

TOWNSHIP OF CRANFORD  
PLANNING BOARD REGULAR MEETING

IN THE MATTER OF: :  
: :  
: :  
DELIBERATION & VOTING ON :  
APPLICATION NO: PB-22-002 :  
APPLICANT: HARTZ MOUNTAIN :  
INDUSTRIES, INC. :  
750 WALNUT AVENUE :  
BLOCK 551, LOT 2. :  
:

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Planning Board Regular Meeting  
January 18, 2023  
7:45 p.m.

B E F O R E:

JUAN CARLOS NORDELO, VICE CHAIRMAN  
PETER TAYLOR  
DIANA SEN  
KATE RAPPA  
KATHLEEN MILLER PRUNTY, COMMISSIONER  
DONNA PEDDE  
JASON GAREIS, DEPUTY MAYOR  
JULIE DIDZBALIS  
DAVID LEBER, ALTERNATE I  
JEFFREY PISTOL, ALTERNATE II

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

JONATHAN DRILL, ESQ., BOARD ATTORNEY  
KATHY LENAHAN, BOARD SECRETARY  
HENRY L. KENT-SMITH, ESQ., FOR THE APPLICANT

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I N D E X

APPLICANT	PAGE
HARTZ MOUNTAIN INDUSTRIES, INC., 750 WALNUT AVENUE	3

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
NO EXHIBITS MARKED		

Township of Cranford Meeting  
January 18, 2023

1                   VICE CHAIRMAN NORDELO: Good evening and  
2 welcome to tonight's meeting of the Cranford  
3 Planning Board, Wednesday, January 18th, Room 108  
4 of the Municipal Building, 8 Springfield Avenue,  
5 Cranford, New Jersey.

6                   This meeting is in compliance with the  
7 Open Public Meetings Act, as adequate notice of  
8 this meeting has been provided by publishing a  
9 notice of this meeting in the Westfield Leader with  
10 the -- sure. I'll read that slower.

11                   So this meeting is in compliance with  
12 the Open Public Meetings Act, as adequate notice of  
13 this meeting has been provided by publishing a  
14 notice of this meeting in the Westfield Leader with  
15 the agenda specifying the time, place and matter to  
16 be heard, having been posted on the bulletin board  
17 in Town Hall reserved for such announcements and  
18 the filing of said agenda with the Township Clerk  
19 of Cranford. Formal action may be taken at this  
20 meeting.

21                   May we please all rise for the Pledge of  
22 Allegiance?

23                   (Pledge of Allegiance takes place.)

24                   VICE CHAIRMAN NORDELO: Roll call,  
25 please.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAAN: Sure.  
2 Mr. Pistol?  
3 MR. PISTOL: Here.  
4 MS. LENAHAAN: Mr. Leber?  
5 MR. LEBER: Here.  
6 MS. LENAHAAN: Mr. Taylor?  
7 MR. TAYLOR: Here.  
8 MS. LENAHAAN: Miss Sen?  
9 MS. SEN: Here.  
10 MS. LENAHAAN: Miss Rappa?  
11 MS. RAPPA: Here.  
12 MS. LENAHAAN: Commissioner Prunty?  
13 COMMISSIONER PRUNTY: Here.  
14 MS. LENAHAAN: Miss Pedde?  
15 MS. PEDDE: Here.  
16 MS. LENAHAAN: Deputy Mayor Gareis?  
17 DEPUTY MAYOR GAREIS: Here.  
18 MS. LENAHAAN: Miss Didzbalis?  
19 MS. DIDZBALIS: Here.  
20 MS. LENAHAAN: Mr. Nordelo?  
21 VICE CHAIRMAN NORDELO: Here.  
22 MS. LENAHAAN: Mr. Drill?  
23 MR. DRILL: Here.  
24 MS. LENAHAAN: And I am here.  
25 VICE CHAIRMAN NORDELO: So tonight it's

1 the deliberation and voting on Application Number  
2 PB-20-002. The applicant being Hartz Mountain  
3 Industries, Inc., 750 Walnut Avenue, Block 541, Lot  
4 2. The applicant in this matter is seeking  
5 preliminary and final major subdivision,  
6 preliminary and final major site plan residential  
7 and preliminary and final major site plan  
8 non-residential. Prior to our deliberations I  
9 would now like Mr. Drill to explain the procedure  
10 for tonight.

11 Mr. Drill.

12 MR. DRILL: So the board members -- I'm  
13 reading from a jury charge that I prepared and I  
14 sent out to all the board members on January 6th.  
15 It was posted up on the Township's website. Board  
16 members have now either heard in person, read  
17 transcripts of and/or viewed and listened to video  
18 recordings of the seven hearing sessions on the 750  
19 Walnut application. The first hearing session was  
20 conducted on July 20, 2022 and the seventh hearing  
21 session was conducted on December 14th, 2022. The  
22 eighth and last hearing session is scheduled for  
23 this evening, January 18, 2023, and it is devoted  
24 to board deliberating and voting on the  
25 application. As I said I would during the

1 December 14th hearing session, I prepared a written  
2 jury charge to guide the board in deliberating and  
3 voting on the application. I've also prepared jury  
4 deliberation sheets to make it easier for board  
5 members to organize their thoughts in preparation  
6 for tonight's deliberations and voting. The jury  
7 charge contains my legal advice to the board as to  
8 the standards that the board should follow when  
9 deliberating and voting on each and every item of  
10 relief involved in the application. Most of the  
11 jury charge emanates from my planning board crib  
12 sheets which are available on my firm's website.  
13 Rather than providing copies of the applicable crib  
14 sheets for use in this application, I copied from  
15 portions of the applicable crib sheets and  
16 transformed the collection of crib sheets into a  
17 comprehensive document tailored to the 750 Walnut  
18 application. Now, I am not gonna read the  
19 remainder of the jury charge into the record  
20 because, again, the board members have had it, it's  
21 lengthy, it's 22 pages long, it's been up on the  
22 website. I do want to note that some board members  
23 had questions about my advice and the procedures  
24 that should be utilized for deliberating and voting  
25 tonight so the board went into a closed session to

1 get attorney/client privileged legal advice from me  
2 earlier this evening, after the board reorganized  
3 at 7:00. At approximately 7:30 the board went into  
4 closed session, and that took approximately a half  
5 hour, came out of closed session after getting my  
6 attorney/client privileged legal advice and I'm  
7 going to now give my suggestion for the procedure  
8 to be utilized and then ask the board to, on a  
9 motion, to either approve my suggested procedure or  
10 reject it and come up with one of your own.

11 So my suggested procedure -- I prepared  
12 these jury deliberation sheets. My suggested  
13 procedure is that the board chairman go through  
14 each and every piece of relief, there's nine pieces  
15 of relief identified in my jury deliberation  
16 sheets, and ask the board members -- for example,  
17 relief one, ask the board members if anyone wants  
18 to say anything about it. That's gonna be the  
19 deliberation. And then after board members -- they  
20 don't have to, but if they want to say something,  
21 they want to deliberate, they can. If people don't  
22 have anything to say, they don't need to say  
23 anything, but after everyone who has wanted to say  
24 something on sheet number one says whatever they  
25 want to say or not say, then we would -- my

1 suggested procedure is to then go back and straw  
2 poll all the board members on number one by reading  
3 my question so we can have an idea of where we  
4 stand and then we go to sheet number two, same  
5 procedure, sheet three, four, all the way to number  
6 nine and then at the end I'll tally up the straw  
7 poll and I'll have an idea of what the ultimate  
8 motion will be. Now, we also have -- I also  
9 prepared conditions suggested to the Planning  
10 Board, which I also sent out January 6th even  
11 though it's dated January 5th, I guess we could --  
12 which is seven pages long and that will be dealt  
13 with at the end.

14           Now, a couple minor things. All regular  
15 board members, if they want to deliberate, they can  
16 deliberate and they should straw poll. Dave Leber  
17 is the alternate who can straw poll and vote. Mr.  
18 Pistol is the alternate who is not gonna be able to  
19 vote. He can deliberate but I think it's cleaner  
20 if he doesn't straw poll because he's not eligible  
21 to vote. So that is my suggested procedure. You  
22 might want to ask if anyone disagrees with it, or  
23 if no one does, make a motion to adopt this  
24 procedure of how to do the deliberation.

25           VICE CHAIRMAN NORDELO: Are there any



Township of Cranford Meeting  
January 18, 2023

1 board members that have any comments on the  
2 procedure that was just outlined for tonight?

3 Seeing none. So are there any board  
4 members that have any comments on the procedure  
5 outlined by Mr. Drill?

6 MR. DRILL: Or objections.

7 VICE CHAIRMAN NORDELO: Or objections?

8 Seeing none. I would like to make a  
9 motion that we use these procedures for tonight's  
10 deliberations. May I have a second?

11 COMMISSIONER PRUNTY: I'll second.

12 VICE CHAIRMAN NORDELO: Roll call,  
13 please, Miss Lenahan.

14 MS. LENAHAAN: Mr. Leber?

15 MR. LEBER: Yes.

16 MS. LENAHAAN: Mr. Taylor?

17 MR. TAYLOR: Yes.

18 MS. LENAHAAN: Miss Sen?

19 MS. SEN: Yes.

20 MS. LENAHAAN: Miss Rappa?

21 MS. RAPPA: Yes.

22 MS. LENAHAAN: Commissioner Prunty?

23 COMMISSIONER PRUNTY: Yes.

24 MS. LENAHAAN: Miss Pedde?

25 MS. PEDDE: Yes.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Deputy Mayor Gareis?

2 DEPUTY MAYOR GAREIS: Yes.

3 MS. LENAHAN: Miss Didzbalis?

4 MS. DIDZBALIS: Yes.

5 MS. LENAHAN: Mr. Nordelo?

6 VICE CHAIRMAN NORDELO: Yes.

7 MS. LENAHAN: Motion passes.

8 VICE CHAIRMAN NORDELO: Thank you, Miss  
9 Lenahan.

10 So as the procedure was just laid out,  
11 I'm going to go through each piece of relief  
12 requested, and as Mr. Drill outlined, board members  
13 will have the opportunity to comment on said relief  
14 requested and at the end of that particular piece  
15 of relief the board members will entertain into a  
16 straw poll on that particular piece of relief.

17 So we're beginning with (C) variance --  
18 this is the first order of relief, (C) variance  
19 from paragraph 4.2B.2.C.ii of the Walnut Avenue  
20 Redevelopment Plan, which requires a minimum 100  
21 foot front yard setback for commercial buildings to  
22 property lines to allow a 63.2 foot setback between  
23 one of the two commercial buildings and the  
24 proposed property line separating the commercial  
25 lot from the residential lot. The applicant has

1 sought a (C)(2) or so-called benefits versus  
2 burdens variance and not a (C)(1) or so-called  
3 hardship variance. I would now welcome any board  
4 members that would like to comment on this  
5 particular relief requested.

6 MR. DRILL: Someone's got to be first.

7 VICE CHAIRMAN NORDELO: Anyone  
8 indicate -- Miss Lenahan will be keeping track so  
9 indicate by raising your hand or turning on the  
10 light on your microphone on this particular relief.

11 Okay. So I believe I would support this  
12 particular piece of relief. I believe that it was  
13 adequately proven in the applicant's plan and for  
14 that reason I believe that the relief should be  
15 accepted in this matter.

16 MS. DIDZBALIS: I would agree with my  
17 colleague, Carlos.

18 COMMISSIONER PRUNTY: I would agree,  
19 they met the -- I'm sorry.

20 MR. DRILL: You believe they met the  
21 criteria; is that --

22 COMMISSIONER PRUNTY: Yes.

23 MS. LENAHAN: I didn't hear her. I'm  
24 sorry.

25 MR. DRILL: She agreed that they met the

1 criteria. Is that what you said?

2 COMMISSIONER PRUNTY: Yes.

3 MR. DRILL: Mr. Leber.

4 MR. LEBER: Yeah. I concur, and I guess  
5 just to make one editorial, I think that -- you  
6 know, I'll just leave it there. I concur.

7 VICE CHAIRMAN NORDELO: Miss Sen or --  
8 yup.

9 MS. SEN: I agree with my colleagues.

10 VICE CHAIRMAN NORDELO: Okay. Are there  
11 any other members of the board that wish to comment  
12 on this particular matter of relief?

13 Seeing none. Miss Lenahan, may I have a  
14 straw poll?

15 MR. DRILL: So --

16 VICE CHAIRMAN NORDELO: Mr. Drill, go  
17 ahead.

18 MR. DRILL: Yeah. So the first straw  
19 poll question is, 1A, has the applicant met its  
20 burden of proving by a preponderance of the  
21 evidence the positive criteria of the (C)(2)  
22 variance to allow the front yard setback deviation  
23 for one of the commercial buildings to be 63.2 feet  
24 from the proposed property line, separating the  
25 commercial lot from the residential lot; yes or no?

Township of Cranford Meeting  
January 18, 2023

1 That's the first straw poll.

2 MS. LENAHAN: Ready?

3 Mr. Leber?

4 MR. LEBER: Yes.

5 MS. LENAHAN: Mr. Taylor?

6 MR. TAYLOR: Yes.

7 MS. LENAHAN: Miss Sen?

8 MS. SEN: Yes.

9 MS. LENAHAN: Miss Rappa?

10 MS. RAPPA: Yes.

11 MS. LENAHAN: Commissioner Prunty?

12 COMMISSIONER PRUNTY: Yes.

13 MS. LENAHAN: Miss Pedde?

14 MS. PEDDE: Yes.

15 MS. LENAHAN: Deputy Mayor Gareis?

16 DEPUTY MAYOR GAREIS: Yes.

17 MS. LENAHAN: Miss Didzbalis?

18 MS. DIDZBALIS: Yes.

19 MS. LENAHAN: Mr. Nordelo?

20 VICE CHAIRMAN NORDELO: Yes.

21 MR. DRILL: Okay. Second straw poll

22 question, has the applicant met its burden of

23 proving by a preponderance of the evidence the

24 negative criteria of the (C)(2) variance to allow a

25 front yard setback deviation for one of the

Township of Cranford Meeting  
January 18, 2023

1 commercial buildings to be 63.2 feet from the  
2 proposed property line, separating the commercial  
3 lot from the residential lot?

4 MS. LENAHAAN: Ready?

5 Mr. Leber?

6 MR. LEBER: Yes.

7 MS. LENAHAAN: Mr. Taylor?

8 MR. TAYLOR: Yes.

9 MS. LENAHAAN: Miss Sen?

10 MS. SEN: Yes.

11 MS. LENAHAAN: Miss Rappa?

12 MS. RAPPA: Yes.

13 MS. LENAHAAN: Commissioner Prunty?

14 COMMISSIONER PRUNTY: Yes.

15 MS. LENAHAAN: Miss Pedde?

16 MS. PEDDE: Yes.

17 MS. LENAHAAN: Deputy Mayor Gareis?

18 DEPUTY MAYOR GAREIS: Yes.

19 MS. LENAHAAN: Miss Didzbalis?

20 MS. DIDZBALIS: Yes.

21 MS. LENAHAAN: Mr. Nordelo?

22 VICE CHAIRMAN NORDELO: Yes.

23 MR. DRILL: Okay. Number two.

24 VICE CHAIRMAN NORDELO: Thank you.

25 So now we'll be discussing the second

1 piece of relief requested, so this is a (C)  
2 variance from paragraph 4.7D.12 of the Walnut  
3 Avenue Redevelopment Plan which requires a full  
4 size basketball court and equipment with  
5 appurtenant parking facilities to allow the  
6 elimination of the basketball court and equipment  
7 and appurtenant parking. The applicant has sought  
8 a (C)(2) or so-called benefits versus burdens  
9 variance and not a (C)(1) or so-called hardship  
10 variance.

11 I would like to comment on this  
12 particular matter first. This was a direct ask  
13 from the members of the public through robust  
14 discussion that was engaged throughout this entire  
15 process and so meeting the demands of the public, I  
16 would be in favor of this particular relief  
17 requested. I would now invite my fellow board  
18 members to speak on that.

19 MR. DRILL: Can you identify yourselves  
20 for purposes of the court reporter?

21 COMMISSIONER PRUNTY: Commissioner  
22 Prunty. Can you hear?

23 I would concur and you've articulated it  
24 quite well. The applicant responded to, to  
25 repeated requests from the general public so for

1 that reason I absolutely would support this.

2 MR. DRILL: For that reason -- I know,  
3 but she's -- I understand. Can you just pull that  
4 microphone closer? She said for that reason, for  
5 that reason she would support --

6 COMMISSIONER PRUNTY: I apologize.  
7 Little laryngitis here.

8 MR. DRILL: Go ahead. Identify yourself  
9 for the record.

10 MS. PEDDE: Donna Pedde.

11 I do agree with my colleagues up here.  
12 The public did come out very strong and I commend  
13 Hartz for listening to them so I'm support.

14 MS. RAPP: I'm Kate Rappa.

15 I'm also in support of this, especially  
16 as it advances our townships flood control efforts.

17 VICE CHAIRMAN NORDELO: Are there any  
18 other members of the board that would like to  
19 comment?

20 DEPUTY MAYOR GAREIS: Jason Gareis.

21 I would concur with what Miss Rappa  
22 said. The discussion that ensued regarding the  
23 basketball court ultimately lead to a discussion  
24 about additional flood measures and everyone, all  
25 of our residents understand the issues we deal with



1 with flooding so I would wholeheartedly support the  
2 change from the court to additional, additional  
3 flood measures. Thank you.

4 VICE CHAIRMAN NORDELO: Are there any  
5 other members that wish to comment on this matter  
6 of relief?

7 Okay, Mr. David Leber.

8 MR. LEBER: I concur with my colleagues  
9 on this and I think that it's, you know, really --  
10 there was insight that was presented by the public  
11 that, that was insightful to me that I hadn't  
12 thought of, and again, I just think that, you know,  
13 it shows the value of having these, these -- input  
14 from the public to bring these things out that, you  
15 know, we may have overlooked or not taken the  
16 perspective that some folks did in terms of safety  
17 on this particular issue.

18 VICE CHAIRMAN NORDELO: Thank you.

19 Any other members wish to comment?

20 Mr. Drill, I would invite you to now  
21 read the question.

22 MR. DRILL: Okay. So straw poll, this  
23 is 2A, has the applicant met its burden of proving  
24 by a preponderance of the evidence the positive  
25 criteria of the (C)(2) variance to allow the

Township of Cranford Meeting  
January 18, 2023

1 applicant to eliminate the required basketball  
2 court?

3 MS. LENAHAN: Mr. Leber?

4 MR. LEBER: Yes.

5 MS. LENAHAN: Mr. Taylor?

6 MR. TAYLOR: Yes.

7 MS. LENAHAN: Miss Sen?

8 MS. SEN: Yes.

9 MS. LENAHAN: Miss Rappa?

10 MS. RAPPA: Yes.

11 MS. LENAHAN: Commissioner Prunty?

12 COMMISSIONER PRUNTY: Yes.

13 MS. LENAHAN: Miss Pedde?

14 MS. PEDDE: Yes.

15 MS. LENAHAN: Deputy Mayor Gareis?

16 DEPUTY MAYOR GAREIS: Yes.

17 MS. LENAHAN: Miss Didzbalis?

18 MS. DIDZBALIS: Yes.

19 MS. LENAHAN: Mr. Nordelo?

20 VICE CHAIRMAN NORDELO: Yes.

21 MR. DRILL: 2B, has the applicant met  
22 its burden by proving by a preponderance of the  
23 evidence that the negative criteria of the (C)(2)  
24 variance to allow the applicant to eliminate the  
25 required basketball court?

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Mr. Leber?

2 MR. LEBER: Yes.

3 MS. LENAHAN: Mr. Taylor?

4 MR. TAYLOR: Yes.

5 MS. LENAHAN: Miss Sen?

6 MS. SEN: Yes.

7 MS. LENAHAN: Miss Rappa?

8 MS. RAPPA: Yes.

9 MS. LENAHAN: Commissioner Prunty?

10 COMMISSIONER PRUNTY: Yes.

11 MS. LENAHAN: Miss Pedde?

12 MS. PEDDE: Yes.

13 MS. LENAHAN: Deputy Mayor Gareis?

14 DEPUTY MAYOR GAREIS: Yes.

15 MS. LENAHAN: Miss Didzbalis?

16 MS. DIDZBALIS: Yes.

17 MS. LENAHAN: Mr. Nordelo?

18 VICE CHAIRMAN NORDELO: Yes.

19 Thank you. We will now be moving to the  
20 third piece of relief requested, exception from  
21 paragraph 4.7.F.2 of the Walnut Avenue  
22 Redevelopment Plan which requires a dedicated  
23 pedestrian zone along the sidewalk adjacent to  
24 Walnut Avenue be provided with a minimum  
25 unobstructed width of 8 feet at all points to allow

1 1,268 lineal feet of sidewalk, 62 percent of the  
2 sidewalk to be 6 feet wide and 785 lineal feet of  
3 the sidewalk, 38 percent of the sidewalk to remain  
4 4 feet wide.

5 I now invite my colleagues to comment on  
6 this particular matter.

7 COMMISSIONER PRUNTY: I'd like to  
8 comment. I would support this relief. While 8  
9 foot sidewalk is optimum in a Business District  
10 that has restaurants, lots of pedestrian activity  
11 for events, etcetera, as I said, outdoor dining,  
12 this is not that and I think I have a concern about  
13 disruption to the berm by expanding the sidewalk  
14 and eliminating trees, which is also something the  
15 residents feel strongly about, about having that  
16 coverage. I think, I think as presented this is  
17 acceptable.

18 MS. LENAHAN: Miss Sen has the floor.

19 VICE CHAIRMAN NORDELO: Miss Sen.

20 MS. SEN: Thank you.

21 I vote -- I disagree with this  
22 exception. I would recommend that we deny it. I  
23 believe that because of public welfare, health and  
24 safety, it is critical that we expand those  
25 sidewalks. I mean, throughout the hearings I've

1 mentioned my concern about the safety particularly  
2 about sidewalks that just go from sidewalk to  
3 street without a grass buffer. That's always been  
4 a concern. I drove by today to just look at it  
5 again and I thought, could you imagine having  
6 people walking from there to the school in this  
7 very small sidewalk, so I cannot in good conscience  
8 with safety and health and public welfare concerns  
9 not expand the sidewalk.

10 VICE CHAIRMAN NORDELO: Mr. Taylor, go  
11 ahead.

12 MR. TAYLOR: To me, as an engineer, I  
13 think it would be impractical for the widening of  
14 the entire length of the sidewalk. The sidewalk is  
15 adjacent to a sloped portion of the property which  
16 is undisturbed and it's covered with existing  
17 vegetation and I think from an engineering point of  
18 view you'd require a retaining wall in order to  
19 make it an 8 foot width. A 4 foot width sidewalk  
20 is acceptable. It's code compliant. It's safe and  
21 it's what most pedestrians walk on throughout  
22 Cranford. Additionally, the sidewalk reduces to a  
23 4 foot width at the railroad overpass and for the  
24 entire length of the sidewalk from the overpass to  
25 the school is 4 foot in width so I don't see why

1 the exception would need to be in front of the  
2 development. I would be voting for the, for the  
3 exception.

4 VICE CHAIRMAN NORDELO: I know that one  
5 of our board members wants to respond to one of the  
6 comments made. Are there any new comments on this  
7 particular matter?

8 MS. LENAHAN: Deputy Mayor Gareis.

9 DEPUTY MAYOR GAREIS: I was just going  
10 to say I concur with the points that Commissioner  
11 Miller Prunty made, as well as the points that were  
12 made by Mr. Taylor.

13 VICE CHAIRMAN NORDELO: Commissioner  
14 Prunty.

15 COMMISSIONER PRUNTY: Actually, I was  
16 just going to bring up the point that Mr. Taylor  
17 made, that as you transition towards the Con Rail  
18 overpass and then eventually moving your way to the  
19 residential neighborhood and to the school, it is a  
20 4 foot sidewalk. It is a 4 foot.

21 MR. DRILL: A 4 foot width sidewalk. As  
22 it transitions to the overpass it is a 4 foot  
23 sidewalk.

24 VICE CHAIRMAN NORDELO: Mr. Leber.

25 MR. LEBER: You know, I'll be honest, I

1 struggled with this and I think that I agree that  
2 in an optimal environment it would be great to have  
3 an 8 foot sidewalk, but considering that, to the  
4 point made earlier, that it's going to condense  
5 down to 4 feet once you get close to the Con Rail  
6 overpass towards the school, I think having the 6  
7 foot wide section to the south of that where, if  
8 there will be increased traffic, I do think that,  
9 you know, people may, from the residential area,  
10 walk down to Clark Commons and it wouldn't be  
11 inappropriate to have, you know, a wider sidewalk  
12 down in that area, but I think that as you're gonna  
13 condense down to the 4 foot sidewalk that exists by  
14 the overpass, that that's kind of what we're stuck  
15 with and so after struggling with this for a while,  
16 I would support the variance.

17 VICE CHAIRMAN NORDELO: Go ahead.

18 MS. DIDZBALIS: I, too, have  
19 struggled --

20 MR. DRILL: For the record identify  
21 yourself.

22 MS. DIDZBALIS: Julie Didzbalis. Sorry.

23 I, too, struggled with this a bit.

24 Obviously safety is a concern for all of us, but  
25 also, it's been made very evident by the

1 neighborhood members that have joined us for the  
2 meetings and also most of us up here have expressed  
3 concern, as well, as far as the berm and existing  
4 vegetation, I would prefer not to disturb it and  
5 so, therefore, I would be in support of the  
6 exception.

7 VICE CHAIRMAN NORDELO: Miss Sen, would  
8 you like to respond?

9 MS. SEN: I just wanted to clarify. I  
10 think there's two issues. Right? There's the one  
11 issue of expanding to 8 feet, because that's what  
12 the Redevelopment Plan is and that's what I believe  
13 would be safe, right, there's that issue, related  
14 to public safety, public welfare, health and  
15 safety, right, but the other issue that I find very  
16 troubling and very concerning is the fact that when  
17 we talk about areas that are just 4 feet, there is  
18 no buffer between the sidewalk and the street, so  
19 whether -- to just say okay, we're gonna do nothing  
20 and we're just gonna keep it that way, I think that  
21 is a serious public welfare, health and safety  
22 concern so I think we should absolutely reconsider  
23 that position and consider that. When I think  
24 about taking my little two kids and walking down,  
25 and imagine people who live in 750 Walnut and



1 they're gonna walk to the school, because believe  
2 me, I live in a street where the school is down the  
3 street, you are gonna walk, and to know that those  
4 kids with their parents are gonna be walking in  
5 that area where there's absolutely no buffer  
6 throughout that area, to me, that is absolutely  
7 lead to danger, so I ask you to please reconsider  
8 and think about this seriously because this is a  
9 very important issue.

10 COMMISSIONER PRUNTY: If I can just add,  
11 the area that you're referencing has quite a large  
12 hatched area that -- it's outlined, it's striped,  
13 so vehicles are not driving up along curb-side.

14 VICE CHAIRMAN NORDELO: Mr. Taylor.

15 MR. TAYLOR: Yeah. Additionally, it's  
16 an as-built condition. People have been walking on  
17 the sidewalk safely for years. I know of no  
18 accidents of pedestrians getting struck by a car  
19 because they fell off a sidewalk at this location.  
20 I think it's improper to say that it's unsafe.  
21 It's a 4 foot sidewalk which meets all code  
22 requirements and is acceptable.

23 VICE CHAIRMAN NORDELO: Okay. Miss  
24 Pedde.

25 MS. PEDDE: If you're talking about

1 the --

2 MR. DRILL: Identify yourself.

3 MS. PEDDE: Donna Pedde.

4 If you're talking about the -- that  
5 there's no -- between the sidewalk and the street  
6 and front, right in front there is a space, grass  
7 where some trees are and telephone poles. When you  
8 get down to the railroad, no, there is not, but  
9 there is that stripe there, so I think, like some  
10 of my colleagues have said, that there -- it's been  
11 like that and it's been safe and even some people  
12 who live in that area do walk down to the school  
13 and when you get from underneath the bridge going  
14 up on to Walnut towards the school, that is just 4  
15 feet, it is.

16 VICE CHAIRMAN NORDELO: Seeing none, I  
17 would like to, you know, obviously this board  
18 considers public safety and pedestrian safety very  
19 important. I would like to -- and I thank everyone  
20 for their comments on that. I would like to concur  
21 with most of my colleagues, especially Mr. Taylor,  
22 on the -- I do think that the 4 feet requirement is  
23 currently safe. I feel that it will be safe for  
24 pedestrians and for that reason I support this  
25 majority opinion on the relief.

1           So Mr. Drill, can you proceed with the  
2 question?

3           MR. DRILL: Yes.

4           VICE CHAIRMAN NORDELO: Thank you.

5           MR. DRILL: The straw poll on this one  
6 is just 3A, there is no B. 3A is, has the  
7 applicant met its burden of proving by a  
8 preponderance of the evidence that granting the  
9 exception is reasonable and within the general  
10 purpose and intent of the provisions for site plan  
11 review and approval and that the literal  
12 enforcement of the site plan ordinance requirement  
13 will result in undue hardship or be imprudent or  
14 impractical so as to allow the sidewalk along  
15 Walnut Avenue to vary between 4 feet to 6 feet in  
16 width? That's the straw poll question. Mr.  
17 Nordelo read the exact relief being requested.

18           MS. LENAHAN: Mr. Leber?

19           MR. LEBER: I think I'm going to abstain  
20 at this juncture, if I'm allowed to. No, I can't?

21           MR. DRILL: Well, you can abstain but my  
22 advice is, if you're abstaining because you're on  
23 the fence, my advice is that would be no. If  
24 you're -- you're saying abstaining but you don't  
25 really mean that, because if you abstain, legally

1 that's an ascent to whatever the majority does, and  
2 quite frankly, the burden of proof is on them, so  
3 if you don't feel they've proved it, the vote  
4 should be no. If you want to hear and still think  
5 about it, say I'd like to pass on the straw poll  
6 for now and you'd like to be called at the end.

7 MR. LEBER: Okay. I'd like to pass and  
8 be called at the end.

9 MS. LENAHAN: Mr. Taylor?

10 MR. TAYLOR: Yes.

11 MS. LENAHAN: Miss Sen?

12 MS. SEN: No. I would just like to add  
13 that obviously the impact statement needs to be  
14 revised, but there's an assessment that there's  
15 about 25 children, so there's 25 children expected  
16 in the 750 Walnut residence building, so imagine  
17 those 25 kids likely to go to the elementary school  
18 on the same street, so to say you're gonna only  
19 walk in safety and certain amount and then there's  
20 a little line or a little zone or something and  
21 then you can kind of be careful and try to do your  
22 best with small children in an elementary school I  
23 think is very, you know, treacherous and you have  
24 to be careful, so please, be careful.

25 MS. LENAHAN: Miss Rappa?

Township of Cranford Meeting  
January 18, 2023

1 MS. RAPP: Yes.

2 MS. LENAHAN: Commissioner Prunty?

3 COMMISSIONER PRUNTY: Yes.

4 MS. LENAHAN: Miss Pedde?

5 MS. PEDDE: Yes.

6 MS. LENAHAN: Deputy Mayor Gareis?

7 DEPUTY MAYOR GAREIS: Yes.

8 MS. LENAHAN: Miss Didzbalis?

9 MS. DIDZBALIS: Yes.

10 MS. LENAHAN: Mr. Nordelo?

11 VICE CHAIRMAN NORDELO: Yes.

12 MR. DRILL: Can you call again Mr.

13 Leber?

14 MS. LENAHAN: Yes.

15 Mr. Leber?

16 MR. LEBER: Yes.

17 VICE CHAIRMAN NORDELO: Thank you.

18 Moving along, we're now to the fourth  
19 relief, matter of relief requested. This is an  
20 exception from site plan ordinance section  
21 255-26.G, which requires lighting in parking areas  
22 to be a minimum of 1.5 foot candles to allow the  
23 lighting in the parking areas on the commercial lot  
24 to be decreased to 0.5 foot candles.

25 I welcome comment on this matter.

1 MR. TAYLOR: Well, I guess I should  
2 comment, since I brought this up in the first  
3 place.

4 It's industry standard to have a .5 foot  
5 candle at the property lines, not a 1.5, and I  
6 think it's really in the public's interest so that  
7 we don't have glowing, you know, areas of  
8 illuminated parking lot at night when it's  
9 unnecessary. .5 is perfectly safe to walk and see  
10 your car and to see any obstruction that may be in  
11 front of you, so it's perfectly safe. It's what  
12 the -- I forget the acronym the lighting industry  
13 professionals publish in terms of the minimum  
14 requirements, so I'm for that.

15 VICE CHAIRMAN NORDELO: I, for one, am  
16 grateful for the expertise.

17 MR. DRILL: Identify yourself.

18 VICE CHAIRMAN NORDELO: Juan Carlos  
19 Nordelo.

20 I'm, for one, grateful for that  
21 expertise. I think it's within the public's  
22 interest to grant this particular relief for all  
23 the reasons that Mr. Taylor indicated, so I would  
24 also support this relief.

25 MS. DIDZBALIS: I would also support

1 this relief. It's the least disturbance to the  
2 surrounding properties and still meets the standard  
3 and there -- and still provides safety.

4 VICE CHAIRMAN NORDELO: Are there any  
5 other comments?

6 Seeing none. Mr. Drill.

7 MR. DRILL: So this straw poll is --  
8 again, just an A, not a B. It's an exception, not  
9 a variance. Should the board grant the exception  
10 from the 1.5 foot candle minimum lighting  
11 requirement in parking areas to allow 0.5 foot  
12 candles for the parking lot lighting on the  
13 commercial lot? And has the applicant met its  
14 burden of proving by a preponderance of the  
15 evidence that granting that exception is reasonable  
16 and within the general purpose and intent of the  
17 provisions for site plan review and approval and  
18 that literal enforcement of the site plan ordinance  
19 requirement at issue will result in undue hardship  
20 or be imprudent or impractical?

21 MS. LENAHAN: Mr. Leber?

22 MR. LEBER: Yes.

23 MS. LENAHAN: Mr. Taylor?

24 MR. TAYLOR: Yes.

25 MS. LENAHAN: Miss Sen?

Township of Cranford Meeting  
January 18, 2023

1 MS. SEN: Yes.

2 MS. LENAHAN: Miss Rappa?

3 MS. RAPPA: Yes.

4 MS. LENAHAN: Commissioner Prunty?

5 COMMISSIONER PRUNTY: Yes.

6 MS. LENAHAN: Miss Pedde?

7 MS. PEDDE: Yes.

8 MS. LENAHAN: Deputy Mayor Gareis?

9 DEPUTY MAYOR GAREIS: Yes.

10 MS. LENAHAN: Miss Didzbalis?

11 MS. DIDZBALIS: Yes.

12 MS. LENAHAN: Mr. Nordelo?

13 VICE CHAIRMAN NORDELO: Yes.

14 Moving on to the next matter, this would

15 be exception from site plan ordinance section

16 255-26.G which restricts the height of site

17 lighting fixtures to 16 feet above grade to allow

18 site lighting fixtures up to 25 feet high on the

19 commercial lot.

20 I welcome comment.

21 MR. TAYLOR: Pete Taylor.

22 MR. DRILL: Our resident lighting

23 expert.

24 MR. TAYLOR: You know, once their

25 engineer redesigns the parking lighting, this may



1 not -- this may be a moot point, anyway, but it  
2 kind of goes in stride with reducing the number of  
3 lighting and the overlighting of a particular area,  
4 so there's a benefit to the public for this.

5 COMMISSIONER PRUNTY: I would concur  
6 with Mr. Taylor and thank you, our resident  
7 engineer lighting expert.

8 VICE CHAIRMAN NORDELO: Any other  
9 members?

10 Seeing none. Mr. Drill.

11 MR. DRILL: Straw poll is, has the  
12 applicant met its burden of proving by a  
13 preponderance of the evidence that granting the  
14 exception from the 16 foot maximum height  
15 limitation for site lighting fixtures to allow site  
16 lighting fixtures as high as 25 feet on a  
17 commercial lot is reasonable and within the general  
18 purpose and intent of the provisions for site plan  
19 review and approval and that literal enforcement of  
20 the site plan ordinance requirement at issue will  
21 result in undue hardship or be imprudent or  
22 impractical?

23 MS. LENAHAN: Mr. Leber?

24 MR. LEBER: Yes.

25 MS. LENAHAN: Mr. Taylor?

Township of Cranford Meeting  
January 18, 2023

1 MR. TAYLOR: Yes.

2 MS. LENAHAN: Miss Sen?

3 MS. SEN: Yes.

4 MS. LENAHAN: Miss Rappa?

5 MS. RAPPA: Yes.

6 MS. LENAHAN: Commissioner Prunty?

7 COMMISSIONER PRUNTY: Yes.

8 MS. LENAHAN: Miss Pedde?

9 MS. PEDDE: Yes.

10 MS. LENAHAN: Deputy Mayor Gareis?

11 DEPUTY MAYOR GAREIS: Yes.

12 MS. LENAHAN: Miss Didzbalis?

13 MS. DIDZBALIS: Yes.

14 MS. LENAHAN: Mr. Nordelo?

15 VICE CHAIRMAN NORDELO: Yes.

16 Next matter of relief, exception from

17 site plan ordinance section 255-26.J which

18 prohibits facade mounted signage facing

19 residentially zoned areas within 150 feet of a

20 residentially zoned area, to allow facade mounted

21 signs on the proposed commercial building on the

22 commercial lot which will face the residential

23 zones to the north as close as 100 feet of the

24 residentially zoned area.

25 This one is more technical in nature but

1 I believe that the applicant proved the need for  
2 this particular exception within the public  
3 interest, so for that reason I would support based  
4 on the evidence that was provided by the applicant,  
5 and Juan Carlos Nordelo, to identify myself.

6 Are there any other board members that  
7 wish to comment on this one? Lone voice, okay.

8 Mr. Drill.

9 MR. DRILL: I guess everyone agrees with  
10 you on that one.

11 VICE CHAIRMAN NORDELO: Yeah.

12 MR. DRILL: The question here is, should  
13 the board grant the exception from the 150 foot  
14 setback requirement for commercial facade signs  
15 facing residential zones to allow commercial facade  
16 signs on the commercial buildings as close as 100  
17 feet to a residential zone and facing that  
18 residential zone? And the question for the straw  
19 poll is, has the applicant met its burden of  
20 proving by a preponderance of the evidence that  
21 granting the exception is reasonable and within the  
22 general purpose and intent of the provisions for  
23 site plan review and approval and that literal  
24 enforcement of the site plan ordinance requirement  
25 at issue will result in undue hardship or be

Township of Cranford Meeting  
January 18, 2023

1 imprudent or impractical?

2 MS. LENAHAN: Mr. Leber?

3 MR. LEBER: Yes.

4 MS. LENAHAN: Mr. Taylor?

5 MR. TAYLOR: Yes.

6 MS. LENAHAN: Miss Sen?

7 MS. SEN: Yes.

8 MS. LENAHAN: Miss Rappa?

9 MS. RAPPA: Yes.

10 MS. LENAHAN: Commissioner Prunty?

11 COMMISSIONER PRUNTY: Yes.

12 MS. LENAHAN: Miss Pedde?

13 MS. PEDDE: Yes.

14 MS. LENAHAN: Deputy Mayor Gareis?

15 DEPUTY MAYOR GAREIS: Yes.

16 MS. LENAHAN: Miss Didzbalis?

17 MS. DIDZBALIS: Yes.

18 MS. LENAHAN: Mr. Nordelo?

19 VICE CHAIRMAN NORDELO: Yes.

20 Next matter, exception from paragraph

21 4.6.C.2 of the Walnut Avenue Redevelopment Plan

22 which requires 35 percent of the ground level

23 primary facade of the residential buildings to have

24 door and window transparency, to allow the ground

25 level of both of the residential buildings to have

1 34 percent of the ground levels of the primary  
2 facades to have door and window transparency.  
3 Apologies.

4 Are there any comments?

5 MR. TAYLOR: I think we had testimony  
6 that I recall from your architect that this is just  
7 on the ground floor level and it's a very minor  
8 missing of the requirement, but the overall  
9 building exceeds the total requirement for all of  
10 the lighting and all of the windows so I don't  
11 think that it's necessary to force them to put a  
12 window in an area of the building which would not  
13 be architecturally appropriate so I would be  
14 willing to grant this.

15 DEPUTY MAYOR GAREIS: I, too, recall  
16 that there was a lot of testimony regarding this  
17 from the architect and I found his testimony on  
18 this issue to be persuasive. I think we're really  
19 talking about a difference of possibly one window,  
20 if I recall the evidence correctly. As we can see,  
21 the requirement is 35 percent and the proposed  
22 change is 34 percent, so it's a 1 percent change  
23 and I think it's appropriate.

24 VICE CHAIRMAN NORDELO: Mr. Leber?

25 MR. LEBER: I just agree.

1                   VICE CHAIRMAN NORDELO: Okay. Mr.  
2 Drill, can you proceed with the question?

3                   MR. DRILL: Yes. The question here,  
4 should the board grant the exception from the  
5 35 percent transparency requirement for the ground  
6 level primary facades of the residential buildings  
7 to allow the ground level primary facades of the  
8 residential buildings to have 34 percent  
9 transparency? And I might add, yes, it was only  
10 one window. The question for the straw poll is,  
11 has the applicant met its burden of proving by a  
12 preponderance of the evidence that by granting the  
13 exception is reasonable and within the general  
14 purpose and intent of the provisions for site plan  
15 review and approval and that literal enforcement of  
16 the site plan ordinance requirement at issue will  
17 result in undue hardship or be imprudent or  
18 impractical?

19                   MS. LENAHAN: Mr. Leber?

20                   MR. LEBER: Yes.

21                   MS. LENAHAN: Mr. Taylor?

22                   MR. TAYLOR: Yes.

23                   MS. LENAHAN: Miss Sen?

24                   MS. SEN: Yes.

25                   MS. LENAHAN: Miss Rappa?

Township of Cranford Meeting  
January 18, 2023

1 MS. RAPP: Yes.

2 MS. LENAHAN: Commissioner Prunty?

3 COMMISSIONER PRUNTY: Yes.

4 MS. LENAHAN: Miss Pedde?

5 MS. PEDDE: Yes.

6 MS. LENAHAN: Deputy Mayor Gareis?

7 DEPUTY MAYOR GAREIS: Yes.

8 MS. LENAHAN: Miss Didzbalis?

9 MS. DIDZBALIS: Yes.

10 MS. LENAHAN: Mr. Nordelo?

11 VICE CHAIRMAN NORDELO: Yes.

12 Moving along, relief eight, de minimus  
13 exception from New Jersey Administrative Code  
14 5:21-4.14, the RSIS provision which requires more  
15 than the 1.8 parking spaces per multi-family unit  
16 proposed by the applicant. The RSIS provision at  
17 issue requires 1.8 spaces per one bedroom unit, 2.0  
18 spaces per two bedroom unit and the 2.1 spaces per  
19 three bedroom unit. To allow the applicant to  
20 provide 1.8 spaces per multi-family unit regardless  
21 of the number of bedrooms for a total of 450  
22 parking spaces for the residential lot, which is  
23 the amount required by paragraph 4.3.A.3 of the  
24 Walnut Avenue Redevelopment Plan.

25 I'd invite Mr. Pistol.

1 MR. PISTOL: Yes. The applicant  
2 proposed the parking plans for the residential  
3 portion of this development in compliance with the  
4 Redevelopment Plan but the Redevelopment Plan  
5 requires less than what the RSIS, which is the  
6 Residential Site Improvement Standards, they're  
7 state standards, than what they require. My  
8 opinion is that typically the RSIS standards are  
9 the bare minimum but there could be mitigating  
10 circumstances in this situation because of where  
11 the development, the proposed development is cited.  
12 The Walnut Avenue shopping area and the services  
13 provided there and the bus route that's on Walnut  
14 Avenue could entice some people who are not drivers  
15 and don't have cars to live in that area, so it's  
16 possible that there may be some tenants that don't  
17 have vehicles but I think that the amount that  
18 would be there probably would be less, the amount  
19 of people that wouldn't have cars would be less  
20 than in the downtown area, so I don't know if there  
21 would be sufficient parking under the standard that  
22 is in the Redevelopment Plan and the danger of this  
23 is if there's not enough parking there, there  
24 really is not enough parking, spill-over parking,  
25 like in the downtown area, you have a lot of



1 streets and then you have parking lots and things  
2 like that and I think we really need to be  
3 proactive in looking at this, because if we say  
4 okay, let's see what happens, then what do we do if  
5 parking were to spill over into the adjacent  
6 residential areas on the opposite side of Walnut  
7 Avenue. The thing is, on a property like this,  
8 there's really no excuse for the property -- no  
9 reason for the property to generate parking demand  
10 that goes beyond the property itself. Unlike a lot  
11 of properties in Cranford, a lot of times we deal  
12 with situations in Cranford where we have land poor  
13 properties, you know, there's not enough land to  
14 sufficiently accommodate what is needed. In this  
15 case the land is -- we have plenty of land there so  
16 the property itself should be able to hold all of  
17 the parking that is generated there. I think that  
18 the parking spill-over issue into the residential  
19 areas, we don't know if that's going to happen but  
20 we should be prepared for it. I think that we  
21 could prevent that in two ways. I think, number  
22 one, is we could request the township to ask the  
23 county to allow parking on the west side of Walnut  
24 Avenue in front of the development and that, I  
25 believe, would be a sufficient number of parking

1 spaces to prevent any spill-over of cars into the  
2 residential areas. It would be, you know, like a  
3 relief safety valve in terms of allowing for  
4 spill-over parking. It also would be a traffic  
5 calming effect on Walnut Avenue, also. You have  
6 cars that are parked there so it would slow the  
7 cars down, as well, but I believe that that  
8 frontage there, even if it -- even if the entire --

9 VICE CHAIRMAN NORDELO: Mr. Pistol, I  
10 just wanted to ask, are these conditions that -- I  
11 mean, you're suggesting solutions. Are these  
12 conditions that you're trying to impose?

13 MR. PISTOL: It could be a condition but  
14 it's not a condition that's --

15 VICE CHAIRMAN NORDELO: Are you  
16 recommending conditions right now or are you  
17 outlining your potential solution?

18 MR. PISTOL: Well, if it requires a  
19 condition, then this is something that we can ask  
20 for.

21 VICE CHAIRMAN NORDELO: Okay, but stop  
22 for a second.

23 MR. DRILL: If it's a condition -- you  
24 only can impose conditions if there's an approval.  
25 So are you against -- if you're against granting

1 the relief, then you can't impose a condition. If  
2 you're in favor of granting the relief, you could  
3 say I would grant it subject to a condition. So  
4 what exactly are you saying?

5 MR. PISTOL: I would grant it subject to  
6 those conditions.

7 MR. DRILL: Now I have --

8 MR. PISTOL: The one condition would be  
9 that the, you know, if the township requests the  
10 county to allow parking either on the entire  
11 frontage of 750 Walnut or on portions of it,  
12 because I know that the --

13 MR. DRILL: You got to go -- woe. You  
14 got to go slower at this point.

15 MR. PISTOL: Okay. The road width is  
16 not consistent along the whole area from the  
17 railroad to Walnut Av -- to Raritan Road, so there  
18 may not be sufficient areas, especially in the area  
19 where the sidewalk has -- comes up against the road  
20 without the grassy area in between. The area,  
21 there may not be -- there definitely is not a place  
22 for parking spaces at that point but further down  
23 there's plenty of room for parking spaces, so  
24 that's one thing. The other way, the other type of  
25 relief could be a condition that -- like, in other

1 words, I think if the county will allow that, I  
2 think that would be sufficient, but if that can't  
3 be done, I think if we could pose a condition on  
4 the developer to, you know, to require Hartz to  
5 allow temporary residential parking in the  
6 commercial parking lots but not, not for the  
7 residents to park, like, a week at a time or  
8 whatever, but if people have -- companies say and  
9 there's not enough sufficient parking spaces, then  
10 there would be signs in the lot, in the residential  
11 lots to say spill-over residential parking should  
12 take place in the commercial areas there. The  
13 thing is, and this could be limited hours, maybe  
14 evenings during the week and on weekends and  
15 depending upon who leases the space in the  
16 warehouse or flex space, commercial areas, there  
17 probably would be less demand for parking, the  
18 commercial parking in the evenings and on weekends,  
19 so in that sense, all the parking could be  
20 accommodated on the Hartz property, that would be  
21 spill-over parking, because otherwise I don't think  
22 there's going to be enough of a margin of error if,  
23 if a lot of people say have company and we have --  
24 we're down below RSIS standards in terms of the  
25 parking that's there, so that's --

1                   VICE CHAIRMAN NORDELO: Thank you, Mr.  
2 Pistol. I know that some of our board members want  
3 to comment. I would like to acknowledge Miss  
4 Rappa, then I'll go to Mr. Taylor and Commissioner  
5 Prunty, so Miss Rappa.

6                   MS. RAPPA: Hi. Kate Rappa.

7                   I'm inclined to provide this exception  
8 or this relief because I think that the development  
9 offers a lot of green space, which is something  
10 that the residents wanted, and I think that in a  
11 town prone to flooding, any time we can sort of  
12 eliminate our impervious coverage, we're doing the  
13 residents a service. I, of course, hope that the  
14 township committee will be open-minded if there are  
15 concerns from residents in enacting some parking  
16 restrictions that benefit the neighborhood so that  
17 there isn't overflow parking in residential  
18 neighborhoods, because I understand that concern,  
19 as well, but overall, I believe that, you know, for  
20 aesthetic reasons and also for practical flooding  
21 concerns in our town, I'm inclined to accept fewer  
22 parking spaces because I do believe that the  
23 parking available will be sufficient for the  
24 proposed development.

25                   MR. DRILL: I just want to clarify.

1 What you're basically saying is you're in support  
2 of the exception and if there's a problem, not that  
3 this would be a condition, but if there's a problem  
4 you would hope the township would basically request  
5 that the county, using Mr. Pistol's example, allow  
6 parking or the township come up with some other  
7 type of thing, but not as a condition, but that's  
8 your solution if there was a problem, you're  
9 saying?

10 MS. RAPPA: I'm not proposing a  
11 solution. I'm just stating that we understand the  
12 residents concern, as well.

13 MR. DRILL: Okay. Got it.

14 MR. TAYLOR: Mr. Pistol, you started out  
15 great, you said that Hartz Mountain complied with  
16 the Redevelopment Plan, and they did, and they  
17 provided 450 parking spaces. That's 1.8 for one  
18 bedroom unit and all the other units, which in my  
19 opinion is ample and it's what we requested as the  
20 township in the Redevelopment Plan. One of the  
21 main reasons we probably did that was to reduce  
22 impervious area, you know. If we had said that  
23 they had to stick by the RSIS, there's a good  
24 chance we'd be trying to knock off parking spaces  
25 at this point to reduce coverage. 450 spots is

1 ample amount of parking. I do not recommend going  
2 to the county for any recommendations for anything,  
3 especially parking on Walnut Avenue, and I don't  
4 think there's going to be a problem so that's my  
5 opinion.

6 VICE CHAIRMAN NORDELO: Commissioner.

7 COMMISSIONER PRUNTY: So I concur with  
8 my colleagues, that the applicant met the standards  
9 set in the Redevelopment Plan and while RSIS  
10 standards are higher, they are absent a particular  
11 project. They are just general standards. It's  
12 not looking at a particular project. It cites for  
13 one, two and three bedroom. If my rec -- if my  
14 memory serves, there are very few three bedroom  
15 units in this complex so, you know, you take into  
16 account the project you're dealing with, not just  
17 the standards, the RSIS standards. Having said  
18 that, in addition to what my colleagues, Miss Rappa  
19 and Mr. Taylor stated, I would support this  
20 exception.

21 VICE CHAIRMAN NORDELO: Mr. Leber.

22 MR. LEBER: I agree with Commissioner  
23 Miller Prunty. David Leber. Sorry. I concur with  
24 Commissioner Miller Prunty. I think that, you  
25 know, it is what we set forth in the Redevelopment

1 Plan. The number, the number of spots that, you  
2 know, would have been incremental if the RSIS was  
3 filed is really immaterial. I'm not in favor of  
4 encouraging people to park on Walnut Avenue. I  
5 think that that poses a safety issue and I think  
6 if -- and there is the possibility and we need to  
7 be cognizant of it, that there will be some  
8 spill-over where people may park across the street  
9 in the residential areas that exist now and I think  
10 the township could have remedies for that by having  
11 residential stickers for that area and dealing with  
12 that if and when that occurs. I do think that, you  
13 know, availing some of the commercial spots to  
14 residents over the weekends or in the evenings or  
15 something like that, maybe, but that's for Hartz to  
16 decide. I guess, you know, the capitalist in me  
17 says that if it becomes burdensome to the tenants,  
18 they'll live somewhere else, and I think, you know,  
19 the market will take care of itself and I think if,  
20 you know, a company that has experience in doing  
21 this feels that this is appropriate and fits within  
22 the Development Plan that we've negotiated, then I  
23 would support this.

24 VICE CHAIRMAN NORDELO: Mr. Pistol, did  
25 you want to respond to that or are you okay?



1 MR. PISTOL: I'm okay.

2 VICE CHAIRMAN NORDELO: I'm sorry, Mr.  
3 Gareis, go ahead.

4 DEPUTY MAYOR GAREIS: I just wanted to  
5 concur with the points that Miss Rappa and Mr.  
6 Taylor made regarding the impervious surface  
7 issues. You know, throughout our township we have  
8 taken steps to reduce impervious coverage wherever  
9 possible and I think that this relief supports that  
10 goal and so -- and I would also note that there are  
11 other areas of town where we do have residential  
12 parking stickers and if that is something that  
13 needs to be dealt with, and I think that was Miss  
14 Rappa's point earlier, about, you know, resident  
15 parking in that area, it's certainly something that  
16 we've dealt with before and I think we can deal  
17 with it again if it becomes an issue.

18 VICE CHAIRMAN NORDELO: Are there any  
19 other members?

20 So I would just like to concur with my  
21 colleagues on all the points raised. I also, for  
22 me personally, the relief requested, it was noted,  
23 I must highlight, is de minimis in nature which for  
24 that reason and everything that was said, I would  
25 support this relief.

1 Mr. Drill, can you read the question?

2 MR. DRILL: Okay. This straw poll has  
3 an A and a B because it deals with a de minimis  
4 exception from RSIS. So the overall question  
5 shortened down is, should the board grant the de  
6 minimis exception from the -- should the board  
7 grant a de minimis exception from the RSIS  
8 requirement for the number of residential parking  
9 spaces, which is the 1.8 per unit which comes to --  
10 the 1.8 is what the Redevelopment Plan requires and  
11 the RSIS requires more. So the first straw poll  
12 question is, has the applicant met its burden of  
13 proving by a preponderance of the evidence that  
14 granting the de minimis exception is reasonable and  
15 with the general purpose and intent of the RSIS and  
16 that literal enforcement of the requirement will  
17 result in undue hardship or be imprudent or  
18 impractical? That's the straw poll question. I  
19 just want to add the editorial comment that the  
20 jury charge, in there I gave the intent and purpose  
21 of RSIS from the statute and when we get to the  
22 next question I also gave that information in the  
23 jury charge, but that's the straw poll.

24 MS. LENAHAN: Mr. Leber?

25 MR. LEBER: Yes.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Mr. Taylor?

2 MR. TAYLOR: Yes.

3 MS. LENAHAN: Miss Sen?

4 MS. SEN: Yes.

5 MS. LENAHAN: Miss Rappa?

6 MS. RAPPA: Yes.

7 MS. LENAHAN: Commissioner Prunty?

8 COMMISSIONER PRUNTY: Yes.

9 MS. LENAHAN: Miss Pedde?

10 MS. PEDDE: Yes.

11 MS. LENAHAN: Deputy Mayor Gareis?

12 DEPUTY MAYOR GAREIS: Yes.

13 MS. LENAHAN: Miss Didzbalis?

14 MS. DIDZBALIS: Yes.

15 MS. LENAHAN: Mr. Nordelo?

16 VICE CHAIRMAN NORDELO: Yes.

17 MR. DRILL: Okay. The second straw poll

18 on this issue is, is the grant of the exception

19 consistent with the RSIS, is it limited in scope

20 and not unduly burdensome, does it meet the needs

21 of public health and safety and does it take into

22 account existing infrastructure and possible

23 surrounding future development? And again,

24 editorial comment, the jury charge included

25 citations to where that standard comes from.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Mr. Leber?

2 MR. LEBER: Yes.

3 MS. LENAHAN: Mr. Taylor?

4 MR. TAYLOR: Yes.

5 MS. LENAHAN: Miss Sen?

6 MS. SEN: Yes.

7 MS. LENAHAN: Miss Rappa?

8 MS. RAPPA: Yes.

9 MS. LENAHAN: Commissioner Prunty?

10 COMMISSIONER PRUNTY: Yes.

11 MS. LENAHAN: Miss Pedde?

12 MS. PEDDE: Yes.

13 MS. LENAHAN: Deputy Mayor Gareis?

14 DEPUTY MAYOR GAREIS: Yes.

15 MS. LENAHAN: Miss Didzbalis?

16 MS. DIDZBALIS: Yes.

17 MS. LENAHAN: Mr. Nordelo?

18 VICE CHAIRMAN NORDELO: Yes.

19 MR. DRILL: Okay. We're up to --

20 VICE CHAIRMAN NORDELO: Number nine.

21 MR. DRILL: -- number nine.

22 VICE CHAIRMAN NORDELO: We are now at  
23 number nine. This is the all-inclusive, so  
24 preliminary and final subdivision approval to  
25 divide the property into the commercial lot and the

1 residential lot and preliminary and final site plan  
2 approval to allow construction of the commercial  
3 development on the commercial lot and the  
4 residential development on the residential lot.

5 MR. DRILL: And before you ask people to  
6 deliberate on that, on this one, if you notice, on  
7 page 10 of 10 I have four different scenarios. So  
8 the first scenario is, does the proposed  
9 development and the site and subdivision plans  
10 comply with all provisions of the Redevelopment  
11 Plan and RSIS? I don't think it's worth even  
12 deliberating that. The answer is no or they  
13 wouldn't need the variance and exception relief.  
14 So if the answer were yes, but it's not, so we  
15 don't -- we skip down to the next one. B, if the  
16 proposed development and/or the site plan or  
17 subdivision plans do not comply with all provisions  
18 of the Redevelopment Plan and the RSIS, that's  
19 R-S-I-S, but the board granted variances and/or  
20 exceptions from all of the ordinance/RSIS  
21 requirements that have not been complied with, does  
22 the proposed development and/or site -- and/or  
23 subdivision plans comply with the remaining  
24 provisions of the Redevelopment Plan and the RSIS  
25 requirements? If the answer is yes to this, then

1 my legal advice is that you have to grant  
2 preliminary and final site plan and subdivision  
3 approval. I think you should get deliberations on  
4 this, on B, and then straw poll it after  
5 deliberations. But again, just counting up the  
6 straw polls, the straw polls at least are gonna  
7 grant all the relief. One of the pieces of relief  
8 has one negative vote but vast majority, all the  
9 rest are unanimous.

10 VICE CHAIRMAN NORDELO: I'd invite  
11 members to comment.

12 MR. DRILL: Oh, and on this one --

13 VICE CHAIRMAN NORDELO: Go ahead, Mr.  
14 Drill.

15 MR. DRILL: -- this is where all this  
16 other relief, as you've been straw polling, I know  
17 that you have conditions in mind. On this one,  
18 when you straw poll we're gonna deal with these  
19 conditions after so this -- I understand that any  
20 straw poll is subject to the conditions so you  
21 don't have to go through the conditions now. Let's  
22 do the conditions at the end.

23 VICE CHAIRMAN NORDELO: So understanding  
24 that this is the comprehensive question, does  
25 anyone have any comments?

1                   Okay, Miss Sen.

2                   MS. SEN: Just to confirm, you're  
3 reading 9B for the jury instructions and the first  
4 part relates to -- I think my question relates to  
5 the second part. You're saying if all the  
6 variances and everything were granted, which they  
7 seem to have already granted, been granted, is  
8 there anything that's non-compliant with the  
9 current plan?

10                  MR. DRILL: Correct. That's the issue.

11                  MS. SEN: Okay. And so yes, I believe  
12 there are certain issues that are not compliant  
13 with the Redevelopment Plan, particularly the  
14 Community Impact Statement. It does not have a  
15 reflection of the pilot cost assessment, I believe  
16 that it is a requirement of the plan, obviously  
17 there are differing views, they may say it's a  
18 condition, but I think it's required and I think  
19 that when you -- I believe that not including that  
20 is disingenuous. We can't really assess the  
21 community impacted. We've known that there's been  
22 a pilot project I guess in the works for a very  
23 long time and to not even have an assessment of  
24 that, that's an essential requirement of an  
25 application, so I disagree. I don't think it's a

1 condition. I think it's more like a fraud on the  
2 court, it should be included, so I think that that  
3 is a component that's not there. I also was not  
4 convinced by the evidence about the safety and  
5 welfare of the traffic studies. Obviously I  
6 mentioned the sidewalk and, you know, I don't want  
7 to repeat what I've said. I can refer to that.  
8 I'm sorry. I'm Diana Sen. I know I keep on  
9 forgetting to say that. But I do believe that  
10 there are some traffic concerns that were  
11 unresolved. I think the evidence was not clear and  
12 convincing. I think it was not more likely than  
13 not. I feel like it was very confusing and I'm  
14 concerned about the safety with the traffic in that  
15 area with the current Redevelopment Plan. I also  
16 am concerned about the flooding area. I know and  
17 I'm thankful to Hartz for the additional flood  
18 mitigation efforts. I think they are very helpful,  
19 but I do think as it stands there are still some  
20 concerns. Obviously it's a high flood area,  
21 obviously that's an issue that plagues Cranford and  
22 I think it's something that we really need to focus  
23 on.

24 VICE CHAIRMAN NORDELO: Thank you, Miss  
25 Sen.



1           So I believe that the applicant, first  
2 of all, is engaged in the process that has been  
3 responsive to community needs in some instances. I  
4 believe that this was a process that was marked by  
5 community participation and involvement. I was  
6 proud to have the community come out and ask their  
7 lines of questioning and I think the applicant  
8 dealt with the community's questions in an  
9 appropriate and responsive manner. I think that  
10 the applicant also answered the questions of this  
11 board in particular and this board is of paramount  
12 concerns for the future of this community,  
13 concerned about safety, concerned about flood  
14 control, concerned about the development and how it  
15 impacts the neighborhood. I think that the  
16 applicant did provide compelling evidence and I  
17 think that the robust discussions that we had on  
18 these previous matters of relief that this board  
19 was contending with are proof of that process and  
20 for that reason I would, I would support this  
21 application. I think that the process went well.

22           COMMISSIONER PRUNTY: I'd just like --

23           MR. DRILL: Prunty.

24           COMMISSIONER PRUNTY: Kathleen Miller  
25 Prunty. This time I remembered.

1 I'd just like to address a few things.  
2 It's not required that the pilot be part of the  
3 Community Impact Statement, but for the record, the  
4 township did numerous presentations both on-line,  
5 in person, at township meetings, special meetings  
6 to go into great detail about the pilot associated  
7 with this project. As far traffic concerns, I've  
8 certainly heard about them for a good long time. I  
9 had opportunity to meet, I don't know, five or six  
10 times with residents before we got to this point,  
11 these meetings, community meetings, several of  
12 which our own engineer was present, as well as our  
13 traffic engineer, and I know that in our conditions  
14 a number of things that were of great concern,  
15 rightfully so, to the people who live in that  
16 neighborhood, they have every right to be  
17 concerned, and I believe we will be addressing  
18 those in the many conditions that we have already  
19 talked about somewhat, so --

20 VICE CHAIRMAN NORDELO: Miss Pedde.

21 MS. PEDDE: So through these last seven  
22 long meeting -- I'm sorry. Donna Pedde.

23 Through these seven long meetings I  
24 think Hartz had been very amenable to the many  
25 requests, the conditions and the safety concerns

1 that were put forth from the residents, the  
2 dedicated residents who have come to every meeting  
3 and still here, we have our last standing residents  
4 that have come, so cheers to you. The town, I  
5 feel, and what Commissioner Prunty had said, that  
6 very transparent, the town has been very  
7 transparent through these meetings and beyond and  
8 before holding those Town Hall meetings. With that  
9 being said, that through much deliberation and  
10 many, many talks and workshops that this board has  
11 gone through, I mean, kudos to everybody here on  
12 the board for, really, has been very dedicated and  
13 want to do the best for our, for our town, for our  
14 residents, especially the ones who live in that  
15 neighborhood. I just wanted to just really make  
16 everybody aware that, and even if you didn't watch  
17 all the time or come, that -- how much work has  
18 gone into this and that working with Hartz, it's,  
19 you know, even before this, the other long road,  
20 too, that some of us were up here on the board and  
21 sat through and to come down to this and to work  
22 together and so I think we can get to a good end  
23 from all these meetings.

24 VICE CHAIRMAN NORDELO: I just wanted to  
25 add, finally, Commissioner Miller Prunty pointed

1 out a very good thing, the conditions that Mr.  
2 Drill is going to review now, there's about 43 of  
3 them so, you know, the sheer number and volume of  
4 these conditions I think demonstrates appropriately  
5 that each member of this board has taken the  
6 community's concerns directly into their  
7 deliberations. They have requested these  
8 conditions as a part of this application, its  
9 approval, that these be met as they're reflective  
10 of the concerns of the township, the concerns of  
11 that community and the concerns of the dedicated  
12 residents who took the time to come out to each of  
13 these meetings and I think that those will be  
14 expressed in those conditions as they're reviewed  
15 and discussed, so it's appropriate that that, for  
16 the record, be shown, that this board worked hard  
17 and the applicant was amenable to these changes.  
18 Thank you.

19 Sorry. Mr. Leber.

20 MR. LEBER: I just want to -- David  
21 Leber. Sorry.

22 I just wanted to just take a moment to  
23 kind of highlight and maybe reiterate some of the  
24 points that were made and I think that, you know,  
25 kudos to the members of the community that have

1 invested their time and done their homework and  
2 came here prepared with constructive suggestions  
3 that I think has made this project better had  
4 they -- than had they not had these public hearings  
5 and I think, you know, kudos to Hartz for their  
6 patience. I know some of this has been frustrating  
7 but they were open and amenable to suggestions that  
8 they made. I guess, you know, one point I want to  
9 make in terms of, you know, this development is not  
10 going into, you know, a virgin forest. You know,  
11 it's going into an area that was already developed,  
12 that had a viable commercial center that I think  
13 the township got a little used to being empty, and  
14 as a result, we've gotten a little bit -- I don't  
15 want to use the word complacent but we did get used  
16 to having, you know, less traffic there and, you  
17 know, that it was dormant, so we really need to  
18 compare an apple to an apple and we have to compare  
19 what will be there to what was there, you know, 10  
20 or 12 years ago. There was traffic there and there  
21 was, you know, cars going in and out and there was,  
22 there was viable businesses there and this is going  
23 to replace that. I think it's just important to  
24 note that this is, you know, sort of a dormant area  
25 now but it wasn't and so I think we need to compare

1 what was there years ago to what will be there, not  
2 what's there today, which is, you know, a  
3 construction site.

4 VICE CHAIRMAN NORDELO: Miss Didzbalis.

5 MS. DIDZBALIS: Julie Didzbalis.

6 I just wanted to say that it's been a  
7 long road. I've been here for quite a while with  
8 Hartz, several, several times, but how important it  
9 was to have the public here. They came so  
10 well-informed. Their questions were excellent.  
11 We, as a board, are all members of this -- you  
12 know, citizens of this town. We don't take our  
13 jobs lightly. We do our homework. There's a lot  
14 of reading. There's a lot of work that goes into  
15 it and it's so nice to have the public here and  
16 have them here well-informed and come with great  
17 questions. Because of their input and our work we  
18 have many conditions and you're getting, you know,  
19 we're getting hopefully a good result here and I  
20 really appreciate those that came out to support  
21 us. I know we only have two here tonight but you  
22 were wonderful to work with.

23 VICE CHAIRMAN NORDELO: Miss Rappa.

24 MS. RAPPA: Yeah. Kate Rappa.

25 I'm just going to echo the comments of

1 my fellow board members, which is we were all just  
2 thoroughly impressed and happy to hear from the  
3 public on this project. The residents did truly  
4 come very well-informed and provided a lot of  
5 things for us to think about and deliberate about  
6 and a lot of which resulted in the conditions that  
7 we'll discuss, so it was just -- it's not an easy  
8 thing to do, to come and give public input, and it  
9 was all very thoughtful and respectful and just  
10 really nice to see, so thank you to everybody that  
11 came out.

12 VICE CHAIRMAN NORDELO: Mr. Taylor, then  
13 I know, Miss Sen, you wanted to respond to Mr.  
14 Taylor.

15 MR. TAYLOR: So I'll give praise to the  
16 public but also to Hartz Mountain's experts. I  
17 thought that they did a good job in responding to  
18 criticism or questions and presented their case in  
19 a professional manner, so thank you to them, as  
20 well.

21 VICE CHAIRMAN NORDELO: Miss Sen.

22 MS. SEN: Yeah. So I just wanted to  
23 add, you know, related to -- I don't want to sound  
24 like a broken record but I want to thank the  
25 community for coming and I want to thank Hartz and

1 obviously everybody here who's been here, right,  
2 we've all dedicated a significant amount of time  
3 and I also want to thank your families, right,  
4 because the families that are not here are there  
5 sort of helping it so that we can be here.

6 I just had a couple echo safety  
7 concerns, you know. I'm also concerned about  
8 tractor trailers. There was some testimony by the  
9 community in different things. I personally live  
10 in a school zone and I will tell you, obviously  
11 during school hours it's absolutely crazy and it's  
12 even hard just to drive or to walk, but off hours  
13 is also really crazy. I'm very concerned all the  
14 time about my kids just being -- and it's a small  
15 town, it's a small street, but it's next to a  
16 school so when I imagine what Walnut is, right,  
17 without the development and the traffic concerns  
18 and everything that we have and the sidewalks and  
19 the like, I am concerned about the safety, so I  
20 just ask that -- there hasn't been sufficient  
21 evidence to say why certain areas of the sidewalk  
22 could not be expanded, but if Hartz can at least  
23 try to look at the areas that just go straight into  
24 the street where there's no buffer or areas --  
25 obviously, you know, the committee has voted but,



1 you know, if you could please, you know, make that  
2 assessment, but I am concerned about safety with  
3 the tractor trailers and the impact that that could  
4 have with all of the traffic and the flooding and  
5 the like.

6 VICE CHAIRMAN NORDELO: Are there any  
7 additional comments as we deliberate from board  
8 members?

9 Okay. Mr. Drill.

10 MR. DRILL: I obviously don't comment on  
11 anything factual, that's up to the board, but I  
12 just want to comment on the Community Impact  
13 Statement, because looking at my notes, Miss Sen  
14 brought this up during the December 14th hearing  
15 session. You saw me get up and check with Nick  
16 Dickerson and what I checked with him on was,  
17 again, I wanted to see if my notes were correct.  
18 My notes said that the requirement for the  
19 submission of a Community Impact Statement was not  
20 in the Redevelopment Plan, it was in the general  
21 ordinance section 255-24D(22), and my notes say,  
22 and I double-checked it, that ordinance says that  
23 either the Board of Adjustment or the Planning  
24 Board "may condition" preliminary approval on  
25 submission of a CIS. I rendered an opinion on

1 12-14 that the board could not deny the application  
2 even if the applicant hadn't submitted the CIS but  
3 they submitted one ahead of the vote and I don't  
4 have it on my list of 43 conditions, I added it as  
5 44, because the board that evening said that a  
6 condition, a potential condition of approval would  
7 be to submit a revised CIS pursuant to ordinance  
8 section 255-24D(22) and what has to be revised  
9 about it is what Miss Sen commented on, which is --  
10 well, she didn't say the words but she's correct,  
11 and Commissioner Prunty brought it up, it's because  
12 that that CIS that they submitted did not take into  
13 account the pilot, and the board said that, well,  
14 the pilot wasn't in existence at the time that CIS  
15 was submitted, that's why they want to make it a  
16 condition, so in my opinion the board can not deny  
17 this application based on the CIS. You can add  
18 that to the list of conditions if you approve it.  
19 That's my legal opinion, and again, that's my  
20 opinion. You guys don't have to agree with my  
21 opinion but that's my opinion.

22 MS. SEN: Well, respectfully, I remember  
23 we talked about that and what I did is I looked  
24 at -- and, you know, just from my background,  
25 obviously I'm here as a community member but I am a

1 lawyer, you know, for 22 years or the like and for  
2 me I see it as a different perspective. I actually  
3 see that the current Community Impact Statement  
4 that has not been revised, even though I have  
5 repeatedly requested it throughout the hearings, it  
6 is disingenuous because it does not deal with a  
7 pilot program. It is dated after, it was submitted  
8 and dated after a pilot program was envisioned and  
9 talked repeatedly. In fact, my understanding was  
10 that Hartz would not be able to do this if not for  
11 the pilot program, so because it's disingenuous,  
12 which I even said those words, I believe under the  
13 legal principles of the fraud on the court that it  
14 must actually be submitted, so it is not a  
15 condition, right, if you have to do this as a  
16 requirement for Planning Board approval, you have  
17 to actually do the submission and I believe that as  
18 written in its -- the way it stands, it is  
19 disingenuous and it is actually a fraud on the  
20 court, requiring an actual resubmission and a  
21 clarification, because as is, it is not appropriate  
22 and fraud on the court and all of the common law  
23 that we've ever dealt with deals that with if  
24 they're related to something that's disingenuous,  
25 incorrect or even a factual omission and/or a fraud

1 on the court, that it needs to be reevaluated, so I  
2 believe there's an important body of law that needs  
3 to be considered here.

4 VICE CHAIRMAN NORDELO: Thank you, Miss  
5 Sen.

6 Mr. Drill, can we proceed with --

7 MR. DRILL: Straw poll.

8 VICE CHAIRMAN NORDELO: -- the straw  
9 poll on this particular matter?

10 MR. DRILL: So the straw poll question  
11 is, 9B, does the proposed development and the site  
12 plan and the subdivision plans comply with the  
13 remaining provisions of the Redevelopment Plan and  
14 the RSIS requirements that were not subject to the  
15 variances and exceptions?

16 MS. LENAHAN: Mr. Leber?

17 MR. LEBER: Yes.

18 MS. LENAHAN: Mr. Taylor?

19 MR. TAYLOR: Yes.

20 MS. LENAHAN: Miss Sen?

21 MS. SEN: No.

22 MS. LENAHAN: Miss Rappa?

23 MS. RAPPA: Yes.

24 MS. LENAHAN: Commissioner Prunty?

25 COMMISSIONER PRUNTY: Yes.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Miss Pedde?

2 MS. PEDDE: Yes.

3 MS. LENAHAN: Deputy Mayor Gareis?

4 DEPUTY MAYOR GAREIS: Yes.

5 MS. LENAHAN: Miss Didzbalis?

6 MS. DIDZBALIS: Yes.

7 MS. LENAHAN: Mr. Nordelo?

8 VICE CHAIRMAN NORDELO: Yes.

9 I believe now, Mr. Drill, we're going to  
10 discuss the conditions.

11 MR. DRILL: Yes, before a formal vote on  
12 the application.

13 So the 43, now 44 conditions, just --

14 MR. TAYLOR: Mr. Drill, before you  
15 begin, can we take, like, a two minute --

16 VICE CHAIRMAN NORDELO: Yeah. So we'll  
17 adjourn for a five minute break.

18 MR. TAYLOR: Thank you.

19 (A brief recess was taken.)

20 VICE CHAIRMAN NORDELO: Mr. Drill, so I  
21 believe -- oh, no problem.

22 MR. DRILL: For the record, Miss Court  
23 Reporter is causing the delay. I'm kidding. That  
24 was a joke.

25 VICE CHAIRMAN NORDELO: All right. So

1 we are going to restart these proceedings. Mr.  
2 Drill, can you explain the conditions that we're  
3 about to discuss?

4 MR. DRILL: Right. So this is the  
5 process. I went through my notes and I copied down  
6 all the conditions that any of the board members  
7 mentioned, that the applicant had offered up, that  
8 the board experts had offered up and then -- and I  
9 went hearing session by hearing session, just  
10 because it was easier to go through my notes that  
11 way, so when these conditions eventually wind up in  
12 the resolution they're going to be in a different  
13 order, but I sent them all to Henry Kent-Smith to  
14 ask him, because I had in my notes, a lot of the  
15 notes about the applicant consenting to the  
16 conditions, so I sent them this and thought the  
17 applicant consented to all the conditions and then  
18 Mr. Kent-Smith sent back an e-mail disagreeing that  
19 they consented to all of them, but as it turns out  
20 in the end, there are only a few that they didn't  
21 consent to. So my suggestion is, to save time,  
22 since this document was sent out to all the board  
23 members and posted on the website on January 6th,  
24 that we don't have to discuss the ones that are not  
25 consented to, we only have to discuss the ones that

1 are either not consented to, and my legal advice to  
2 the board is, you don't need the applicant's  
3 consent but we should talk about it if they don't  
4 consent. I think there should be some discussion  
5 about it and there's one or two board members who  
6 do not agree with a couple of the conditions and  
7 they want to talk about it. I know this because  
8 they called me and I'm sure you're gonna -- you'll  
9 hear about it.

10 So let's start with condition number  
11 eight on page two of seven. My note said that the  
12 applicant shall contact the County of Union to  
13 request permission to cut into the slope -- I am  
14 sorry. Yeah.

15 Number eight on page two of seven says  
16 the applicant shall contact the County of Union to  
17 request permission to cut into the slope adjacent  
18 to the Walnut Avenue sidewalk to widen the sidewalk  
19 in the area of the slope. That's what my notes  
20 reflected. Mr. Kent-Smith said his notes reflected  
21 that the applicant consented to request permission  
22 to cut into the slope only where it relates to  
23 widening of the sidewalk proposed by the applicant  
24 to be widened. Now this is, not that it's moot,  
25 but this dispute now has disappeared because the

1 board, at least on the straw poll, is granting the  
2 exception and so this condition will go in here but  
3 it will actually have the language that Mr.  
4 Kent-Smith has indicated, because they're gonna  
5 need to contact the County of Union for some of  
6 that sidewalk that they have agreed to widen, so  
7 this one no longer has to be discussed unless  
8 someone wants to discuss it. Good.

9           Next, condition number 14, on the bottom  
10 of page three of seven going on to the top of four  
11 of seven. What about 11? Oh, yes. I am so sorry.  
12 This is a condition that one of the board members  
13 is not particularly fond of. The applicant  
14 agreed -- this is the one that says if the township  
15 wishes to pursue lowering the speed limit along the  
16 frontage of the property, the township shall apply  
17 for county approval of same and in the event that  
18 the county lowers the speed limit along the  
19 frontage, the applicant shall deposit funds with  
20 the township in an escrow account which shall be  
21 established to pay for township installation of new  
22 speed limit signage to be installed by the  
23 township. I just want to make something clear.  
24 The board here is not saying that the speed limit  
25 should be reduced. That's what you were objecting



1 to. The board here is saying that if the township  
2 wishes to do it, and the township always has the  
3 right to do it, and it says that if they wish, if  
4 they wish to do it and the county agrees, it talks  
5 about the money for the signs.

6 MR. TAYLOR: We're the Planning Board  
7 and my position is we don't have to make a  
8 recommendation to the township committee, because  
9 that was what I recall during testimony, is that we  
10 could put a recommendation --

11 MR. DRILL: Just so you understand, this  
12 is not a recommendation.

13 MR. TAYLOR: I agree, but I'm against us  
14 having any wish or any positive impact to the  
15 township saying that we want to reduce the --

16 MR. DRILL: Here's the issue. Let's say  
17 we get rid of the condition. Let's say the  
18 township independently contacts the county and says  
19 will you lower the speed limit and let's say the  
20 county says yes and then the township says to these  
21 guys, you got to pay for it, there's nothing in  
22 there that says they have to pay. The condition  
23 that I've written, and you can even say that the  
24 Planning Board doesn't take an issue on whether to  
25 pursue it but if the township wants to pursue it

1 this is a money paying condition.

2 MR. TAYLOR: Understood, and I think I  
3 made my point.

4 MR. DRILL: Okay. Are you still against  
5 the condition? Just curious.

6 MR. TAYLOR: Not the way you worded it  
7 in terms of monetary but --

8 MR. DRILL: I'm going to reword it.

9 MR. TAYLOR: -- the reason I wanted to  
10 make my comment is because it was made -- the  
11 testimony will show that someone said that the  
12 Planning Board could make a recommendation to the  
13 township and I want to avoid that.

14 MR. DRILL: I'm going to say the  
15 Planning Board specifically, the Planning Board  
16 does not make a recommendation to the township on  
17 this issue. How's that?

18 MR. TAYLOR: That's my opinion. The  
19 board members may disagree 100 percent with me but  
20 that's just my opinion.

21 MR. DRILL: Can you straw poll people on  
22 whether we should add that sentence that Mr. Taylor  
23 would like added?

24 MS. LENAHAN: Okay. Mr. Leber?

25 MR. LEBER: Yes.

Township of Cranford Meeting  
January 18, 2023

1 MS. LENAHAN: Mr. Taylor?

2 MR. TAYLOR: Yes.

3 MS. LENAHAN: Miss Sen?

4 MS. SEN: Yes.

5 MS. LENAHAN: Miss Rappa?

6 MS. RAPPA: Yes.

7 MS. LENAHAN: Commissioner Prunty?

8 COMMISSIONER PRUNTY: Yes.

9 MS. LENAHAN: Miss Pedde?

10 MS. PEDDE: Yes.

11 MS. LENAHAN: Deputy Mayor Gareis?

12 DEPUTY MAYOR GAREIS: No.

13 MS. LENAHAN: Miss Didzbalis?

14 MS. DIDZBALIS: Yes.

15 MS. LENAHAN: And Mr. Nordelo?

16 VICE CHAIRMAN NORDELO: Yes.

17 MR. DRILL: Okay. Now, condition 14,  
18 which the applicant has since sent an e-mail to me  
19 on January 16th saying they consent so we don't  
20 have to deal with that.

21 Number 15, the applicant shall, at  
22 its -- the applicant agrees to this condition.  
23 There's a board member who's against this  
24 condition. The applicant shall, at its sole cost  
25 and expense, install a crosswalk along with a

1 flashing light sign device on Walnut Avenue near  
2 Behnert Place in accordance with that reflected on  
3 Exhibit A-13 subject to review and approval by the  
4 county and subject to review and approval by the  
5 township professionals.

6 MR. TAYLOR: There are crosswalks  
7 already on Walnut Avenue and Walnut Avenue is a  
8 high trafficked roadway and my concern is if we  
9 have multiple locations instead of just having  
10 people walk on one side of the street to the  
11 existing crosswalks and make those perhaps better,  
12 it would be safer, so having multiple crosswalks I  
13 don't think is in the interest of the township in  
14 terms of providing a benefit. I don't see why at  
15 that location people couldn't walk to the current  
16 walkways or at the light at the intersection, so  
17 I'm against having a crosswalk but I understand it  
18 may not be the consensus.

19 MR. DRILL: Can you straw poll to find  
20 out what the consensus is? The straw poll is a yes  
21 for condition 15 or no, take out condition 15.

22 MR. PISTOL: Comment?

23 MR. DRILL: Yeah. Into the microphone.

24 MR. PISTOL: Okay. This is Jeff Pistol.

25 I think that crosswalk with the flashing

1 signal at Walnut Avenue and Behnert Place is  
2 necessary because although there are crosswalks at  
3 Raritan Road and at Chester Lang Place, that's a  
4 considerable distance and for pedestrians to just  
5 say, oh, well, you could walk a quarter of a mile  
6 out of the way or whatever it is, even if it's an  
7 eighth of a mile out of the way, that really  
8 defeats the purpose because a lot of people are not  
9 going to do it, they will just run across the  
10 street, not in a crosswalk, and that's one thing,  
11 with the behavior and having them go out of the  
12 way. The other thing is with the new development  
13 there will be residents that are living in those  
14 apartments that may have friends in the  
15 neighborhood across the way or vice versa and this  
16 will facilitate their movement also across the  
17 road. I think that you really can't have too many  
18 crosswalks there and that may be one of the reasons  
19 that the county might want to and the township  
20 might want to lower the speed limit there, but the  
21 thing is, there needs to be traffic calming there  
22 and pedestrians need to be taken seriously in that  
23 area.

24 VICE CHAIRMAN NORDELO: Thank you.

25 I would invite any -- the board to straw

1 poll any other member to comment on this  
2 particular -- Mr. Leber.

3 MR. LEBER: I agree with -- this is  
4 David Leber.

5 I agree with Mr. Pistol. I realize that  
6 Walnut is a busy street but I frequently cross from  
7 Holly Street across Springfield, which is a busy  
8 street, as well, and the flashing crosswalk there  
9 is a godsend. It's effective, people actually  
10 adhere to it, surprisingly, and I think that, you  
11 know, Mr. Pistol's point about the people will dash  
12 across the street is probably reality.

13 VICE CHAIRMAN NORDELO: Commissioner  
14 Gareis or --

15 MR. TAYLOR: The only comment I would  
16 make, I think the existing crosswalks are at a  
17 location where the roadway is narrower so when you  
18 have a crosswalk at a very wide roadway, it's going  
19 to take forever for people to go across. You have  
20 the flashing lights and people don't realize that  
21 when they're flashing red that they can go if  
22 there's no pedestrian so you're just gonna build up  
23 traffic. I'm just -- I don't see it helping  
24 traffic in any way and I don't see it helping the  
25 safety of the pedestrians.

Township of Cranford Meeting  
January 18, 2023

1 VICE CHAIRMAN NORDELO: Commissioner.

2 COMMISSIONER PRUNTY: I was gonna say --  
3 sorry.

4 VICE CHAIRMAN NORDELO: Commissioner  
5 Gareis, Miss Rappa and then Commissioner Prunty.

6 DEPUTY MAYOR GAREIS: I'm not trying to  
7 read ahead to the next chapter but we have a  
8 similar --

9 MR. DRILL: He disagreed with that one,  
10 also.

11 DEPUTY MAYOR GAREIS: So I guess my  
12 point being, you know, we were talking about  
13 subdividing this into two sections, a residential  
14 section and a commercial section. The residential  
15 section, though, is going to include for all  
16 intents and purposes a park for the benefit of all  
17 residents and I understand the point of not having  
18 two, it's kind of a short run between the two, but  
19 I do think we need to have one somewhere in there,  
20 especially if we want to have residents have the  
21 ability to safely use the, you know, the park that  
22 we're gonna -- not we're but that Hartz is going to  
23 be creating. I don't know the best way to  
24 articulate that, to be honest. I do think there  
25 should be one somewhere to allow residents to go

1 across. I don't, I don't know whether or not we do  
2 need two. To Mr. Taylor's point, you're talking  
3 about having a light at Raritan, then you'd have a  
4 possible stop at the first cross street, possible  
5 stop at the next cross street and then I could see  
6 how that could get -- could back up traffic and be  
7 a little disjointed. Thank you.

8 VICE CHAIRMAN NORDELO: Miss Rappa.

9 MS. RAPPA: Kate Rappa.

10 I just want to say that I am in favor of  
11 this condition for two reasons. The first is that  
12 it is subject to the review and approval of the  
13 township professionals and I do believe that the  
14 township professionals have made decisions,  
15 thoughtful decisions about crosswalks in various  
16 places around town and it hasn't always been in  
17 favor of a crosswalk. If they don't believe that  
18 it should be there it's not been approved and so I  
19 trust the professionals to do the work and make the  
20 correct decision. The first sentence, that it's at  
21 the sole cost and expense of the developer, which I  
22 think is important if the township chooses to make  
23 that decision, that we have that language in there,  
24 that Hartz will be paying the bill.

25 VICE CHAIRMAN NORDELO: Commissioner



1 Miller Prunty.

2           COMMISSIONER PRUNTY: Actually, I concur  
3 with a good deal of what was said and I just wanted  
4 to add that pedestrian safety, creating safer  
5 crosswalks throughout town is a priority for the  
6 township. We've made great improvements in the  
7 last year or two with the installation of the  
8 flashing beacons and so I think this is, this is a  
9 crossing that would warrant that so I would support  
10 that.

11           VICE CHAIRMAN NORDELO: Are there any --  
12 Miss Pedde.

13           MS. PEDDE: Real quick. So being that  
14 there is --

15           MR. DRILL: Identify yourself.

16           MS. PEDDE: Donna Pedde. Sorry. It  
17 says it right there. Thank you.

18           Being that there is just a crosswalk up  
19 by Raritan Road and then down through the underpass  
20 at Chester Lang and Walnut, that's a big stretch,  
21 and what Kate Rappa said about that green space,  
22 that park, to invite people or people that want to  
23 visit that, to have that crosswalk, I could see  
24 one, I can't see two because that would just back  
25 everything up. I would be in favor of just that

1 one.

2 VICE CHAIRMAN NORDELO: Mr. Drill.

3 MR. DRILL: So before we do the straw  
4 poll, to save some time, skip down to number 19.  
5 This one is the applicant shall, at its sole cost  
6 and expense, install a second crosswalk along with  
7 a flashing light signed device on Walnut Avenue  
8 near Lexington -- near Lexington in accordance with  
9 that reflected on Exhibit A-13 subject to review  
10 and approval by the county and subject to review  
11 and approval by the township professionals. Again,  
12 Mr. Taylor's going to be against this one for the  
13 same reason he was against 15. I just want to ask  
14 anyone, does anyone change their position or do you  
15 want to treat 15 and 19 together?

16 VICE CHAIRMAN NORDELO: Commissioner  
17 Gareis.

18 DEPUTY MAYOR GAREIS: So I'm just -- my  
19 point is, in relation to what I said earlier, I'm  
20 going to say I would vote yes for both and I think  
21 a lot, in big part because of what Miss Rappa said.  
22 Obviously our township professionals can figure out  
23 whether we need two or one. To Mr. Drill's point  
24 earlier, the fact that this will be at the sole  
25 cost and expense of Hartz, I'd rather have it in

1 there now and let our professionals make the call  
2 down the road, so I think it's prudent to vote yes  
3 for both of them.

4 VICE CHAIRMAN NORDELO: Mr. Pistol.

5 MR. PISTOL: You know, I agree with  
6 Deputy Mayor Gareis about that, also. Even though  
7 they're close by, on Springfield Avenue near the  
8 high school we have crosswalks on every block over  
9 there and there will be people who would be  
10 crossing from that residential area on the other  
11 side of Walnut, there are a lot of streets there  
12 and it could cause them to have to go out of their  
13 way if they have to go down to another block to  
14 cross the street, so to have the three crosswalks  
15 there, it would be okay, I think, and it would slow  
16 the traffic down.

17 VICE CHAIRMAN NORDELO: Thank you, Mr.  
18 Pistol.

19 Are there any other comments?

20 Mr. Drill.

21 MR. DRILL: Okay. Can you straw poll,  
22 yes for conditions 15 and 19 or no as to conditions  
23 15 and 19?

24 MS. LENAHAN: Got it.

25 Mr. Leber?

Township of Cranford Meeting  
January 18, 2023

1 MR. DRILL: Okay. Fine. Two straw  
2 polls. Straw poll for, yes for condition 15 or no  
3 for condition 15.

4 MS. LENAHAN: Okay. This is 15.

5 Mr. Leber?

6 MR. LEBER: Yes.

7 MS. LENAHAN: Mr. Taylor?

8 MR. TAYLOR: For 15 I'm going to switch  
9 my vote to yes for 15.

10 MR. DRILL: Okay.

11 MS. LENAHAN: Miss Sen?

12 MS. SEN: Yes.

13 MS. LENAHAN: Miss Rappa?

14 MS. RAPPA: Yes.

15 MS. LENAHAN: Commissioner Prunty?

16 COMMISSIONER PRUNTY: Yes.

17 MS. LENAHAN: Miss Pedde?

18 MS. PEDDE: Yes.

19 MS. LENAHAN: Deputy Mayor Gareis?

20 DEPUTY MAYOR GAREIS: Yes.

21 MS. LENAHAN: Miss Didzbalis?

22 MS. DIDZBALIS: Yes.

23 MS. LENAHAN: Mr. Nordelo?

24 VICE CHAIRMAN NORDELO: Yes.

25 Can we have a straw poll on the next

Township of Cranford Meeting  
January 18, 2023

1 one?

2 MR. DRILL: Straw poll, yes for  
3 condition 19 or no for condition 19.

4 MS. LENAHAN: Okay. Mr. Leber?

5 MR. LEBER: No.

6 MS. LENAHAN: Mr. Taylor?

7 MR. TAYLOR: No.

8 MS. LENAHAN: Miss Sen?

9 MS. SEN: Yes.

10 MS. LENAHAN: Miss Rappa?

11 MS. RAPPA: Yes.

12 MS. LENAHAN: Commissioner Prunty?

13 COMMISSIONER PRUNTY: Yes.

14 MS. LENAHAN: Miss Pedde?

15 MS. PEDDE: No.

16 MS. LENAHAN: Deputy Mayor Gareis?

17 DEPUTY MAYOR GAREIS: Yes.

18 MS. LENAHAN: Miss Didzbalis?

19 MS. DIDZBALIS: Yes.

20 MS. LENAHAN: Mr. Nordelo?

21 VICE CHAIRMAN NORDELO: Yes.

22 MR. DRILL: Okay. I'll tell you, you  
23 guys were right, two separate votes. You never  
24 know.

25 Next condition, condition 18, the

1 applicant shall perform a traffic study  
2 postapproval and analyze the results of the  
3 postapproval study with the preapproved traffic  
4 study that was presented to the board as part of  
5 the application and submit the postapproval study  
6 and analysis to the township engineer and the  
7 township traffic engineering expert. My notes  
8 reflected that the applicant consented. Mr.  
9 Kent-Smith advised me that his notes reflect that  
10 the applicant did not consent. I added in here as  
11 an editorial, the condition was recommended by the  
12 township traffic engineering expert and regardless  
13 of whether the applicant consents to its  
14 imposition, it's my opinion the condition is a  
15 reasonable condition and can lawfully be imposed in  
16 the event the board wants to impose it, but I think  
17 the board should discuss it since there is an  
18 objection to it.

19 VICE CHAIRMAN NORDELO: Commissioner  
20 Miller Prunty.

21 COMMISSIONER PRUNTY: Okay. So we  
22 talked earlier about the amount of time that we  
23 spent in conversation and hearing from residents  
24 and this came up frequently. I would support this  
25 because while our engineers and planners have given

1 us great information about how the site will  
2 function, how the site will work, no one knows for  
3 sure until it is, in fact, built out and operating.  
4 While we can go back and think about when it was an  
5 active 100 percent commercial site, that is  
6 different than what it will be with the  
7 development, this Hartz development. I think it  
8 is, I think it's important for the township and the  
9 developer and the residents to understand how this,  
10 as I said, how this site will work. Maybe just  
11 absolutely fine. There may be things that we can  
12 anticipate that would certainly be important to  
13 know about from a safety standpoint, for the  
14 township's own planning, for, again, for Hartz to  
15 understand, so I think this is -- I actually don't  
16 think this is a big deal but it is a big deal. I  
17 think it's important information for everyone to  
18 have so I feel strongly that this should be done,  
19 but once -- you know, the site has to be fully,  
20 fully occupied for, I'll say like a year,  
21 year-and-a-half. I'll leave it to planners to tell  
22 us the --

23 MR. DRILL: Well, no. No. No. Let's  
24 set the condition. Unless I see any of the  
25 professionals saying no, maybe a year after,

1 80 percent COs?

2 (Discussion held out of microphone  
3 range.)

4 MR. DRILL: All right. You know what,  
5 if the board's in favor of this condition, this  
6 language, this is going to have to be worked out  
7 afterwards because it's already 9:46 so --

8 VICE CHAIRMAN NORDELO: We'll work out  
9 that language but I just want to get an order. So  
10 Mr. Leber, Mr. Pistol and then I'll move to this  
11 side of the room. If you could keep your mikes on  
12 to indicate that you'd like to comment on this.  
13 Mr. Leber, you're recognized.

14 MR. LEBER: Thank you. David Leber.  
15 You know, I concur with Commissioner  
16 Miller Prunty.

17 MR. DRILL: You got to go slower and  
18 louder.

19 MR. LEBER: So I concur with the  
20 previous comment. The traffic study that was done  
21 is a baseline and we added some formulaic  
22 projections, which are just projections, and we  
23 won't know what reality is until reality is real  
24 and, you know, based upon what was seen in  
25 political polls that don't work out and other



1 projections that, you know, are projections, you  
2 don't really know until reality hits and I think  
3 that, you know, it's a large change of development  
4 in the demographics of the residents and commercial  
5 folks that are going to be in this area are  
6 different than they historically were and the  
7 township has changed and we won't know what reality  
8 is until reality is here, so I think it's -- we owe  
9 it to the community to have a traffic study done  
10 when reality has settled in.

11 VICE CHAIRMAN NORDELO: Mr. Pistol.

12 MR. PISTOL: I agree with the two  
13 previous speakers but I think that the studies  
14 should be done --

15 MR. DRILL: Listen, I don't want to  
16 spend any time when the study should be done. I  
17 think we should kick that off to say that the time  
18 period should be chosen by the traffic expert,  
19 because he's the one who suggested the condition in  
20 the first place.

21 MR. PISTOL: Okay.

22 VICE CHAIRMAN NORDELO: Mr. -- sorry.  
23 Deputy Mayor Gareis and then Miss Pedde.

24 DEPUTY MAYOR GAREIS: Just very quickly,  
25 I'm sure this is kind of included but not stated

1 specifically. Postapproval study analysis to be  
2 presented to the township engineer and the township  
3 traffic engineering expert for their review, I  
4 think that should also be at the expense of Hartz,  
5 too.

6 MR. DRILL: If I didn't say that, you're  
7 right.

8 DEPUTY MAYOR GAREIS: It's probably in  
9 there, it's just not clear.

10 MR. DRILL: No, it's not. At its sole  
11 cost and expense. Thank you, very much.

12 DEPUTY MAYOR GAREIS: Thank you.

13 VICE CHAIRMAN NORDELO: Miss Pedde.

14 MS. PEDDE: I had this whole thing  
15 written but everybody said it so I wholeheartedly  
16 agree. The end.

17 VICE CHAIRMAN NORDELO: I would also  
18 like to concur with the rationale provided by my  
19 colleagues on the board.

20 Are there any other members that wish to  
21 comment on this condition?

22 Do we need a straw poll?

23 MR. DRILL: I need a straw poll, yes.

24 MS. LENAHAN: Condition 18?

25 MR. DRILL: Yes, 18. Yes or no, we're

Township of Cranford Meeting  
January 18, 2023

1 gonna make two revisions. It's gonna be the  
2 applicant shall perform at its sole cost and  
3 expense and the timing to be established by the  
4 board -- the township traffic engineering expert.

5 MS. LENAHAN: Mr. Leber?

6 MR. LEBER: Yes.

7 MS. LENAHAN: Mr. Taylor?

8 MR. TAYLOR: Yes.

9 MS. LENAHAN: Miss Sen?

10 MS. SEN: Yes.

11 MS. LENAHAN: Miss Rappa?

12 MS. RAPPA: Yes.

13 MS. LENAHAN: Commissioner Prunty?

14 COMMISSIONER PRUNTY: Yes.

15 MS. LENAHAN: Miss Pedde?

16 MS. PEDDE: Yes.

17 MS. LENAHAN: Deputy Mayor Gareis?

18 DEPUTY MAYOR GAREIS: Yes.

19 MS. LENAHAN: Miss Didzbalis?

20 MS. DIDZBALIS: Yes.

21 MS. LENAHAN: Mr. Nordelo?

22 VICE CHAIRMAN NORDELO: Yes.

23 MR. TAYLOR: Mr. Drill, before you go on  
24 to the next, can we go back to 19 for one second?

25 MR. DRILL: Yup.

1 MR. TAYLOR: What Deputy Mayor Gareis  
2 had mentioned was he would like to leave it to the  
3 traffic --

4 MR. DRILL: The traffic engineer.

5 MR. TAYLOR: The overview and the review  
6 of the township engineers to see if two are needed.  
7 If we put it in as this, we're gonna get two, but  
8 I'd rather have a professional engineer look at it  
9 from a traffic point of view.

10 MR. DRILL: Okay. So what you're saying  
11 is 15 is a definite yes. As to 19, even though you  
12 voted no, you're willing to vote yes if I add  
13 language saying that the determination of whether  
14 to install the second crosswalk near Lexington  
15 shall be determined by the township traffic  
16 engineering expert?

17 MR. TAYLOR: That sounds fine with me.

18 MR. DRILL: So that would move your  
19 straw poll from a no to a yes?

20 MS. SEN: I would disagree with that. I  
21 think it's too contingent. I think we need to be  
22 very clear about what the conditions are and that  
23 way we can better account for it.

24 MR. DRILL: You know what, let's straw  
25 poll that. Let's straw poll if we want to add

1 language that --

2 DEPUTY MAYOR GAREIS: As written, it  
3 states "subject to the review and approval by the  
4 county and subject --

5 MR. DRILL: I understand, but Mr.  
6 Taylor's right. It says shall install, okay, shall  
7 install and the design is gonna be reviewed and  
8 approved. He's right, that the review and approval  
9 as written, might not have intended it that way,  
10 but as written there are going to be two of them.

11 MR. TAYLOR: I was only going off of  
12 what you had stated which I thought was good and  
13 have a professional see if two are needed. We're  
14 not -- we don't know. We're not the experts so let  
15 the experts decide.

16 VICE CHAIRMAN NORDELO: Mr. Drill's  
17 going to --

18 MR. DRILL: The cross poll -- the straw  
19 poll is whether to add a sentence in condition 19  
20 saying the decision on whether the second crosswalk  
21 shall be installed shall be determined by the  
22 township traffic engineering expert.

23 MR. TAYLOR: Yes.

24 MS. LENAHAN: Ready?

25 Mr. Leber?

Township of Cranford Meeting  
January 18, 2023

1 MR. LEBER: Yes.

2 MS. LENAHAAN: Mr. Taylor?

3 MR. TAYLOR: Yes.

4 MS. LENAHAAN: Miss Sen?

5 MS. SEN: No.

6 MS. LENAHAAN: Miss Rappa?

7 MS. RAPPA: Yes.

8 MS. LENAHAAN: Commissioner Prunty?

9 COMMISSIONER PRUNTY: Yes.

10 MS. LENAHAAN: Miss Pedde?

11 MS. PEDDE: Yes.

12 MS. LENAHAAN: Deputy Mayor Gareis?

13 DEPUTY MAYOR GAREIS: Yes.

14 MS. LENAHAAN: Miss Didzbalis?

15 MS. DIDZBALIS: Yes.

16 MS. LENAHAAN: Mr. Nordelo?

17 VICE CHAIRMAN NORDELO: Yes.

18 MR. DRILL: Okay. Let me just finish  
19 writing that second sentence in.

20 VICE CHAIRMAN NORDELO: There are no  
21 other matters before Mr. Drill moves on with  
22 conditions, correct, from colleagues on the board?

23 All right, Mr. Drill.

24 MR. DRILL: Condition number 28, the  
25 applicant agreed in an e-mail dated January 16th so

1 that no longer has to be discussed.

2 Condition number 29 is the last  
3 condition that has to be discussed. 29 says there  
4 shall be -- let me start, 28, which they agreed to,  
5 there shall be no rentals of the residential  
6 building amenities (rooms) -- slow down.

7 28 says there shall be no rentals of the  
8 residential building amenities (rooms, outdoor  
9 areas, etcetera) to nonresidents. The applicant  
10 has now agreed to this.

11 29 says, and they have not agreed to  
12 this, 29 says there shall be a limitation on the  
13 number of outside guests using the residential  
14 building amenities rooms. What the applicant's  
15 position, as relayed in an e-mail to me from Mr.  
16 Kent-Smith, is the applicant agrees that the use of  
17 the amenity rooms will not exceed the building code  
18 occupancy limits only. The applicant does not  
19 agree to a limit on the number of invited  
20 nonresident guests less than the building code  
21 occupancy limits. So the issue is whether -- the  
22 straw poll is, is condition number 29 imposed and,  
23 if so, how do you figure out, who do you ask about  
24 the number of guests?

25 VICE CHAIRMAN NORDELO: Prior to the

1 straw poll I'd want to see if any members have any  
2 comments on this particular condition. I know that  
3 Commissioner Miller Prunty does.

4 COMMISSIONER PRUNTY: Actually, I was  
5 going to make the point that was already stated.  
6 The code, the building code, the occupancy load  
7 dictates the number of people that can be in the  
8 facility. It should not be our business where the  
9 guests live who are invited to an event, as long as  
10 they meet the safety, fire safety requirement and  
11 occupancy load.

12 VICE CHAIRMAN NORDELO: I would agree  
13 with Commissioner Miller Prunty. I think that  
14 those two codes are the guiding principles and not  
15 in particular this condition.

16 Are there any other members that have  
17 any comments on this condition?

18 Mr. Taylor.

19 MR. TAYLOR: Yeah. I'll just add that  
20 both the RSIS and our parking requirement in the  
21 Redevelopment Plan, the 1.8, that accounts for  
22 guests showing up at different sites so it's not  
23 just a hard number for the occupants or the  
24 residents of the building but for guests that are  
25 gonna come for a certain time.



Township of Cranford Meeting  
January 18, 2023

1 VICE CHAIRMAN NORDELO: Thank you.

2 Mr. Drill, would you like to proceed on  
3 the straw poll?

4 MR. DRILL: Yeah. Straw poll, the straw  
5 poll is a yes for 29 or no, take it out.

6 MS. LENAHAN: Okay. Mr. Leber?

7 MR. LEBER: No.

8 MS. LENAHAN: Mr. Taylor?

9 MR. TAYLOR: No.

10 MS. LENAHAN: Miss Sen?

11 MS. SEN: No.

12 MS. LENAHAN: Miss Rappa?

13 MS. RAPPA: No.

14 MS. LENAHAN: Commissioner Prunty?

15 COMMISSIONER PRUNTY: No.

16 MS. LENAHAN: Miss Pedde?

17 MS. PEDDE: No.

18 MS. LENAHAN: Deputy Mayor Gareis?

19 DEPUTY MAYOR GAREIS: No.

20 MS. LENAHAN: Miss Didzbalis?

21 MS. DIDZBALIS: No.

22 MS. LENAHAN: Mr. Nordelo?

23 VICE CHAIRMAN NORDELO: No.

24 MR. DRILL: Okay.

25 VICE CHAIRMAN NORDELO: Okay. I believe

1 that that closes the discussion on conditions, Mr.  
2 Drill.

3 MR. DRILL: At this point someone, based  
4 on the straw polling, should make a motion to grant  
5 all the relief subject to conditions and will be --

6 MS. LENAHAN: Mr. Drill, are we supposed  
7 to discuss 32?

8 MR. DRILL: Hold on.

9 MS. LENAHAN: I had it circled.

10 MR. DRILL: No. The applicant  
11 consented.

12 MS. LENAHAN: Okay. I have it circled.

13 MR. DRILL: No. The applicant  
14 consented.

15 So at this point I would suggest that  
16 someone make a motion to grant all the relief  
17 subject to all the conditions that the applicant  
18 consented to, that the straw poll was indicated  
19 would be imposed with the addition of 44, which I  
20 read into the record, which is submit a revised CIS  
21 pursuant to ordinance section 255-24D, as in David,  
22 (22). There should be at least, I mean, one member  
23 should be voting no on this motion or be making  
24 some other sort of motion. This is the motion to  
25 grant all the relief subject to these conditions.

1 The condition would not include widening the  
2 sidewalk to 8 feet. That's the motion on the  
3 table.

4 VICE CHAIRMAN NORDELO: So --

5 MR. DRILL: That would be the motion on  
6 the table.

7 MS. SEN: Could I do a motion to add a  
8 condition to have a sidewalk expanded to 8 feet?

9 MR. DRILL: Right. That's why I'm  
10 bringing this to your attention.

11 MS. SEN: Okay. Yes.

12 MR. DRILL: So let's have someone start  
13 by making the motion to grant all the relief  
14 subject to the conditions and then have an  
15 amendment to that motion.

16 VICE CHAIRMAN NORDELO: I will make a  
17 motion to grant all of the relief enumerated and  
18 subject to all of the conditions that were  
19 discussed, straw polled and outlined.

20 MR. DRILL: Someone second that.

21 VICE CHAIRMAN NORDELO: May I have a  
22 second?

23 COMMISSIONER PRUNTY: I'll second.

24 MR. DRILL: Now you have a motion to  
25 amend that to include a condition.

Township of Cranford Meeting  
January 18, 2023

1 MS. SEN: Yes. To include a condition  
2 to extend the sidewalk to at least 6 feet  
3 everywhere.

4 MR. DRILL: To 6 feet or 8 feet?

5 MS. SEN: 8 feet.

6 MR. DRILL: You said 6. You meant 8?

7 MS. SEN: Yeah.

8 MR. DRILL: Okay. Anyone gonna second  
9 that condition?

10 Okay. So the motion to amend fails so  
11 what you have on the floor --

12 MS. SEN: So I would like to make a  
13 motion to amend to 6 feet for sidewalks.

14 MR. DRILL: Anyone second that motion?

15 No, so that motion fails. So again, the  
16 motion on the floor is to grant all the relief  
17 subject to conditions and that's been made and  
18 seconded.

19 MS. LENAHAN: Ready?

20 MR. DRILL: Ask for the roll call.

21 VICE CHAIRMAN NORDELO: May I have a  
22 roll call, Miss Lenahan?

23 MS. LENAHAN: Mr. Leber?

24 MR. LEBER: Yes.

25 MS. LENAHAN: Mr. Taylor?

Township of Cranford Meeting  
January 18, 2023

1 MR. TAYLOR: Yes.

2 MS. LENAHAN: Miss Sen?

3 MS. SEN: Yes.

4 MS. LENAHAN: Miss Rappa?

5 MS. RAPPA: Yes.

6 MS. LENAHAN: Commissioner Prunty?

7 COMMISSIONER PRUNTY: Yes.

8 MS. LENAHAN: Miss Pedde?

9 MS. PEDDE: Yes.

10 MS. LENAHAN: Deputy Mayor Gareis?

11 DEPUTY MAYOR GAREIS: Yes.

12 MS. LENAHAN: Miss Didzbalis?

13 MS. DIDZBALIS: Yes.

14 MS. LENAHAN: Mr. Nordelo?

15 VICE CHAIRMAN NORDELO: Yes.

16 MS. LENAHAN: Motion passes.

17 MR. DRILL: Thank you. We're done with  
18 this.

19 MR. KENT-SMITH: Thank you. I really  
20 do -- I've kept quiet all night. Henry Kent-Smith  
21 on behalf of the applicant. I greatly  
22 appreciate --

23 VICE CHAIRMAN NORDELO: Is the  
24 microphone on, Miss --

25 MS. LENAHAN: Yes. It's on.

1 MR. KENT-SMITH: I really appreciate  
2 this board's time, energy and effort. This has  
3 been a very long, very difficult, complex  
4 application. You guys have done a great job and we  
5 just can't wait to get under construction. Thank  
6 you, so much.

7 VICE CHAIRMAN NORDELO: Thank you, Mr.  
8 Kent-Smith.

9 So seeing that this matter is settled --

10 MR. DRILL: Hold on. We have to get --

11 VICE CHAIRMAN NORDELO: We're going to  
12 take a two minute recess just to get ourselves in  
13 order.

14 (A brief recess was taken.)

15 VICE CHAIRMAN NORDELO: I would like to  
16 provide the opportunity, Mr. Drill, there's a  
17 member that wanted to clarify their vote, there is  
18 a member that would like to clarify their vote on  
19 the application that was just deliberated on, 750  
20 Walnut Avenue. Mr. Drill will explain the  
21 clarification.

22 MR. DRILL: Yeah. I'm going to let Miss  
23 Sen do it because I think Miss Sen was confused.  
24 She told me at the break that she thought the vote  
25 was only on the conditions and not on approving the

1 application with the conditions so she intended to  
2 vote no but she actually voted yes so she's  
3 basically -- I have to figure out how we can do  
4 this but she basically wants to change her vote  
5 from yes to no. Is that correct?

6 MS. SEN: I just wanted to clarify that  
7 I voted no to the redevelopment proposal and I was  
8 confused because of the conditions, I'm thankful  
9 for the conditions and I think that they are  
10 helpful but I do want to be on record that I am  
11 against the plan for all the reasons I've stated  
12 for a very long time period, so thank you, and  
13 apologies.

14 MR. DRILL: I envision --

15 MS. SEN: And this is Diana Sen.

16 MR. DRILL: I envision I'm going to have  
17 some sort of footnote in the voting block on this  
18 resolution.

19 You want to call the next case?

20 VICE CHAIRMAN NORDELO: Yes. Thank you.

21 (At 9:54 p.m. proceedings were  
22 concluded.)

23

24

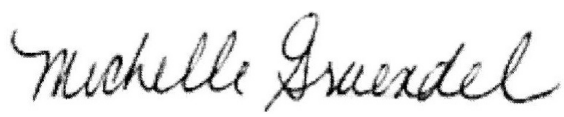
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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

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



MICHELLE GRUENDEL, C.C.R.  
C.C.R. License No. 30X100190500  
Notary Public of the  
State of New Jersey



Township of Cranford Meeting  
January 18, 2023

<hr style="border: 0.5px solid black;"/> <p style="text-align: center;">(</p> <hr style="border: 0.5px solid black;"/> <p><b>(22)</b> 98:22</p> <p><b>(C)</b> 10:17,18 15:1</p> <p><b>(C)(1)</b> 11:2 15:9</p> <p><b>(C)(2)</b> 11:1 12:21 13:24 15:8 17:25 18:23</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">0</p> <hr style="border: 0.5px solid black;"/> <p><b>0.5</b> 29:24 31:11</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">1</p> <hr style="border: 0.5px solid black;"/> <p><b>1</b> 37:22</p> <p><b>1,268</b> 20:1</p> <p><b>1.5</b> 29:22 30:5 31:10</p> <p><b>1.8</b> 39:15,17,20 46:17 50:9, 10 96:21</p> <p><b>10</b> 53:7 61:19</p> <p><b>100</b> 10:20 34:23 35:16 74:19 87:5</p> <p><b>108</b> 3:3</p> <p><b>11</b> 72:11</p> <p><b>12</b> 61:20</p>	<p><b>12-14</b> 66:1</p> <p><b>14</b> 72:9 75:17</p> <p><b>14th</b> 5:21 6:1 65:14</p> <p><b>15</b> 75:21 76:21 82:13,15 83:22,23 84:2,3,4,8,9 92:11</p> <p><b>150</b> 34:19 35:13</p> <p><b>16</b> 32:17 33:14</p> <p><b>16th</b> 75:19 94:25</p> <p><b>18</b> 5:23 85:25 90:24,25</p> <p><b>18th</b> 3:3</p> <p><b>19</b> 82:4,15 83:22,23 85:3 91:24 92:11 93:19</p> <p><b>1A</b> 12:19</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><b>2</b></p> <hr style="border: 0.5px solid black;"/> <p><b>2</b> 5:4</p> <p><b>2.0</b> 39:17</p> <p><b>2.1</b> 39:18</p> <p><b>20</b> 5:20</p> <p><b>2022</b> 5:20,21</p> <p><b>2023</b> 5:23</p>	<p><b>22</b> 6:21 67:1</p> <p><b>25</b> 28:15,17 32:18 33:16</p> <p><b>255-24D</b> 98:21</p> <p><b>255-24D(22)</b> 65:21 66:8</p> <p><b>255-26.G</b> 29:21 32:16</p> <p><b>255-26.J</b> 34:17</p> <p><b>28</b> 94:24 95:4,7</p> <p><b>29</b> 95:2,3,11, 12,22 97:5</p> <p><b>2A</b> 17:23</p> <p><b>2B</b> 18:21</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><b>3</b></p> <hr style="border: 0.5px solid black;"/> <p><b>32</b> 98:7</p> <p><b>34</b> 37:1,22 38:8</p> <p><b>35</b> 36:22 37:21 38:5</p> <p><b>38</b> 20:3</p> <p><b>3A</b> 27:6</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><b>4</b></p> <hr style="border: 0.5px solid black;"/> <p><b>4</b> 20:4 21:19, 23,25 22:20, 21,22 23:5, 13 24:17 25:21 26:14, 22 27:15</p>	<p><b>4.2b.2.c.ii</b> 10:19</p> <p><b>4.3.A.3</b> 39:23</p> <p><b>4.6.C.2</b> 36:21</p> <p><b>4.7.F.2</b> 19:21</p> <p><b>4.7D.12</b> 15:2</p> <p><b>43</b> 60:2 66:4 69:13</p> <p><b>44</b> 66:5 69:13 98:19</p> <p><b>450</b> 39:21 46:17, 25</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><b>5</b></p> <hr style="border: 0.5px solid black;"/> <p><b>5</b> 30:4,9</p> <p><b>541</b> 5:3</p> <p><b>5:21-4.14</b> 39:14</p> <p><b>5th</b> 8:11</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><b>6</b></p> <hr style="border: 0.5px solid black;"/> <p><b>6</b> 20:2 23:6 27:15 100:2, 4,6,13</p> <p><b>62</b> 20:1</p> <p><b>63.2</b> 10:22 12:23 14:1</p> <p><b>6th</b> 5:14 8:10 70:23</p>
---	---	--	---

Township of Cranford Meeting  
January 18, 2023

7	<b>absolutely</b> 16:1 24:22 25:5,6 64:11 87:11	<b>add</b> 25:10 28:12 38:9 50:19 59:25 63:23 66:17 74:22 81:4 92:12, 25 93:19 96:19 99:7	<b>advised</b> 86:9
<b>750</b> 5:3,18 6:17 24:25 28:16 43:11 102:19	<b>abstain</b> 27:19,21,25	<b>added</b> 66:4 74:23 86:10 88:21	<b>aesthetic</b> 45:20
<b>785</b> 20:2	<b>abstaining</b> 27:22,24	<b>addition</b> 47:18 98:19	<b>afterwards</b> 88:7
<b>7:00</b> 7:3	<b>accept</b> 45:21	<b>additional</b> 16:24 17:2 56:17 65:7	<b>agenda</b> 3:15,18
<b>7:30</b> 7:3	<b>acceptable</b> 20:17 21:20 25:22	<b>Address</b> 58:1	<b>ago</b> 61:20 62:1
8	<b>accepted</b> 11:15	<b>addressing</b> 58:17	<b>agree</b> 11:16,18 12:9 16:11 23:1 37:25 47:22 66:20 71:6 73:13 78:3,5 83:5 89:12 90:16 95:19 96:12
<b>8</b> 3:4 19:25 20:8 21:19 23:3 24:11 99:2,8 100:4,5,6	<b>accidents</b> 25:18	<b>adequate</b> 3:7,12	<b>agreed</b> 11:25 72:6, 14 94:25 95:4,10,11
<b>80</b> 88:1	<b>accommodate</b> 41:14	<b>adequately</b> 11:13	<b>agrees</b> 35:9 73:4 75:22 95:16
9	<b>accommodated</b> 44:20	<b>adhere</b> 78:10	<b>ahead</b> 12:17 16:8 21:11 23:17 49:3 54:13 66:3 79:7
<b>9:46</b> 88:7	<b>accordance</b> 76:2 82:8	<b>adjacent</b> 19:23 21:15 41:5 71:17	<b>all-inclusive</b> 52:23
<b>9B</b> 55:3 68:11	<b>account</b> 47:16 51:22 66:13 72:20 92:23	<b>adjourn</b> 69:17	<b>Allegiance</b> 3:22,23
A	<b>accounts</b> 96:21	<b>Adjustment</b> 65:23	<b>allow</b> 10:22 12:22 13:24 15:5 17:25 18:24 19:25 27:14 29:22 31:11 32:17 33:15 34:20 35:15 36:24 38:7 39:19 41:23 43:10 44:1,5 46:5 53:2
<b>A-13</b> 76:3 82:9	<b>acknowledge</b> 45:3	<b>Administrativ e</b> 39:13	
<b>ability</b> 79:21	<b>acronym</b> 30:12	<b>adopt</b> 8:23	
<b>able</b> 8:18 41:16 67:10	<b>across</b> 48:8 77:9, 15,16 78:7, 12,19 80:1	<b>advances</b> 16:16	
<b>above</b> 32:17	<b>Act</b> 3:7,12	<b>advice</b> 6:7,23 7:1,6 27:22,23 54:1 71:1	
<b>absent</b> 47:10	<b>action</b> 3:19		
	<b>active</b> 87:5		
	<b>activity</b> 20:10		
	<b>actual</b> 67:20		

Township of Cranford Meeting  
January 18, 2023

79:25 <b>allowed</b> 27:20 <b>allowing</b> 42:3 <b>alternate</b> 8:17,18 <b>amenable</b> 58:24 60:17 61:7 <b>amend</b> 99:25 100:10,13 <b>amendment</b> 99:15 <b>amenities</b> 95:6,8,14 <b>amenity</b> 95:17 <b>amount</b> 28:19 39:23 40:17,18 47:1 64:2 86:22 <b>ample</b> 46:19 47:1 <b>analysis</b> 86:6 90:1 <b>analyze</b> 86:2 <b>and/or</b> 5:17 53:16, 19,22 67:25 <b>announcements</b> 3:17 <b>answer</b> 53:12,14,25 <b>answered</b> 57:10 <b>anticipate</b> 87:12 <b>anyone</b> 7:17 8:22 11:7 54:25 82:14 100:8, 14	<b>apartments</b> 77:14 <b>Apologies</b> 37:3 <b>apologize</b> 16:6 <b>apple</b> 61:18 <b>applicable</b> 6:13,15 <b>applicant</b> 5:2,4 10:25 12:19 13:22 15:7,24 17:23 18:1, 21,24 27:7 31:13 33:12 35:1,4,19 38:11 39:16, 19 40:1 47:8 50:12 57:1, 7,10,16 60:17 66:2 70:7,15,17 71:12,16,21, 23 72:13,19 75:18,21,22, 24 82:5 86:1,8,10,13 91:2 94:25 95:9,16,18 98:10,13,17 101:21 <b>applicant's</b> 11:13 71:2 95:14 <b>application</b> 5:1,19,25 6:3,10,14,18 55:25 57:21 60:8 66:1,17 69:12 86:5 102:4,19 <b>apply</b> 72:16 <b>appreciate</b> 62:20 101:22 102:1	<b>appropriate</b> 37:13,23 48:21 57:9 60:15 67:21 <b>appropriately</b> 60:4 <b>approval</b> 27:11 31:17 33:19 35:23 38:15 42:24 52:24 53:2 54:3 60:9 65:24 66:6 67:16 72:17 76:3,4 80:12 82:10,11 93:3,8 <b>approve</b> 7:9 66:18 <b>approved</b> 80:18 93:8 <b>approving</b> 102:25 <b>approximately</b> 7:3,4 <b>appurtenant</b> 15:5,7 <b>architect</b> 37:6,17 <b>architectural</b> <b>ly</b> 37:13 <b>area</b> 23:9,12 25:5,6,11,12 26:12 33:3 34:20,24 37:12 40:12, 15,20,25 43:16,18,20 46:22 48:11 49:15 56:15, 16,20 61:11, 24 71:19 77:23 83:10 89:5 <b>areas</b>	24:17 29:21, 23 30:7 31:11 34:19 41:6,19 42:2 43:18 44:12, 16 48:9 49:11 64:21, 23,24 95:9 <b>around</b> 80:16 <b>articulate</b> 79:24 <b>articulated</b> 15:23 <b>as-built</b> 25:16 <b>ascent</b> 28:1 <b>assess</b> 55:20 <b>assessment</b> 28:14 55:15, 23 65:2 <b>associated</b> 58:6 <b>attention</b> 99:10 <b>attorney/ client</b> 7:1,6 <b>Av</b> 43:17 <b>available</b> 6:12 45:23 <b>availing</b> 48:13 <b>Avenue</b> 3:4 5:3 10:19 15:3 19:21,24 27:15 36:21 39:24 40:12, 14 41:7,24 42:5 47:3 48:4 71:18 76:1,7 77:1 82:7 83:7
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Township of Cranford Meeting  
January 18, 2023

<p>102:20 <b>avoid</b> 74:13 <b>aware</b> 59:16</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>back</b> 8:1 70:18 80:6 81:24 87:4 91:24 <b>background</b> 66:24 <b>bare</b> 40:9 <b>based</b> 35:3 66:17 88:24 98:3 <b>baseline</b> 88:21 <b>basically</b> 46:1,4 <b>basketball</b> 15:4,6 16:23 18:1,25 <b>beacons</b> 81:8 <b>bedroom</b> 39:17,18,19 46:18 47:13, 14 <b>bedrooms</b> 39:21 <b>begin</b> 69:15 <b>beginning</b> 10:17 <b>behalf</b> 101:21 <b>behavior</b> 77:11 <b>Behnert</b> 76:2 77:1 <b>believe</b> 11:11,12,14,</p>	<p>20 20:23 24:12 25:1 35:1 41:25 42:7 45:19, 22 55:11,15, 19 56:9 57:1,4 58:17 67:12,17 68:2 69:9,21 80:13,17 97:25 <b>below</b> 44:24 <b>benefit</b> 33:4 45:16 76:14 79:16 <b>benefits</b> 11:1 15:8 <b>berm</b> 20:13 24:3 <b>best</b> 28:22 59:13 79:23 <b>better</b> 61:3 76:11 92:23 <b>big</b> 81:20 82:21 87:16 <b>bill</b> 80:24 <b>bit</b> 23:23 61:14 <b>block</b> 5:3 83:8,13 <b>board</b> 3:3,16 5:12, 14,15,24 6:2,4,7,8, 11,20,22,25 7:2,3,8,13, 16,17,19 8:2,10,15 9:1,3 10:12, 15 11:3 12:11 15:17 16:18 22:5</p>	<p>26:17 31:9 35:6,13 38:4 45:2 50:5,6 53:19 57:11, 18 59:10,12, 20 60:5,16 62:11 63:1 65:7,11,23, 24 66:1,5, 13,16 67:16 70:6,8,22 71:2,5 72:1, 12,24 73:1, 6,24 74:12, 15,19 75:23 77:25 86:4, 16,17 90:19 91:4 94:22 <b>board's</b> 88:5 102:2 <b>body</b> 68:2 <b>bottom</b> 72:9 <b>break</b> 69:17 102:24 <b>bridge</b> 26:13 <b>brief</b> 69:19 102:14 <b>bring</b> 17:14 22:16 <b>bringing</b> 99:10 <b>broken</b> 63:24 <b>brought</b> 30:2 65:14 66:11 <b>buffer</b> 21:3 24:18 25:5 64:24 <b>build</b> 78:22 <b>building</b> 3:4 28:16 34:21 37:9,</p>	<p>12 95:6,8, 14,17,20 96:6,24 <b>buildings</b> 10:21,23 12:23 14:1 35:16 36:23, 25 38:6,8 <b>built</b> 87:3 <b>bulletin</b> 3:16 <b>burden</b> 12:20 13:22 17:23 18:22 27:7 28:2 31:14 33:12 35:19 38:11 50:12 <b>burdens</b> 11:2 15:8 <b>burdensome</b> 48:17 51:20 <b>bus</b> 40:13 <b>business</b> 20:9 96:8 <b>businesses</b> 61:22 <b>busy</b> 78:6,7</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>call</b> 3:24 9:12 29:12 83:1 100:20,22 <b>called</b> 28:6,8 71:8 <b>calming</b> 42:5 77:21 <b>candle</b> 30:5 31:10 <b>candles</b> 29:22,24 31:12</p>
--	---	---	---

Township of Cranford Meeting  
January 18, 2023

<b>capitalist</b> 48:16	39:11 42:9, 15,21 45:1	<b>checked</b> 65:16	<b>closer</b> 16:4
<b>car</b> 25:18 30:10	47:6,21	<b>cheers</b> 59:4	<b>closes</b> 98:1
<b>care</b> 48:19	48:24 49:2, 18 51:16	<b>Chester</b> 77:3 81:20	<b>code</b> 21:20 25:21 39:13 95:17, 20 96:6
<b>careful</b> 28:21,24	52:18,20,22 54:10,13,23	<b>children</b> 28:15,22	<b>codes</b> 96:14
<b>Carlos</b> 11:17 30:18 35:5	56:24 58:20 59:24 62:4, 23 63:12,21	<b>chooses</b> 80:22	<b>cognizant</b> 48:7
<b>cars</b> 40:15,19 42:1,6,7 61:21	65:6 68:4,8 69:8,16,20, 25 75:16	<b>chosen</b> 89:18	<b>colleague</b> 11:17
<b>case</b> 41:15 63:18	77:24 78:13 79:1,4 80:8, 25 81:11	<b>circled</b> 98:9,12	<b>colleagues</b> 12:9 16:11 17:8 20:5 26:10,21 47:8,18 49:21 90:19 94:22
<b>causing</b> 69:23	82:2,16 83:4,17	<b>circumstances</b> 40:10	<b>collection</b> 6:16
<b>center</b> 61:12	84:24 85:21 86:19 88:8	<b>CIS</b> 65:25 66:2, 7,12,14,17 98:20	<b>come</b> 7:10 16:12 46:6 57:6 59:2,4,17,21 60:12 62:16 63:4,8 96:25
<b>certain</b> 28:19 55:12 64:21 96:25	89:11,22 90:13,17	<b>citations</b> 51:25	<b>comes</b> 43:19 50:9 51:25
<b>certainly</b> 49:15 58:8 87:12	91:22 93:16 94:17,20	<b>cited</b> 40:11	<b>commend</b> 16:12
<b>chairman</b> 3:1,24 4:21, 25 7:13 8:25 9:7,12 10:6, 8 11:7 12:7, 10,16 13:20 14:22,24 16:17 17:4, 18 18:20 19:18 20:19 21:10 22:4, 13,24 23:17 24:7 25:14, 23 26:16 27:4 29:11, 17 30:15,18 31:4 32:13 33:8 34:15 35:11 36:19 37:24 38:1	95:25 96:12 97:1,23,25 99:4,16,21 100:21 101:15,23 102:7,11,15	<b>cites</b> 47:12	<b>comment</b> 10:13 11:4 12:11 15:11 16:19 17:5, 19 20:5,8 29:25 30:2 32:20 35:7 45:3 50:19 51:24 54:11 65:10,12 74:10 76:22 78:1,15 88:12,20
	<b>chance</b> 46:24	<b>citizens</b> 62:12	
	<b>change</b> 17:2 37:22 82:14 89:3	<b>clarification</b> 67:21 102:21	
	<b>changed</b> 89:7	<b>clarify</b> 24:9 45:25 102:17,18	
	<b>changes</b> 60:17	<b>Clark</b> 23:10	
	<b>chapter</b> 79:7	<b>cleaner</b> 8:19	
	<b>charge</b> 5:13 6:2,7, 11,19 50:20, 23 51:24	<b>clear</b> 56:11 72:23 90:9 92:22	
	<b>check</b> 65:15	<b>Clerk</b> 3:18	
		<b>close</b> 23:5 34:23 35:16 83:7	
		<b>closed</b> 6:25 7:4,5	

Township of Cranford Meeting  
January 18, 2023

90:21 <b>commented</b> 66:9 <b>comments</b> 9:1,4 22:6 26:20 31:5 37:4 54:25 62:25 65:7 83:19 96:2, 17 <b>commercial</b> 10:21,23,24 12:23,25 14:1,2 29:23 31:13 32:19 33:17 34:21, 22 35:14,15, 16 44:6,12, 16,18 48:13 52:25 53:2,3 61:12 79:14 87:5 89:4 <b>Commissioner</b> 4:12,13 9:11,22,23 11:18,22 12:2 13:11, 12 14:13,14 15:21 16:6 18:11,12 19:9,10 20:7 22:10,13,15 25:10 29:2,3 32:4,5 33:5 34:6,7 36:10,11 39:2,3 45:4 47:6,7,22,24 51:7,8 52:9, 10 57:22,24 59:5,25 66:11 68:24, 25 75:7,8 78:13 79:1, 2,4,5 80:25 81:2 82:16 84:15,16 85:12,13	86:19,21 88:15 91:13, 14 94:8,9 96:3,4,13 97:14,15 99:23 101:6, 7 <b>committee</b> 45:14 64:25 73:8 <b>common</b> 67:22 <b>Commons</b> 23:10 <b>community</b> 55:14,21 57:3,5,6,12 58:3,11 60:11,25 63:25 64:9 65:12,19 66:25 67:3 89:9 <b>community's</b> 57:8 60:6 <b>companies</b> 44:8 <b>company</b> 44:23 48:20 <b>compare</b> 61:18,25 <b>compelling</b> 57:16 <b>complacent</b> 61:15 <b>complex</b> 47:15 102:3 <b>compliance</b> 3:6,11 40:3 <b>compliant</b> 21:20 55:12 <b>complied</b> 46:15 53:21 <b>comply</b> 53:10,17,23 68:12	<b>component</b> 56:3 <b>comprehensive</b> 6:17 54:24 <b>Con</b> 22:17 23:5 <b>concern</b> 20:12 21:1,4 23:24 24:3, 22 45:18 46:12 58:14 76:8 <b>concerned</b> 56:14,16 57:13,14 58:17 64:7, 13,19 65:2 <b>concerns</b> 21:8 45:15, 21 56:10,20 57:12 58:7, 25 60:6,10, 11 64:7,17 <b>concur</b> 12:4,6 15:23 16:21 17:8 22:10 26:20 33:5 47:7,23 49:5,20 81:2 88:15,19 90:18 <b>condense</b> 23:4,13 <b>condition</b> 25:16 42:13, 14,19,23 43:1,3,8,25 44:3 46:3,7 55:18 56:1 65:24 66:6, 16 67:15 71:10 72:2, 9,12 73:17, 22 74:1,5 75:17,22,24 76:21 80:11 84:2,3 85:3, 25 86:11,14,	15 87:24 88:5 89:19 90:21,24 93:19 94:24 95:2,3,22 96:2,15,17 99:1,8,25 100:1,9 <b>conditions</b> 8:9 42:10, 12,16,24 43:6 54:17, 19,20,21,22 58:13,18,25 60:1,4,8,14 62:18 63:6 66:4,18 69:10,13 70:2,6,11, 16,17 71:6 83:22 92:22 94:22 98:1, 5,17,25 99:14,18 100:17 102:25 <b>conducted</b> 5:20,21 <b>confirm</b> 55:2 <b>confused</b> 102:23 <b>confusing</b> 56:13 <b>conscience</b> 21:7 <b>consensus</b> 76:18,20 <b>consent</b> 70:21 71:3,4 75:19 86:10 <b>consented</b> 70:17,19,25 71:1,21 86:8 98:11,14,18 <b>consenting</b> 70:15
--	--	---	--

Township of Cranford Meeting  
January 18, 2023

<b>consents</b> 86:13	<b>correctly</b> 37:20	<b>criteria</b> 11:21 12:1, 21 13:24 17:25 18:23	<b>David</b> 17:7 47:23 60:20 78:4 88:14 98:21
<b>consider</b> 24:23	<b>COS</b> 88:1	<b>critical</b> 20:24	<b>de</b> 39:12 49:23 50:3,5,7,14
<b>considerable</b> 77:4	<b>cost</b> 55:15 75:24 80:21 82:5, 25 90:11 91:2	<b>criticism</b> 63:18	<b>deal</b> 16:25 41:11 49:16 54:18 67:6 75:20 81:3 87:16
<b>considered</b> 68:3	<b>counting</b> 54:5	<b>cross</b> 78:6 80:4,5 83:14 93:18	<b>dealing</b> 47:16 48:11
<b>considering</b> 23:3	<b>county</b> 41:23 43:10 44:1 46:5 47:2 71:12, 16 72:5,17, 18 73:4,18, 20 76:4 77:19 82:10 93:4	<b>crossing</b> 81:9 83:10	<b>deals</b> 50:3 67:23
<b>considers</b> 26:18	<b>couple</b> 8:14 64:6 71:6	<b>crosswalk</b> 75:25 76:17, 25 77:10 78:8,18 80:17 81:18, 23 82:6 92:14 93:20	<b>dealt</b> 8:12 49:13, 16 57:8 67:23
<b>consistent</b> 43:16 51:19	<b>course</b> 45:13	<b>crosswalks</b> 76:6,11,12 77:2,18 78:16 80:15 81:5 83:8,14	<b>dear</b> 82:8
<b>construction</b> 53:2 62:3 102:5	<b>court</b> 15:4,6,20 16:23 17:2 18:2,25 56:2 67:13,20,22 68:1 69:22	<b>curb-side</b> 25:13	<b>December</b> 5:21 6:1 65:14
<b>constructive</b> 61:2	<b>coverage</b> 20:16 45:12 46:25 49:8	<b>curious</b> 74:5	<b>decide</b> 48:16 93:15
<b>contact</b> 71:12,16 72:5	<b>covered</b> 21:16	<b>current</b> 55:9 56:15 67:3 76:15	<b>decision</b> 80:20,23 93:20
<b>contacts</b> 73:18	<b>Cranford</b> 3:2,5,19 21:22 41:11, 12 56:21	<b>cut</b> 71:13,17,22	<b>decisions</b> 80:14,15
<b>contains</b> 6:7	<b>crazy</b> 64:11,13		<b>decreased</b> 29:24
<b>contending</b> 57:19	<b>creating</b> 79:23 81:4	<hr/> <b>D</b> <hr/>	<b>dedicated</b> 19:22 59:2, 12 60:11 64:2
<b>contingent</b> 92:21	<b>crib</b> 6:11,13,15, 16	<b>danger</b> 25:7 40:22	<b>defeats</b> 77:8
<b>control</b> 16:16 57:14		<b>dash</b> 78:11	<b>definite</b> 92:11
<b>conversation</b> 86:23		<b>dated</b> 8:11 67:7,8 94:25	<b>definitely</b> 43:21
<b>convinced</b> 56:4		<b>Dave</b> 8:16	<b>delay</b> 69:23
<b>convincing</b> 56:12			
<b>copied</b> 6:14 70:5			
<b>copies</b> 6:13			
<b>correct</b> 55:10 65:17 66:10 80:20 94:22			

Township of Cranford Meeting  
January 18, 2023

<b>deliberate</b> 7:21 8:15, 16,19 53:6 63:5 65:7	79:6,11 82:18 83:6 84:19,20 85:16,17 89:23,24 90:8,12 91:17,18 92:1 93:2 94:12,13 97:18,19 101:10,11	<b>Didzbalis</b> 4:18,19 10:3,4 11:16 13:17,18 14:19,20 18:17,18 19:15,16 23:18,22 29:8,9 30:25 32:10,11 34:12,13 36:16,17 39:8,9 51:13,14 52:15,16 62:4,5 69:5, 6 75:13,14 84:21,22 85:18,19 91:19,20 94:14,15 97:20,21 101:12,13	<b>disagrees</b> 8:22 <b>disappeared</b> 71:25 <b>discuss</b> 63:7 69:10 70:3,24,25 72:8 86:17 98:7 <b>discussed</b> 60:15 72:7 95:1,3 99:19 <b>discussing</b> 14:25 <b>discussion</b> 15:14 16:22, 23 71:4 88:2 98:1 <b>discussions</b> 57:17 <b>disingenuous</b> 55:20 67:6, 11,19,24 <b>disjointed</b> 80:7 <b>dispute</b> 71:25 <b>disruption</b> 20:13 <b>distance</b> 77:4 <b>District</b> 20:9 <b>disturb</b> 24:4 <b>disturbance</b> 31:1 <b>divide</b> 52:25 <b>document</b> 6:17 70:22 <b>doing</b> 45:12 48:20 <b>Donna</b> 16:10 26:3 58:22 81:16
<b>deliberated</b> 102:19			
<b>deliberating</b> 5:24 6:2,9, 24 53:12			
<b>deliberation</b> 5:1 6:4 7:12,15,19 8:24 59:9			
<b>deliberations</b> 5:8 6:6 9:10 54:3,5 60:7			
<b>demand</b> 41:9 44:17			
<b>demands</b> 15:15			
<b>demographics</b> 89:4			
<b>demonstrates</b> 60:4			
<b>deny</b> 20:22 66:1, 16			
<b>depending</b> 44:15			
<b>deposit</b> 72:19			
<b>Deputy</b> 4:16,17 10:1,2 13:15,16 14:17,18 16:20 18:15, 16 19:13,14 22:8,9 29:6, 7 32:8,9 34:10,11 36:14,15 37:15 39:6,7 49:4 51:11, 12 52:13,14 69:3,4 75:11,12	<b>design</b> 93:7 <b>detail</b> 58:6 <b>determination</b> 92:13 <b>determined</b> 92:15 93:21 <b>developed</b> 61:11 <b>developer</b> 44:4 80:21 87:9 <b>development</b> 22:2 40:3,11 41:24 45:8, 24 48:22 51:23 53:3, 4,9,16,22 57:14 61:9 64:17 68:11 77:12 87:7 89:3 <b>deviation</b> 12:22 13:25 <b>device</b> 76:1 82:7 <b>devoted</b> 5:23 <b>Diana</b> 56:8 <b>Dickerson</b> 65:16 <b>dictates</b> 96:7	<b>difference</b> 37:19 <b>different</b> 53:7 64:9 67:2 70:12 87:6 89:6 96:22 <b>differing</b> 55:17 <b>difficult</b> 102:3 <b>dining</b> 20:11 <b>direct</b> 15:12 <b>directly</b> 60:6 <b>disagree</b> 20:21 55:25 74:19 92:20 <b>disagreed</b> 79:9 <b>disagreeing</b> 70:18	



Township of Cranford Meeting  
January 18, 2023

<b>door</b> 36:24 37:2	25 91:23,25 92:4,10,18, 24 93:5,18 94:18,21,23, 24 97:2,4,24 98:2,3,6,8, 10,13 99:5, 9,12,20,24 100:4,6,8, 14,20 101:17 102:10,16, 20,22	<b>efforts</b> 16:16 56:18	92:4,8
<b>dormant</b> 61:17,24		<b>eight</b> 39:12 71:11, 15	<b>engineering</b> 21:17 86:7, 12 90:3 91:4 92:16 93:22
<b>double- checked</b> 65:22		<b>eighth</b> 5:22 77:7	<b>engineers</b> 86:25 92:6
<b>downtown</b> 40:20,25		<b>either</b> 5:16 7:9 43:10 65:23 71:1	<b>ensued</b> 16:22
<b>Drill</b> 4:22,23 5:9, 11,12 9:5,6 10:12 11:6, 20,25 12:3, 15,16,18 13:21 14:23 15:19 16:2,8 17:20,22 18:21 22:21 23:20 26:2 27:1,3,5,21 29:12 30:17 31:6,7 32:22 33:10,11 35:8,9,12 38:2,3 42:23 43:7,13 45:25 46:13 50:1,2 51:17 52:19,21 53:5 54:12, 14,15 55:10 57:23 60:2 65:9,10 68:6,7,10 69:9,11,14, 20,22 70:2,4 73:11,16 74:4,8,14,21 75:17 76:19, 23 79:9 81:15 82:2,3 83:20,21 84:1,10 85:2,22 87:23 88:4, 17 89:15 90:6,10,23,	<b>Drill's</b> 82:23 93:16	<b>elementary</b> 28:17,22	<b>entertain</b> 10:15
	<b>drive</b> 64:12	<b>eligible</b> 8:20	<b>entice</b> 40:14
	<b>drivers</b> 40:14	<b>eliminate</b> 18:1,24 45:12	<b>entire</b> 15:14 21:14, 24 42:8 43:10
	<b>driving</b> 25:13	<b>eliminating</b> 20:14	<b>enumerated</b> 99:17
	<b>drove</b> 21:4	<b>elimination</b> 15:6	<b>environment</b> 23:2
	<b>E</b>	<b>emanates</b> 6:11	<b>envisioned</b> 67:8
	<b>e-mail</b> 70:18 75:18 94:25 95:15	<b>empty</b> 61:13	<b>equipment</b> 15:4,6
	<b>earlier</b> 7:2 23:4 49:14 82:19, 24 86:22	<b>enacting</b> 45:15	<b>error</b> 44:22
	<b>easier</b> 6:4 70:10	<b>encouraging</b> 48:4	<b>escrow</b> 72:20
	<b>easy</b> 63:7	<b>end</b> 8:6,13 10:14 28:6,8 54:22 59:22 70:20 90:16	<b>essential</b> 55:24
	<b>echo</b> 62:25 64:6	<b>energy</b> 102:2	<b>established</b> 72:21 91:3
	<b>editorial</b> 12:5 50:19 51:24 86:11	<b>enforcement</b> 27:12 31:18 33:19 35:24 38:15 50:16	<b>etcetera</b> 20:11 95:9
	<b>effect</b> 42:5	<b>engaged</b> 15:14 57:2	<b>evening</b> 3:1 5:23 7:2 66:5
	<b>effective</b> 78:9	<b>engineer</b> 21:12 32:25 33:7 58:12, 13 86:6 90:2	<b>evenings</b> 44:14,18 48:14
	<b>effort</b> 102:2		<b>event</b> 72:17 86:16 96:9
			<b>events</b> 20:11

Township of Cranford Meeting  
January 18, 2023

<b>eventually</b> 22:18 70:11	<b>excuse</b> 41:8		26:15,22
<b>everybody</b> 59:11,16 63:10 64:1 90:15	<b>Exhibit</b> 76:3 82:9	<hr/> <b>F</b> <hr/>	27:15 32:17, 18 33:16
<b>everyone</b> 7:23 16:24 26:19 35:9 87:17	<b>exist</b> 48:9	<b>facade</b> 34:18,20 35:14,15 36:23	34:19,23 35:17 99:2,8 100:2,4,5,13
<b>evidence</b> 12:21 13:23 17:24 18:23 27:8 31:15 33:13 35:4, 20 37:20 38:12 50:13 56:4,11 57:16 64:21	<b>existence</b> 66:14	<b>facades</b> 37:2 38:6,7	<b>fell</b> 25:19
<b>evident</b> 23:25	<b>existing</b> 21:16 24:3 51:22 76:11 78:16	<b>face</b> 34:22	<b>fellow</b> 15:17 63:1
<b>exact</b> 27:17	<b>exists</b> 23:13	<b>facilitate</b> 77:16	<b>fence</b> 27:23
<b>exactly</b> 43:4	<b>expand</b> 20:24 21:9	<b>facilities</b> 15:5	<b>fewer</b> 45:21
<b>exceed</b> 95:17	<b>expanded</b> 64:22 99:8	<b>facility</b> 96:8	<b>figure</b> 82:22 95:23
<b>exceeds</b> 37:9	<b>expanding</b> 20:13 24:11	<b>facing</b> 34:18 35:15, 17	<b>filed</b> 48:3
<b>excellent</b> 62:10	<b>expected</b> 28:15	<b>fact</b> 24:16 67:9 82:24 87:3	<b>filing</b> 3:18
<b>exception</b> 19:20 20:22 22:1,3 24:6 27:9 29:20 31:8,9,15 32:15 33:14 34:16 35:2, 13,21 36:20 38:4,13 39:13 45:7 46:2 47:20 50:4,6,7,14 51:18 53:13 72:2	<b>expense</b> 75:25 80:21 82:6,25 90:4,11 91:3	<b>factual</b> 65:11 67:25	<b>final</b> 5:5,6,7 52:24 53:1 54:2
<b>exceptions</b> 53:20 68:15	<b>experience</b> 48:20	<b>fails</b> 100:10,15	<b>finally</b> 59:25
	<b>expert</b> 32:23 33:7 86:7,12 89:18 90:3 91:4 92:16 93:22	<b>families</b> 64:3,4	<b>find</b> 24:15 76:19
	<b>expertise</b> 30:16,21	<b>far</b> 24:3 58:7	<b>fine</b> 84:1 87:11 92:17
	<b>experts</b> 63:16 70:8 93:14,15	<b>favor</b> 15:16 43:2 48:3 80:10, 17 81:25 88:5	<b>finish</b> 94:18
	<b>explain</b> 5:9 70:2 102:20	<b>feel</b> 20:15 26:23 28:3 56:13 59:5 87:18	<b>fire</b> 96:10
	<b>expressed</b> 24:2 60:14	<b>feels</b> 48:21	<b>firm's</b> 6:12
	<b>extend</b> 100:2	<b>feet</b> 12:23 14:1 19:25 20:1, 2,4 23:5 24:11,17	<b>first</b> 5:19 10:18 11:6 12:18 13:1 15:12 30:2 50:11 53:8 55:3 57:1 80:4, 11,20 89:20
			<b>fits</b> 48:21

Township of Cranford Meeting  
January 18, 2023

<p><b>five</b> 58:9 69:17</p> <p><b>fixtures</b> 32:17,18 33:15,16</p> <p><b>flashing</b> 76:1,25 78:8,20,21 81:8 82:7</p> <p><b>flex</b> 44:16</p> <p><b>flood</b> 16:16,24 17:3 56:17, 20 57:13</p> <p><b>flooding</b> 17:1 45:11, 20 56:16 65:4</p> <p><b>floor</b> 20:18 37:7 100:11,16</p> <p><b>focus</b> 56:22</p> <p><b>folks</b> 17:16 89:5</p> <p><b>follow</b> 6:8</p> <p><b>fond</b> 72:13</p> <p><b>foot</b> 10:21,22 20:9 21:19, 23,25 22:20, 21,22 23:3, 7,13 25:21 29:22,24 30:4 31:10, 11 33:14 35:13</p> <p><b>force</b> 37:11</p> <p><b>forest</b> 61:10</p> <p><b>forever</b> 78:19</p>	<p><b>forget</b> 30:12</p> <p><b>forgetting</b> 56:9</p> <p><b>formal</b> 3:19 69:11</p> <p><b>formulaic</b> 88:21</p> <p><b>forth</b> 47:25 59:1</p> <p><b>found</b> 37:17</p> <p><b>four</b> 8:5 53:7 72:10</p> <p><b>fourth</b> 29:18</p> <p><b>frankly</b> 28:2</p> <p><b>fraud</b> 56:1 67:13, 19,22,25</p> <p><b>frequently</b> 78:6 86:24</p> <p><b>friends</b> 77:14</p> <p><b>front</b> 10:21 12:22 13:25 22:1 26:6 30:11 41:24</p> <p><b>frontage</b> 42:8 43:11 72:16,19</p> <p><b>frustrating</b> 61:6</p> <p><b>full</b> 15:3</p> <p><b>fully</b> 87:19,20</p> <p><b>function</b> 87:2</p> <p><b>funds</b> 72:19</p> <p><b>future</b> 51:23 57:12</p>	<hr/> <p><b>G</b></p> <hr/> <p><b>Gareis</b> 4:16,17 10:1,2 13:15,16 14:17,18 16:20 18:15, 16 19:13,14 22:8,9 29:6, 7 32:8,9 34:10,11 36:14,15 37:15 39:6,7 49:3,4 51:11,12 52:13,14 69:3,4 75:11,12 78:14 79:5, 6,11 82:17, 18 83:6 84:19,20 85:16,17 89:23,24 90:8,12 91:17,18 92:1 93:2 94:12,13 97:18,19 101:10,11</p> <p><b>gave</b> 50:20,22</p> <p><b>general</b> 15:25 27:9 31:16 33:17 35:22 38:13 47:11 50:15 65:20</p> <p><b>generate</b> 41:9</p> <p><b>generated</b> 41:17</p> <p><b>getting</b> 7:5 25:18 62:18,19</p>	<p><b>give</b> 7:7 63:8,15</p> <p><b>given</b> 86:25</p> <p><b>glowing</b> 30:7</p> <p><b>goal</b> 49:10</p> <p><b>godsend</b> 78:9</p> <p><b>goes</b> 33:2 41:10 62:14</p> <p><b>going</b> 7:7 10:11 22:9,16 23:4 26:13 27:19 41:19 44:22 47:1,4 60:2 61:10,11,21, 22 62:25 69:9 70:1,12 72:10 74:8, 14 77:9 78:18 79:15, 22 82:12,20 84:8 88:6 89:5 93:10, 11,17 96:5 102:11,22</p> <p><b>good</b> 3:1 21:7 46:23 58:8 59:22 60:1 62:19 63:17 72:8 81:3 93:12</p> <p><b>grade</b> 32:17</p> <p><b>grant</b> 30:22 31:9 35:13 37:14 38:4 43:3,5 50:5,7 51:18 54:1,7 98:4, 16,25 99:13, 17 100:16</p>
---	--	--	---

Township of Cranford Meeting  
January 18, 2023

<b>granted</b> 53:19 55:6,7	<b>Hall</b> 3:17 59:8	<b>height</b> 32:16 33:14	
<b>granting</b> 27:8 31:15 33:13 35:21 38:12 42:25 43:2 50:14 72:1	<b>hand</b> 11:9	<b>held</b> 88:2	<hr/> <b>I</b> <hr/>
<b>grass</b> 21:3 26:6	<b>happen</b> 41:19	<b>helpful</b> 56:18	<b>idea</b> 8:3,7
<b>grassy</b> 43:20	<b>happy</b> 63:2	<b>helping</b> 64:5 78:23, 24	<b>identified</b> 7:15
<b>grateful</b> 30:16,20	<b>hard</b> 60:16 64:12 96:23	<b>Henry</b> 70:13 101:20	<b>identify</b> 15:19 16:8 23:20 26:2 30:17 35:5 81:15
<b>great</b> 23:2 46:15 58:6,14 62:16 81:6 87:1 102:4	<b>hardship</b> 11:3 15:9 27:13 31:19 33:21 35:25 38:17 50:17	<b>high</b> 32:18 33:16 56:20 76:8 83:8	<b>illuminated</b> 30:8
<b>greatly</b> 101:21	<b>Hartz</b> 5:2 16:13 44:4,20 46:15 48:15 56:17 58:24 59:18 61:5 62:8 63:16, 25 64:22 67:10 79:22 80:24 82:25 87:7,14 90:4	<b>higher</b> 47:10	<b>imagine</b> 21:5 24:25 28:16 64:16
<b>green</b> 45:9 81:21	<b>hatched</b> 25:12	<b>highlight</b> 49:23 60:23	<b>immaterial</b> 48:3
<b>ground</b> 36:22,24 37:1,7 38:5, 7	<b>health</b> 20:23 21:8 24:14,21 51:21	<b>historically</b> 89:6	<b>impact</b> 28:13 55:14 58:3 65:3, 12,19 67:3 73:14
<b>guess</b> 8:11 12:4 30:1 35:9 48:16 55:22 61:8 79:11	<b>hear</b> 11:23 15:22 28:4 63:2 71:9	<b>hits</b> 89:2	<b>impacted</b> 55:21
<b>guests</b> 95:13,20,24 96:9,22,24	<b>heard</b> 3:16 5:16 58:8	<b>hold</b> 41:16 98:8 102:10	<b>impacts</b> 57:15
<b>guide</b> 6:2	<b>hearing</b> 5:18,19,20, 22 6:1 65:14 70:9 86:23	<b>holding</b> 59:8	<b>impervious</b> 45:12 46:22 49:6,8
<b>guiding</b> 96:14	<b>hearings</b> 20:25 61:4 67:5	<b>Holly</b> 78:7	<b>important</b> 25:9 26:19 61:23 62:8 68:2 80:22 87:8,12,17
<b>guys</b> 66:20 73:21 85:23 102:4		<b>homework</b> 61:1 62:13	<b>impose</b> 42:12,24 43:1 86:16
<hr/> <b>H</b> <hr/>		<b>honest</b> 22:25 79:24	<b>imposed</b> 86:15 95:22 98:19
<b>half</b> 7:4		<b>hope</b> 45:13 46:4	<b>imposition</b> 86:14
		<b>hour</b> 7:5	<b>impractical</b> 21:13 27:14 31:20 33:22
		<b>hours</b> 44:13 64:11, 12	
		<b>How's</b> 74:17	

Township of Cranford Meeting  
January 18, 2023

36:1 38:18 50:18 <b>impressed</b> 63:2 <b>improper</b> 25:20 <b>Improvement</b> 40:6 <b>improvements</b> 81:6 <b>imprudent</b> 27:13 31:20 33:21 36:1 38:17 50:17 <b>inappropriate</b> 23:11 <b>inclined</b> 45:7, 21 <b>include</b> 79:15 99:1, 25 100:1 <b>included</b> 51:24 56:2 89:25 <b>including</b> 55:19 <b>incorrect</b> 67:25 <b>increased</b> 23:8 <b>incremental</b> 48:2 <b>independently</b> 73:18 <b>indicate</b> 11:8,9 88:12 <b>indicated</b> 30:23 72:4 98:18 <b>Industries</b> 5:3 <b>industry</b> 30:4,12 <b>information</b> 50:22 87:1, 17	<b>infrastructur e</b> 51:22 <b>input</b> 17:13 62:17 63:8 <b>insight</b> 17:10 <b>insightful</b> 17:11 <b>install</b> 75:25 82:6 92:14 93:6,7 <b>installation</b> 72:21 81:7 <b>installed</b> 72:22 93:21 <b>instances</b> 57:3 <b>instructions</b> 55:3 <b>intended</b> 93:9 <b>intent</b> 27:10 31:16 33:18 35:22 38:14 50:15, 20 <b>intents</b> 79:16 <b>interest</b> 30:6,22 35:3 76:13 <b>intersection</b> 76:16 <b>invested</b> 61:1 <b>invite</b> 15:17 17:20 20:5 39:25 54:10 77:25 81:22 <b>invited</b> 95:19 96:9 <b>involved</b> 6:10	<b>involvement</b> 57:5 <b>issue</b> 17:17 24:11, 13,15 25:9 31:19 33:20 35:25 37:18 38:16 39:17 41:18 48:5 49:17 51:18 55:10 56:21 73:16,24 74:17 95:21 <b>issues</b> 16:25 24:10 49:7 55:12 <b>item</b> 6:9 <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <b>January</b> 3:3 5:14,23 8:10,11 70:23 75:19 94:25 <b>Jason</b> 16:20 <b>Jeff</b> 76:24 <b>Jersey</b> 3:5 39:13 <b>job</b> 63:17 102:4 <b>jobs</b> 62:13 <b>joined</b> 24:1 <b>joke</b> 69:24 <b>Juan</b> 30:18 35:5 <b>Julie</b> 23:22 62:5 <b>July</b> 5:20	<b>junction</b> 27:20 <b>jury</b> 5:13 6:2,3, 6,11,19 7:12,15 50:20,23 51:24 55:3 <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <b>Kate</b> 16:14 45:6 62:24 80:9 81:21 <b>Kathleen</b> 57:24 <b>keep</b> 24:20 56:8 88:11 <b>keeping</b> 11:8 <b>Kent-smith</b> 70:13,18 71:20 72:4 86:9 95:16 101:19,20 102:1,8 <b>kept</b> 101:20 <b>kick</b> 89:17 <b>kidding</b> 69:23 <b>kids</b> 24:24 25:4 28:17 64:14 <b>kind</b> 23:14 28:21 33:2 60:23 79:18 89:25 <b>knock</b> 46:24 <b>know</b> 12:6 16:2 17:9,12,15 22:4,25
---	---	---	--



Township of Cranford Meeting  
January 18, 2023

<p><b>limitation</b> 33:15 95:12</p> <p><b>limited</b> 44:13 51:19</p> <p><b>limits</b> 95:18,21</p> <p><b>line</b> 10:24 12:24 14:2 28:20</p> <p><b>lineal</b> 20:1,2</p> <p><b>lines</b> 10:22 30:5 57:7</p> <p><b>list</b> 66:4,18</p> <p><b>Listen</b> 89:15</p> <p><b>listened</b> 5:17</p> <p><b>listening</b> 16:13</p> <p><b>literal</b> 27:11 31:18 33:19 35:23 38:15 50:16</p> <p><b>little</b> 16:7 24:24 28:20 61:13, 14 80:7</p> <p><b>live</b> 24:25 25:2 26:12 40:15 48:18 58:15 59:14 64:9 96:9</p> <p><b>living</b> 77:13</p> <p><b>load</b> 96:6,11</p> <p><b>location</b> 25:19 76:15 78:17</p> <p><b>locations</b> 76:9</p> <p><b>Lone</b> 35:7</p>	<p><b>long</b> 6:21 8:12 55:23 58:8, 22,23 59:19 62:7 96:9 102:3</p> <p><b>longer</b> 72:7 95:1</p> <p><b>look</b> 21:4 64:23 92:8</p> <p><b>looked</b> 66:23</p> <p><b>looking</b> 41:3 47:12 65:13</p> <p><b>lot</b> 5:3 10:25 12:25 14:3 29:23 30:8 31:12,13 32:19 33:17 34:22 37:16 39:22 40:25 41:10,11 44:10,23 45:9 52:25 53:1,3,4 62:13,14 63:4,6 70:14 77:8 82:21 83:11</p> <p><b>lots</b> 20:10 41:1 44:6,11</p> <p><b>louder</b> 88:18</p> <p><b>lower</b> 73:19 77:20</p> <p><b>lowering</b> 72:15</p> <p><b>lowers</b> 72:18</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b></p>	<p>22:6,11,12, 17 23:4,25 49:6 60:24 61:3,8 74:3, 10 80:14 81:6 100:17</p> <p><b>main</b> 46:21</p> <p><b>major</b> 5:5,6,7</p> <p><b>majority</b> 26:25 28:1 54:8</p> <p><b>make</b> 6:4 8:23 9:8 12:5 21:19 59:15 61:9 65:1 66:15 72:23 73:7 74:10,12,16 76:11 78:16 80:19,22 83:1 91:1 96:5 98:4,16 99:16 100:12</p> <p><b>making</b> 98:23 99:13</p> <p><b>manner</b> 57:9 63:19</p> <p><b>margin</b> 44:22</p> <p><b>marked</b> 57:4</p> <p><b>market</b> 48:19</p> <p><b>matter</b> 3:15 5:4 11:15 12:12 15:12 17:5 20:6 22:7 29:19,25 32:14 34:16 36:20 68:9 102:9</p> <p><b>matters</b> 57:18 94:21</p>	<p><b>maximum</b> 33:14</p> <p><b>Mayor</b> 4:16,17 10:1,2 13:15,16 14:17,18 16:20 18:15, 16 19:13,14 22:8,9 29:6, 7 32:8,9 34:10,11 36:14,15 37:15 39:6,7 49:4 51:11, 12 52:13,14 69:3,4 75:11,12 79:6,11 82:18 83:6 84:19,20 85:16,17 89:23,24 90:8,12 91:17,18 92:1 93:2 94:12,13 97:18,19 101:10,11</p> <p><b>mean</b> 20:25 27:25 42:11 59:11 98:22</p> <p><b>meant</b> 100:6</p> <p><b>measures</b> 16:24 17:3</p> <p><b>meet</b> 51:20 58:9 96:10</p> <p><b>meeting</b> 3:2,6,8,9, 11,13,14,20 15:15 58:22 59:2</p> <p><b>meetings</b> 3:7,12 24:2 58:5,11,23</p>
---	--	---	--

Township of Cranford Meeting  
January 18, 2023

<p>59:7,8,23 60:13 <b>meets</b> 25:21 31:2 <b>member</b> 60:5 66:25 75:23 78:1 98:22 102:17,18 <b>members</b> 5:12,14,16 6:5,20,22 7:16,17,19 8:2,15 9:1,4 10:12,15 11:4 12:11 15:13,18 16:18 17:5, 19 22:5 24:1 33:9 35:6 45:2 49:19 54:11 60:25 62:11 63:1 65:8 70:6,23 71:5 72:12 74:19 90:20 96:1,16 <b>memory</b> 47:14 <b>mentioned</b> 21:1 56:6 70:7 92:2 <b>met</b> 11:19,20,25 12:19 13:22 17:23 18:21 27:7 31:13 33:12 35:19 38:11 47:8 50:12 60:9 <b>microphone</b> 11:10 16:4 76:23 88:2 101:24 <b>mikes</b> 88:11 <b>mile</b> 77:5,7</p>	<p><b>Miller</b> 22:11 47:23, 24 57:24 59:25 81:1 86:20 88:16 96:3,13 <b>mind</b> 54:17 <b>minimis</b> 49:23 50:3, 6,7,14 <b>minimum</b> 10:20 19:24 29:22 30:13 31:10 40:9 <b>minimus</b> 39:12 <b>minor</b> 8:14 37:7 <b>minute</b> 69:15,17 102:12 <b>missing</b> 37:8 <b>mitigating</b> 40:9 <b>mitigation</b> 56:18 <b>moment</b> 60:22 <b>monetary</b> 74:7 <b>money</b> 73:5 74:1 <b>moot</b> 33:1 71:24 <b>motion</b> 7:9 8:8,23 9:9 10:7 98:4,16,23, 24 99:2,5,7, 13,15,17,24 100:10,13, 14,15,16 101:16 <b>Mountain</b> 5:2 46:15</p>	<p><b>Mountain's</b> 63:16 <b>mounted</b> 34:18,20 <b>move</b> 88:10 92:18 <b>movement</b> 77:16 <b>moves</b> 94:21 <b>moving</b> 19:19 22:18 29:18 32:14 39:12 <b>multi-family</b> 39:15,20 <b>multiple</b> 76:9,12 <b>Municipal</b> 3:4</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p><b>narrower</b> 78:17 <b>nature</b> 34:25 49:23 <b>necessary</b> 37:11 77:2 <b>need</b> 7:22 22:1 35:1 41:2 48:6 53:13 56:22 61:17, 25 71:2 72:5 77:22 79:19 80:2 82:23 90:22,23 92:21 <b>needed</b> 41:14 92:6 93:13 <b>needs</b> 28:13 49:13 51:20 57:3 68:1,2 77:21</p>	<p><b>negative</b> 13:24 18:23 54:8 <b>negotiated</b> 48:22 <b>neighborhood</b> 22:19 24:1 45:16 57:15 58:16 59:15 77:15 <b>neighborhoods</b> 45:18 <b>never</b> 85:23 <b>nice</b> 62:15 63:10 <b>Nick</b> 65:15 <b>night</b> 30:8 101:20 <b>nine</b> 7:14 8:6 52:20,21,23 <b>non-compliant</b> 55:8 <b>non-residential</b> 5:8 <b>nonresident</b> 95:20 <b>nonresidents</b> 95:9 <b>Nordelo</b> 3:1,24 4:20, 21,25 8:25 9:7,12 10:5, 6,8 11:7 12:7,10,16 13:19,20 14:21,22,24 16:17 17:4, 18 18:19,20 19:17,18 20:19 21:10 22:4,13,24 23:17 24:7 25:14,23</p>
--	---	--	--



Township of Cranford Meeting  
January 18, 2023

<p>26:16 27:4, 17 29:10,11, 17 30:15,18, 19 31:4 32:12,13 33:8 34:14, 15 35:5,11 36:18,19 37:24 38:1 39:10,11 42:9,15,21 45:1 47:6,21 48:24 49:2, 18 51:15,16 52:17,18,20, 22 54:10,13, 23 56:24 58:20 59:24 62:4,23 63:12,21 65:6 68:4,8 69:7,8,16, 20,25 75:15, 16 77:24 78:13 79:1,4 80:8,25 81:11 82:2, 16 83:4,17 84:23,24 85:20,21 86:19 88:8 89:11,22 90:13,17 91:21,22 93:16 94:16, 17,20 95:25 96:12 97:1, 22,23,25 99:4,16,21 100:21 101:14,15,23 102:7,11,15</p> <p><b>north</b> 34:23</p> <p><b>note</b> 6:22 49:10 61:24 71:11</p>	<p><b>noted</b> 49:22</p> <p><b>notes</b> 65:13,17,18, 21 70:5,10, 14,15 71:19, 20 86:7,9</p> <p><b>notice</b> 3:7,9,12,14 53:6</p> <p><b>number</b> 5:1 7:24 8:2,4,5 14:23 33:2 39:21 41:21, 25 48:1 50:8 52:20,21,23 58:14 60:3 71:10,15 72:9 75:21 82:4 94:24 95:2,13,19, 22,24 96:7, 23</p> <p><b>numerous</b> 58:4</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objecting</b> 72:25</p> <p><b>objection</b> 86:18</p> <p><b>objections</b> 9:6,7</p> <p><b>obstruction</b> 30:10</p> <p><b>obviously</b> 23:24 26:17 28:13 55:16 56:5,20,21 64:1,10,25 65:10 66:25 82:22</p> <p><b>occupancy</b> 95:18,21 96:6,11</p>	<p><b>occupants</b> 96:23</p> <p><b>occupied</b> 87:20</p> <p><b>occurs</b> 48:12</p> <p><b>offered</b> 70:7,8</p> <p><b>offers</b> 45:9</p> <p><b>okay</b> 11:11 12:10 13:21 14:23 17:7,22 24:19 25:23 28:7 35:7 38:1 41:4 42:21 43:15 46:13 48:25 49:1 50:2 51:17 52:19 55:1,11 65:9 74:4,24 75:17 76:24 83:15,21 84:1,4,10 85:4,22 86:21 89:21 92:10 93:6 94:18 97:6, 24,25 98:12 99:11 100:8, 10</p> <p><b>omission</b> 67:25</p> <p><b>on-line</b> 58:4</p> <p><b>once</b> 23:5 32:24 87:19</p> <p><b>one</b> 7:10,17,24 8:2,23 10:23 12:5,23 13:25 22:4,5 24:10 27:5 30:15,20 34:25 35:7,</p>	<p>10 37:19 38:10 39:17 41:22 43:8, 24 46:17,20 47:13 53:6, 15 54:7,8, 12,17 61:8 66:3 71:5 72:7,12,14 76:10 77:10, 18 79:9,19, 25 81:24 82:1,5,12,23 85:1 87:2 89:19 91:24 98:22</p> <p><b>ones</b> 59:14 70:24, 25</p> <p><b>open</b> 3:7,12 61:7</p> <p><b>open-minded</b> 45:14</p> <p><b>operating</b> 87:3</p> <p><b>opinion</b> 26:25 40:8 46:19 47:5 65:25 66:16, 19,20,21 74:18,20 86:14</p> <p><b>opportunity</b> 10:13 58:9 102:16</p> <p><b>opposite</b> 41:6</p> <p><b>optimal</b> 23:2</p> <p><b>optimum</b> 20:9</p> <p><b>order</b> 10:18 21:18 70:13 88:9 102:13</p> <p><b>ordinance</b> 27:12 29:20</p>
---	---	---	---

Township of Cranford Meeting  
January 18, 2023

31:18 32:15	<b>parents</b>	<b>patience</b>	76:10,15
33:20 34:17	25:4	61:6	77:8 78:9,
35:24 38:16	<b>park</b>	<b>pay</b>	11,19,20
65:21,22	44:7 48:4,8	72:21 73:21,	81:22 83:9
66:7 98:21	79:16,21	22	96:7
<b>ordinance/</b>	81:22	<b>paying</b>	<b>percent</b>
<b>rsis</b>	<b>parked</b>	74:1 80:24	20:1,3 36:22
53:20	42:6	<b>PB-20-002</b>	37:1,21,22
<b>organize</b>	<b>parking</b>	5:2	38:5,8 74:19
6:5	15:5,7	<b>Pedde</b>	87:5 88:1
<b>outdoor</b>	29:21,23	4:14,15	<b>perfectly</b>
20:11 95:8	30:8 31:11,	9:24,25	30:9,11
<b>outlined</b>	12 32:25	13:13,14	<b>perform</b>
9:2,5 10:12	39:15,22	14:15,16	86:1 91:2
25:12 99:19	40:2,21,23,	16:10 18:13,	<b>period</b>
<b>outlining</b>	24 41:1,5,9,	14 19:11,12	89:18
42:17	17,18,23,25	25:24,25	<b>permission</b>
<b>outside</b>	42:4 43:10,	26:3 29:4,5	71:13,17,21
95:13	22,23 44:5,	32:6,7 34:8,	<b>person</b>
<b>overflow</b>	6,9,11,17,	9 36:12,13	5:16 58:5
45:17	18,19,21,25	39:4,5 51:9,	<b>personally</b>
<b>overlighting</b>	45:15,17,22,	10 52:11,12	49:22 64:9
33:3	23 46:6,17,	58:20,21,22	<b>perspective</b>
<b>overlooked</b>	24 47:1,3	69:1,2 75:9,	17:16 67:2
17:15	49:12,15	10 81:12,13,	<b>persuasive</b>
<b>overpass</b>	50:8 96:20	16 84:17,18	37:18
21:23,24	<b>part</b>	85:14,15	<b>Pete</b>
22:18,22	55:4,5 58:2	89:23 90:13,	32:21
23:6,14	60:8 82:21	14 91:15,16	<b>piece</b>
<b>overview</b>	86:4	94:10,11	7:14 10:11,
92:5	<b>participation</b>	97:16,17	14,16 11:12
<b>owe</b>	57:5	101:8,9	15:1 19:20
89:8	<b>particular</b>	<b>pedestrian</b>	<b>pieces</b>
	10:14,16	19:23 20:10	7:14 54:7
<b>P</b>	11:5,10,12	26:18 78:22	<b>pilot</b>
	12:12 15:12,	81:4	55:15,22
<b>page</b>	16 17:17	<b>pedestrians</b>	58:2,6
53:7 71:11,	20:6 22:7	21:21 25:18	66:13,14
15 72:10	30:22 33:3	26:24 77:4,	67:7,8,11
<b>pages</b>	35:2 47:10,	22 78:25	<b>Pistol</b>
6:21 8:12	12 57:11	<b>people</b>	4:2,3 8:18
<b>paragraph</b>	68:9 78:2	7:21 21:6	39:25 40:1
10:19 15:2	96:2,15	23:9 24:25	42:9,13,18
19:21 36:20	<b>pass</b>	25:16 26:11	43:5,8,15
39:23	28:5,7	40:14,19	45:2 46:14
<b>paramount</b>	<b>passes</b>	44:8,23	48:24 49:1
57:11	10:7 101:16	48:4,8 53:5	76:22,24
		58:15 74:21	

Township of Cranford Meeting  
January 18, 2023

78:5 83:4,5, 18 88:10 89:11,12,21 <b>Pistol's</b> 46:5 78:11 <b>place</b> 3:15,23 30:3 43:21 44:12 76:2 77:1,3 89:20 <b>places</b> 80:16 <b>plagues</b> 56:21 <b>plan</b> 5:6,7 10:20 11:13 15:3 19:22 24:12 27:10,12 29:20 31:17, 18 32:15 33:18,20 34:17 35:23, 24 36:21 38:14,16 39:24 40:4, 22 46:16,20 47:9 48:1,22 50:10 53:1, 11,16,18,24 54:2 55:9, 13,16 56:15 65:20 68:12, 13 96:21 <b>planners</b> 86:25 87:21 <b>planning</b> 3:3 6:11 8:9 65:23 67:16 73:6,24 74:12,15 87:14 <b>plans</b> 40:2 53:9, 17,23 68:12 <b>please</b> 3:21,25 9:13 25:7 28:24	65:1 <b>pledge</b> 3:21,23 <b>plenty</b> 41:15 43:23 <b>point</b> 21:17 22:16 23:4 33:1 43:14,22 46:25 49:14 58:10 61:8 74:3 78:11 79:12,17 80:2 82:19, 23 92:9 96:5 98:3,15 <b>pointed</b> 59:25 <b>points</b> 19:25 22:10, 11 49:5,21 60:24 <b>poles</b> 26:7 <b>political</b> 88:25 <b>poll</b> 8:2,7,16,17, 20 10:16 12:14,19 13:1,21 17:22 27:5, 16 28:5 31:7 33:11 35:19 38:10 50:2, 11,18,23 51:17 54:4, 18,20 68:7, 9,10 72:1 74:21 76:19, 20 78:1 82:4 83:21 84:2, 25 85:2 90:22,23 92:19,25 93:18,19 95:22 96:1 97:3,4,5	98:18 <b>polled</b> 99:19 <b>polling</b> 54:16 98:4 <b>polls</b> 54:6 84:2 88:25 <b>poor</b> 41:12 <b>portion</b> 21:15 40:3 <b>portions</b> 6:15 43:11 <b>pose</b> 44:3 <b>poses</b> 48:5 <b>position</b> 24:23 73:7 82:14 95:15 <b>positive</b> 12:21 17:24 73:14 <b>possibility</b> 48:6 <b>possible</b> 40:16 49:9 51:22 80:4 <b>possibly</b> 37:19 <b>postapproval</b> 86:2,3,5 90:1 <b>posted</b> 3:16 5:15 70:23 <b>potential</b> 42:17 66:6 <b>practical</b> 45:20 <b>praise</b> 63:15 <b>preapproved</b> 86:3 <b>prefer</b> 24:4	<b>preliminary</b> 5:5,6,7 52:24 53:1 54:2 65:24 <b>preparation</b> 6:5 <b>prepared</b> 5:13 6:1,3 7:11 8:9 41:20 61:2 <b>preponderance</b> 12:20 13:23 17:24 18:22 27:8 31:14 33:13 35:20 38:12 50:13 <b>present</b> 58:12 <b>presentations</b> 58:4 <b>presented</b> 17:10 20:16 63:18 86:4 90:2 <b>prevent</b> 41:21 42:1 <b>previous</b> 57:18 88:20 89:13 <b>primary</b> 36:23 37:1 38:6,7 <b>principles</b> 67:13 96:14 <b>Prior</b> 5:8 95:25 <b>priority</b> 81:5 <b>privileged</b> 7:1,6 <b>proactive</b> 41:3 <b>probably</b> 40:18 44:17 46:21 78:12 90:8
--	---	---	---

Township of Cranford Meeting  
January 18, 2023

<b>problem</b> 46:2,3,8 47:4 69:21	41:7,8,9,10, 16 44:20 52:25 72:16	<b>Prunty</b> 4:12,13 9:11,22,23 11:18,22 12:2 13:11, 12 14:13,14 15:21,22 16:6 18:11, 12 19:9,10 20:7 22:11, 14,15 25:10 29:2,3 32:4, 5 33:5 34:6, 7 36:10,11 39:2,3 45:5 47:7,23,24 51:7,8 52:9, 10 57:22,23, 24,25 59:5, 25 66:11 68:24,25 75:7,8 79:2, 5 81:1,2 84:15,16 85:12,13 86:20,21 88:16 91:13, 14 94:8,9 96:3,4,13 97:14,15 99:23 101:6, 7	<b>publishing</b> 3:8,13 <b>pull</b> 16:3 <b>purpose</b> 27:10 31:16 33:18 35:22 38:14 50:15, 20 77:8 <b>purposes</b> 15:20 79:16 <b>pursuant</b> 66:7 98:21 <b>pursue</b> 72:15 73:25 <b>put</b> 37:11 59:1 73:10 92:7
<b>procedure</b> 5:9 7:7,9, 11,13 8:1,5, 21,24 9:2,4 10:10	<b>proposed</b> 10:24 12:24 14:2 34:21 37:21 39:16 40:2,11 45:24 53:8, 16,22 68:11 71:23	51:7,8 52:9, 10 57:22,23, 24,25 59:5, 25 66:11 68:24,25 75:7,8 79:2, 5 81:1,2 84:15,16 85:12,13 86:20,21 88:16 91:13, 14 94:8,9 96:3,4,13 97:14,15 99:23 101:6, 7	<b>quarter</b> 77:5 <b>question</b> 8:3 12:19 13:22 17:21 27:2,16 35:12,18 38:2,3,10 50:1,4,12, 18,22 54:24 55:4 68:10 <b>questioning</b> 57:7 <b>questions</b> 6:23 57:8,10 62:10,17 63:18 <b>quick</b> 81:13 <b>quickly</b> 89:24 <b>quiet all</b> 101:20 <b>quite</b> 15:24 25:11 28:2 62:7
<b>procedures</b> 6:23 9:9	<b>proposing</b> 46:10	<b>public</b> 3:7,12 15:13,15,25 16:12 17:10, 14 20:23 21:8 24:14, 21 26:18 33:4 35:2 51:21 61:4 62:9,15 63:3,8,16 <b>public's</b> 30:6,21 <b>publish</b> 30:13	
<b>proceed</b> 27:1 38:2 68:6 97:2	<b>proud</b> 57:6		
<b>proceedings</b> 70:1	<b>proved</b> 28:3 35:1		
<b>process</b> 15:15 57:2, 4,19,21 70:5	<b>proven</b> 11:13		
<b>professional</b> 63:19 92:8 93:13	<b>provide</b> 39:20 45:7 57:16 102:16		
<b>professionals</b> 30:13 76:5 80:13,14,19 82:11,22 83:1 87:25	<b>provided</b> 3:8,13 19:24 35:4 40:13 46:17 63:4 90:18		
<b>program</b> 67:7,8,11	<b>provides</b> 31:3		
<b>prohibits</b> 34:18	<b>providing</b> 6:13 76:14		
<b>project</b> 47:11,12,16 55:22 58:7 61:3 63:3	<b>proving</b> 12:20 13:23 17:23 18:22 27:7 31:14 33:12 35:20 38:11 50:13		
<b>projections</b> 88:22 89:1	<b>provision</b> 39:14,16		
<b>prone</b> 45:11	<b>provisions</b> 27:10 31:17 33:18 35:22 38:14 53:10, 17,24 68:13		
<b>proof</b> 28:2 57:19	<b>prudent</b> 83:2		
<b>properties</b> 31:2 41:11, 13			
<b>property</b> 10:22,24 12:24 14:2 21:15 30:5			

Township of Cranford Meeting  
January 18, 2023

<b>R</b>	<b>rationale</b> 90:18	<b>recommendatio</b> <b>n</b> 73:8,10,12 74:12,16	<b>refer</b> 56:7
<b>R-S-I-S</b> 53:19	<b>read</b> 3:10 5:16 6:18 17:21 27:17 50:1 79:7 98:20	<b>recommendatio</b> <b>ns</b> 47:2	<b>referencing</b> 25:11
<b>Rail</b> 22:17 23:5	<b>reading</b> 5:13 8:2 55:3 62:14	<b>recommended</b> 86:11	<b>reflect</b> 86:9
<b>railroad</b> 21:23 26:8 43:17	<b>Ready</b> 13:2 14:4 93:24 100:19	<b>recommending</b> 42:16	<b>reflected</b> 71:20 76:2 82:9 86:8
<b>raised</b> 49:21	<b>real</b> 81:13 88:23	<b>reconsider</b> 24:22 25:7	<b>reflection</b> 55:15
<b>raising</b> 11:9	<b>reality</b> 78:12 88:23 89:2,7,8,10	<b>record</b> 6:19 16:9 23:20 58:3 60:16 63:24 69:22 98:20	<b>reflective</b> 60:9
<b>range</b> 88:3	<b>realize</b> 78:5,20	<b>recordings</b> 5:18	<b>regarding</b> 16:22 37:16 49:6
<b>Rappa</b> 4:10,11 9:20,21 13:9,10 14:11,12 16:14,21 18:9,10 19:7,8 28:25 29:1 32:2,3 34:4,5 36:8, 9 38:25 39:1 45:4,5,6 46:10 47:18 49:5 51:5,6 52:7,8 62:23,24 68:22,23 75:5,6 79:5 80:8,9 81:21 82:21 84:13, 14 85:10,11 91:11,12 94:6,7 97:12,13 101:4,5	<b>reason</b> 11:14 16:1, 2,4,5 26:24 35:3 41:9 49:24 57:20 74:9 82:13	<b>red</b> 78:21	<b>regular</b> 8:14
<b>Rappa's</b> 49:14	<b>reasonable</b> 27:9 31:15 33:17 35:21 38:13 50:14 86:15	<b>redesigns</b> 32:25	<b>reiterate</b> 60:23
<b>Raritan</b> 43:17 77:3 80:3 81:19	<b>reasons</b> 30:23 45:20 46:21 77:18 80:11	<b>Redevelopment</b> 10:20 15:3 19:22 24:12 36:21 39:24 40:4,22 46:16,20 47:9,25 50:10 53:10, 18,24 55:13 56:15 65:20 68:13 96:21	<b>related</b> 24:13 63:23 67:24
	<b>rec</b> 47:13	<b>reduce</b> 46:21,25 49:8 73:15	<b>relates</b> 55:4 71:22
	<b>recall</b> 37:6,15,20 73:9	<b>reduced</b> 72:25	<b>relation</b> 82:19
	<b>recess</b> 69:19 102:12,14	<b>reduces</b> 21:22	<b>relayed</b> 95:15
	<b>recognized</b> 88:13	<b>reducing</b> 33:2	<b>relief</b> 6:10 7:14, 15,17 10:11, 13,15,16,18 11:5,10,12, 14 12:12 15:1,16 17:6 19:20 20:8 26:25 27:17 29:19 30:22, 24 31:1 34:16 39:12 42:3 43:1,2, 25 45:8 49:9,22,25 53:13 54:7,
	<b>recommend</b> 20:22 47:1	<b>reevaluated</b> 68:1	

Township of Cranford Meeting  
January 18, 2023

16 57:18	44:4	79:13,14	61:14 62:19
98:5,16,25	<b>required</b>	83:10 95:5,	<b>resulted</b>
99:13,17	18:1,25	8,13	63:6
100:16	39:23 55:18	<b>residentially</b>	<b>results</b>
<b>remain</b>	58:2	34:19,20,24	86:2
20:3	<b>requirement</b>	<b>residents</b>	<b>retaining</b>
<b>remainder</b>	26:22 27:12	16:25 20:15	21:18
6:19	31:11,19	44:7 45:10,	<b>review</b>
<b>remaining</b>	33:20 35:14,	13,15 46:12	27:11 31:17
53:23 68:13	24 37:8,9,21	48:14 58:10	33:19 35:23
<b>remedies</b>	38:5,16	59:1,2,3,14	38:15 60:2
48:10	50:8,16	60:12 63:3	76:3,4 80:12
<b>remember</b>	55:16,24	77:13 79:17,	82:9,10 90:3
66:22	65:18 67:16	20,25 86:23	92:5 93:3,8
<b>remembered</b>	96:10,20	87:9 89:4	<b>reviewed</b>
57:25	<b>requirements</b>	96:24	60:14 93:7
<b>rendered</b>	25:22 30:14	<b>resolution</b>	<b>revised</b>
65:25	53:21,25	70:12	28:14 66:7,8
<b>rentals</b>	68:14	<b>respectful</b>	67:4 98:20
95:5,7	<b>requires</b>	63:9	<b>revisions</b>
<b>reorganized</b>	10:20 15:3	<b>respectfully</b>	91:1
7:2	19:22 29:21	66:22	<b>reword</b>
<b>repeat</b>	36:22 39:14,	<b>respond</b>	74:8
56:7	17 40:5	22:5 24:8	<b>rid</b>
<b>repeated</b>	42:18 50:10,	48:25 63:13	73:17
15:25	11	<b>responded</b>	<b>right</b>
<b>repeatedly</b>	<b>requiring</b>	15:24	24:10,13,15
67:5,9	67:20	<b>responding</b>	26:6 42:16
<b>replace</b>	<b>reserved</b>	63:17	58:16 64:1,
61:23	3:17	<b>responsive</b>	3,16 67:15
<b>reporter</b>	<b>residence</b>	57:3,9	69:25 70:4
15:20 69:23	28:16	<b>rest</b>	73:3 81:17
<b>request</b>	<b>resident</b>	54:9	85:23 88:4
41:22 46:4	32:22 33:6	<b>restart</b>	90:7 93:6,8
71:13,17,21	49:14	70:1	94:23 99:9
<b>requested</b>	<b>residential</b>	<b>restaurants</b>	<b>rightfully</b>
10:12,14	5:6 10:25	20:10	58:15
11:5 15:1,17	12:25 14:3	<b>restrictions</b>	<b>rise</b>
19:20 27:17	22:19 23:9	45:16	3:21
29:19 46:19	34:22 35:15,	<b>restricts</b>	<b>road</b>
49:22 60:7	17,18 36:23,	32:16	43:15,17,19
67:5	25 38:6,8	<b>resubmission</b>	59:19 62:7
<b>requests</b>	39:22 40:2,6	67:20	77:3,17
15:25 43:9	41:6,18 42:2	<b>result</b>	81:19 83:2
58:25	44:5,10,11	27:13 31:19	<b>roadway</b>
<b>require</b>	45:17 48:9,	33:21 35:25	76:8 78:17,
21:18 40:7	11 49:11	38:17 50:17	18
	50:8 53:1,4		

Township of Cranford Meeting  
January 18, 2023

<p><b>robust</b> 15:13 57:17</p> <p><b>roll</b> 3:24 9:12 100:20,22</p> <p><b>room</b> 3:3 43:23 88:11</p> <p><b>rooms</b> 95:6,8,14,17</p> <p><b>route</b> 40:13</p> <p><b>RSIS</b> 39:14,16 40:5,8 44:24 46:23 47:9, 17 48:2 50:4,7,11, 15,21 51:19 53:11,18,24 68:14 96:20</p> <p><b>run</b> 77:9 79:18</p> <hr/> <p style="text-align: center;"><b>s</b></p> <hr/> <p><b>safe</b> 21:20 24:13 26:11,23 30:9,11</p> <p><b>safely</b> 25:17 79:21</p> <p><b>safer</b> 76:12 81:4</p> <p><b>safety</b> 17:16 20:24 21:1,8 23:24 24:14,15,21 26:18 28:19 31:3 42:3 48:5 51:21 56:4,14 57:13 58:25 64:6,19 65:2 78:25 81:4 87:13 96:10</p>	<p><b>sat</b> 59:21</p> <p><b>save</b> 70:21 82:4</p> <p><b>saying</b> 27:24 43:4 46:1,9 55:5 72:24 73:1, 15 75:19 87:25 92:10, 13 93:20</p> <p><b>says</b> 7:24 48:17 65:22 71:15 72:14 73:3, 18,20,22 81:17 93:6 95:3,7,11,12</p> <p><b>scenario</b> 53:8</p> <p><b>scenarios</b> 53:7</p> <p><b>scheduled</b> 5:22</p> <p><b>school</b> 21:6,25 22:19 23:6 25:1,2 26:12,14 28:17,22 64:10,11,16 83:8</p> <p><b>scope</b> 51:19</p> <p><b>second</b> 9:10,11 13:21 14:25 42:22 51:17 55:5 82:6 91:24 92:14 93:20 94:19 99:20,22,23 100:8,14</p> <p><b>seconded</b> 100:18</p> <p><b>section</b> 23:7 29:20</p>	<p>32:15 34:17 65:21 66:8 79:14,15 98:21</p> <p><b>sections</b> 79:13</p> <p><b>see</b> 21:25 30:9, 10 37:20 41:4 63:10 65:17 67:2,3 76:14 78:23, 24 80:5 81:23,24 87:24 92:6 93:13 96:1</p> <p><b>seeing</b> 9:3,8 12:13 26:16 31:6 33:10 102:9</p> <p><b>seeking</b> 5:4</p> <p><b>Sen</b> 4:8,9 9:18, 19 12:7,9 13:7,8 14:9, 10 18:7,8 19:5,6 20:18,19,20 24:7,9 28:11,12 31:25 32:1 34:2,3 36:6, 7 38:23,24 51:3,4 52:5, 6 55:1,2,11 56:8,25 63:13,21,22 65:13 66:9, 22 68:5,20, 21 75:3,4 84:11,12 85:8,9 91:9, 10 92:20 94:4,5 97:10,11 99:7,11 100:1,5,7,12</p>	<p>101:2,3 102:23</p> <p><b>sense</b> 44:19</p> <p><b>sentence</b> 74:22 80:20 93:19 94:19</p> <p><b>separate</b> 85:23</p> <p><b>separating</b> 10:24 12:24 14:2</p> <p><b>serious</b> 24:21</p> <p><b>seriously</b> 25:8 77:22</p> <p><b>serves</b> 47:14</p> <p><b>service</b> 45:13</p> <p><b>services</b> 40:12</p> <p><b>session</b> 5:19,21,22 6:1,25 7:4,5 65:15 70:9</p> <p><b>sessions</b> 5:18</p> <p><b>set</b> 47:9,25 87:24</p> <p><b>setback</b> 10:21,22 12:22 13:25 35:14</p> <p><b>settled</b> 89:10 102:9</p> <p><b>seven</b> 5:18 8:12 58:21,23 71:11,15 72:10,11</p> <p><b>seventh</b> 5:20</p> <p><b>several</b> 58:11 62:8</p>
---	--	--	---

Township of Cranford Meeting  
January 18, 2023

<b>sheer</b> 60:3	<b>signal</b> 77:1	<b>small</b> 21:7 28:22 64:14,15	<b>specifying</b> 3:15
<b>sheet</b> 7:24 8:4,5	<b>signed</b> 82:7	<b>so-called</b> 11:1,2 15:8, 9	<b>speed</b> 72:15,18,22, 24 73:19 77:20
<b>sheets</b> 6:4,12,14, 15,16 7:12, 16	<b>significant</b> 64:2	<b>sole</b> 75:24 80:21 82:5,24 90:10 91:2	<b>spend</b> 89:16
<b>shopping</b> 40:12	<b>signs</b> 34:21 35:14, 16 44:10 73:5	<b>solution</b> 42:17 46:8, 11	<b>spent</b> 86:23
<b>short</b> 79:18	<b>similar</b> 79:8	<b>solutions</b> 42:11	<b>spill</b> 41:5
<b>shortened</b> 50:5	<b>site</b> 5:6,7 27:10, 12 29:20 31:17,18 32:15,16,18 33:15,18,20 34:17 35:23, 24 38:14,16 40:6 53:1,9, 16,22 54:2 62:3 68:11 87:1,2,5,10, 19	<b>Someone's</b> 11:6	<b>spill-over</b> 40:24 41:18 42:1,4 44:11,21 48:8
<b>show</b> 74:11	<b>sites</b> 96:22	<b>sort</b> 45:11 61:24 64:5 98:24	<b>spots</b> 46:25 48:1, 13
<b>showing</b> 96:22	<b>situation</b> 40:10	<b>sought</b> 11:1 15:7	<b>Springfield</b> 3:4 78:7 83:7
<b>shown</b> 60:16	<b>situations</b> 41:12	<b>sound</b> 63:23	<b>stand</b> 8:4
<b>shows</b> 17:13	<b>size</b> 15:4	<b>sounds</b> 92:17	<b>standard</b> 30:4 31:2 40:21 51:25
<b>side</b> 41:6,23 76:10 83:11 88:11	<b>skip</b> 53:15 82:4	<b>south</b> 23:7	<b>standards</b> 6:8 40:6,7,8 44:24 47:8, 10,11,17
<b>sidewalk</b> 19:23 20:1, 2,3,9,13 21:2,7,9,14, 19,22,24 22:20,21,23 23:3,11,13 24:18 25:17, 19,21 26:5 27:14 43:19 56:6 64:21 71:18,23 72:6 99:2,8 100:2	<b>slope</b> 71:13,17,19, 22	<b>space</b> 26:6 44:15, 16 45:9 81:21	<b>standing</b> 59:3
<b>sidewalks</b> 20:25 21:2 64:18 100:13	<b>sloped</b> 21:15	<b>spaces</b> 39:15,17,18, 20,22 42:1 43:22,23 44:9 45:22 46:17,24 50:9	<b>standpoint</b> 87:13
<b>sign</b> 76:1	<b>slow</b> 42:6 83:15 95:6	<b>speak</b> 15:18	<b>stands</b> 56:19 67:18
<b>signage</b> 34:18 72:22	<b>slower</b> 3:10 43:14 88:17	<b>speakers</b> 89:13	<b>start</b> 71:10 95:4 99:12
		<b>special</b> 58:5	<b>started</b> 46:14
		<b>specifically</b> 74:15 90:1	<b>state</b> 40:7
			<b>stated</b> 47:19 89:25



Township of Cranford Meeting  
January 18, 2023

93:12 96:5	25:2,3 26:5	100:17	<b>surface</b>
<b>statement</b>	28:18 48:8	<b>submission</b>	49:6
28:13 55:14	64:15,24	65:19,25	<b>surprisingly</b>
58:3 65:13,	76:10 77:10	67:17	78:10
19 67:3	78:6,7,8,12	<b>submit</b>	<b>surrounding</b>
<b>states</b>	80:4,5 83:14	66:7 86:5	31:2 51:23
93:3	<b>streets</b>	98:20	<b>switch</b>
<b>stating</b>	41:1 83:11	<b>submitted</b>	84:8
46:11	<b>stretch</b>	66:2,3,12,15	
<b>statute</b>	81:20	67:7,14	<b>T</b>
50:21	<b>stride</b>	<b>sufficient</b>	
<b>steps</b>	33:2	40:21 41:25	<b>table</b>
49:8	<b>stripe</b>	43:18 44:2,9	99:3,6
<b>stick</b>	26:9	45:23 64:20	<b>tailored</b>
46:23	<b>striped</b>	<b>sufficiently</b>	6:17
<b>stickers</b>	25:12	41:14	<b>take</b>
48:11 49:12	<b>strong</b>	<b>suggest</b>	44:12 47:15
<b>stop</b>	16:12	98:15	48:19 51:21
42:21 80:4,5	<b>strongly</b>	<b>suggested</b>	60:22 62:12
<b>straight</b>	20:15 87:18	7:9,11,12	66:12 69:15
64:23	<b>struck</b>	8:1,9,21	73:24 76:21
<b>straw</b>	25:18	89:19	78:19 97:5
8:1,6,16,17,	<b>struggled</b>	<b>suggesting</b>	102:12
20 10:16	23:1,19,23	42:11	<b>taken</b>
12:14,18	<b>struggling</b>	<b>suggestion</b>	3:19 17:15
13:1,21	23:15	7:7 70:21	49:8 60:5
17:22 27:5,	<b>stuck</b>	<b>suggestions</b>	69:19 77:22
16 28:5 31:7	23:14	61:2,7	102:14
33:11 35:18	<b>studies</b>	<b>support</b>	<b>takes</b>
38:10 50:2,	56:5 89:13	11:11 16:1,	3:23
11,18,23	<b>study</b>	5,13,15 17:1	<b>taking</b>
51:17 54:4,	86:1,3,4,5	20:8 23:16	24:24
6,16,18,20	88:20 89:9,	24:5 26:24	<b>talk</b>
68:7,8,10	16 90:1	30:24,25	24:17 71:3,7
72:1 74:21	<b>subdividing</b>	35:3 46:1	<b>talked</b>
76:19,20	79:13	47:19 48:23	58:19 66:23
77:25 82:3	<b>subdivision</b>	49:25 57:20	67:9 86:22
83:21 84:1,	5:5 52:24	62:20 81:9	<b>talking</b>
2,25 85:2	53:9,17,23	86:24	25:25 26:4
90:22,23	54:2 68:12	<b>supports</b>	37:19 79:12
92:19,24,25	<b>subject</b>	49:9	80:2
93:18 95:22	43:3,5 54:20	<b>supposed</b>	<b>talks</b>
96:1 97:3,4	68:14 76:3,4	98:6	59:10 73:4
98:4,18	80:12 82:9,	<b>sure</b>	<b>tally</b>
99:19	10 93:3,4	3:10 4:1	8:6
<b>street</b>	98:5,17,25	71:8 87:3	<b>Taylor</b>
21:3 24:18	99:14,18	89:25	4:6,7 9:16,

Township of Cranford Meeting  
January 18, 2023

17 13:5,6 14:7,8 18:5, 6 19:3,4 21:10,12 22:12,16 25:14,15 26:21 28:9, 10 30:1,23 31:23,24 32:21,24 33:6,25 34:1 36:4,5 37:5 38:21,22 45:4 46:14 47:19 49:6 51:1,2 52:3, 4 63:12,14, 15 68:18,19 69:14,18 73:6,13 74:2,6,9,18, 22 75:1,2 76:6 78:15 84:7,8 85:6, 7 91:7,8,23 92:1,5,17 93:11,23 94:2,3 96:18,19 97:8,9 100:25 101:1	61:9 74:7 76:14 <b>testimony</b> 37:5,16,17 64:8 73:9 74:11 <b>thank</b> 10:8 14:24 17:3,18 19:19 20:20 26:19 27:4 29:17 33:6 45:1 56:24 60:18 63:10, 19,24,25 64:3 68:4 69:18 77:24 80:7 81:17 83:17 88:14 90:11,12 97:1 101:17, 19 102:5,7 <b>thankful</b> 56:17 <b>thing</b> 41:7 43:24 44:13 46:7 60:1 63:8 77:10,12,21 90:14 <b>things</b> 8:14 17:14 41:1 58:1,14 63:5 64:9 87:11 <b>think</b> 8:19 12:5 17:9,12 20:12,16 21:13,17 23:1,6,8,12 24:10,20,22, 23 25:8,20 26:9,22 27:19 28:4, 23 30:6,21 37:5,11,18, 23 40:17	41:2,17,20, 21 44:1,2,3, 21 45:8,10 47:4,24 48:5,9,12, 18,19 49:9, 13,16 53:11 54:3 55:4, 18,25 56:1, 2,11,12,18, 19,22 57:7, 9,15,17,21 58:24 59:22 60:4,13,24 61:3,5,12, 23,25 63:5 71:4 74:2 76:13,25 77:17 78:10, 16 79:19,24 80:22 81:8 82:20 83:2, 15 86:16 87:4,7,8,15, 16,17 89:2, 8,13,17 90:4 92:21 96:13 102:23 <b>third</b> 19:20 <b>thoroughly</b> 63:2 <b>thought</b> 17:12 21:5 63:17 70:16 93:12 102:24 <b>thoughtful</b> 63:9 80:15 <b>thoughts</b> 6:5 <b>three</b> 8:5 39:19 47:13,14 72:10 83:14 <b>time</b> 3:15 44:7 45:11 55:23 57:25 58:8	59:17 60:12 61:1 64:2,14 66:14 70:21 82:4 86:22 89:16,17 96:25 102:2 <b>times</b> 41:11 58:10 62:8 <b>timing</b> 91:3 <b>today</b> 21:4 62:2 <b>told</b> 102:24 <b>tonight</b> 4:25 5:10 6:25 9:2 62:21 <b>tonight's</b> 3:2 6:6 9:9 <b>top</b> 72:10 <b>total</b> 37:9 39:21 <b>town</b> 3:17 45:11, 21 49:11 59:4,6,8,13 62:12 64:15 80:16 81:5 <b>township</b> 3:18 41:22 43:9 45:14 46:4,6,20 48:10 49:7 58:4,5 60:10 61:13 72:14, 16,20,21,23 73:1,2,8,15, 18,20,25 74:13,16 76:5,13 77:19 80:13, 14,22 81:6 82:11,22 86:6,7,12 87:8 89:7
---	---	--	---

Township of Cranford Meeting  
January 18, 2023

90:2 91:4	<b>troubling</b>	45:18 46:11	13:24 15:2,
92:6,15	24:16	54:19 73:11	9,10 17:25
93:22	<b>trust</b>	76:17 79:17	18:24 23:16
<b>township's</b>	80:19	87:9,15 93:5	31:9 53:13
5:15 87:14	<b>try</b>	<b>understanding</b>	<b>variances</b>
<b>townships</b>	28:21 64:23	54:23 67:9	53:19 55:6
16:16	<b>trying</b>	<b>Understood</b>	68:15
<b>track</b>	42:12 46:24	74:2	<b>various</b>
11:8	79:6	<b>undisturbed</b>	80:15
<b>tractor</b>	<b>turning</b>	21:16	<b>vary</b>
64:8 65:3	11:9	<b>undue</b>	27:15
<b>traffic</b>	<b>turns</b>	27:13 31:19	<b>vast</b>
23:8 42:4	70:19	33:21 35:25	54:8
56:5,10,14	<b>two</b>	38:17 50:17	<b>vegetation</b>
58:7,13	8:4 10:23	<b>unduly</b>	21:17 24:4
61:16,20	14:23 24:10,	51:20	<b>vehicles</b>
64:17 65:4	24 39:18	<b>Union</b>	25:13 40:17
77:21 78:23,	41:21 47:13	71:12,16	<b>versa</b>
24 80:6	62:21 69:15	72:5	77:15
83:16 86:1,	71:5,11,15	<b>unit</b>	<b>versus</b>
3,7,12 88:20	79:13,18	39:15,17,18,	11:1 15:8
89:9,18 90:3	80:2,11	19,20 46:18	<b>viable</b>
91:4 92:3,4,	81:7,24	50:9	61:12,22
9,15 93:22	82:23 84:1	<b>units</b>	<b>vice</b>
<b>trafficked</b>	85:23 89:12	46:18 47:15	3:1,24 4:21,
76:8	91:1 92:6,7	<b>Unlike</b>	25 8:25 9:7,
<b>trailers</b>	93:10,13	41:10	12 10:6,8
64:8 65:3	96:14 102:12	<b>unnecessary</b>	11:7 12:7,
<b>transcripts</b>	<b>type</b>	30:9	10,16 13:20
5:17	43:24 46:7	<b>unobstructed</b>	14:22,24
<b>transformed</b>	<b>typically</b>	19:25	16:17 17:4,
6:16	40:8	<b>unresolved</b>	18 18:20
<b>transition</b>		56:11	19:18 20:19
22:17	<b>U</b>	<b>unsafe</b>	21:10 22:4,
<b>transitions</b>		25:20	13,24 23:17
22:22	<b>ultimate</b>	<b>utilized</b>	24:7 25:14,
<b>transparency</b>	8:7	6:24 7:8	23 26:16
36:24 37:2	<b>ultimately</b>		27:4 29:11,
38:5,9	16:23	<b>V</b>	17 30:15,18
<b>transparent</b>	<b>unanimous</b>		31:4 32:13
59:6,7	54:9	<b>value</b>	33:8 34:15
<b>treacherous</b>	<b>underneath</b>	17:13	35:11 36:19
28:23	26:13	<b>valve</b>	37:24 38:1
<b>treat</b>	<b>underpass</b>	42:3	39:11 42:9,
82:15	81:19	<b>variance</b>	15,21 45:1
<b>trees</b>	<b>understand</b>	10:17,18	47:6,21
20:14 26:7	16:3,25	11:2,3 12:22	48:24 49:2,
			18 51:16

Township of Cranford Meeting  
January 18, 2023

<p>52:18, 20, 22 54:10, 13, 23 56:24 58:20 59:24 62:4, 23 63:12, 21 65:6 68:4, 8 69:8, 16, 20, 25 75:16 77:15, 24 78:13 79:1, 4 80:8, 25 81:11 82:2, 16 83:4, 17 84:24 85:21 86:19 88:8 89:11, 22 90:13, 17 91:22 93:16 94:17, 20 95:25 96:12 97:1, 23, 25 99:4, 16, 21 100:21 101:15, 23 102:7, 11, 15</p> <p><b>video</b> 5:17</p> <p><b>view</b> 21:18 92:9</p> <p><b>viewed</b> 5:17</p> <p><b>views</b> 55:17</p> <p><b>virgin</b> 61:10</p> <p><b>visit</b> 81:23</p> <p><b>voice</b> 35:7</p> <p><b>volume</b> 60:3</p> <p><b>vote</b> 8:17, 19, 21 20:21 28:3 54:8 66:3 69:11 82:20 83:2 84:9 92:12</p>	<p>102:17, 18, 24</p> <p><b>voted</b> 64:25 92:12</p> <p><b>votes</b> 85:23</p> <p><b>voting</b> 5:1, 24 6:3, 6, 9, 24 22:2 98:23</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 102:5</p> <p><b>walk</b> 21:21 23:10 25:1, 3 26:12 28:19 30:9 64:12 76:10, 15 77:5</p> <p><b>walking</b> 21:6 24:24 25:4, 16</p> <p><b>walkways</b> 76:16</p> <p><b>wall</b> 21:18</p> <p><b>Walnut</b> 5:3, 19 6:17 10:19 15:2 19:21, 24 24:25 26:14 27:15 28:16 36:21 39:24 40:12, 13 41:6, 23 42:5 43:11, 17 47:3 48:4 64:16 71:18 76:1, 7 77:1 78:6 81:20 82:7 83:11 102:20</p> <p><b>want</b> 6:22 7:20, 21, 25 8:15, 22 28:4</p>	<p>45:2, 25 48:25 50:19 56:6 59:13 60:20 61:8, 15 63:23, 24, 25 64:3 65:12 66:15 71:7 72:23 73:15 74:13 77:19, 20 79:20 80:10 81:22 82:13, 15 88:9 89:15 92:25 96:1</p> <p><b>wanted</b> 7:23 24:9 42:10 45:10 49:4 59:15, 24 60:22 62:6 63:13, 22 65:17 74:9 81:3 102:17</p> <p><b>warehouse</b> 44:16</p> <p><b>warrant</b> 81:9</p> <p><b>watch</b> 59:16</p> <p><b>way</b> 8:5 22:18 24:20 43:24 67:18 70:11 74:6 77:6, 7, 12, 15 78:24 79:23 83:13 92:23 93:9</p> <p><b>ways</b> 41:21</p> <p><b>website</b> 5:15 6:12, 22 70:23</p> <p><b>Wednesday</b> 3:3</p> <p><b>week</b> 44:7, 14</p>	<p><b>weekends</b> 44:14, 18 48:14</p> <p><b>welfare</b> 20:23 21:8 24:14, 21 56:5</p> <p><b>well-informed</b> 62:10, 16 63:4</p> <p><b>went</b> 6:25 7:3 57:21 70:5, 9</p> <p><b>west</b> 41:23</p> <p><b>Westfield</b> 3:9, 14</p> <p><b>wholeheartedly</b> 17:1 90:15</p> <p><b>wide</b> 20:2, 4 23:7 78:18</p> <p><b>widen</b> 71:18 72:6</p> <p><b>widened</b> 71:24</p> <p><b>widening</b> 21:13 71:23 99:1</p> <p><b>wider</b> 23:11</p> <p><b>width</b> 19:25 21:19, 23, 25 22:21 27:16 43:15</p> <p><b>wind</b> 70:11</p> <p><b>window</b> 36:24 37:2, 12, 19 38:10</p> <p><b>windows</b> 37:10</p> <p><b>wishes</b> 72:15 73:2</p> <p><b>woe</b> 43:13</p>
---	---	---	--

Township of Cranford Meeting  
January 18, 2023

<b>wonderful</b> 62:22	<b>year-and-a-half</b> 87:21	
<b>word</b> 61:15	<b>years</b> 25:17 61:20 62:1 67:1	
<b>worded</b> 74:6	<b>yup</b> 12:8 91:25	
<b>words</b> 44:1 66:10 67:12		
<b>work</b> 59:17,21 62:14,17,22 80:19 87:2, 10 88:8,25	<hr/> <b>Z</b> <hr/>	
<b>worked</b> 60:16 88:6	<b>zone</b> 19:23 28:20 35:17,18 64:10	
<b>working</b> 59:18	<b>zoned</b> 34:19,20,24	
<b>works</b> 55:22	<b>zones</b> 34:23 35:15	
<b>workshops</b> 59:10		
<b>worth</b> 53:11		
<b>writing</b> 94:19		
<b>written</b> 6:1 67:18 73:23 90:15 93:2,9,10		
<hr/> <b>Y</b> <hr/>		
<b>yard</b> 10:21 12:22 13:25		
<b>Yeah</b> 12:4,18 25:15 35:11 62:24 63:22 69:16 71:14 76:23 96:19 97:4 100:7 102:22		
<b>year</b> 81:7 87:20, 25		