2, 37:19, 37:22, 38:1, 38:5,</p>	<p>38:8, 41:7, 41:10, 41:18, 41:21, 42:6, 42:9, 42:20, 50:21, 51:5, 51:12, 51:15, 52:4, 52:8, 52:17, 52:20, 52:24, 53:2, 55:3, 55:12, 55:16, 55:25, 56:6, 56:8, 56:15, 56:22, 57:1, 57:5, 58:4, 58:14, 58:21, 58:24, 59:2, 59:5, 59:8, 60:1, 60:12, 60:15, 61:5, 61:23, 62:1, 62:6, 62:12, 63:6, 63:12, 63:18, 63:21, 64:5, 64:9, 64:23, 65:1, 65:5, 65:8, 65:13, 65:23, 67:5, 67:12, 67:20, 67:23, 68:1, 68:4, 68:8, 75:22, 77:2, 77:7, 77:9, 79:23, 80:1, 80:4, 80:8, 80:13, 81:3, 82:17, 83:11, 84:3, 84:12, 86:14, 87:12, 87:19, 88:3, 88:18, 89:2, 89:4, 89:12, 89:17, 90:3, 90:15, 92:18, 93:18, 94:6, 94:10, 94:16, 94:19, 95:4, 95:7, 95:12, 95:19, 95:25, 96:8, 96:12, 96:16, 97:2, 97:7, 97:14, 97:18, 98:6, 98:19, 98:25, 99:5, 103:10, 103:15, 103:19, 106:2, 106:9, 106:14, 107:17, 107:22, 108:4, 108:9, 108:13, 109:21, 110:5, 113:4, 113:25, 114:3, 114:6, 115:7, 115:19, 116:5, 116:9, 116:11, 117:21, 118:3, 118:6, 118:9, 118:13, 118:16, 118:22, 119:1, 119:6, 119:14, 125:3, 125:17, 125:20, 126:16, 127:6, 127:15, 127:19, 127:22, 128:14, 130:6, 130:15, 131:11, 132:2, 132:10, 132:16, 133:11, 134:9, 134:12,</p>	<p>134:17, 135:14, 135:23, 136:10, 136:13, 136:23, 137:2, 137:6, 137:25, 142:23, 143:10, 143:22, 144:6, 144:12, 145:3, 145:11, 145:17, 145:20, 145:23, 146:5, 146:10, 146:16, 146:23, 147:2, 148:6, 149:2, 149:14, 149:25, 152:3, 152:21, 155:8, 155:13, 155:18, 155:24, 156:2, 156:5, 156:9, 158:12, 159:3, 159:9, 159:11, 159:17, 159:24, 160:2, 160:16, 161:2, 161:7, 162:15, 163:3, 163:9, 163:14, 163:18, 164:5, 164:9, 164:16, 164:22, 164:25, 165:12, 165:18, 165:22, 165:25, 166:8, 166:11, 167:2, 167:5, 167:11, 167:22, 167:25, 168:3, 168:7, 168:15, 168:21, 169:16, 169:25, 170:3, 170:6, 170:17, 170:21, 170:25, 172:4, 172:17, 172:23, 173:3, 173:19, 173:24, 174:6, 174:13, 174:23, 175:7, 175:12, 175:21, 175:25, 176:4, 177:14, 178:1, 178:5, 178:17, 178:20, 179:1, 179:4, 179:10, 179:20, 180:1, 180:11, 181:2, 181:5, 181:13, 181:17, 182:8, 182:15, 182:20 future [7] - 66:9, 84:16, 92:20, 126:20, 127:3, 129:11, 145:4</p>	<p style="text-align: center;">G</p> <p>gain [1] - 82:24 garage [77] - 37:6, 37:16, 40:25, 41:1, 43:8, 43:12, 43:13, 44:9, 44:18, 45:5, 45:8, 45:19, 45:24, 48:11, 48:12, 48:14, 48:17, 48:19, 48:23, 50:2, 51:11, 59:15, 60:22, 64:19, 67:19, 68:11, 68:19, 68:20, 68:22, 68:25, 69:7, 70:8, 70:14, 84:15, 85:13, 85:18, 85:21, 86:2, 86:4, 86:8, 86:16, 87:6, 92:21, 98:2, 98:3, 99:25, 102:8, 102:11, 102:18, 108:20, 112:15, 112:17, 112:20, 120:1, 120:16, 120:22, 121:23, 122:6, 122:10, 122:22, 123:1, 123:3, 123:4, 126:18, 126:22, 127:4, 129:10, 130:24, 131:3, 131:20, 134:21, 134:22, 171:9 garages [5] - 18:13, 41:3, 49:5, 55:4, 124:14 garbage [1] - 102:10 garden [2] - 102:20, 102:22 gas [9] - 171:23, 176:10, 176:11, 178:3, 178:5, 178:10, 178:13, 178:25, 179:4 gathering [1] - 17:15 GELINAS [1] - 2:14 Gelinás [1] - 9:24 general [2] - 85:25, 121:25 generally [2] - 19:5, 153:9 generator [16] - 170:10, 171:3, 171:11, 171:17, 172:1, 172:21, 173:8, 173:20, 174:2, 175:24, 177:11, 177:24, 178:22, 179:5, 179:18, 180:17 generators [2] -</p>
---	--	---	--	---

<p>170:12, 179:21 Gioia [4] - 21:5, 25:1, 25:9, 26:17 GIOIA [17] - 4:8, 24:25, 25:6, 25:9, 25:10, 25:13, 26:1, 26:4, 26:8, 26:14, 26:18, 26:23, 27:1, 35:9, 35:13, 35:20 girl [1] - 65:22 girls [1] - 65:22 gist [1] - 21:21 given [6] - 51:8, 61:16, 76:9, 82:19, 82:21, 93:3 glad [2] - 66:1, 128:12 gladly [1] - 40:5 GLUCK [1] - 7:4 Gluck [2] - 97:20, 170:8 God [1] - 93:1 good-sized [2] - 26:9, 26:10 Google [1] - 20:17 grade [11] - 16:7, 16:9, 17:21, 17:25, 18:2, 20:20, 20:21, 20:24, 71:2, 89:7, 89:10 grading [1] - 19:18 graduated [1] - 41:23 grandeur [1] - 101:6 grant [3] - 8:25, 9:1, 96:10 granted [6] - 20:4, 31:18, 152:20, 154:19, 156:22, 158:18 granting [6] - 8:23, 9:7, 20:3, 151:14, 152:8, 152:12 grants [1] - 153:13 grassy [1] - 67:1 grateful [1] - 140:8 great [7] - 14:24, 31:5, 51:2, 53:2, 69:7, 97:22, 102:3 green [2] - 172:20, 173:6 Greg [2] - 100:11, 108:7 GREG [2] - 5:17, 108:11 ground [5] - 37:7, 43:3, 43:5, 44:1, 72:4 group [1] - 79:13 Grove [1] - 143:7 grow [1] - 38:23 growing [3] - 65:21, 66:10, 82:24</p>	<p>guess [17] - 62:13, 66:5, 66:16, 85:16, 85:25, 93:14, 125:25, 148:22, 157:4, 157:12, 157:22, 164:11, 167:22, 176:7, 178:18, 178:21, 179:14 guest [2] - 43:10, 139:13 guests [1] - 86:3 gutters [1] - 57:6 guys [1] - 28:22</p> <p style="text-align: center;">H</p> <p>Habitable [1] - 141:24 half [19] - 43:25, 65:18, 79:2, 80:12, 80:14, 80:24, 81:1, 82:22, 97:25, 99:8, 100:9, 105:18, 106:7, 106:12, 106:13, 110:17, 137:16, 148:21, 179:22 hall [11] - 8:15, 44:8, 69:9, 72:12, 72:17, 73:9, 74:25, 75:7, 75:8, 109:6, 110:9 hallway [2] - 83:21, 110:12 Hamilton [13] - 64:11, 65:4, 65:7, 70:20, 71:11, 72:16, 78:1, 78:6, 78:17, 85:5, 85:6, 86:10, 90:24 HAMILTON [1] - 5:3 hand [22] - 14:2, 14:16, 22:12, 38:2, 44:13, 44:16, 45:2, 53:18, 53:20, 58:15, 70:3, 70:12, 70:19, 71:9, 71:13, 89:10, 89:19, 92:6, 99:1, 108:10, 161:3, 170:22 handed [1] - 22:1 handing [1] - 15:17 handle [1] - 92:2 handout [7] - 14:18, 23:14, 42:14, 46:1, 47:14, 47:16, 51:7 hands [1] - 65:9 hang [2] - 40:19, 67:2 happy [3] - 92:16, 129:1, 172:3 hard [3] - 69:2, 98:20, 98:22</p>	<p>hardship [7] - 50:1, 59:10, 89:20, 93:5, 166:25, 171:14 hate [1] - 102:21 head [3] - 130:8, 147:13, 175:6 headroom [2] - 113:2, 148:19 headwall [1] - 87:20 hear [10] - 42:21, 98:15, 98:22, 99:11, 107:5, 133:8, 150:8, 154:23, 155:6 heard [26] - 8:12, 27:13, 27:15, 29:21, 32:15, 32:18, 35:1, 60:20, 63:7, 63:8, 90:17, 90:25, 92:19, 93:11, 99:10, 103:14, 124:20, 128:16, 129:12, 131:15, 134:18, 135:24, 148:8, 179:11, 180:13, 182:3 hearing [6] - 17:2, 85:23, 90:13, 98:20, 130:4, 138:3 HEARING [1] - 1:5 heeding [1] - 167:18 height [5] - 91:25, 116:3, 137:12, 137:16, 141:3 Heights [1] - 42:3 held [1] - 73:13 help [6] - 17:11, 19:18, 20:14, 21:22, 39:9, 140:16 helped [3] - 39:14, 39:15, 152:5 herself [1] - 166:25 hesitant [1] - 132:3 high [5] - 89:14, 107:23, 129:18, 141:3, 149:23 higher [9] - 42:16, 69:15, 69:20, 75:11, 75:15, 75:17, 80:19, 81:14, 150:9 highlights [1] - 21:14 highly [2] - 128:22, 128:25 hill [1] - 71:7 Hill [1] - 41:14 himself [1] - 152:25 hindsight [1] - 102:3 hip [1] - 44:23 hired [1] - 88:8 Historic [15] - 115:9, 116:18, 116:19, 117:3, 117:7, 130:4, 130:12, 131:9, 131:12, 132:15, 132:21, 133:2, 133:13, 133:20, 134:14 historic [14] - 100:16, 112:7, 115:8, 115:16, 116:17, 123:6, 128:19, 130:1, 130:2, 130:16, 130:18, 130:21, 132:17, 134:6 hit [1] - 39:12 hits [1] - 21:13 hmm [1] - 74:10 HO [17] - 4:16, 4:18, 37:18, 37:21, 37:24, 38:3, 38:7, 38:12, 41:9, 46:9, 46:12, 46:15, 57:10, 57:16, 57:20, 57:23, 63:11 Ho [2] - 37:4, 37:24 hold [3] - 11:9, 25:4, 26:19 home [71] - 17:4, 33:2, 38:13, 38:18, 39:16, 40:1, 47:4, 47:8, 47:12, 49:16, 49:22, 53:12, 60:6, 60:22, 62:2, 78:11, 86:1, 86:15, 92:23, 92:24, 97:6, 100:15, 100:21, 101:11, 102:14, 102:15, 103:3, 103:12, 107:18, 107:21, 111:14, 111:19, 111:21, 112:9, 112:20, 112:21, 114:15, 115:7, 120:16, 126:5, 126:15, 128:18, 128:19, 128:22, 128:24, 129:5, 130:21, 132:13, 137:10, 138:22, 140:19, 142:25, 144:4, 146:14, 148:12, 148:14, 149:6, 149:7, 156:13, 163:10, 165:5, 168:25, 171:3, 171:6, 171:7, 171:10, 171:14, 171:16, 176:8, 177:17 Home [1] - 124:7 homeowner [5] -</p>	<p>146:7, 146:8, 146:20, 152:25, 153:24 homeowners [2] - 117:16, 135:5 homes [32] - 20:19, 41:3, 46:5, 47:17, 49:4, 49:17, 49:19, 56:2, 61:14, 73:1, 76:14, 77:25, 78:15, 78:16, 79:4, 79:17, 93:10, 101:10, 102:22, 113:2, 115:13, 122:4, 128:7, 129:6, 142:24, 143:1, 149:16, 149:17, 149:23, 168:23, 178:24 HOMES [2] - 5:8, 79:19 honestly [1] - 135:19 hope [8] - 50:8, 102:24, 103:6, 103:7, 112:17, 117:11, 128:5, 128:12 hoping [2] - 66:5, 95:15 horse [1] - 120:17 horse-drawn [1] - 120:17 horses [1] - 120:17 hour [3] - 120:20, 129:19, 179:22 hours [3] - 38:19, 40:1, 129:23 house [164] - 22:15, 23:5, 29:11, 32:23, 34:18, 35:14, 35:16, 35:17, 38:15, 39:1, 39:5, 44:17, 44:25, 45:23, 46:8, 46:9, 47:10, 47:11, 49:6, 49:8, 49:12, 51:9, 53:6, 54:19, 55:19, 57:7, 57:14, 59:16, 61:9, 61:20, 64:13, 65:17, 66:12, 66:14, 68:11, 68:17, 70:1, 70:6, 70:10, 70:15, 71:8, 71:22, 71:23, 72:1, 72:9, 72:11, 72:18, 72:23, 73:2, 73:4, 73:9, 73:15, 73:25, 74:7, 77:14, 77:16, 77:17, 82:4, 84:1, 87:3, 92:2, 92:9, 92:12, 93:1, 93:22, 94:1, 99:12,</p>
---	--	---	---

<p>99:17, 100:18, 101:5, 101:14, 102:11, 102:24, 104:19, 104:21, 105:3, 105:5, 107:23, 107:24, 109:5, 110:25, 111:7, 111:9, 112:7, 112:9, 112:19, 116:20, 117:9, 117:15, 117:19, 117:25, 120:15, 121:1, 121:11, 121:14, 123:6, 123:12, 124:2, 128:5, 129:21, 130:25, 131:7, 131:24, 134:20, 134:25, 135:1, 135:2, 135:3, 135:18, 138:11, 138:19, 138:20, 138:22, 139:10, 139:19, 140:14, 140:22, 140:24, 140:25, 141:10, 142:6, 143:5, 143:6, 143:20, 143:21, 143:24, 144:8, 145:15, 146:20, 161:11, 161:12, 161:14, 161:19, 162:3, 162:6, 163:4, 164:4, 165:16, 166:21, 166:24, 169:5, 171:4, 171:20, 174:20, 174:21, 174:24, 175:9, 175:16, 175:22, 176:6, 176:12, 176:16, 177:25, 178:4, 178:8, 178:9, 179:5, 179:17, 179:18</p> <p>housekeeping [1] - 10:3</p> <p>houses [8] - 66:15, 78:24, 79:3, 91:23, 112:23, 140:11, 143:4, 166:6</p> <p>housing [2] - 48:8, 50:7</p> <p>Hroblak [1] - 9:16</p> <p>HROBLAK [1] - 2:12</p> <p>Hurricane [1] - 171:8</p> <p>husband [1] - 101:3</p> <p>hybrid [1] - 138:7</p> <p>HYSLIP [1] - 4:5</p> <p>Hyslip [4] - 12:25, 13:19, 13:23, 13:25</p>	<p style="text-align: center;">I</p> <p>ice [2] - 47:21, 48:14</p> <p>idea [3] - 26:7, 101:25, 102:3</p> <p>ideal [1] - 55:22</p> <p>identification [3] - 15:10, 79:20, 130:18</p> <p>identified [3] - 130:10, 132:22, 145:12</p> <p>identifies [1] - 111:18</p> <p>immediate [2] - 123:24, 124:10</p> <p>immediately [7] - 19:8, 19:10, 22:11, 28:19, 30:12, 35:25, 90:22</p> <p>impact [5] - 9:8, 9:9, 32:21, 40:21, 143:20</p> <p>impacted [1] - 171:8</p> <p>impacts [1] - 17:12</p> <p>impair [1] - 20:7</p> <p>impervious [8] - 17:11, 19:5, 19:14, 20:13, 21:19, 27:24, 32:6, 85:22</p> <p>impinging [1] - 54:4</p> <p>important [1] - 130:21</p> <p>importantly [1] - 171:20</p> <p>impose [3] - 152:18, 152:19, 168:6</p> <p>impossible [4] - 68:25, 85:18, 85:19, 92:21</p> <p>improperly [1] - 91:2</p> <p>improved [1] - 17:14</p> <p>improvement [8] - 13:11, 16:13, 17:8, 19:1, 20:13, 21:18, 21:20, 49:15</p> <p>improvements [2] - 49:18, 60:6</p> <p>improves [2] - 50:7, 72:8</p> <p>improving [3] - 48:8, 49:24, 131:5</p> <p>IN [1] - 1:4</p> <p>inches [1] - 47:3</p> <p>incline [1] - 70:25</p> <p>include [2] - 37:6, 168:2</p> <p>including [7] - 16:9, 19:9, 20:20, 21:4, 92:25, 178:6</p> <p>incorporated [1] - 36:4</p> <p>increase [4] - 13:6, 19:2, 75:21, 165:19</p> <p>increased [3] -</p>	<p>113:20, 113:23, 114:10</p> <p>increases [1] - 148:25</p> <p>increasing [4] - 60:25, 75:11, 114:4, 141:6</p> <p>indentation [1] - 163:11</p> <p>India [1] - 161:22</p> <p>indicates [1] - 123:21</p> <p>Indicating [3] - 54:22, 56:21, 78:21</p> <p>indiscernible [6] - 42:5, 107:4, 135:21, 146:12, 163:17, 173:10</p> <p>individual [1] - 132:20</p> <p>informal [1] - 20:17</p> <p>information [2] - 65:20, 140:7</p> <p>initial [1] - 28:9</p> <p>inside [3] - 87:22, 101:17, 178:7</p> <p>inspect [1] - 143:8</p> <p>install [2] - 171:3, 171:11</p> <p>installed [2] - 17:25, 172:2</p> <p>instance [2] - 39:8, 141:22</p> <p>instances [2] - 39:8, 40:3</p> <p>instead [3] - 82:23, 155:4, 157:6</p> <p>intangibles [2] - 39:5, 40:3</p> <p>intent [6] - 9:9, 20:7, 24:2, 24:6, 24:8, 43:8</p> <p>intention [1] - 44:6</p> <p>interested [1] - 130:3</p> <p>interesting [1] - 180:9</p> <p>interference [1] - 109:11</p> <p>interior [2] - 37:10, 53:11</p> <p>investment [2] - 121:25, 122:3</p> <p>involved [2] - 120:13, 134:7</p> <p>iron [1] - 172:15</p> <p>issue [9] - 50:11, 117:8, 126:23, 148:19, 152:3, 158:22, 169:1, 169:3, 169:10</p> <p>issues [4] - 27:18, 28:17, 85:23, 168:13</p> <p>item [1] - 10:3</p> <p>items [1] - 125:21</p> <p>itself [2] - 109:8, 131:1</p>	<p style="text-align: center;">J</p> <p>Jack [1] - 75:10</p> <p>Jack-and-Jill [1] - 75:10</p> <p>James [1] - 119:10</p> <p>JAMES [2] - 5:18, 119:12</p> <p>JAWORSKI [1] - 2:17</p> <p>Jeff [1] - 13:19</p> <p>jeff [1] - 13:22</p> <p>JEFFERY [1] - 4:7</p> <p>JEFFREY [1] - 14:3</p> <p>Jenna [1] - 98:18</p> <p>JENNY [2] - 5:17, 99:3</p> <p>Jenny [3] - 98:10, 100:12, 109:11</p> <p>jenny [2] - 98:17, 98:19</p> <p>Jersey [5] - 1:14, 41:15, 66:2, 98:9, 119:11</p> <p>Jill [1] - 75:10</p> <p>Jim [2] - 100:11, 128:6</p> <p>job [3] - 32:9, 131:10, 138:6</p> <p>joist [1] - 109:15</p> <p>joy [1] - 102:19</p> <p>jump [2] - 91:20, 150:2</p> <p>June [1] - 110:1</p> <p>jurisdiction [3] - 91:3, 91:4, 116:20</p>	<p>99:8, 101:21, 109:20, 110:15, 115:24, 161:16, 177:21</p> <p>kind [33] - 14:25, 17:5, 18:5, 18:24, 21:14, 23:21, 24:12, 26:6, 30:19, 35:5, 42:19, 45:10, 55:6, 65:25, 67:2, 67:4, 73:14, 78:8, 78:14, 78:23, 88:14, 99:9, 99:19, 102:25, 104:11, 121:7, 123:5, 126:12, 132:13, 135:24, 141:15, 143:25, 178:21</p> <p>kindergarten [1] - 39:17</p> <p>kindly [1] - 15:24</p> <p>kinds [1] - 20:9</p> <p>kitchen [10] - 43:20, 45:13, 92:25, 109:5, 109:8, 162:9, 162:10, 163:25, 164:1, 178:6</p> <p>Kitty [2] - 21:5, 35:7</p> <p>KIYKO [1] - 3:17</p> <p>knock [1] - 140:9</p> <p>knocked [3] - 46:7, 46:18, 49:9</p> <p>know.. [1] - 177:8</p> <p>knowledge [1] - 56:10</p> <p>knowledgeable [1] - 161:20</p> <p>knows [5] - 66:9, 116:2, 150:24, 150:25, 179:18</p>
			<p style="text-align: center;">K</p> <p>Kai [2] - 37:4, 37:24</p> <p>KAI [3] - 4:16, 4:18, 38:3</p> <p>KATHERINE [2] - 4:8, 25:10</p> <p>Kathryn [1] - 8:20</p> <p>KATHRYN [1] - 2:18</p> <p>Katie [1] - 16:4</p> <p>keep [6] - 40:18, 43:12, 123:7, 129:15, 135:18, 139:15</p> <p>keeping [6] - 20:16, 20:25, 32:11, 122:21, 126:14, 136:9</p> <p>keeps [1] - 50:5</p> <p>kept [3] - 131:16, 131:17, 181:1</p> <p>kick [1] - 91:13</p> <p>kick-out [1] - 91:13</p> <p>kids [14] - 38:16, 40:13, 40:18, 66:21, 66:24, 85:3, 85:15,</p>	<p style="text-align: center;">L</p> <p>L-shape [5] - 118:1, 118:7, 118:23, 118:24, 135:20</p> <p>L-shaped [2] - 118:20, 136:3</p> <p>label [1] - 24:5</p> <p>labor [3] - 101:2, 101:3, 101:4</p> <p>lady [1] - 166:24</p> <p>land [3] - 72:25, 91:21, 150:3</p> <p>Land [9] - 9:2, 13:2, 20:2, 37:13, 64:16, 98:1, 137:11, 160:8, 170:11</p> <p>landmark [1] - 128:19</p> <p>landmarked [5] - 115:11, 115:12, 115:14, 115:15,</p>

<p>115:17 landscaped [1] - 71:6 landscapers [1] - 177:5 landscaping [1] - 102:16 large [11] - 20:22, 25:25, 26:2, 26:4, 38:17, 40:12, 53:24, 57:4, 109:9, 112:25, 139:11 largely [2] - 18:20, 20:23 larger [9] - 22:7, 23:23, 54:1, 75:13, 93:11, 111:12, 134:23, 139:8, 173:7 last [13] - 10:17, 12:12, 19:7, 25:4, 25:7, 26:21, 27:18, 39:21, 39:22, 95:21, 97:19, 122:2, 170:6 lastly [1] - 112:21 late [1] - 99:13 lattice [3] - 110:23, 176:23, 177:9 Laude [1] - 41:24 laughter [4] - 98:21, 152:15, 155:21, 155:25 laundry [6] - 43:8, 43:10, 74:22, 74:25, 83:15, 83:21 Law [2] - 9:3, 20:2 lawn [3] - 57:22, 57:24, 178:11 laws [1] - 161:20 Lay [1] - 41:13 LAY [43] - 4:19, 41:13, 41:14, 41:16, 41:20, 41:23, 42:8, 42:13, 42:22, 46:10, 46:14, 46:16, 51:4, 51:9, 51:17, 51:20, 51:23, 52:1, 52:5, 52:15, 52:19, 52:21, 53:1, 53:7, 53:14, 53:17, 54:5, 54:13, 54:18, 54:25, 55:17, 56:5, 56:7, 56:12, 56:17, 56:25, 57:4, 57:8, 58:1, 59:11, 59:14, 59:22, 64:7 layman's [1] - 122:14 layout [4] - 122:22, 138:15, 140:14, 144:15 lead [2] - 30:15, 57:9 Leader [1] - 8:16 leader [1] - 34:11</p>	<p>leads [5] - 28:13, 28:21, 29:2, 29:18, 30:19 learned [3] - 161:22, 161:23, 180:8 least [5] - 66:15, 87:3, 100:3, 120:1, 174:10 leave [7] - 39:25, 40:2, 91:4, 96:21, 105:17, 146:3, 147:5 leaving [2] - 49:22, 121:8 led [1] - 29:1 Ledger [1] - 8:17 left [30] - 19:10, 21:4, 21:15, 34:21, 44:16, 45:1, 45:7, 46:9, 47:1, 70:3, 70:12, 70:14, 70:19, 71:4, 71:9, 75:6, 77:19, 89:10, 89:19, 95:14, 109:2, 109:7, 163:6, 163:22, 165:2, 165:3, 165:5, 175:15, 175:21, 176:6 left-hand [7] - 44:16, 70:3, 70:12, 70:19, 71:9, 89:10, 89:19 leftover [1] - 112:16 length [8] - 143:19, 160:12, 162:22, 163:5, 164:15, 165:10, 168:10, 169:3 less [1] - 165:23 lessen [1] - 17:12 LETICIA [3] - 4:4, 4:7, 14:3 Leticia [2] - 12:25, 13:24 letter [2] - 76:1, 124:23 letting [1] - 111:14 Letty [1] - 13:18 level [8] - 43:17, 43:23, 43:25, 44:20, 44:25, 49:16, 111:15, 148:25 liberty [1] - 77:4 license [2] - 42:6, 154:2 licensed [4] - 41:25, 150:19, 150:22, 154:25 LIEBMAN [1] - 2:17 light [5] - 48:2, 50:6, 75:4, 75:7, 111:15 likely [1] - 47:7 limb [1] - 39:12</p>	<p>limit [5] - 120:19, 120:20, 129:17, 129:19, 171:18 limited [2] - 13:6, 83:1 limits [1] - 17:9 line [22] - 23:21, 40:24, 45:16, 47:9, 52:23, 52:25, 55:19, 55:20, 71:1, 76:19, 118:17, 121:3, 121:18, 123:14, 125:15, 126:4, 127:10, 174:10, 174:15, 174:25, 175:19, 176:3 line-of-sight [1] - 40:24 lines [1] - 171:23 listed [5] - 24:14, 81:22, 81:25, 82:11, 128:18 livable [2] - 144:23, 149:21 live [7] - 25:1, 25:13, 37:25, 108:8, 134:25, 137:21, 171:4 lived [2] - 35:18, 100:3 living [17] - 17:21, 43:19, 43:23, 43:24, 45:13, 54:9, 54:13, 54:15, 66:18, 69:8, 75:4, 99:14, 100:9, 109:6, 145:9, 164:21, 164:22 LLP [1] - 2:17 locally [1] - 116:23 locate [2] - 170:10, 173:14 located [13] - 35:25, 62:22, 91:2, 132:21, 170:13, 171:18, 171:23, 173:11, 173:13, 173:15, 174:11, 174:21, 178:14 located6 [1] - 91:2 location [18] - 18:2, 38:13, 39:5, 60:6, 92:22, 113:24, 118:19, 130:17, 161:15, 170:14, 171:21, 171:24, 172:21, 173:10, 174:2, 178:10, 178:11, 178:12 logistics [1] - 178:20 look [37] - 28:3, 28:21, 29:20, 31:25, 34:10, 47:13, 49:18, 60:24,</p>	<p>69:5, 69:22, 70:18, 71:19, 72:1, 72:13, 76:24, 80:17, 84:24, 108:23, 114:11, 117:13, 117:14, 121:9, 121:17, 122:5, 125:15, 126:5, 128:5, 128:12, 131:14, 132:3, 149:12, 150:14, 154:12, 163:19, 164:8, 172:19, 175:14 looked [4] - 88:22, 101:14, 135:19, 142:21 looking [46] - 22:1, 22:10, 28:13, 29:11, 43:21, 45:7, 46:12, 46:17, 47:16, 56:4, 56:9, 61:20, 61:24, 66:13, 66:17, 69:25, 70:7, 73:3, 77:17, 78:5, 78:9, 78:13, 87:14, 89:8, 89:17, 98:23, 99:16, 99:20, 99:24, 100:11, 101:15, 109:3, 117:22, 121:11, 134:6, 135:8, 140:17, 140:18, 156:10, 163:4, 163:9, 164:3, 164:9, 165:4, 171:11 looks [27] - 16:1, 24:6, 28:1, 29:17, 32:23, 33:1, 33:10, 33:13, 33:18, 35:5, 50:8, 52:24, 56:10, 56:16, 61:20, 70:5, 87:16, 89:13, 91:11, 102:24, 149:5, 149:8, 163:20, 163:23, 172:20, 177:14, 177:22 lose [4] - 102:22, 147:23, 171:12, 171:13 lost [1] - 171:8 lot's [1] - 60:3 loud [1] - 42:18 love [12] - 66:1, 66:4, 99:12, 100:19, 101:2, 101:3, 101:4, 102:6, 102:23, 103:3, 135:20, 138:22 loved [2] - 132:5, 140:11 lovely [1] - 21:7</p>	<p>loves [1] - 40:17 low [8] - 44:23, 72:4, 101:21, 109:14, 111:17, 111:25, 112:1, 176:19 low-pitched [1] - 111:17 low-slump [1] - 44:23 lower [3] - 70:12, 109:16, 111:15 luck [7] - 36:24, 64:6, 95:8, 137:3, 159:25, 170:4, 181:18 Lyndsay [1] - 142:15</p>
M				
<p>ma'am [2] - 24:24, 65:5 mailing [1] - 8:15 main [9] - 40:10, 47:8, 48:18, 48:21, 49:12, 51:9, 70:15, 138:13, 171:9 maintain [2] - 43:21, 176:25 maintained [3] - 53:20, 177:2, 180:20 major [4] - 46:2, 82:3, 85:11, 168:25 makeshift [1] - 144:24 manage [1] - 40:12 map [6] - 14:25, 72:24, 84:21, 88:14, 88:17, 88:23 Map [1] - 47:14 maps [2] - 88:13, 134:25 March [1] - 110:2 MARK [3] - 5:2, 5:5, 65:10 Mark [2] - 64:11, 65:3 mark [5] - 14:19, 79:9, 79:11, 79:12, 173:6 marked [4] - 15:10, 43:1, 79:19, 80:4 market [1] - 100:25 MASCIALE [59] - 2:3, 9:18, 10:20, 11:18, 25:24, 26:2, 26:6, 26:10, 28:23, 29:3, 29:5, 29:21, 31:25, 34:19, 36:15, 61:3, 62:25, 63:23, 80:6, 80:9, 80:21, 81:6, 81:18, 81:21, 82:7, 82:10, 82:13, 83:5, 91:20, 95:2, 95:10, 105:13, 105:21, 106:8, 130:22,</p>				

<p>132:9, 136:21, 140:16, 141:6, 150:2, 156:1, 159:10, 159:19, 166:2, 166:10, 167:13, 167:17, 169:13, 169:23, 172:6, 172:10, 172:13, 173:22, 174:18, 176:17, 176:24, 177:6, 181:11, 182:22</p> <p>masciale [1] - 180:14</p> <p>Masciale [12] - 9:17, 10:25, 11:20, 36:14, 63:14, 63:22, 95:1, 136:20, 159:11, 159:18, 169:22, 181:10</p> <p>masonry [1] - 112:12</p> <p>massing [4] - 48:21, 49:12, 150:5, 150:10</p> <p>massive [2] - 72:13, 129:22</p> <p>Master [4] - 125:1, 130:11, 130:19, 132:22</p> <p>master [14] - 37:9, 44:6, 44:10, 45:3, 45:15, 111:23, 114:21, 114:22, 139:4, 139:16, 139:18, 162:1, 166:23</p> <p>match [14] - 40:22, 41:1, 47:9, 73:24, 74:3, 74:4, 111:18, 112:8, 112:9, 113:2, 117:25, 118:21, 151:13, 156:13</p> <p>matches [4] - 16:2, 48:11, 110:24, 112:20</p> <p>matching [2] - 48:19, 59:16</p> <p>material [1] - 24:10</p> <p>materials [3] - 112:8, 112:11, 128:10</p> <p>Matt [5] - 135:16, 152:4, 152:22, 172:18, 172:23</p> <p>matt [1] - 93:18</p> <p>MATT [1] - 2:4</p> <p>matter [2] - 16:20, 34:22</p> <p>max [1] - 92:17</p> <p>maximize [2] - 93:22, 94:1</p> <p>maximizing [4] - 92:13, 92:16, 93:9,</p>	<p>93:21</p> <p>maximum [11] - 13:3, 16:12, 21:17, 58:2, 137:12, 137:14, 137:16, 141:3, 144:21, 160:12, 169:2</p> <p>Maximum [1] - 141:23</p> <p>meals [2] - 18:14, 39:15</p> <p>mean [19] - 23:4, 24:9, 52:6, 55:17, 86:7, 92:11, 93:2, 104:5, 143:24, 151:12, 152:8, 153:14, 154:10, 155:14, 157:10, 166:22, 168:16, 177:24, 181:21</p> <p>meaning [1] - 182:1</p> <p>means [3] - 92:8, 153:22, 158:5</p> <p>meant [2] - 78:21, 91:23</p> <p>measurements [1] - 142:5</p> <p>mediation [1] - 171:10</p> <p>meet [3] - 53:24, 59:20, 112:25</p> <p>MEETING [2] - 1:10, 3:7</p> <p>meeting [25] - 8:9, 8:14, 10:17, 11:9, 12:3, 12:8, 12:11, 12:12, 12:18, 12:22, 27:5, 27:12, 39:21, 39:22, 60:18, 96:5, 96:23, 96:24, 97:3, 119:22, 128:15, 148:7, 150:14, 182:10, 183:1</p> <p>meetings [2] - 38:21, 138:10</p> <p>Meetings [1] - 8:19</p> <p>Melissa [2] - 97:20, 170:8</p> <p>MELISSA [3] - 5:5, 7:4, 65:10</p> <p>melissa [1] - 65:6</p> <p>Member [1] - 119:2</p> <p>member [5] - 10:7, 42:5, 133:2, 133:10, 133:12</p> <p>MEMBER [5] - 2:4, 2:5, 2:11, 2:12, 2:13</p> <p>Members [14] - 10:11, 10:18, 11:12, 12:4, 24:19, 30:4, 35:22, 42:10, 58:5, 89:22, 127:24, 147:12,</p>	<p>166:12, 180:21</p> <p>members [5] - 10:24, 133:8, 134:5, 134:13, 134:15</p> <p>MEMBERS [1] - 11:23</p> <p>memorable [1] - 39:11</p> <p>memorialized [2] - 12:2, 12:10</p> <p>mental [1] - 18:25</p> <p>mention [4] - 50:10, 84:5, 87:5, 162:17</p> <p>mentioned [26] - 15:15, 19:3, 27:21, 50:12, 50:16, 50:20, 56:1, 58:20, 61:8, 61:14, 63:15, 84:17, 87:7, 93:15, 117:25, 125:21, 129:10, 129:15, 129:16, 131:20, 135:25, 145:24, 156:7, 166:21, 169:3, 173:5</p> <p>metal [2] - 48:15, 111:17</p> <p>meter [9] - 174:3, 176:9, 176:10, 178:10, 178:11, 178:13, 178:16, 178:18, 179:4</p> <p>meters [1] - 178:25</p> <p>mic [2] - 35:12, 41:11</p> <p>Michael [1] - 95:22</p> <p>MICHAEL [2] - 2:11, 3:20</p> <p>microphone [1] - 42:19</p> <p>middle [5] - 21:17, 72:23, 74:21, 174:11, 174:22</p> <p>might [9] - 102:7, 103:1, 112:18, 116:1, 127:8, 131:22, 134:8, 154:7, 166:25</p> <p>mind [6] - 15:7, 17:23, 40:9, 92:8, 129:15, 135:11</p> <p>mine [1] - 67:23</p> <p>minimal [4] - 28:16, 40:22, 40:25, 61:9</p> <p>minimum [9] - 64:16, 64:19, 68:14, 68:21, 86:23, 98:2, 129:14, 147:23, 160:9</p> <p>MINUTES [2] - 1:10, 3:5</p> <p>minutes [5] - 10:17, 10:24, 11:1, 11:17, 95:17</p> <p>Miscellaneous [1] -</p>	<p>37:10</p> <p>miscellaneous [1] - 37:11</p> <p>mischievous [1] - 102:1</p> <p>mislabeled [1] - 145:7</p> <p>mispronounce [1] - 160:4</p> <p>mispronouncing [1] - 160:18</p> <p>misstatement [1] - 24:9</p> <p>mitigating [1] - 27:22</p> <p>mix [1] - 159:13</p> <p>model [1] - 138:7</p> <p>modern [3] - 100:23, 113:3, 128:9</p> <p>modernize [1] - 101:16</p> <p>modernizing [1] - 112:22</p> <p>modifications [4] - 16:24, 37:8, 156:12, 161:13</p> <p>modified [1] - 118:20</p> <p>modify [1] - 44:7</p> <p>molnar [8] - 9:19, 36:16, 63:24, 68:1, 136:16, 159:22, 169:18, 181:7</p> <p>Molnar [5] - 10:25, 11:6, 11:25, 35:2, 94:22</p> <p>MOLNAR [114] - 2:5, 9:20, 16:11, 16:20, 23:11, 23:13, 24:5, 29:4, 29:13, 29:23, 29:25, 32:22, 33:1, 33:6, 33:9, 33:12, 33:17, 33:23, 34:1, 34:4, 34:16, 34:23, 36:17, 53:5, 53:11, 53:16, 54:2, 54:11, 54:16, 54:23, 55:10, 55:13, 57:6, 57:14, 57:18, 57:21, 57:25, 59:6, 59:9, 59:13, 59:19, 59:24, 61:19, 61:25, 62:3, 62:9, 63:25, 68:3, 73:14, 73:20, 74:6, 74:9, 80:11, 81:25, 89:24, 90:2, 93:17, 94:23, 103:18, 103:20, 103:24, 104:4, 104:8, 104:13, 104:20, 105:2, 105:6, 105:12, 105:16, 105:23, 106:6, 106:11,</p>	<p>106:15, 107:2, 107:7, 108:2, 113:6, 113:14, 114:16, 114:23, 115:2, 115:14, 116:15, 117:2, 117:9, 129:25, 130:20, 131:6, 131:22, 132:14, 132:24, 133:7, 134:1, 134:4, 136:17, 156:4, 158:24, 159:23, 163:7, 163:12, 163:16, 167:4, 167:6, 167:9, 167:20, 169:19, 175:14, 178:3, 178:23, 179:2, 179:8, 179:13, 179:17, 181:8</p> <p>Monday [6] - 1:12, 12:8, 96:24, 97:4, 97:7, 120:21</p> <p>Monday's [1] - 12:11</p> <p>money [5] - 121:10, 122:5, 122:18, 135:12, 135:18</p> <p>Montana [1] - 98:10</p> <p>MONTANA [2] - 5:17, 99:3</p> <p>monthly [1] - 182:10</p> <p>months [1] - 65:20</p> <p>Moriarty [2] - 95:22, 96:14</p> <p>MORIARTY [6] - 3:20, 95:24, 96:15, 97:5, 97:12, 97:16</p> <p>moriarty [1] - 95:25</p> <p>Morris [1] - 42:1</p> <p>most [8] - 39:11, 47:7, 49:16, 91:11, 95:15, 114:19, 178:3, 178:24</p> <p>mostly [1] - 66:17</p> <p>motion [16] - 11:16, 36:5, 36:6, 63:1, 63:13, 94:7, 94:13, 136:6, 136:7, 159:5, 159:6, 169:12, 169:13, 180:23, 180:24, 182:21</p> <p>MOTION [7] - 4:13, 4:23, 5:10, 5:21, 6:9, 6:20, 7:11</p> <p>move [6] - 11:16, 53:25, 54:14, 139:14, 182:16</p> <p>moved [11] - 11:18, 33:25, 38:12, 54:3, 62:25, 65:15, 99:7,</p>
--	---	---	---	---

138:4, 140:8, 161:9, 182:22
moving [7] - 32:7, 32:10, 38:25, 53:22, 88:1, 137:6, 160:2
MR [501] - 9:13, 9:16, 9:18, 9:19, 9:21, 9:23, 9:24, 10:1, 10:20, 10:23, 11:4, 11:7, 11:18, 11:19, 11:21, 11:22, 11:24, 13:14, 13:18, 13:22, 14:8, 14:13, 14:17, 14:23, 15:13, 15:19, 15:23, 16:4, 16:12, 16:15, 16:17, 16:18, 16:22, 17:1, 22:5, 22:8, 22:16, 22:20, 22:22, 23:1, 23:4, 23:7, 23:10, 23:19, 24:8, 24:16, 25:24, 26:2, 26:6, 26:10, 26:20, 26:24, 27:3, 27:9, 28:23, 29:3, 29:5, 29:7, 29:21, 30:2, 30:13, 30:17, 31:4, 31:9, 31:15, 31:21, 31:25, 33:20, 33:24, 34:7, 34:19, 35:3, 36:6, 36:10, 36:11, 36:14, 36:15, 36:16, 36:18, 36:19, 36:20, 36:21, 36:22, 36:25, 37:18, 37:21, 37:24, 38:7, 38:12, 41:9, 46:9, 46:12, 46:15, 50:10, 50:23, 51:18, 51:21, 51:25, 55:15, 57:3, 57:10, 57:16, 57:20, 57:23, 58:12, 58:18, 58:23, 59:1, 59:4, 60:4, 60:14, 61:3, 62:8, 62:25, 63:3, 63:11, 63:17, 63:19, 63:22, 63:23, 63:24, 64:1, 64:2, 64:3, 64:4, 64:21, 64:25, 65:3, 65:15, 65:24, 67:8, 67:17, 67:22, 67:25, 68:6, 68:7, 68:9, 73:17, 73:19, 73:23, 74:8, 74:10, 74:11, 76:6, 76:22, 77:4, 77:8, 77:11, 78:7, 78:10, 78:12, 78:15, 78:20, 78:22, 79:1, 79:7, 79:12, 79:15, 79:25, 80:2, 80:6, 80:9, 80:15, 80:21, 80:23, 81:6, 81:8,

81:18, 81:20, 81:21, 81:23, 82:2, 82:5, 82:6, 82:7, 82:9, 82:10, 82:12, 82:13, 82:16, 82:19, 83:5, 83:7, 83:9, 83:14, 83:19, 83:20, 83:23, 84:6, 84:20, 85:14, 85:16, 86:6, 86:10, 86:19, 86:20, 87:5, 87:11, 87:18, 87:23, 88:7, 88:11, 88:15, 88:16, 88:21, 88:22, 89:3, 89:9, 89:15, 90:1, 90:12, 90:14, 91:20, 93:19, 94:3, 94:13, 94:18, 94:21, 94:24, 94:25, 95:1, 95:2, 95:3, 95:5, 95:6, 95:9, 95:10, 95:24, 96:6, 96:9, 96:15, 97:5, 97:12, 97:16, 98:5, 98:8, 99:7, 103:13, 103:17, 103:22, 104:1, 104:5, 104:10, 104:18, 104:22, 105:8, 105:13, 105:15, 105:20, 105:21, 105:25, 106:4, 106:8, 106:21, 106:22, 107:12, 108:7, 108:17, 110:3, 110:6, 113:9, 113:12, 113:13, 113:16, 113:22, 114:2, 114:5, 114:9, 114:20, 114:24, 115:5, 115:11, 115:15, 115:23, 116:8, 116:10, 116:21, 116:23, 117:5, 117:11, 118:2, 118:5, 118:8, 118:11, 118:15, 118:18, 118:24, 119:5, 119:9, 119:19, 125:13, 125:19, 126:3, 126:12, 127:5, 127:14, 127:17, 127:21, 128:3, 130:10, 130:17, 130:22, 131:25, 132:9, 132:19, 133:1, 133:5, 133:9, 133:15, 133:23, 134:16, 134:19, 135:16, 136:7, 136:12, 136:14,

136:18, 136:19, 136:20, 136:21, 136:22, 136:24, 136:25, 137:1, 137:4, 137:5, 137:20, 138:2, 140:1, 140:16, 140:21, 141:6, 141:8, 141:11, 141:16, 141:20, 141:21, 141:22, 142:1, 142:2, 142:4, 142:7, 142:9, 142:11, 142:13, 142:15, 142:18, 142:20, 143:3, 143:16, 144:5, 144:10, 144:18, 145:6, 145:13, 145:19, 145:22, 146:3, 146:7, 146:13, 146:19, 146:24, 147:16, 148:24, 149:12, 149:19, 150:2, 150:16, 151:23, 152:13, 153:12, 153:21, 154:21, 154:25, 155:3, 155:10, 155:14, 155:16, 155:22, 156:1, 156:6, 156:17, 156:25, 157:12, 157:15, 157:22, 158:2, 158:6, 158:16, 158:19, 158:25, 159:1, 159:2, 159:6, 159:10, 159:13, 159:15, 159:16, 159:18, 159:19, 159:20, 159:21, 159:22, 160:1, 160:15, 160:19, 161:9, 162:10, 162:13, 162:16, 163:8, 164:3, 164:7, 164:11, 164:21, 164:24, 165:3, 165:8, 165:9, 165:14, 165:21, 165:24, 166:2, 166:10, 166:20, 167:8, 167:13, 167:15, 167:17, 167:18, 168:14, 168:18, 169:13, 169:15, 169:18, 169:20, 169:21, 169:22, 169:23, 169:24, 170:1,

170:2, 170:5, 170:16, 170:19, 171:2, 172:6, 172:8, 172:10, 172:12, 172:13, 172:14, 172:16, 172:22, 173:1, 173:9, 173:17, 173:21, 173:22, 174:5, 174:9, 174:16, 174:18, 174:19, 175:2, 175:10, 175:17, 175:23, 176:2, 176:13, 176:17, 176:22, 176:24, 177:4, 177:6, 177:9, 177:19, 178:15, 178:19, 179:11, 179:16, 179:23, 180:7, 180:24, 181:4, 181:7, 181:9, 181:10, 181:11, 181:12, 181:14, 181:15, 181:16, 181:20, 181:25, 182:5, 182:7, 182:14, 182:18, 182:22, 182:23
MS [242] - 8:24, 9:20, 11:2, 11:5, 11:10, 11:13, 13:24, 14:11, 14:14, 14:19, 15:2, 16:11, 16:16, 16:20, 23:11, 23:13, 24:5, 24:25, 25:3, 25:6, 25:9, 25:13, 26:1, 26:4, 26:8, 26:14, 26:18, 26:23, 27:1, 29:4, 29:13, 29:23, 29:24, 29:25, 31:7, 31:10, 31:16, 32:22, 33:1, 33:6, 33:9, 33:12, 33:17, 33:23, 34:1, 34:4, 34:16, 34:23, 35:9, 35:13, 35:20, 36:17, 37:1, 41:13, 41:20, 41:23, 42:8, 42:13, 42:22, 46:10, 46:14, 46:16, 51:4, 51:9, 51:14, 51:17, 51:20, 51:23, 52:1, 52:5, 52:15, 52:19, 52:21, 53:1, 53:5, 53:7, 53:11, 53:14, 53:16, 53:17, 54:2, 54:5, 54:11, 54:13, 54:16, 54:18, 54:23, 54:25, 55:10, 55:13, 55:17, 56:5, 56:7, 56:12, 56:17,

56:25, 57:4, 57:6, 57:8, 57:14, 57:18, 57:21, 57:25, 58:1, 59:6, 59:9, 59:11, 59:13, 59:14, 59:19, 59:22, 59:24, 61:19, 61:25, 62:3, 62:9, 63:25, 64:7, 65:6, 68:3, 73:14, 73:20, 74:6, 74:9, 79:5, 79:10, 79:14, 79:16, 79:21, 80:11, 81:25, 89:24, 90:2, 93:17, 94:8, 94:23, 96:25, 98:10, 98:12, 98:14, 98:15, 98:17, 98:18, 98:22, 98:24, 100:14, 103:18, 103:20, 103:24, 104:4, 104:8, 104:13, 104:15, 104:20, 104:24, 105:2, 105:4, 105:6, 105:12, 105:16, 105:23, 106:6, 106:11, 106:15, 106:17, 106:23, 107:2, 107:5, 107:7, 107:10, 107:15, 107:19, 108:1, 108:2, 113:6, 113:14, 113:21, 114:16, 114:23, 115:2, 115:14, 116:15, 117:2, 117:9, 129:25, 130:9, 130:20, 131:6, 131:22, 132:14, 132:24, 133:7, 133:18, 133:24, 134:1, 134:2, 134:4, 134:10, 136:17, 151:11, 152:8, 152:16, 153:5, 153:17, 154:9, 154:23, 155:2, 155:6, 156:4, 156:19, 157:4, 157:19, 157:25, 158:4, 158:11, 158:24, 159:23, 160:22, 160:24, 161:1, 162:9, 162:12, 163:7, 163:12, 163:16, 165:15, 167:4, 167:6, 167:9, 167:20, 167:24, 168:1, 168:5, 169:19, 175:14,

<p>178:3, 178:23, 179:2, 179:8, 179:13, 179:17, 181:8 madroom [4] - 37:6, 43:13, 45:4, 45:9 multi [1] - 124:12 multi-family [1] - 124:12 Municipal [3] - 1:13, 9:2, 20:2 mun tin [2] - 111:7, 111:13 must [5] - 9:6, 10:7, 10:14, 19:24, 96:11</p>	<p>161:24, 164:14, 175:23, 175:25, 177:10, 177:13 needed [2] - 107:8, 113:7 needs [11] - 39:2, 40:9, 66:10, 68:6, 113:22, 128:9, 153:7, 162:14, 174:9, 178:22, 180:14 negative [9] - 9:8, 20:9, 32:18, 32:21, 48:9, 49:1, 50:5, 120:5, 124:1 negatives [2] - 123:9, 124:20 Neighbor [1] - 47:14 neighbor [10] - 27:15, 39:17, 39:20, 46:25, 58:13, 102:20, 112:4, 175:20, 182:5, 182:12 neighbor's [3] - 40:23, 102:15, 102:17 neighborhood [32] - 20:16, 21:2, 32:12, 42:15, 47:17, 47:23, 48:8, 48:9, 49:4, 49:5, 49:17, 49:19, 49:25, 50:4, 50:6, 50:17, 60:10, 61:13, 72:15, 73:7, 78:18, 79:2, 84:7, 92:3, 92:4, 92:5, 92:14, 93:11, 93:12, 124:17, 142:25, 149:16 NEIGHBORING [2] - 5:8, 79:19 neighboring [7] - 48:2, 48:5, 49:2, 49:8, 77:25, 79:4, 79:16 neighbors [26] - 17:13, 17:17, 18:10, 18:15, 19:4, 19:8, 19:9, 20:15, 20:18, 21:3, 21:9, 23:16, 25:21, 32:13, 32:16, 32:19, 39:6, 39:9, 39:14, 40:21, 41:2, 46:6, 139:1, 140:6, 140:7, 161:18 NEIL [2] - 4:20, 58:16 Neil [1] - 58:13 nervous [1] - 117:10 never [3] - 93:1, 100:8, 120:16 nevertheless [1] -</p>	<p>152:11 New [7] - 1:14, 41:15, 42:3, 98:9, 100:18, 102:8, 119:11 new [29] - 18:18, 30:20, 37:6, 37:7, 37:8, 43:13, 45:3, 45:4, 45:8, 45:14, 48:23, 53:12, 53:23, 74:1, 74:15, 91:24, 96:2, 109:2, 109:16, 110:7, 110:15, 110:22, 112:5, 114:25, 119:24, 123:15 Newark [1] - 8:16 next [22] - 11:9, 12:7, 12:10, 18:8, 21:8, 37:2, 39:19, 39:20, 64:9, 78:25, 93:22, 96:24, 97:4, 97:7, 97:18, 97:23, 137:7, 154:20, 160:3, 178:15, 178:17, 182:9 nice [5] - 61:13, 67:1, 121:9, 121:11, 124:5 nice-looking [1] - 121:11 nice-sized [1] - 124:5 night [1] - 97:6 nine [7] - 16:19, 47:17, 55:15, 55:16, 56:14, 134:16, 134:17 nine-foot [1] - 55:16 nine-foot-wide [1] - 55:15 NJIT [1] - 41:24 no...that [1] - 115:6 nobody [4] - 89:1, 107:10, 107:16, 180:3 nonconformance [1] - 49:1 nonconforming [19] - 45:20, 47:5, 50:1, 52:22, 59:12, 59:15, 59:18, 67:18, 68:12, 69:1, 69:3, 69:14, 69:19, 81:12, 81:17, 86:21, 127:20, 139:20, 162:19 nonconformities [1] - 60:7 nonconformity [7] - 81:11, 82:18, 106:25, 107:1, 139:7, 162:23, 165:1 none [12] - 24:20, 53:7, 58:6, 90:7,</p>	<p>96:20, 98:4, 125:7, 128:1, 147:9, 166:14, 166:17, 180:22 NONE [5] - 3:13, 4:22, 5:20, 6:7, 7:9 None [1] - 6:18 norm [1] - 50:6 normal [1] - 147:18 normally [2] - 127:10, 151:20 norms [2] - 20:16, 20:25 North [1] - 66:2 north [3] - 120:25, 124:11, 124:12 not.. [2] - 11:6, 116:22 note [1] - 116:6 noted [3] - 17:16, 46:24, 84:13 notes [1] - 84:4 nothing [2] - 29:2, 122:14 notice [5] - 8:13, 12:22, 16:23, 97:15, 122:17 noticed [3] - 83:5, 116:7, 116:9 notices [2] - 8:16, 113:10 noting [1] - 125:25 nowadays [1] - 178:7 number [10] - 12:19, 37:3, 56:2, 61:25, 97:10, 154:14, 156:11, 156:14 Number [12] - 62:2, 64:10, 68:10, 69:12, 69:23, 72:3, 74:13, 80:17, 149:7, 156:14, 160:3, 170:7 number.. [1] - 77:6 numbers [4] - 15:21, 21:12, 21:17, 32:1 numerous [4] - 39:8, 61:14, 67:13, 119:15 Nutley [1] - 66:2 nutshell [1] - 67:3</p>	<p>104:1, 104:5, 104:10, 104:15, 104:18, 104:22, 104:24, 105:4, 106:4, 106:21, 107:12, 107:19, 108:1, 127:5, 137:4 observation [2] - 61:19, 102:5 obstacles [1] - 85:12 obstructions [1] - 40:24 obviously [15] - 15:20, 27:15, 28:2, 43:17, 50:14, 53:8, 55:21, 60:22, 88:25, 90:17, 91:9, 100:16, 116:12, 132:7, 143:23 October [6] - 12:18, 12:19, 12:21, 96:5, 96:23, 182:10 odd [4] - 83:19, 120:9, 120:11, 120:12 odd-shaped [3] - 120:9, 120:11, 120:12 odddity [1] - 49:24 oddly [1] - 18:5 OF [9] - 1:1, 1:2, 1:11, 3:5, 3:6, 4:11, 5:8, 15:9, 79:19 of.. [1] - 132:13 off-street [4] - 124:3, 129:14, 129:18, 129:20 offhand [1] - 134:15 office [10] - 67:9, 83:10, 99:20, 104:9, 138:9, 144:24, 145:5, 145:8, 148:15, 162:17 offset [5] - 164:7, 164:13, 164:14, 164:18, 164:23 oh.. [1] - 79:25 old [9] - 73:24, 99:13, 101:10, 128:7, 138:20, 140:13, 161:12, 161:14, 166:21 older [2] - 115:12, 120:15, 122:4 OLENA [1] - 3:17 on-site [2] - 124:9, 129:13 once [6] - 23:20, 90:21, 151:15, 151:17, 172:1, 179:21</p>
N				
<p>name [27] - 13:16, 13:21, 24:23, 24:25, 25:4, 25:8, 37:23, 37:24, 41:11, 58:10, 65:2, 67:7, 98:7, 98:13, 108:6, 108:7, 119:7, 137:19, 137:20, 147:8, 160:5, 160:17, 160:18, 160:20, 160:25, 166:16, 170:18 narrow [3] - 55:6, 171:16, 175:18 narrowness [1] - 171:15 natural [10] - 109:8, 109:19, 111:15, 171:23, 172:13, 176:18, 176:25, 177:2, 180:19, 181:1 naturally [1] - 94:1 nature [3] - 49:21, 101:11, 112:7 near [3] - 85:18, 121:3, 176:10 nearly [4] - 47:9, 48:11, 48:19, 50:16 necessarily [1] - 144:23 necessary [3] - 16:24, 73:6, 129:11 need [30] - 14:15, 20:10, 31:11, 43:1, 48:10, 53:9, 65:25, 68:21, 82:24, 96:6, 96:10, 99:11, 99:15, 101:1, 101:16, 103:7, 105:23, 113:19, 121:6, 121:22, 127:8, 129:20, 145:25,</p>				
O				
		<p>O'Connor [3] - 97:24, 98:8, 98:11 O'CONNOR [31] - 5:14, 5:16, 5:17, 98:5, 98:8, 98:10, 98:14, 98:17, 98:24, 99:2, 99:3, 99:7, 100:14, 103:13, 103:17, 103:22,</p>		

one [130] - 10:3, 12:2, 12:14, 18:12, 19:9, 19:13, 20:11, 20:21, 24:3, 32:16, 33:14, 33:21, 34:17, 35:23, 37:6, 39:7, 39:11, 39:14, 43:8, 44:7, 44:14, 45:1, 45:12, 46:2, 47:25, 49:7, 52:8, 52:11, 55:25, 56:10, 56:17, 56:18, 56:19, 56:20, 56:21, 56:22, 57:16, 59:6, 61:19, 62:19, 64:20, 65:18, 65:19, 66:15, 67:18, 67:20, 68:6, 68:11, 68:12, 69:7, 69:10, 70:14, 72:7, 73:4, 73:14, 76:6, 78:8, 78:13, 78:21, 78:22, 79:7, 83:14, 84:12, 86:4, 86:7, 86:16, 91:8, 93:15, 94:3, 94:8, 94:10, 95:13, 97:10, 98:3, 99:18, 100:1, 101:9, 101:19, 109:21, 113:6, 115:12, 115:21, 120:1, 121:24, 123:18, 125:21, 126:17, 126:25, 127:1, 129:5, 133:2, 134:18, 134:25, 135:25, 138:13, 140:10, 142:10, 142:16, 143:3, 149:5, 149:13, 149:14, 150:17, 153:18, 155:4, 155:15, 155:23, 156:11, 156:14, 162:4, 166:9, 167:4, 169:1, 169:8, 171:6, 172:24, 172:25, 175:12, 177:13, 177:16, 179:13, 179:16

One [1] - 69:23

one-and-a-half [1] - 65:18

one-car [10] - 37:6, 43:8, 67:18, 68:11, 69:7, 70:14, 86:4, 86:16, 98:3, 120:1

one-season [1] - 33:21

one-story [5] - 33:14, 34:17, 44:14, 45:1, 70:14

one.. [1] - 115:22

ones [5] - 56:11, 73:8, 110:1, 151:4, 178:7

Open [1] - 8:19

open [32] - 27:12, 40:17, 47:25, 61:4, 61:7, 62:20, 63:5, 72:3, 72:6, 72:25, 85:5, 85:6, 85:24, 88:24, 90:10, 90:16, 91:9, 94:11, 94:15, 109:10, 116:14, 117:2, 128:16, 136:2, 136:9, 148:7, 149:9, 166:18, 167:10, 167:13, 180:12

openness [1] - 109:4

opens [2] - 85:1, 85:8

opinion [2] - 50:18, 82:13

opportunity [1] - 8:12

opposite [2] - 45:11, 46:25

option [2] - 33:8, 84:9

or.. [2] - 22:15, 157:9

order [3] - 139:9, 140:3, 146:5

Ordinance [7] - 13:2, 37:13, 64:16, 98:2, 137:11, 160:9, 170:11

ordinance [15] - 9:1, 9:10, 20:8, 50:12, 55:10, 55:13, 82:3, 94:5, 119:25, 125:1, 130:13, 150:11, 168:19, 178:24, 179:23

ordinances [1] - 91:22

original [18] - 15:22, 35:7, 35:17, 35:18, 49:23, 101:6, 101:14, 107:20, 110:9, 112:11, 117:18, 122:16, 122:21, 124:2, 139:17, 155:16, 155:20, 172:18

originally [2] - 47:5, 107:21

other.. [1] - 119:4

otherwise [4] - 18:17, 41:4, 105:12, 105:16

ourselves [2] - 19:4, 20:15

outdoor [4] - 17:14, 17:21, 17:22, 66:18

outdoors [2] - 18:23, 148:2

outhouse [1] - 35:5

outlet [1] - 57:11

outlier [4] - 46:2, 46:5, 46:20, 46:22

outs [1] - 166:5

outside [10] - 23:21, 55:19, 87:21, 101:16, 102:24, 135:20, 138:22, 147:4, 153:2, 178:8

outweigh [1] - 20:6

overall [5] - 17:11, 20:13, 21:25, 27:24, 91:24

overhang [1] - 47:19

overkill [1] - 103:2

overseeing [1] - 139:1

oversized [2] - 51:25, 71:24

own [7] - 42:5, 99:16, 102:2, 104:3, 146:20, 182:1, 182:17

owned [1] - 71:17

owner [3] - 100:3, 104:16, 112:18

owner's [2] - 158:2, 158:6

owners [3] - 18:1, 35:18, 129:11

P

p.m [3] - 1:14, 120:20, 183:2

package [2] - 28:4, 81:22

packet [5] - 76:1, 109:23, 117:23, 144:15, 172:19

packets [1] - 173:7

pad [1] - 173:4

PAGE [14] - 4:6, 4:10, 4:17, 4:21, 5:4, 5:7, 5:15, 5:19, 6:4, 6:6, 6:14, 6:17, 7:6, 7:8

page [4] - 57:3, 141:15, 155:12, 163:7

pandemic [4] - 38:18, 138:4, 138:5, 138:6

papers [1] - 16:21

par [1] - 66:12

parameters [1] - 175:3

parcel [3] - 120:4, 120:8, 120:11

parental [1] - 102:4

parents [2] - 66:20, 101:23

Park [13] - 97:24, 98:9,

98:11, 100:6, 119:10, 120:12, 120:24, 123:4, 123:14, 123:21, 124:11, 124:13, 127:1

PARK [1] - 5:14

park [4] - 86:3, 86:4, 86:13, 122:11

parked [2] - 24:12, 129:21

parking [12] - 86:17, 86:18, 120:19, 122:9, 123:10, 123:23, 124:3, 124:9, 129:13, 129:15, 129:18, 129:20

Parkway [4] - 160:5, 160:21, 160:23, 165:6

PARKWAY [1] - 6:13

part [16] - 19:18, 43:9, 60:8, 61:16, 62:9, 91:3, 105:9, 107:20, 118:4, 130:11, 131:25, 132:4, 132:17, 132:20, 171:10, 177:17

particular [3] - 25:17, 90:23, 177:15

parts [1] - 135:3

party [1] - 129:22

pass [4] - 40:14, 80:5, 110:11, 110:25

passed [1] - 117:12

passing [1] - 130:25

past [3] - 10:10, 52:3, 121:1

pat [1] - 15:25

PATEL [7] - 4:20, 58:12, 58:16, 58:18, 58:23, 59:1, 59:4

Patel [1] - 58:13

patio [22] - 17:20, 17:25, 18:9, 21:15, 22:4, 22:7, 22:9, 22:13, 23:14, 23:15, 23:18, 23:24, 24:6, 24:11, 24:13, 25:22, 32:3, 37:7, 52:6, 171:17, 171:19, 171:20

patios [1] - 20:21

pattern [3] - 50:14, 111:7, 111:14

patterns [1] - 53:15

paver [3] - 17:25, 22:13, 35:25

paver/patio [1] - 17:4

pavers [5] - 19:6, 19:15, 22:23, 28:19, 30:15

Pavon [1] - 9:21

PAVON [1] - 2:13

people [9] - 66:3, 87:24, 88:11, 129:22, 138:4, 176:19, 176:22, 176:23, 177:9

per [5] - 42:16, 51:7, 94:4, 114:8

percentage [1] - 53:5

perfectly [1] - 122:19

perform [1] - 146:2

performed [1] - 148:13

perhaps [8] - 28:15, 28:17, 100:2, 107:3, 107:8, 127:2, 148:11, 148:20

perimeter [1] - 179:7

period [7] - 110:24, 111:3, 111:18, 112:21, 115:17, 182:2, 182:11

permit [4] - 146:6, 157:17, 158:13, 161:23

permitted [16] - 13:4, 13:6, 13:11, 16:7, 16:10, 16:13, 37:14, 37:16, 64:17, 64:19, 98:3, 137:12, 137:14, 137:16, 160:10, 160:13

person [2] - 58:24, 141:16

perspective [2] - 18:16, 58:3

pertains [3] - 10:4, 144:13, 173:25

PH-1 [2] - 70:2, 89:18

photo [2] - 23:6, 79:16

PHOTO [2] - 5:8, 79:19

photocopied [1] - 141:15

photocopy [1] - 155:14

photograph [14] - 29:2, 29:20, 61:23, 62:1, 70:9, 70:19, 70:24, 71:6, 71:13, 73:16, 89:19, 173:20, 177:15, 178:9

Photograph [1] - 149:7

photographs [21] -

28:3, 28:14, 28:21, 29:12, 29:16, 34:11, 56:3, 56:9, 58:25, 61:16, 70:2, 71:15, 72:25, 79:24, 89:8, 93:2, 117:14, 117:22, 149:3, 149:6, 177:15
photos [8] - 42:15, 49:19, 56:4, 78:8, 78:10, 79:6, 79:10, 140:18
physical [1] - 18:25
physically [1] - 173:12
pick [1] - 39:14
picking [1] - 111:25
picture [4] - 33:12, 149:7, 173:11, 177:20
pictures [4] - 32:22, 77:25, 92:3, 140:17
piece [2] - 19:25, 173:12
piers [2] - 110:22, 112:12
pipe [2] - 176:11, 179:3
pipng [1] - 179:9
pitched [1] - 111:17
place [9] - 40:14, 40:19, 52:11, 83:3, 97:8, 102:9, 113:18, 117:1, 150:11
PLACE [1] - 3:20
Place [1] - 95:22
placed [2] - 52:21, 123:1
plain [2] - 69:24, 70:7
Plains [1] - 119:11
Plan [12] - 43:4, 68:10, 69:7, 69:13, 70:3, 80:18, 82:21, 125:1, 130:11, 130:19, 132:22, 164:12
plan [22] - 20:8, 22:1, 33:5, 34:15, 40:18, 87:14, 102:25, 108:23, 114:18, 120:23, 125:16, 139:17, 145:4, 153:7, 156:20, 157:6, 157:7, 164:1, 171:25, 172:14, 172:19, 173:6
plane [1] - 34:15
planner [6] - 15:12, 105:7, 125:6, 128:17, 129:13, 129:16
PLANNER [1] - 2:8

planning [5] - 119:17, 138:14, 139:7, 165:17, 172:8
Plans [5] - 68:10, 69:6, 71:20, 74:13, 80:17
plans [30] - 26:5, 43:16, 43:17, 69:5, 73:10, 74:12, 84:25, 100:12, 109:22, 109:25, 117:3, 127:2, 127:3, 141:18, 144:13, 151:12, 152:6, 153:1, 154:8, 156:15, 156:20, 156:21, 157:2, 158:19, 158:20, 158:23, 163:19, 163:20
planter [1] - 28:22
plants [4] - 171:25, 172:9, 172:10, 177:7
plastic [1] - 124:6
play [6] - 66:25, 67:3, 85:3, 85:24, 128:20, 147:25
playing [4] - 66:24, 85:15, 177:21, 177:22
playroom [5] - 43:5, 109:20, 113:1, 115:24, 115:25
playroom/toy [1] - 115:25
plays [1] - 60:8
pleasing [1] - 48:7
Pledge [2] - 8:5, 8:6
plenty [2] - 123:10, 129:13
plus [1] - 91:11
point [12] - 16:18, 18:9, 22:2, 84:16, 85:16, 100:15, 134:6, 134:13, 141:2, 150:3, 153:22, 162:17
pointed [1] - 88:7
points [2] - 58:19, 92:19
pool [2] - 20:22, 135:13
porch [106] - 33:22, 34:19, 35:15, 37:7, 40:11, 40:18, 40:22, 44:4, 44:16, 45:14, 45:23, 47:10, 47:19, 47:23, 47:25, 48:16, 49:11, 51:10, 51:13, 51:16, 51:18, 51:24,

54:2, 54:12, 54:14, 54:16, 54:20, 54:23, 56:11, 56:19, 56:20, 56:23, 58:25, 59:1, 59:22, 60:8, 60:23, 61:4, 61:8, 61:15, 62:20, 63:5, 64:12, 66:17, 67:2, 71:21, 72:1, 72:3, 72:7, 74:2, 77:12, 77:14, 77:18, 78:18, 90:19, 91:5, 91:6, 94:4, 94:11, 94:14, 108:19, 108:21, 108:22, 108:23, 108:25, 110:20, 110:21, 111:1, 111:10, 111:16, 112:5, 112:10, 112:13, 113:18, 114:14, 116:13, 117:13, 117:14, 117:24, 118:1, 118:10, 121:7, 121:8, 121:11, 121:17, 125:12, 125:23, 125:24, 126:11, 126:13, 129:4, 129:7, 131:4, 134:23, 136:2, 136:3, 136:4, 136:9, 167:6, 167:11, 167:16, 168:11, 168:15, 168:20
porches [8] - 47:18, 56:4, 56:13, 60:24, 78:17, 125:24, 126:7, 126:8
portico [11] - 56:15, 56:18, 56:19, 56:20, 56:21, 57:4, 61:15, 69:24, 70:5
porticos [7] - 47:18, 56:5, 56:7, 56:9, 56:13, 60:11, 78:16
portion [22] - 27:11, 30:7, 30:8, 30:15, 33:11, 53:18, 60:18, 90:8, 118:10, 118:14, 125:8, 126:24, 128:15, 132:16, 139:3, 140:25, 144:18, 147:9, 148:7, 148:17, 166:17, 180:12
positive [5] - 28:2, 32:9, 50:4, 120:4, 124:1
positives [1] - 121:21

possibility [2] - 93:25, 175:15
possible [5] - 43:22, 47:23, 92:20, 148:16, 171:21
possibly [1] - 125:11
posting [1] - 8:14
postpone [1] - 12:7
potential [1] - 27:22
power [4] - 8:25, 171:12, 171:13, 177:11
powers [1] - 8:22
practical [1] - 171:17
practices [1] - 147:1
predominant [2] - 124:16, 124:18
preexisting [9] - 52:22, 80:10, 81:19, 81:22, 81:24, 82:8, 82:11, 105:14, 105:15
prefer [1] - 18:25
preference [1] - 23:19
pregnant [1] - 65:21
prepare [2] - 141:18, 146:8
prepared [3] - 15:12, 36:2, 141:16
present [2] - 10:1, 95:23
preservation [1] - 130:18
Preservation [10] - 115:9, 116:18, 116:19, 117:4, 117:8, 130:4, 131:9, 133:13, 133:21, 134:14
pressure [1] - 58:3
presumably [1] - 47:6
pretty [6] - 70:11, 70:25, 73:25, 74:4, 173:22, 180:13
prevalent [1] - 50:17
preventer [1] - 178:13
previous [5] - 12:3, 100:2, 104:16, 138:20, 163:21
previously [1] - 132:5
primarily [1] - 171:11
primary [2] - 104:2, 122:10
privacy [2] - 17:23, 38:20
pro [1] - 94:4
pro-porch [1] - 94:4
problem [5] - 55:1, 123:2, 134:22, 134:24, 160:19

problematic [1] - 178:24
proceed [8] - 16:25, 25:12, 42:12, 67:16, 68:8, 97:22, 108:16, 119:18
proceeded [1] - 65:14
proceeding [1] - 182:1
PROCEEDINGS [1] - 1:11
process [3] - 27:21, 150:25, 181:23
professional [7] - 142:21, 152:1, 157:1, 157:24, 158:1, 158:3, 158:7
professionals [6] - 50:25, 127:25, 129:25, 130:2, 157:8, 157:14
profile [2] - 44:22, 44:23
prohibiting [1] - 179:24
project [13] - 19:19, 21:6, 40:8, 41:6, 42:23, 47:10, 101:5, 122:2, 125:23, 129:12, 134:20, 135:11, 140:5
projecting [2] - 71:22, 77:13
projection [1] - 50:2
projects [3] - 48:20, 59:16, 72:7
proof [1] - 121:22
proper [1] - 32:7
properly [4] - 88:17, 114:15, 116:7, 128:11
properties [9] - 17:13, 20:25, 48:3, 48:6, 49:2, 76:7, 93:3, 149:4, 175:18
property [58] - 17:12, 19:25, 22:24, 25:15, 26:25, 52:23, 52:25, 62:22, 68:13, 68:18, 68:24, 70:23, 71:1, 71:10, 76:18, 77:16, 82:20, 82:22, 84:10, 84:17, 84:19, 84:20, 85:2, 85:7, 85:9, 85:10, 85:25, 86:5, 86:21, 86:23, 87:1, 88:24, 89:6, 90:19, 90:22, 90:23, 91:1, 92:22, 99:25, 109:10, 121:3, 123:13, 126:21,

<p>127:4, 127:10, 132:8, 132:20, 143:2, 149:17, 155:9, 170:10, 171:15, 174:10, 174:15, 174:25, 175:19, 176:2, 180:9</p> <p>proportion [1] - 111:6</p> <p>proportionally [1] - 69:25</p> <p>proportions [1] - 71:25</p> <p>proposal [4] - 47:2, 49:15, 49:22, 50:3</p> <p>proposals [1] - 45:18</p> <p>propose [1] - 48:14</p> <p>proposed [38] - 13:5, 13:7, 13:10, 13:13, 16:8, 16:10, 16:13, 20:1, 36:1, 37:15, 37:16, 45:22, 51:15, 55:4, 64:18, 64:19, 71:19, 74:12, 75:5, 75:25, 83:6, 90:18, 94:15, 98:3, 125:14, 128:23, 137:13, 137:15, 137:17, 160:11, 160:13, 163:16, 163:19, 163:25, 170:14, 172:21</p> <p>PROPOSED [2] - 4:11, 15:9</p> <p>Proposed [8] - 15:3, 15:5, 71:20, 72:2, 74:13, 74:14, 82:21, 164:12</p> <p>proposing [7] - 71:21, 72:10, 72:20, 75:16, 75:25, 110:22, 172:7</p> <p>Prospect [14] - 70:21, 70:23, 71:8, 73:2, 76:9, 76:10, 76:16, 76:17, 77:1, 77:3, 78:6, 78:18, 89:10, 90:23</p> <p>protected [2] - 40:15, 153:9</p> <p>protecting [1] - 177:17</p> <p>protrude [1] - 49:6</p> <p>prove [1] - 9:5</p> <p>provide [5] - 31:13, 31:19, 85:18, 113:1, 124:8</p> <p>provided [4] - 8:14, 21:11, 30:10, 52:10</p> <p>Providence [1] - 42:3</p> <p>provides [2] - 23:20, 47:20</p>	<p>providing [3] - 17:10, 75:9, 87:6</p> <p>provision [2] - 113:9, 152:10</p> <p>proximity [1] - 130:16</p> <p>public [6] - 8:11, 9:9, 10:5, 20:5, 27:6, 172:1</p> <p>PUBLIC [1] - 1:5</p> <p>Public [1] - 8:19</p> <p>pull [1] - 18:13</p> <p>pump [1] - 171:12</p> <p>purchased [2] - 107:18, 161:11</p> <p>purpose [7] - 8:22, 9:10, 20:7, 30:22, 114:11, 122:12, 140:5</p> <p>Purposes [2] - 121:23, 122:21</p> <p>purposes [1] - 20:1</p> <p>purview [1] - 130:7</p> <p>push [2] - 82:25, 123:4</p> <p>put [45] - 10:3, 16:23, 31:1, 45:16, 52:2, 54:23, 61:10, 71:23, 85:20, 88:4, 88:5, 92:22, 99:16, 99:21, 113:9, 114:17, 124:7, 129:2, 135:1, 135:9, 138:8, 141:23, 141:24, 144:6, 150:11, 151:23, 152:9, 152:22, 153:10, 153:17, 154:17, 156:11, 156:25, 159:8, 165:17, 171:21, 171:25, 172:15, 173:12, 174:7, 176:19, 176:20, 177:1, 180:15, 180:16</p> <p>puts [1] - 81:4</p> <p>putting [9] - 81:4, 84:9, 85:13, 102:18, 115:21, 117:20, 123:6, 175:15, 176:8</p>	<p>42:10, 53:3, 55:4, 58:5, 60:17, 75:23, 87:13, 89:23, 103:8, 119:2, 125:9, 126:17, 143:11, 147:11, 166:13, 172:3, 180:21</p> <p>quick [14] - 26:20, 30:9, 52:9, 55:25, 75:23, 87:13, 109:22, 115:20, 117:21, 124:2, 126:17, 143:11, 149:15, 174:6</p> <p>quickly [1] - 121:5</p> <p>quite [4] - 19:8, 19:10, 49:22, 149:25</p>	<p>157:19, 157:25, 158:4, 158:11, 160:24, 167:24, 168:1, 168:5</p> <p>RE [1] - 1:4</p> <p>reach [1] - 10:11</p> <p>read [4] - 14:10, 14:15, 52:9, 52:11</p> <p>reading [1] - 14:11</p> <p>reads [2] - 151:25, 152:1</p> <p>ready [1] - 40:20</p> <p>real [2] - 101:4, 121:5</p> <p>realize [2] - 145:24, 154:8</p> <p>realized [1] - 99:15</p> <p>realizing [1] - 40:10</p> <p>really [51] - 21:13, 24:10, 24:11, 32:9, 34:21, 38:19, 60:2, 66:1, 66:4, 66:24, 69:2, 73:4, 83:2, 83:16, 84:17, 86:8, 86:17, 91:25, 99:19, 100:5, 100:25, 101:2, 101:3, 101:10, 101:13, 101:21, 101:25, 102:13, 102:21, 103:3, 104:11, 112:24, 114:14, 114:18, 117:10, 117:25, 121:6, 122:3, 126:14, 128:20, 132:4, 144:25, 147:22, 150:9, 162:3, 167:13, 168:10, 169:10, 178:24</p> <p>really.. [1] - 32:14</p> <p>rear [27] - 13:1, 17:3, 17:20, 22:14, 29:1, 29:10, 33:3, 44:12, 44:25, 45:15, 61:20, 61:21, 62:2, 62:22, 70:13, 71:16, 73:3, 84:5, 85:21, 91:1, 111:20, 111:22, 121:1, 121:3, 149:6, 160:8, 171:15</p> <p>Rear [1] - 70:10</p> <p>reason [6] - 28:9, 40:11, 122:10, 163:1, 174:7, 176:7</p> <p>reasonable [5] - 31:17, 31:18, 152:9, 152:11, 152:19</p> <p>reasoning [2] - 27:13, 148:9</p> <p>reasons [3] - 18:3,</p>	<p>49:15, 91:15</p> <p>rebuilt [3] - 46:7, 46:18, 49:9</p> <p>rec [2] - 43:7, 43:10</p> <p>recap [1] - 124:2</p> <p>recent [1] - 83:25</p> <p>recently [5] - 43:20, 46:8, 54:22, 65:16, 179:24</p> <p>recess [1] - 162:24</p> <p>recessed [3] - 49:7, 49:11</p> <p>recited [1] - 8:7</p> <p>recognize [4] - 42:11, 67:14, 108:15, 119:16</p> <p>recommend [1] - 167:9</p> <p>recommendation [1] - 179:12</p> <p>recommendations [1] - 19:13</p> <p>recommended [1] - 19:22</p> <p>reconfigure [1] - 115:4</p> <p>record [19] - 10:4, 13:16, 13:21, 24:23, 37:23, 41:12, 58:11, 65:2, 67:7, 73:13, 98:7, 108:6, 119:8, 133:20, 137:19, 159:8, 160:17, 166:16, 170:18</p> <p>rectangle [1] - 169:6</p> <p>rectangular [2] - 18:19, 18:21</p> <p>reduce [4] - 19:12, 19:14, 22:19, 28:12</p> <p>reduced [1] - 126:14</p> <p>reducing [3] - 21:25, 27:24, 125:22</p> <p>reduction [3] - 17:10, 19:5, 22:2</p> <p>refer [3] - 120:22, 130:13, 131:8</p> <p>referencing [1] - 175:9</p> <p>regarding [6] - 17:13, 19:20, 24:19, 28:10, 84:4, 108:21</p> <p>register [1] - 128:19</p> <p>registered [3] - 146:1, 146:9, 146:21</p> <p>regular [3] - 18:19, 72:16, 93:20</p> <p>regular-sized [1] - 93:20</p> <p>regularly [1] - 8:9</p> <p>regulations [1] - 47:7</p> <p>Reisen [5] - 9:25,</p>
	Q			
	<p>qualify [1] - 105:7</p> <p>quality [1] - 115:18</p> <p>questionable [1] - 144:1</p> <p>questions [27] - 10:9, 10:22, 15:16, 21:23, 24:19, 26:15, 26:17, 27:7, 35:1, 41:4,</p>	<p>R-a-n-a [1] - 161:1</p> <p>rafter [1] - 80:20</p> <p>railing [1] - 72:5</p> <p>rain [3] - 17:12, 19:8, 47:21</p> <p>rainstorms [1] - 19:7</p> <p>raise [8] - 14:1, 38:1, 58:14, 65:9, 98:25, 108:9, 161:2, 170:21</p> <p>raised [1] - 141:1</p> <p>raising [1] - 43:25</p> <p>Rana [2] - 160:22, 161:1</p> <p>RANA [2] - 6:16, 161:5</p> <p>rather [2] - 77:5, 157:23</p> <p>Ratio [1] - 141:23</p> <p>ratio [1] - 142:19</p> <p>Razin [1] - 8:20</p> <p>RAZIN [57] - 2:18, 8:24, 11:2, 11:5, 11:10, 11:13, 14:11, 14:14, 14:19, 15:2, 16:16, 25:3, 29:24, 31:7, 31:10, 31:16, 79:5, 79:10, 79:14, 79:16, 79:21, 94:8, 96:25, 98:12, 98:15, 98:18, 98:22, 106:17, 106:23, 107:5, 107:10, 107:15, 113:21, 130:9, 133:18, 133:24, 134:2, 134:10, 151:11, 152:8, 152:16, 153:5, 153:17, 154:9, 154:23, 155:2, 155:6, 156:19, 157:4,</p>		

<p>11:25, 95:5, 136:24, 169:17</p> <p>REISEN [39] - 2:6, 10:1, 22:8, 22:22, 23:4, 23:10, 26:20, 26:24, 27:3, 29:7, 36:6, 36:21, 57:3, 63:3, 63:17, 64:4, 67:22, 78:20, 94:3, 94:13, 95:6, 113:12, 133:1, 135:16, 136:7, 136:25, 149:12, 156:6, 156:17, 158:16, 159:6, 159:15, 164:21, 169:15, 170:2, 180:24, 181:15, 182:5, 182:23</p> <p>reisen [5] - 36:20, 64:3, 159:14, 170:1, 181:14</p> <p>reiterate [2] - 10:6, 128:6</p> <p>reiteration [1] - 119:23</p> <p>relate [1] - 114:14</p> <p>related [3] - 10:14, 45:19, 168:1</p> <p>relates [1] - 19:24</p> <p>relationship [1] - 39:6</p> <p>relatively [4] - 70:4, 73:25, 81:10, 179:24</p> <p>relief [8] - 31:18, 119:25, 151:14, 152:9, 152:12, 154:16, 156:22, 158:17</p> <p>relieved [1] - 150:8</p> <p>relieves [1] - 32:6</p> <p>relocated [2] - 52:12, 178:8</p> <p>rely [1] - 142:20</p> <p>remain [6] - 45:2, 110:10, 124:4, 126:1, 148:18, 167:10</p> <p>remaining [6] - 44:14, 45:12, 47:24, 112:14, 142:24, 167:7</p> <p>remains [8] - 61:4, 61:7, 62:20, 91:9, 94:11, 94:15, 116:13, 136:2</p> <p>remind [1] - 10:13</p> <p>remodeled [2] - 107:8, 107:16</p> <p>remodeling [1] - 114:16</p> <p>remolded [2] - 107:3,</p>	<p>107:11</p> <p>remote [1] - 138:6</p> <p>removal [2] - 19:6, 35:24</p> <p>remove [6] - 17:19, 28:19, 30:19, 46:5, 46:21, 53:9</p> <p>removed [5] - 46:20, 52:12, 52:14, 52:18, 62:23</p> <p>removing [3] - 22:4, 44:19, 52:16</p> <p>rendering [2] - 30:11, 111:4</p> <p>renovate [2] - 40:8, 160:6</p> <p>renovated [3] - 43:20, 54:9, 54:22</p> <p>renovating [1] - 129:4</p> <p>renovation [4] - 38:22, 58:19, 83:25, 162:11</p> <p>renovations [2] - 37:5, 37:10</p> <p>renting [1] - 161:10</p> <p>reopen [2] - 30:8, 35:1</p> <p>replace [4] - 17:4, 17:20, 18:4, 19:15</p> <p>replaced [1] - 21:16</p> <p>replacing [1] - 121:7</p> <p>report [5] - 15:12, 84:13, 125:22, 142:16, 179:12</p> <p>REPORTER [1] - 139:24</p> <p>request [9] - 17:2, 19:23, 19:24, 27:14, 50:9, 62:10, 93:4, 138:7, 139:4</p> <p>requested [6] - 34:8, 51:1, 113:11, 140:4, 148:10, 169:2</p> <p>require [10] - 45:18, 48:24, 55:11, 55:14, 55:22, 62:7, 62:13, 62:15, 127:16, 153:20</p> <p>required [20] - 40:10, 48:17, 50:19, 50:24, 51:3, 51:6, 59:20, 68:16, 75:24, 82:23, 86:22, 86:23, 86:24, 87:1, 93:8, 108:3, 108:19, 116:25, 130:3, 155:19</p> <p>requirement [4] - 114:7, 122:13, 142:12, 151:16</p> <p>requirements [2] - 8:19, 50:3</p> <p>requires [4] - 68:14,</p>	<p>120:1, 127:12, 156:22</p> <p>research [1] - 101:8</p> <p>residence [1] - 70:22</p> <p>residing [1] - 160:20</p> <p>resolution [8] - 12:2, 12:5, 12:7, 12:12, 36:4, 154:13, 182:9, 182:13</p> <p>RESOLUTIONS [1] - 3:6</p> <p>respect [12] - 58:8, 87:13, 89:21, 90:5, 90:18, 91:18, 92:20, 93:5, 93:7, 128:20, 129:17, 148:21</p> <p>respectfully [1] - 17:6</p> <p>rest [8] - 27:6, 61:18, 93:16, 129:24, 131:23, 153:12, 163:24, 169:10</p> <p>restate [1] - 21:20</p> <p>restoration [2] - 108:25, 122:1</p> <p>restore [3] - 101:5, 101:11, 128:9</p> <p>restoring [5] - 101:10, 111:3, 117:17, 122:15, 128:11</p> <p>restrictions [1] - 86:12</p> <p>result [1] - 151:21</p> <p>retained [1] - 101:7</p> <p>retaining [3] - 71:1, 89:11, 89:13</p> <p>review [6] - 10:19, 124:22, 142:9, 142:17, 156:24, 157:10</p> <p>revision [1] - 15:17</p> <p>revisions [1] - 15:21</p> <p>rid [1] - 30:24</p> <p>ridge [1] - 140:23</p> <p>right-hand [6] - 22:12, 44:13, 45:2, 53:18, 53:20, 71:13</p> <p>right-of-way [3] - 87:15, 93:24, 120:13</p> <p>right-side [1] - 77:18</p> <p>right.. [1] - 155:12</p> <p>risk [3] - 25:22, 182:1, 182:17</p> <p>river [1] - 57:12</p> <p>Road [8] - 12:10, 41:14, 108:8, 137:8, 137:21, 171:6, 179:14, 179:19</p> <p>road [2] - 49:21, 165:6</p> <p>ROAD [2] - 3:7, 6:3</p> <p>roadway [1] - 100:8</p> <p>roll [3] - 9:12, 36:11,</p>	<p>63:19</p> <p>ROLL [1] - 3:4</p> <p>rolls [1] - 120:14</p> <p>roof [16] - 44:22, 44:23, 45:16, 45:24, 48:12, 48:15, 51:11, 70:7, 74:4, 110:16, 111:17, 112:2, 141:3, 162:12, 162:14</p> <p>roofing [2] - 37:12, 74:5</p> <p>roofline [2] - 129:7, 143:18</p> <p>room [55] - 37:7, 43:7, 43:8, 43:10, 43:12, 43:19, 43:24, 44:10, 45:3, 45:13, 45:14, 54:14, 54:15, 69:8, 74:22, 83:15, 83:21, 99:17, 99:21, 104:16, 104:17, 104:23, 109:2, 109:6, 109:7, 110:8, 110:18, 112:16, 112:24, 113:1, 115:23, 115:25, 116:1, 116:2, 122:25, 123:1, 126:9, 126:21, 139:8, 139:15, 140:15, 145:9, 145:11, 148:16, 163:25, 164:1, 164:21, 164:23, 167:21</p> <p>room/master [1] - 45:10</p> <p>rooms [4] - 104:11, 104:13, 104:25, 115:21</p> <p>rough [1] - 26:7</p> <p>RS-12 [4] - 68:13, 68:22, 86:22, 87:1</p> <p>RSIS [2] - 123:11, 123:21</p> <p>rug [1] - 89:3</p> <p>run [6] - 147:24, 176:10, 176:15, 179:3, 179:6, 179:22</p> <p>running [4] - 40:16, 40:17, 87:8, 89:5</p> <p>runs [1] - 100:6</p>	<p>18:16, 48:13, 122:6</p> <p>Salvatore [1] - 155:11</p> <p>Sam [1] - 135:14</p> <p>sam [1] - 169:11</p> <p>SAMMET [131] - 2:8, 9:13, 9:16, 9:19, 9:21, 9:24, 10:23, 11:4, 11:7, 11:19, 11:22, 11:24, 15:23, 16:4, 16:12, 16:18, 16:22, 30:2, 34:7, 36:11, 36:14, 36:16, 36:18, 36:20, 36:22, 50:10, 50:23, 51:18, 51:21, 51:25, 55:15, 60:4, 60:14, 62:8, 63:19, 63:22, 63:24, 64:1, 64:3, 68:6, 76:22, 78:10, 82:2, 82:6, 82:9, 82:12, 82:16, 85:16, 87:5, 90:1, 94:21, 94:24, 95:1, 95:3, 95:5, 96:6, 96:9, 105:8, 105:15, 105:20, 105:25, 106:22, 113:9, 113:13, 116:8, 116:10, 116:23, 126:12, 127:14, 127:17, 127:21, 130:10, 130:17, 131:25, 132:19, 133:5, 133:9, 136:14, 136:18, 136:20, 136:22, 136:24, 137:1, 142:9, 142:15, 142:20, 146:7, 146:13, 148:24, 153:12, 155:16, 155:22, 157:15, 158:19, 158:25, 159:2, 159:13, 159:16, 159:18, 159:20, 159:22, 164:3, 164:7, 164:11, 164:24, 165:3, 165:9, 165:14, 165:21, 165:24, 168:14, 168:18, 169:18, 169:20, 169:22, 169:24, 170:1, 173:17, 174:16, 175:23, 176:2, 176:22, 177:9, 179:11, 179:23, 181:7, 181:10, 181:12, 181:14, 181:16, 181:25</p>
S				
<p>safe [4] - 40:14, 47:11, 47:20, 171:21</p> <p>safely [1] - 40:11</p> <p>safety [4] - 17:23,</p>				

<p>Sammet ^[10] - 15:14, 17:1, 17:9, 19:2, 19:21, 21:12, 21:22, 31:20, 76:12, 182:17</p> <p>sammet ^[2] - 63:18, 94:19</p> <p>Sammet's ^[2] - 124:22, 125:22</p> <p>sammet.. ^[2] - 159:12, 169:17</p> <p>SAMUEL ^[1] - 2:6</p> <p>satisfy ^[1] - 103:8</p> <p>satisfying ^[2] - 50:2, 50:4</p> <p>Saturday ^[1] - 120:21</p> <p>save ^[1] - 128:7</p> <p>saw ^[2] - 100:18, 143:8</p> <p>scale ^[4] - 84:8, 111:5, 111:6, 131:22</p> <p>scale-wise ^[1] - 84:8</p> <p>schedule ^[1] - 96:6</p> <p>scheduled ^[4] - 8:9, 39:22, 95:20, 97:4</p> <p>school ^[4] - 39:15, 107:23, 129:18, 161:17</p> <p>schools ^[1] - 161:15</p> <p>scope ^[2] - 115:6, 135:6</p> <p>Scotch ^[1] - 119:11</p> <p>screen ^[3] - 167:6, 172:1, 176:22</p> <p>screened ^[3] - 167:11, 167:14, 180:17</p> <p>screening ^[11] - 32:4, 71:7, 172:7, 176:18, 176:19, 176:25, 177:2, 177:12, 180:19, 181:1</p> <p>SD-00 ^[1] - 108:18</p> <p>SD-01 ^[1] - 108:24</p> <p>SD-04 ^[1] - 110:19</p> <p>SD-05 ^[1] - 111:20</p> <p>seal ^[1] - 155:20</p> <p>sealed ^[7] - 146:1, 151:25, 155:2, 155:9, 155:11, 157:7, 158:7</p> <p>season ^[3] - 33:21, 167:15</p> <p>seating ^[1] - 18:23</p> <p>Second ^[2] - 74:14, 164:13</p> <p>SECOND ^[1] - 2:6</p> <p>second ^[53] - 11:20, 11:21, 36:9, 36:10, 37:9, 41:2, 43:16, 44:5, 48:22, 57:3, 63:16, 63:17, 67:21,</p>	<p>69:9, 69:17, 73:10, 74:17, 74:19, 74:21, 74:22, 80:25, 81:1, 81:13, 81:15, 83:12, 83:15, 83:22, 84:2, 92:21, 94:17, 94:18, 99:18, 99:22, 101:24, 106:5, 109:22, 110:7, 111:8, 111:23, 115:1, 131:17, 136:11, 136:12, 145:8, 159:9, 159:10, 160:7, 169:15, 169:16, 181:3, 181:4, 182:23</p> <p>second-floor ^[3] - 43:16, 111:23, 160:7</p> <p>seconded ^[2] - 94:20, 181:5</p> <p>secretary ^[2] - 10:8, 10:15</p> <p>section ^[3] - 28:13, 28:19, 137:11</p> <p>Section ^[14] - 13:3, 13:5, 13:8, 13:11, 37:13, 37:15, 64:16, 64:18, 98:2, 137:13, 137:15, 160:9, 160:11, 170:12</p> <p>sections ^[1] - 16:22</p> <p>see ^[52] - 21:24, 23:22, 23:24, 28:4, 29:20, 30:6, 30:11, 32:13, 33:5, 34:11, 35:5, 47:15, 54:16, 62:3, 67:5, 70:1, 70:24, 71:5, 71:12, 71:14, 72:3, 72:10, 72:18, 73:4, 78:10, 92:15, 95:17, 105:21, 108:5, 111:1, 111:21, 112:4, 115:20, 117:7, 120:10, 120:24, 124:18, 125:7, 125:24, 129:1, 129:20, 143:25, 147:17, 149:3, 152:1, 164:13, 168:25, 175:7, 175:12, 177:19, 178:12, 179:14</p> <p>seeing ^[9] - 16:1, 58:6, 90:7, 128:1, 144:2, 147:9, 166:13, 166:16, 180:22</p> <p>Seeing ^[1] - 24:20</p> <p>seek ^[1] - 19:22</p> <p>seeking ^[12] - 13:1,</p>	<p>37:5, 64:12, 66:5, 66:11, 97:25, 137:9, 160:6, 170:9, 171:2, 171:14, 171:24</p> <p>seem ^[1] - 141:25</p> <p>sense ^[3] - 18:24, 150:20, 157:15</p> <p>sent ^[3] - 10:8, 10:14, 140:6</p> <p>separates ^[3] - 102:15, 102:17, 102:21</p> <p>separation ^[2] - 18:24, 32:4</p> <p>SEPERSON ^[26] - 7:4, 7:7, 170:16, 170:19, 170:23, 171:2, 172:8, 172:12, 172:16, 173:9, 173:21, 174:5, 174:9, 174:19, 175:2, 175:10, 175:17, 176:13, 177:4, 178:15, 178:19, 180:7, 181:20, 182:7, 182:14, 182:18</p> <p>Seperson ^[5] - 97:19, 170:8, 170:15, 170:19, 172:5</p> <p>seperson ^[1] - 180:5</p> <p>September ^[4] - 1:12, 12:9, 96:13, 96:22</p> <p>serve ^[1] - 30:22</p> <p>servng ^[1] - 116:17</p> <p>set ^[2] - 79:16, 122:23</p> <p>SET ^[2] - 5:8, 79:19</p> <p>setback ^[43] - 37:14, 37:16, 40:23, 45:21, 46:3, 47:2, 47:6, 48:17, 48:18, 48:23, 48:25, 50:1, 50:11, 50:13, 50:15, 50:19, 51:6, 54:4, 59:17, 61:1, 62:5, 64:17, 68:20, 75:24, 76:11, 77:20, 77:24, 86:25, 90:21, 93:8, 108:19, 113:8, 113:15, 113:17, 113:25, 119:22, 121:4, 131:3, 160:10, 168:9, 169:8, 175:24, 176:1</p> <p>setbacks ^[5] - 42:17, 49:12, 83:1, 84:10, 123:3</p> <p>sets ^[1] - 109:22</p> <p>setup ^[2] - 122:16, 178:12</p>	<p>seven ^[2] - 20:19, 124:8</p> <p>several ^[7] - 15:16, 32:23, 33:2, 72:4, 121:14, 124:15, 149:17</p> <p>severely ^[1] - 171:7</p> <p>sew ^[1] - 104:23</p> <p>sewer ^[12] - 68:23, 83:2, 87:8, 87:14, 87:15, 87:21, 87:22, 88:4, 88:15, 88:16, 88:23, 93:24</p> <p>sewing ^[2] - 104:15, 104:16</p> <p>shaded ^[1] - 80:18</p> <p>shaking ^[2] - 130:8, 147:12</p> <p>shall ^[1] - 170:12</p> <p>shallow ^[1] - 87:1</p> <p>shallower ^[1] - 86:22</p> <p>shape ^[13] - 18:2, 18:19, 18:22, 73:25, 74:4, 76:9, 83:19, 118:1, 118:7, 118:21, 118:23, 118:24, 135:20</p> <p>shaped ^[6] - 18:5, 118:20, 120:9, 120:11, 120:12, 136:3</p> <p>share ^[7] - 18:10, 23:16, 68:5, 68:7, 75:19, 102:20, 166:24</p> <p>shared ^[2] - 18:11, 28:4</p> <p>sharing ^[1] - 138:11</p> <p>shed ^[28] - 52:10, 52:13, 52:16, 62:22, 72:21, 73:5, 75:9, 81:10, 99:25, 100:4, 102:6, 102:7, 102:11, 102:13, 102:14, 102:16, 121:2, 123:3, 123:13, 123:15, 124:5, 124:6, 126:22, 127:9, 127:11, 141:5, 141:8</p> <p>shed-dormer ^[1] - 72:21</p> <p>Sheet ^[9] - 43:2, 43:14, 67:19, 69:5, 71:19, 72:2, 163:10, 164:8</p> <p>sheet ^[6] - 44:12, 45:6, 68:9, 70:18, 76:24, 163:21</p> <p>shielding ^[1] - 71:10</p>	<p>shift ^[1] - 18:7</p> <p>shifting ^[1] - 20:22</p> <p>short ^[3] - 31:14, 99:14, 144:20</p> <p>shortened ^[2] - 139:21, 140:3</p> <p>shorter ^[1] - 125:16</p> <p>showing ^[1] - 92:12</p> <p>show ^[2] - 21:14, 109:1</p> <p>showed ^[1] - 92:3</p> <p>shower ^[4] - 99:23, 104:7, 110:14, 163:24</p> <p>showing ^[4] - 111:4, 111:5, 112:4, 117:3</p> <p>shown ^[6] - 33:15, 34:15, 46:1, 100:21, 100:22, 158:21</p> <p>shows ^[9] - 17:6, 17:19, 78:8, 88:24, 110:20, 111:5, 144:15, 172:20</p> <p>shrub ^[3] - 175:8, 175:13, 177:16</p> <p>shrubbery ^[2] - 78:2, 172:9</p> <p>shrubby ^[1] - 172:11</p> <p>shrubs ^[2] - 71:12, 177:13</p> <p>side ^[76] - 22:12, 23:1, 29:19, 29:22, 29:24, 29:25, 44:14, 44:16, 45:2, 45:6, 45:7, 45:11, 46:25, 52:6, 53:18, 53:19, 53:20, 53:22, 68:20, 76:14, 77:18, 77:19, 78:9, 89:6, 99:17, 109:3, 111:12, 111:13, 111:22, 112:3, 117:18, 120:25, 121:19, 126:6, 128:24, 137:14, 139:6, 139:8, 160:8, 160:10, 160:12, 163:10, 163:12, 163:14, 164:4, 164:6, 165:3, 165:5, 165:11, 165:13, 165:23, 168:9, 169:7, 170:13, 170:14, 171:3, 171:5, 174:12, 174:21, 175:15, 175:21, 176:2, 176:6, 176:8, 176:12, 177:18, 177:22, 177:23, 179:6, 179:9,</p>
---	--	---	---	---

<p>180:17, 182:6 Side [1] - 71:14 sides [11] - 61:7, 62:20, 91:9, 94:12, 94:15, 109:9, 116:14, 136:2, 136:9, 165:13, 173:4 siding [4] - 37:12, 73:15, 74:3, 144:1 sight [1] - 40:24 signed [5] - 145:25, 155:2, 155:9, 155:11, 157:7 similar [10] - 25:14, 27:16, 32:16, 41:1, 49:10, 49:17, 49:21, 92:4, 138:3, 153:9 similar-sized [1] - 27:16 simply [1] - 40:25 single [3] - 86:2, 146:14, 166:23 single-car [1] - 86:2 single-door [1] - 166:23 single-family [1] - 146:14 sink [2] - 92:25, 178:7 sit [3] - 17:18, 18:20, 67:2 Site [3] - 68:9, 68:10, 82:21 site [6] - 84:25, 120:23, 124:9, 129:13, 132:20, 172:19 sitting [6] - 18:14, 39:25, 71:21, 73:3, 77:14, 78:16 situation [2] - 162:21, 168:24 six [3] - 79:8, 79:10, 92:24 six-bedroom [1] - 92:24 size [7] - 38:15, 89:21, 93:5, 111:13, 114:4, 126:19, 143:1 sized [8] - 26:9, 26:10, 27:16, 93:20, 104:4, 124:5, 125:24, 141:18 sizes [1] - 22:9 sketch [3] - 22:11, 30:10, 30:11 sketches [1] - 144:14 skews [1] - 46:2 slash [3] - 23:14, 145:7, 148:16 slender [1] - 47:23</p>	<p>slight [2] - 19:11, 143:18 slightly [8] - 17:22, 19:2, 47:10, 52:25, 87:17, 139:8, 147:20, 148:5 slim [1] - 96:20 slip [1] - 151:7 slope [1] - 145:14 slopes [1] - 71:16 sloping [1] - 144:22 slow [1] - 139:24 slump [1] - 44:23 smack [1] - 132:7 small [21] - 18:5, 28:10, 28:12, 28:19, 30:7, 35:25, 40:13, 61:11, 69:11, 69:24, 70:5, 73:8, 74:20, 74:24, 81:10, 83:16, 99:23, 162:1, 166:5, 166:6, 168:23 smaller [5] - 54:3, 66:15, 68:16, 76:21, 147:20 smallest [1] - 66:14 snow [2] - 47:21, 48:13 so-called [1] - 113:13 so.. [2] - 51:22, 62:13 soffit [1] - 34:13 solely [1] - 138:6 solid [1] - 48:1 solution [1] - 32:5 someone [4] - 59:9, 128:8, 141:12, 182:3 sometimes [2] - 21:7, 176:23 somewhat [3] - 65:16, 65:25, 66:19 somewhere [2] - 132:6, 173:5 son [4] - 40:16, 138:13, 139:13, 147:24 Sontz [4] - 10:25, 94:20, 145:24, 181:6 sontz [10] - 9:22, 36:18, 64:1, 94:24, 136:13, 136:14, 136:18, 142:21, 159:20, 169:20 SONTZ [49] - 2:4, 9:23, 11:21, 36:10, 36:19, 64:2, 67:25, 68:7, 93:19, 94:18, 94:25, 134:19, 136:12, 136:19, 141:11, 141:20, 141:22, 142:2,</p>	<p>142:7, 142:13, 142:18, 146:19, 146:24, 150:16, 151:23, 152:13, 153:21, 154:21, 154:25, 155:3, 155:10, 155:14, 156:25, 157:12, 157:22, 158:2, 158:6, 159:1, 159:21, 167:15, 167:18, 169:21, 172:14, 172:22, 173:1, 177:19, 179:16, 181:4, 181:9 Sontz's [1] - 173:25 soon [1] - 53:24 sore [1] - 179:15 sorry [19] - 25:3, 25:6, 26:1, 28:1, 56:6, 80:2, 81:23, 88:13, 96:8, 96:14, 98:12, 98:14, 106:3, 125:18, 133:22, 140:1, 142:11, 142:22, 167:5 sort [7] - 33:22, 35:6, 45:1, 103:2, 104:2, 152:22, 165:6 sound [2] - 16:14, 102:7 sounds [2] - 114:18, 178:23 south [2] - 124:12, 143:4 South [1] - 67:9 SP-1 [5] - 67:19, 68:9, 68:10, 82:21, 87:14 space [50] - 17:15, 17:21, 17:23, 17:24, 18:4, 18:8, 18:22, 23:25, 25:18, 38:20, 38:23, 44:18, 45:17, 54:9, 64:19, 66:1, 66:6, 66:10, 66:18, 68:18, 74:20, 75:4, 75:9, 82:24, 85:25, 98:3, 99:11, 99:15, 99:16, 114:14, 114:25, 138:11, 139:11, 139:12, 139:13, 140:3, 144:19, 144:23, 145:9, 145:18, 147:18, 147:23, 148:19, 149:21, 161:14, 162:2, 162:7, 162:17, 166:22 space [1] - 72:20</p>	<p>spaces [5] - 123:11, 123:23, 124:4, 124:9, 138:9 speaking [2] - 19:11, 131:13 speaks [1] - 132:24 special [4] - 12:8, 12:11, 96:24, 97:3 SPECIAL [1] - 3:7 specialized [1] - 101:9 specific [3] - 120:4, 120:8, 132:12 specifically [1] - 19:25 specs [1] - 173:17 spell [2] - 25:4, 160:24 Spell [1] - 25:7 spend [2] - 122:4, 135:12 spending [2] - 121:10, 135:17 spent [1] - 122:18 spill [2] - 57:21, 57:23 spirit [1] - 30:18 split [4] - 43:16, 43:17, 44:25, 49:16 split-level [1] - 49:16 splitting [1] - 43:23 spoken [5] - 21:2, 87:24, 88:12, 109:12, 140:6 spot [4] - 88:4, 88:5, 121:12, 177:23 sprinkler [1] - 178:12 square [10] - 28:1, 28:15, 29:10, 31:12, 36:2, 82:22, 92:7, 112:14, 149:21, 169:6 square-foot [1] - 82:22 Squire [1] - 41:14 stack [1] - 74:15 stacked [1] - 74:18 staff [1] - 15:12 staircase [2] - 74:16 stairs [3] - 69:11, 74:18, 109:17 stairway [1] - 171:19 stamp [1] - 141:14 stand [2] - 8:5, 121:16 standard [3] - 72:17, 153:10, 153:18 standing [2] - 46:16, 48:15 standpoint [1] - 178:21 Star [1] - 8:16 start [4] - 96:2, 108:18, 181:21, 181:25</p>	<p>started [1] - 53:25 starts [2] - 123:16, 144:22 state [17] - 13:15, 13:21, 16:5, 24:22, 37:22, 41:11, 65:1, 67:7, 98:6, 101:14, 119:7, 137:18, 147:8, 148:10, 160:16, 166:15, 170:17 STATEMENT [3] - 3:3, 4:11, 15:9 Statement [2] - 15:3, 15:5 statement [4] - 8:21, 14:9, 14:21, 27:20 statements [5] - 27:8, 60:16, 90:9, 128:2, 147:14 states [1] - 76:3 stating [2] - 106:11, 148:11 station [1] - 38:14 stay [4] - 40:7, 96:19, 97:21, 129:23 steep [1] - 70:25 steeper [1] - 89:11 step [4] - 42:19, 154:20, 154:22, 155:5 stepped [2] - 45:10, 48:17 steps [3] - 30:22, 109:18, 155:4 Steven [3] - 97:19, 170:8, 170:19 STEVEN [3] - 7:4, 7:7, 170:23 sticks [3] - 34:3, 49:23, 179:15 still [17] - 24:5, 47:24, 48:24, 52:2, 59:19, 88:24, 92:14, 95:13, 96:17, 105:24, 114:6, 118:12, 118:19, 146:24, 152:18, 164:1, 179:15 stipulate [1] - 94:11 stipulation [3] - 144:7, 144:11, 152:22 stock [2] - 48:8, 50:7 stone [2] - 89:5, 89:19 stop [1] - 151:11 storage [10] - 43:5, 112:2, 124:4, 139:11, 144:17, 145:2, 145:13, 145:14, 145:18,</p>
--	--	--	--	--

<p>148:19 stories [11] - 69:19, 72:15, 81:2, 92:4, 105:18, 105:24, 137:17, 148:22, 149:18, 149:20 storm [14] - 27:18, 68:23, 83:2, 87:8, 87:14, 87:15, 87:21, 87:22, 88:4, 88:15, 88:16, 88:23, 93:24, 181:22 stormwater [2] - 27:18, 84:22 story [33] - 33:14, 34:17, 44:14, 45:1, 45:12, 47:25, 70:1, 70:14, 70:17, 72:7, 79:2, 80:10, 80:24, 81:1, 92:1, 98:1, 106:1, 106:13, 106:16, 107:2, 107:7, 107:21, 110:17, 137:9, 137:16, 138:8, 138:18, 143:7, 149:1, 149:5, 149:22, 150:4, 150:12 straight [4] - 23:5, 136:4, 163:1, 163:13 strange [1] - 102:7 stream [2] - 85:6 Street [16] - 1:13, 70:21, 70:23, 73:2, 90:23, 97:24, 98:9, 98:11, 100:6, 120:12, 120:24, 123:4, 123:14, 123:21, 124:11, 124:13 STREET [1] - 5:14 street [39] - 23:8, 29:18, 40:16, 40:24, 45:7, 57:7, 57:17, 57:19, 70:20, 76:15, 77:15, 77:17, 77:22, 77:23, 78:1, 78:5, 78:13, 85:5, 86:3, 86:11, 86:18, 121:17, 121:19, 122:11, 122:17, 124:3, 124:8, 129:14, 129:18, 129:20, 134:24, 140:8, 143:8, 143:14, 149:8, 165:11, 166:7, 170:13, 170:14 streets [1] - 128:25</p>	<p>streetscape [1] - 122:14 stronger [1] - 153:19 strongly [1] - 131:2 structural [1] - 55:20 structure [7] - 48:4, 75:12, 85:20, 87:10, 107:20, 162:19, 162:20 structured [1] - 74:1 structures [3] - 16:7, 16:9, 84:15 stuck [1] - 70:5 style [7] - 72:18, 102:12, 112:20, 117:15, 144:9, 148:13, 156:13 submission [2] - 14:21, 173:18 submit [4] - 146:21, 150:22, 153:1, 157:5 submits [2] - 150:19, 158:7 SUBMITTED [1] - 6:20 submitted [16] - 15:21, 36:3, 117:23, 139:17, 144:14, 151:13, 151:17, 156:15, 157:2, 157:6, 157:7, 157:8, 157:9, 158:9, 158:20 submitting [1] - 161:23 substantial [6] - 9:8, 9:9, 20:4, 71:2, 120:6, 124:25 substantially [5] - 20:5, 20:7, 27:23, 153:8 suburban [1] - 21:1 suggesting [4] - 152:16, 152:17, 154:16, 154:17 suggestion [2] - 91:7, 116:13 suggestions [1] - 138:23 suite [5] - 37:9, 44:10, 45:3, 45:10, 45:15 suited [1] - 39:2 suiting [1] - 86:4 Summa [1] - 41:24 summarize [1] - 20:12 summary [3] - 17:14, 21:11, 109:23 Summary [2] - 15:3, 15:5 SUMMARY [2] - 4:11, 15:9 summer [1] - 35:15</p>	<p>Summit [7] - 42:3, 100:7, 120:12, 121:2, 123:19, 123:20, 127:1 sump [1] - 171:12 sunroom [1] - 33:23 super [1] - 93:9 supplemental [2] - 14:9, 17:5 support [13] - 21:6, 39:21, 39:23, 59:3, 93:14, 94:5, 134:20, 135:10, 135:17, 135:21, 150:15, 156:6, 156:7 supportive [1] - 58:18 supports [2] - 21:8, 32:17 supposed [1] - 147:19 surprise [1] - 130:23 surrounding [2] - 66:12, 93:3 survey [9] - 15:22, 17:16, 17:18, 20:17, 42:16, 142:5, 155:9, 155:11, 173:14 Survey [1] - 46:1 surveyor [1] - 15:25 surveyors [1] - 87:25 Sussex [1] - 42:2 swear [2] - 25:5, 25:8 switch [2] - 108:24, 176:11 swoop [1] - 20:11 sworn [13] - 14:4, 25:11, 38:4, 41:17, 58:16, 65:11, 67:11, 99:3, 108:11, 119:13, 137:24, 161:5, 170:24</p>	<p>terrific [1] - 119:19 test [1] - 179:21 testified [22] - 14:5, 25:11, 38:4, 41:17, 58:17, 59:9, 65:12, 67:11, 67:13, 99:4, 107:16, 108:12, 108:14, 119:13, 119:15, 122:23, 124:19, 137:24, 143:12, 152:5, 161:6, 170:24 testify [2] - 93:12, 121:16 testimony [10] - 26:13, 29:21, 56:2, 58:9, 58:20, 86:14, 90:6, 92:20, 108:5, 125:5 text [1] - 10:12 that's.. [2] - 61:2, 162:11 THE [1] - 3:3 the.. [1] - 156:18 the...or [1] - 60:25 theirs [1] - 28:8 themselves [4] - 117:7, 146:8, 147:3, 179:21 there're [21] - 34:5, 44:5, 56:14, 69:11, 70:7, 84:18, 85:22, 86:12, 104:10, 104:21, 104:25, 124:19, 126:25, 151:19, 154:8, 154:10, 156:21, 163:20, 168:13, 175:3, 175:17 therefore [3] - 38:22, 48:1, 50:18 they've [1] - 135:9 thinking [1] - 179:8 third [51] - 69:18, 70:8, 70:16, 72:11, 72:22, 73:11, 74:17, 75:2, 75:6, 75:12, 75:13, 75:14, 80:22, 80:23, 80:24, 81:1, 81:16, 89:25, 92:1, 92:4, 103:21, 105:7, 106:20, 107:2, 107:7, 107:19, 114:17, 114:20, 114:21, 114:23, 114:24, 114:25, 115:4, 123:8, 129:7, 137:9, 138:8, 138:18, 143:5, 143:7, 144:13, 144:15, 144:16,</p>	<p>145:4, 148:14, 148:18, 149:1, 149:9, 149:22, 150:4, 150:12 third-floor [5] - 75:14, 89:25, 129:7, 143:5, 144:15 third-story [2] - 137:9, 143:7 thousand [2] - 82:22, 92:7 three [52] - 10:23, 12:4, 39:25, 44:5, 61:7, 62:20, 65:22, 68:5, 69:19, 71:4, 72:10, 72:15, 72:16, 72:19, 73:7, 75:3, 79:2, 79:8, 80:10, 81:2, 81:9, 83:22, 86:8, 91:9, 91:14, 94:12, 94:15, 95:14, 99:8, 99:18, 102:1, 105:18, 105:24, 106:1, 106:7, 106:9, 106:16, 107:21, 109:9, 116:13, 123:22, 136:2, 136:9, 137:17, 138:15, 143:4, 148:22, 149:5, 149:18, 149:20, 167:15, 179:25 three-season [1] - 167:15 three-story [6] - 79:2, 80:10, 106:1, 106:16, 107:21, 149:5 thrilled [1] - 102:10 throughout [2] - 42:1, 60:23 thumb [1] - 179:15 tie [2] - 48:16, 111:24 tight [2] - 66:20, 166:6 tiny [1] - 99:19 TO [9] - 3:16, 3:19, 4:13, 4:23, 5:10, 5:21, 6:9, 6:20, 7:11 to.. [1] - 145:16 today [6] - 17:2, 32:8, 39:24, 110:25, 114:7, 117:12 together [2] - 48:16, 99:17 toilet [1] - 110:13 tomorrow [2] - 31:16, 154:6 ton [2] - 147:21, 180:8 tonight [2] - 119:19, 120:2</p>
		T		
		<p>table [12] - 18:6, 18:14, 18:23, 23:25, 52:2, 52:6, 52:7, 61:11, 76:3, 94:22 tailored [1] - 152:20 tall [2] - 70:7, 173:23 Tamaques [4] - 37:4, 37:25, 39:20, 58:13 TAMAQUES [1] - 4:16 tax [5] - 72:24, 84:21, 88:13, 120:14, 134:25 teacher [1] - 39:18 technically [1] - 116:16 telephone [1] - 10:12 term [1] - 122:14</p>		

<p>took [4] - 77:4, 79:21, 79:23, 80:2</p> <p>top [10] - 54:17, 69:11, 70:3, 70:9, 70:19, 74:12, 80:20, 106:10, 110:19, 175:6</p> <p>torn [1] - 116:22</p> <p>Total [1] - 141:23</p> <p>totally [2] - 53:13, 134:6</p> <p>touch [1] - 140:13</p> <p>touching [1] - 106:10</p> <p>toward [2] - 71:16, 144:7</p> <p>towards [9] - 76:7, 76:11, 76:20, 81:9, 123:4, 138:24, 160:7, 162:2</p> <p>TOWN [2] - 1:1, 2:8</p> <p>Town [2] - 8:10, 8:17</p> <p>town [14] - 8:15, 8:17, 39:1, 60:23, 66:4, 71:17, 84:22, 88:12, 88:19, 117:16, 130:19, 132:22, 133:21, 178:6</p> <p>town's [2] - 73:1, 88:23</p> <p>towns [1] - 39:1</p> <p>traditional [3] - 44:3, 44:24, 100:21</p> <p>traffic [1] - 40:12</p> <p>train [1] - 38:14</p> <p>TRANSCRIPT [1] - 1:11</p> <p>transfer [1] - 176:11</p> <p>transom [1] - 111:22</p> <p>tree [3] - 39:12, 71:9, 71:12</p> <p>trees [3] - 57:11, 71:7, 78:2</p> <p>tremendously [1] - 131:5</p> <p>tried [2] - 138:11, 140:2</p> <p>trip [1] - 39:14</p> <p>truth [1] - 156:1</p> <p>try [6] - 68:22, 97:21, 101:5, 101:15, 135:18, 140:9</p> <p>trying [3] - 128:7, 156:15, 158:5</p> <p>Tudor [7] - 138:22, 140:18, 143:23, 144:3, 144:9, 148:14, 156:13</p> <p>Tudor-style [1] - 156:13</p> <p>Tudor-type [1] -</p>	<p>143:23</p> <p>turn [4] - 41:5, 43:10, 110:19, 111:20</p> <p>turned [1] - 39:9</p> <p>turning [1] - 111:16</p> <p>twice [1] - 50:16</p> <p>two [76] - 11:3, 11:4, 11:10, 11:11, 33:21, 34:14, 38:16, 38:17, 40:12, 40:13, 45:18, 46:4, 55:4, 62:19, 62:21, 63:8, 63:10, 63:15, 64:14, 64:19, 65:8, 65:19, 68:4, 68:19, 69:3, 69:12, 70:1, 75:5, 79:2, 79:7, 80:12, 80:14, 83:13, 84:15, 85:18, 87:6, 91:11, 91:16, 92:19, 95:14, 97:10, 97:25, 103:1, 104:10, 104:13, 105:18, 106:3, 106:4, 106:7, 106:12, 106:13, 107:18, 109:22, 112:14, 115:21, 119:20, 120:20, 121:3, 123:1, 123:17, 126:22, 126:25, 129:19, 129:23, 137:16, 138:8, 148:21, 155:4, 156:6, 156:11, 159:4, 159:7, 161:16, 168:8, 171:22, 177:13</p> <p>two-and-a-half [10] - 79:2, 80:12, 80:14, 97:25, 105:18, 106:7, 106:12, 106:13, 137:16, 148:21</p> <p>two-car [8] - 68:19, 69:3, 84:15, 85:18, 87:6, 112:14, 123:1, 126:22</p> <p>two-hour [2] - 120:20, 129:19</p> <p>two-season [1] - 33:21</p> <p>two-sorry [1] - 106:3</p> <p>two-story [1] - 70:1</p> <p>type [11] - 9:3, 9:4, 32:17, 61:11, 92:4, 101:17, 122:3, 129:6, 143:23, 176:19, 180:18</p> <p>typical [4] - 72:12,</p>	<p>126:10, 153:6</p> <p>typically [1] - 61:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>ultimately [2] - 66:9, 151:13</p> <p>um-hmm [1] - 74:10</p> <p>un-buildable [1] - 87:10</p> <p>under [9] - 52:22, 60:2, 61:12, 89:3, 89:21, 92:10, 109:15, 120:2, 176:16</p> <p>underground [2] - 84:23, 84:25</p> <p>underneath [3] - 22:4, 54:7, 54:12</p> <p>undersize [1] - 87:2</p> <p>undersized [8] - 60:3, 66:19, 68:13, 68:17, 69:25, 82:20, 84:10, 87:2</p> <p>understood [7] - 133:9, 167:2, 169:2, 178:2, 182:7, 182:14, 182:18</p> <p>undertaking [1] - 38:22</p> <p>undesirable [1] - 48:5</p> <p>unexpectedly [1] - 65:21</p> <p>unfinished [6] - 69:14, 84:2, 101:20, 145:14, 145:18, 148:18</p> <p>unforeseen [1] - 39:10</p> <p>unfortunately [2] - 39:23, 143:9</p> <p>Union [1] - 42:1</p> <p>unique [4] - 100:16, 100:24, 128:4, 129:5</p> <p>unless [3] - 23:22, 105:25, 157:21</p> <p>unreasonable [1] - 91:6</p> <p>up [68] - 14:16, 16:2, 19:15, 24:23, 27:12, 30:6, 30:21, 31:7, 35:11, 38:11, 39:14, 41:10, 43:25, 44:19, 49:24, 60:11, 60:18, 63:7, 66:12, 70:24, 74:17, 78:13, 80:23, 80:24, 83:3, 83:22, 85:1, 85:8, 90:10, 90:16, 96:21, 98:23, 101:24, 102:25, 103:24, 104:9,</p>	<p>110:6, 110:9, 111:25, 112:1, 112:2, 117:5, 117:25, 118:17, 121:18, 122:23, 123:19, 123:22, 124:7, 128:16, 138:9, 140:9, 141:1, 141:4, 144:24, 145:2, 146:3, 147:5, 148:4, 148:7, 149:9, 149:22, 150:9, 153:1, 159:13, 166:19, 181:1</p> <p>up-and-coming [1] - 49:24</p> <p>up-kept [1] - 181:1</p> <p>update [1] - 49:16</p> <p>updated [1] - 88:17</p> <p>updates [1] - 101:17</p> <p>upgrades [4] - 37:11, 49:21, 161:13, 161:19</p> <p>uphill [2] - 71:2, 78:3</p> <p>upper [2] - 89:9, 89:18</p> <p>upstairs [4] - 75:2, 91:10, 110:15, 138:16</p> <p>usable [1] - 162:3</p> <p>use-type [1] - 9:3</p> <p>useful [1] - 140:15</p> <p>uses [1] - 84:22</p> <p>usual [2] - 91:8, 124:23</p> <p>usual...I [1] - 61:6</p> <p>Utah [1] - 124:18</p> <p>utilities [1] - 171:10</p> <p>utilizing [1] - 86:18</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Valley [1] - 41:15</p> <p>valley [1] - 143:18</p> <p>variance [59] - 9:2, 9:7, 12:16, 16:22, 19:20, 19:23, 20:1, 20:3, 20:6, 31:18, 34:7, 45:21, 48:10, 48:25, 55:22, 61:12, 62:8, 62:10, 62:13, 62:15, 66:5, 66:11, 76:21, 77:12, 77:21, 77:24, 82:1, 89:22, 93:4, 93:8, 105:23, 107:3, 107:8, 108:2, 113:7, 113:19, 113:22, 116:6, 118:4, 121:6, 122:25, 126:17, 127:16, 139:20,</p>	<p>139:23, 140:4, 150:24, 151:9, 152:9, 152:20, 153:14, 161:24, 162:22, 162:23, 168:2, 169:8, 169:9, 171:14</p> <p>variances [21] - 8:23, 8:25, 9:3, 9:4, 17:7, 27:14, 40:10, 45:18, 49:25, 62:7, 91:22, 108:18, 113:11, 119:21, 121:4, 126:18, 130:25, 135:7, 168:8, 169:1</p> <p>various [1] - 88:9</p> <p>vary [1] - 158:20</p> <p>vehicles [2] - 28:6, 129:14</p> <p>vent [1] - 57:7</p> <p>ventilation [2] - 75:5, 75:8</p> <p>vents [1] - 57:15</p> <p>verify [1] - 157:8</p> <p>versus [1] - 148:22</p> <p>vestibule [1] - 110:12</p> <p>via [1] - 10:11</p> <p>VICE [1] - 2:3</p> <p>vice [7] - 36:14, 63:22, 95:1, 136:20, 159:18, 169:22, 181:10</p> <p>Vice [3] - 9:17, 10:24, 11:20</p> <p>vice-chair [7] - 36:14, 63:22, 95:1, 136:20, 159:18, 169:22, 181:10</p> <p>Vice-chair [3] - 9:17, 10:24, 11:20</p> <p>VICE-CHAIRMAN [1] - 2:3</p> <p>Victorian [2] - 101:11, 102:12</p> <p>Victorian-style [1] - 102:12</p> <p>view [9] - 48:2, 50:7, 71:11, 72:6, 72:15, 134:7, 134:19, 140:22, 141:10</p> <p>vinyl [2] - 73:18, 73:19</p> <p>violation [1] - 46:24</p> <p>visible [6] - 49:21, 128:22, 128:25, 132:9, 143:13</p> <p>visual [1] - 47:13</p> <p>visualization [1] - 173:14</p> <p>voiced [1] - 21:6</p> <p>volumes [1] - 132:25</p>
--	--	--	--	---

<p>vote [2] - 11:1, 12:7 voted [1] - 12:5</p>	<p>Westfield [25] - 1:14, 8:10, 8:16, 8:18, 13:2, 37:13, 60:24, 64:15, 65:4, 67:9, 98:1, 98:9, 99:7, 122:2, 125:1, 129:6, 137:11, 137:22, 138:5, 160:8, 161:10, 161:17, 170:11, 178:25, 180:8 wetlands [6] - 71:17, 73:1, 84:18, 84:21, 85:10, 85:23 whatsoever [1] - 127:18 whereas [3] - 45:25, 47:2, 154:5 wherein [1] - 30:21 Whitehead [2] - 155:19, 155:23 whole [2] - 131:6, 131:7 wide [4] - 55:15, 55:18, 61:9, 72:19 widen [1] - 68:18 widens [1] - 123:16 width [4] - 55:6, 91:6, 125:12, 125:13 wife [4] - 39:12, 65:15, 65:21, 160:21 wife's [1] - 138:6 willng [2] - 28:18, 117:17 window [8] - 44:21, 53:14, 164:19, 175:3, 175:4, 175:8, 175:11, 175:13 windows [19] - 34:14, 37:12, 53:14, 53:23, 75:19, 109:9, 109:10, 109:19, 111:6, 111:12, 111:14, 111:22, 114:13, 118:21, 175:9 winter [2] - 176:18, 177:7 winterized [1] - 35:15 wise [1] - 84:8 wish [2] - 17:3, 166:14 WITH [6] - 4:13, 4:24, 5:10, 5:22, 6:9, 7:11 withdrawals [1] - 12:13 WITHDRAWN [1] - 3:12 WITNESS [7] - 4:6, 4:17, 5:4, 5:15, 6:4, 6:14, 7:6</p>	<p>wonderful [1] - 66:4 wondering [3] - 34:23, 115:2, 134:3 wood [1] - 74:2 wood-framed [1] - 74:2 word [5] - 14:12, 57:2, 130:1, 156:16 word-for-word [1] - 14:12 workspaces [1] - 38:24 world [1] - 55:23 worried [1] - 122:9 worse [1] - 92:1 write [1] - 15:6 Wyckwood [3] - 12:10, 179:13, 179:19 WYCKWOOD [1] - 3:7</p>	<p>year-and-a-half [2] - 99:8, 100:9 years [13] - 34:24, 39:7, 43:21, 54:10, 100:3, 101:12, 107:18, 107:25, 111:2, 119:24, 122:2, 166:4, 179:25 York [2] - 100:18, 102:8 young [1] - 171:22 yourself [1] - 141:12 yup [3] - 30:2, 97:13, 165:14</p>
<p style="text-align: center;">W</p> <p>wait [1] - 96:19 waiting [1] - 55:1 walk [12] - 29:5, 42:23, 52:2, 69:4, 71:18, 74:11, 77:11, 113:18, 116:3, 126:10, 139:9, 179:14 walk-in [1] - 139:9 walking [2] - 20:17, 39:12 walkway [4] - 22:14, 29:14, 29:15, 29:17 wall [25] - 22:24, 22:25, 34:12, 48:1, 54:19, 71:1, 89:5, 89:11, 89:13, 89:20, 109:13, 160:12, 162:22, 163:2, 163:4, 163:5, 163:21, 163:23, 164:15, 165:10, 168:10, 169:3, 174:20 walls [3] - 53:8, 53:11, 104:6 wants [2] - 89:1, 182:11 warmth [1] - 140:12 watch [1] - 67:3 water [10] - 19:17, 26:21, 26:24, 27:1, 27:19, 28:17, 48:5, 55:1, 57:12, 58:3 waterproofing [2] - 19:12, 27:22 WATSON [4] - 5:18, 119:9, 119:12, 119:19 watson [1] - 125:4 Watson [1] - 119:10 Watson's [1] - 76:24 WAY [1] - 4:16 ways [1] - 87:3 website [1] - 88:23 week [1] - 179:21 weigh [2] - 76:13, 120:5 welcome [2] - 96:19, 97:21 welfare [1] - 121:25 well-done [1] - 124:23 WELLS [1] - 2:17 West [1] - 67:9 WESTFIELD [1] - 1:1</p>	<p style="text-align: center;">X</p>	<p>X-number [2] - 154:14</p>	<p style="text-align: center;">Z</p> <p>ZBA [17] - 3:16, 3:19, 4:4, 4:15, 5:2, 5:13, 6:2, 6:12, 7:4, 12:20, 12:24, 37:3, 64:10, 97:23, 137:7, 160:3, 170:8 zone [4] - 68:13, 68:16, 68:22, 86:22 Zoning [4] - 8:25, 121:23, 122:21, 158:9 zoning [15] - 9:1, 9:10, 20:8, 47:7, 110:4, 124:25, 127:12, 154:5, 158:13, 158:22, 160:12, 161:20, 180:9 Zuzanna [1] - 142:16</p>
	<p style="text-align: center;">Y</p>	<p>ya' [2] - 23:10, 93:2 yard [71] - 13:1, 37:14, 42:17, 45:21, 46:3, 47:1, 47:6, 48:24, 50:1, 50:11, 50:13, 50:14, 50:18, 51:3, 54:4, 61:1, 62:5, 62:10, 64:17, 66:22, 66:25, 68:20, 71:11, 71:16, 72:6, 75:24, 76:8, 76:10, 76:11, 76:16, 76:17, 76:20, 76:25, 77:19, 77:20, 77:23, 78:4, 85:11, 85:21, 86:25, 90:21, 93:7, 93:23, 108:19, 108:21, 109:4, 109:9, 112:3, 113:8, 113:15, 113:17, 119:22, 121:4, 121:15, 137:14, 139:6, 160:8, 160:10, 160:12, 165:13, 165:23, 168:9, 169:8, 170:13, 170:14, 174:11, 174:22, 176:21, 180:17 year [11] - 19:7, 26:21, 41:19, 65:17, 67:14, 99:8, 100:9, 103:11, 108:14, 119:16, 171:7</p>	