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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD
WORK SESSION

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Third Street Firehouse
Greenport, New York

March 29, 2018
4:05 p.m.

B E F O R E :

- MARY GIVEN - CHAIRWOMAN
- BRADLEY BURNS - MEMBER
- NOAH THOMAS - MEMBER
- WALTER FOOTE - MEMBER (absent)
- JOHN COTUNGO - MEMBER

- ROBERT CONNOLLY - VILLAGE ATTORNEY
- GLYNIS BERRY - PLANNING BOARD CONSULTANT
- PAUL J. PALLAS - VILLAGE ADMINISTRATOR
- KRISTINA LINGG - BUILDING CLERK

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INDEX

ITEM	DESCRIPTION	PAGE
1	Accept Minutes 2-22-2018 and 3-1-2018 meetings	3
2	Approve 1-25-2018 and 2-1-2018 meetings	3
3	Schedule Work Session meeting 4-26-2018	4
4	Schedule Regular Session meeting 5-3-2018	4
5	411 First Street	4
6	222 Manor Place	19

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CHAIRWOMAN GIVEN: Good evening,
we're going to open the Village of
Greenport Planning Board Work Session
at 4:05 p.m.

Item number 1, motion to accept
the minutes of the February 22, 2018
and March 1, 2018 Planning Board
meeting.

Do I have a second?

MR. BURNS: Second.

MS. GIVEN: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carries.

Item number 2, motion to approve
the minutes of the January 25, 2018 and
February 1, 2018 Planning Board
meeting.

Do I have a second?

MR. THOMAS: Second.

MS. GIVEN: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

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MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carries.

Item number 3, motion the schedule
the Planning Board Work Session meeting
for 4:00 p.m. April 26, 2018.

Do I have the second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. GIVEN: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 4, motion the schedule
the Planning Board Regular Session
meeting for 4:00 p.m. May 3, 2018.

Do I have a second?

MR. COTUNGO: Second.

MS. GIVEN: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carries.

Item number 5, 411 First Street.

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Pre submission conference for the site plan review of Kirk Services LLC, represented by David Murray.

The application is for the approval of a conversion from a residential use to a commercial use for the property located at 411 First Street.

The property is located in the commercial retail district and is designated Suffolk County Tax Map number 1001-4-6-35.

David had taken the podium.

MR. MURRAY: Good afternoon Planning Board. This is a pre-submission conference regarding this project and I am representing Kirk LLC, better known as Sparkling Pointe.

We are in the design phase of the project and we are converting this home into a tasting room for Sparkling Pointe. From the plans that you see, we're keeping the integrity of the house. We're going to be stripping the

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2 house down to its, really bear bones
3 and historically, we're gonna
4 duplicate, probably what is underneath
5 the vinyl siding and Sparking Pointe is
6 gonna be doing a really sharp job on
7 this house, they're gonna do everything
8 correct with the Historic Board,
9 retrimming the whole exterior and the
10 interior. As the plans indicate, they
11 are going to be converting the space
12 into a tasting room on the main level
13 and on the upstairs is going to be a
14 one-bedroom apartment house, apartment.

15 So what I'm looking for from the
16 Planning Board is, we need two
17 variances, one for the handicap ramp
18 and one for, on the back right sides
19 there are some stairs going into a
20 second egress stairwell going upstairs.

21 Actually, they're not variances.
22 That's what you want to tell me, right?

23 MR. PALLAS: Correct. There are
24 no variances required.

25 MR. MURRAY: No variances, it's

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Planning Board's approval.

MR. PALLAS: Site plan review.

MR. MURRAY: That's right, I apologize for that.

So this is the site plan that we have submitted. The color copies shows the house in blue, some masonry patios, some standup tables in this back.

It's not a food establishment. They're are not going to be serving any -- it's not a restaurant, they're not gonna be sitting down. The only thing they serve food wise is like cheese and crackers, so there is no kitchen in the plan, there is just a refrigeration, ice makers kinds of service area in the back part of the house.

CHAIRWOMAN GIVEN: Glenys, do you have any comments.

MS. BERRY: Just a few.

Other than the handicap ramp, is there any increase in lot coverage and did you calculate that because that is the one measurement I didn't see.

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MR. MURRAY: I think in the application it was handwritten on the second page with the lot coverage.

MS. BERRY: I didn't see that, so does it comply?

MR. MURRAY: Yes.

MS. BERRY: One minor thing is the access to the ramp should be of a surface that's compliant with handicap code, so I notice you saw its on, so you should check the code and make sure that it's smooth for wheelchair.

The other thing is that the apartment on the second floor, it's required to be occupied year-round and the owner will need to submit some kind of proof to the building inspector of that so the Building Department is comfortable that that's how it's used.

Then the only -- oh, will you be having seating on the porch.

MR. MURRAY: On the porch, it's not big enough to really have seating. The porch is kind of narrow, and we're

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not looking to increase the size of the front porch or the back, the back we're not, there's really not space for seating.

MS. BERRY: The only other thing that I think needs to be clarified, this is more of a Building Department issue, but it relates to the Planning Board because it's about the kind of occupancy of the space, is figuring out the occupancy for this because when I took a quick look at it, outside you got 72 and inside it depends if you have standing room or not. Again, it comes down to toilet issues because if it's fifteen occupancy, which you have, you have to include the outside as well when you're doing it, you require accessible or family unit for each sex, so both would need to be sized correctly.

MR. MURRAY: So both of the bathrooms would need to be unisex and handicap.

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MS. BERRY: Not unisex.

MR. MURRAY: I mean --

MS. BERRY: Over fifteen, they
can't weapon unisex.

MR. MURRAY: Okay.

MS. BERRY: But each one would
need to meet that requirement.

And then if your being classified,
again it's a classification that's
based on the occupancy rate, because
your over fifty obviously, so then it
would be an A, although the build could
be B, so it's gets a little unclear
there, but if your considered a bar,
you would need --

MR. MURRAY: They're not consider
a bar, a taste room is a different
classification.

MS. BERRY: Then you need to
identify that and apply that to the
toilet fixture requirement --

MR. MURRAY: Okay.

MS. BERRY: -- because that will
determine how many toilets and that

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will impact your occupancy.

MR. MURRAY: Okay.

MS. BERRY: I just want to compliment you, I really like the bumper that you did in the back. That's appreciated instead of maximizing everything.

MR. MURRAY: Thank you.

MS. BERRY: Will there be any exterior lighting?

MR. MURRAY: Other than what's on a normal house.

MS. BERRY: Okay.

MR. MURRAY: I don't think so, but I'll make sure. I know you want it all down lighting, right?

MS. BERRY: Yes, and maybe just include a picture of what you're gonna use on the outside.

MR. MURRAY: Okay.

MS. BERRY: Will the sign be mounted?

MR. MURRAY: I think what we're gonna do is what First and South di, is

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have it on the porch. So I knew that was gonna be one of the thing for next meeting I need to clarify is the signage, we do not have that clarified yet.

Is it okay to do it like they did, or do you prefer a sign out front?

MS. BERRY: It just needs to comply with code and if it's hanging, you should have it engineered. You don't want the wind load throwing it somewhere.

And then it's in the Historic District, so it will have to go to --

MR. MURRAY: Yes.

MS. BERRY: -- the Historic Board for review.

MR. MURRAY: Yes.

MS. BERRY: And they're exempt from parking requirements, so I was wondering just for our own information how you plan to use the driveway.

MR. MURRAY: They still want to keep part of the driveway where it's in

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gray, and then it's gonna have a fenced in dumpster area where the dumpster company could back up into that.

It's not really gonna be used thought. There really gonna try to get people to go onto the walkway and patio and stay off the driveway, but it will still be there. It's not really in the plan of use, other than the parking maybe for the tenant.

MS. BERRY: That's all I have.

MR. COTUNGO: Do you know the hours of operation?

MR. MURRAY: I do not.

MR. COTUNGO: Then you should find that out.

MR. MURRAY: Yup.

MR. COTUNGO: Is that landscaping existing or proposed?

MR. MURRAY: It's proposed.

MR. COTUNGO: Well, what is it? You know, landscaping -- does it say how many trees or what you kind of trees, shrubs?

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MR. MURRAY: They want a big green buffer around the whole back area. The exact tree, no I do not know.

MR. COTUNGO: You should probably be more specific because it's too general, landscape.

MR. MURRAY: What kind of trees would you like to see there, some tall arborvitaes or --

MR. COTUNGO: Probably a mixture of evergreens and pretty tall. There residents behind it, right?

MS. BERRY: No.

MR. COTUNGO: No.

MS. BERRY: In fact, I appreciate that they're doing this because I think it will help --

MR. COTUNGO: What are you doing?

MR. MURRAY: A ten-foot green buffer from the property line to the patio and we want it -- they want it -- I don't know if anybody's been to the Sparkling Pointe, they want it really nice landscape and they do want a

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buffer wall of greenery, the exact landscaping materials have not been even thought about, but we'll think about it for the next meeting.

MR. COTUNGO: Are you going to hire an architect to take care of this?

MR. MURRAY: As far as the plans go?

MR. COTUNGO: Yeah.

MR. MURRAY: We are the design company, my wife is the architect on this.

MR. COTUNGO: An architect or engineer?

MR. MURRAY: Yep.

MR. COTUNGO: You're gonna need that.

MR. MURRAY: Well, yeah, we'll be doing the whole building permits and everything of that.

MR. COTUNGO: Well, it's a good idea to do that now when she was saying you need to go the code analysis to see if two exits are required.

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MR. MURRAY: They are.

MR. COTUNGO: To see if you need two, male and female handicap toilets, unless you get involved in the zoning, I'm not saying you can't do it, ma'am say you can't do it with yourself, but I think you have to do that before we approve it.

MR. MURRAY: I understand, and the plans indicate right now that the bathrooms and I've been indicated that we need to have two handicap, so we are gonna have to redesign that to get that to work.

But the plans show the two stairs. We know that we have to have the second stair for upstairs and that's where the exterior staircase comes into play because the stairs now do not meet code, so the plan is really what we're gonna go with. Now we have not done the engineering, we're waiting to go some of these boards to figure out the exact, like the second handicap

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bathroom, we'll get that figured into the plan and things like that.

We plan on doing all that and the historic --

MR. COTUNGO: I think you have to do that now.

MR. MURRAY: We're -- this is part of the process.

MR. COTUNGO: Okay.

MR. MURRAY: I get that --

MR. COTUNGO: Because this plan doesn't even have dimensions for the ramps or for the platforms or the toilets for that matter themselves, the door sizes; and if the place on the -- if the tasting room needs two exits, both have to be handicap accessible if you have to get out, a handicap person has to get out.

MR. MURRAY: I don't know if you're correct on that one. Both exists do not need to be handicap.

MS. BERRY: I would have to double check, but I don't think.

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MR. COTUNGO: That's my understanding of the code, but again, you should hire a professional and let them tell you.

CHAIRWOMAN GIVEN: Ben, do you have any comments?

MR. BURNS: No.

CHAIRWOMAN GIVEN: Noah?

MR. THOMAS: No.

MR. PALLAS: So if it's the Board's pleasure, we'll put an agenda item for next wee to schedule the public hearing for the site development for May 3rd.

CHAIRWOMAN GIVEN: So we're making a motion to schedule the public hearing for --

MR. PALLAS: That would be on the agenda for next week, yes.

CHAIRWOMAN GIVEN: Oh to make a motion.

MR. BURNS: Well, it's already a commercial lot.

CHAIRWOMAN GIVEN: Commercial

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retail.

MR. CONNOLLY: It's a residential property right now in a commercial district.

MR. BURNS: So it doesn't have to go before the ZBA?

MR. PALLAS: No. There's no variance -- right, correct, it's in the correct zone, yes.

Sorry I didn't understand the question. Yes.

MR. COTUNGO: What was the question about the variance because on the application didn't it say a variance was needed?

MR. PALLAS: No, there's no variance required for the site.

CHAIRWOMAN GIVEN: He said it, I believe.

MR. COTUNGO: No, it said it, I saw it written down somewhere.

MR. BURNS: But it's not required.

MR. COTUNGO: It's not required.

Wasn't there a piece of paper that

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said variance.

CHAIRWOMAN GIVEN: I don't know,
John. I did not see it.

MR. PALLAS: There is a document
in the file that was originally
prepared when there was a variance.
There was contemplation of a variance.
It's just an authorization to appoint
Mr. Murray as their agent, that's all,
the same form was used.

MR. COTUNGO: I understand.

MR. PALLAS: But we reviewed it,
there's no variance required.

MR. COTUNGO: Okay.

CHAIRWOMAN GIVEN: David, do you
have any other comments for us?

MR. MURRAY: No.

I'll get all these things put
together.

CHAIRWOMAN GIVEN: Okay. Great.

MR. MURRAY: Thank you very much.

MR. PALLAS: We'll formalize the
comments from our planning consultant
and get them to the applicant next

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week.

CHAIRWOMAN GIVEN: Yes. Thank
you.

MR. MURRAY: Thanks, guys,
appreciate it.

CHAIRWOMAN GIVEN: Item number 6,
222 Manor Place. Discussion and
possible motion on the application of
the Lanmark Group.

The applicant is proposing to
reopen the medical building located at
222 Manor Place. The property is
located in the R-1 one-family
residential district and is not located
in the historic district.

It is designated Suffolk County
Tax Map number 1001-2-2-41.1.

There will be no public comments
on this matter tonight at this meeting.
Should the applicant wish to say
anything, this is really just for us to
discuss it now and get to our final
part of where we are.

You are?

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MR. SOUTHARD: I'm the architect.
My name is Charles W. Southard, Junior,
registered architect, 435 Bayone Road,
Southold.

I'm here just to answer any
questions you might have for me, that's
all.

CHAIRWOMAN GIVEN: Okay.

MR. PALLAS: Madam Chair, I
apologize for interrupting.

I just want to make sure the Board
members did get a copy of comments from
Walter Foote.

CHAIRWOMAN GIVEN: Yes, I did.
Des everybody have those?

MR. BURNS: Yes.

MR. THOMAS: Yes.

MR. COTUNGO: Yes.

CHAIRWOMAN GIVEN: Great.

Noah, how do you stand? What are
you ideas?

MR. THOMAS: I had agreed with
everything with this, with what Walter
had said.

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CHAIRWOMAN GIVEN: Great. This
(indicating)?

MR. THOMAS: Yeah.

CHAIRWOMAN GIVEN: Are you there
on that point because we are
(indicating)?

MR. THOMAS: Yes, I am.

CHAIRWOMAN GIVEN: We're talking
about the fire department belief and
feeling that it should be two, in and
out, sides. Yes?

MR. COTUNGO: Yeah, even before I
heard from the fire department, my
opinion was there should be one way in
and the opposite way out.

CHAIRWOMAN GIVEN: So we're
standing on that. We believe that to
be important and crucial to go with the
fire department's recommendation on the
driveway.

MR. SOUTHARD: We agree.

CHAIRWOMAN GIVEN: Okay.

Does anyone have any other points
of concern?

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How do you feel about not
restricting the back park to --

(Whereupon, the Board speaks
quietly to one another.)

MR. THOMAS: I don't think it's
going to come up a lot.

CHAIRWOMAN GIVEN: Okay. We're
discussing the restricting the back
parking lot to handicapped and patients
and employees.

How do you feel about that?

MR. COTUNGO: That's everybody,
handicap --

CHAIRWOMAN GIVEN: No.

I'm sorry, excuse me. Thank you
for correcting me.

I think in the beginning, it was
just the workers and the handicapped
patients that would be arriving or
workers.

Yes.

MS. BERRY: It was something I
recommended to cut down on the
circulation pattern.

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CHAIRWOMAN GIVEN: Right.

MS. BERRY: And yes, it's hard to operate, but if -- I don't like the idea of putting the staff at the distant one because then it really makes that active, so I was trying to find solutions that would cut down on the activity back there.

CHAIRWOMAN GIVEN: Yes.

MS. BERRY: And, you know, just having a sign, a lot of people obey signs, so it was a way to kind of -- I'd rather not see the staff parking elsewhere and just the customers there which they were talking about in the beginning, so I think the reverse would be more compatible to this.

CHAIRWOMAN GIVEN: I don't know if I'm hearing you. Do you want rear for staff?

MS. BERRY: I prefer that.

CHAIRWOMAN GIVEN: And handicap.

MS. BERRY: And handicap.

MR. THOMAS: And have less traffic

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going around.

CHAIRWOMAN GIVEN: What are anyone else's feelings on that? Ben?

MR. BURNS: Yes, I think -- what I would like to see is the signage, how are people going to be directed to the back or not, and if we limit the back. If we indicate the back is for handicap, which is definitely the way you planned the building, won't that change the way people look at it? For myself, I would say rather not park in the back, just simply because of some kind of prejudice in my mind says, why would I go down these little roads in order to go to the doctor? So I would prefer to park in the street, just the way I look at it. If a sign says parking in the back for staff the handicap then --

MR. THOMAS: If all the open spots say staff on them and the other ones have a handicap spot, it's sort of gonna tell that person when they go

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back there. Is this how they're going to be labeled?

CHAIRWOMAN GIVEN: They could but --

MR. THOMAS: Sort of like each spot.

CHAIRWOMAN GIVEN: But I think you're thinking about signs out front to direct people prior to getting back there to find out --

MR. BURNS: You would have to have signage out front.

CHAIRWOMAN GIVEN: Right.

MR. BURNS: Where ingress and egress is and who you encourage to go back. It would be interesting to see what kind of signage we have.

CHAIRWOMAN GIVEN: Okay.

MR. BURNS: Which we ought to look at anyway, right, we would see the signage.

CHAIRWOMAN GIVEN: Okay.

MR. CONNOLLY: I think the problem is, this condition that you're kind of

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creating a completely unenforceable condition.

MR. COTUNGO: Right. I think it's meaningless.

CHAIRWOMAN GIVEN: Right.

MR. BURNS: We're gonna want to direct handicap people to parking in the rear.

MR. SOUTHARD: If you look at drawing S2, you'll see a detail of the signs. There's a detail of the sign on the front lawn, the front main sign which on the bottom of that sign says handicap access in the rear.

Do you have that on your plans?

MR. COTUNGO: What does it say sign for handicap? I see second floor.

MR. SOUTHARD: It says existing sign, existing sign A. Do you have it on your drawing?

CHAIRWOMAN GIVEN: I do not -- if you would like to take a walk over here.

MR. SOUTHARD: Could I please.

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CHAIRWOMAN GIVEN: Yes.

MR. SOUTHARD: That's the existing sign that's on the front lawn now (indicating). It's being altered and if you notice on the bottom, it says handicap access in the rear.

CHAIRWOMAN GIVEN: Yes.

MR. SOUTHARD: First floor entry in front and Suite A, B and C are on the second floor so people know where they're going to be going from the sign out front. Then there's additional signage next to it to your right, over each one of the entries, it states where it is.

MS. BERRY: So you're claiming three tenants on the second now?

MR. SOUTHARD: Where was this?

MS. BERRY: On the sign, it shows three.

MR. SOUTHARD: We always had.

MS. BERRY: Huh?

MR. SOUTHARD: There always was.

MS. BERRY: I thought it was one

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office with three doctors.

MR. SOUTHARD: No. Well, it could be three in separate offices, currently there were three separate offices there.

MS. BERRY: That's not how it's designed.

MR. SOUTHARD: I'm sorry.
No. There are doctors and there are offices for them.

MS. BERRY: I know but upstairs isn't designed as three separate offices.

MR. SOUTHARD: It certainly is.
Two separate waiting areas, three separate doctor's offices and an exam room for the three doctors.

MR. COTUNGO: Was there ever a plan of the second floor?

MR. SOUTHARD: Yes, of course.
Full set of plans on the entire building.

(Whereupon, the Board speaks quietly amongst themselves.)

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CHAIRWOMAN GIVEN: We don't
remember seeing the second floor plans.

Do you have it?

MR. PALLAS: It was distributed at
one point. I can try to locate the
latest one.

CHAIRWOMAN GIVEN: We're going to
have to resubmit the plans to go back
to the -- because the last plan, they
had eliminated, they can just bring
that second floor with them when they
came?

I think Paul has indicated that
they did submit them.

Glenys, do you have this in front
of you to talk about your concerns?

MR. COTUNGO: The second floor
plan.

CHAIRWOMAN GIVEN: That was what
you were discussing with --

MR. PALLAS: If I may try to
clarify.

The confusion is the signage says
tenant as opposed to doctor and that's

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where the concern is, that it's three separate tenants as opposed to three separate doctors, whether each tenant could be more than one doctor.

MS. BERRY: Yes.

CHAIRWOMAN GIVEN: So you're talking semantics.

MR. PALLAS: Just clarifying.

MS. BERRY: Not just semantics because you have support stuff and, you know, it effects -- so what I see is one suite with three doctors using it, sharing facilities.

CHAIRWOMAN GIVEN: Okay. You have it now, you have the second floor.

MS. BERRY: So I just wanted to clarify that because if it's subdivided, that's access and effects other things too.

So it's one tenant with three doctor?

MR. SOUTHARD: No. Three separate doctors. We already have commitment's, two of the doctors that were, we asked

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2 to leave while we were doing the
3 renovations were downstairs have
4 committed to coming back and going
5 upstairs. One is a psychiatrist, a
6 psychologist and the other one is Dr.
7 Jay (phonetic) is other one. They were
8 existing tenants in the building. They
9 have already committed to coming back,
10 those two. They are one doctor
11 outfits. This was always the intent,
12 it's gone before the Boards of Appeals
13 for this. There has been no change
14 ever. It was intended to be three
15 separate doctors. We have gone to the
16 Board of Appeals, we have gotten
17 acceptance of five doctors, all right,
18 with parking is required for five
19 doctors.

20 MS. BERRY: Right. That we
21 understand, but --

22 MR. SOUTHARD: Whether it's five
23 separate doctors or two in one and
24 three in to other or two in one and
25 one, I don't see the difference you're

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asking about. We have always stated that the existing doctors we asked to leave will be coming back and they will be occupying upstairs.

CHAIRWOMAN GIVEN: I'm not sure I understand your concern.

TRUSTEE ROBERTS: It won't change the occupancy thought, right?

CHAIRWOMAN GIVEN: Right.

MS. BERRY: Yeah, it won't change the parking as long as -- whatever you do, I would say make sure that the plan is based on five doctors, which right now that's what they're showing; but the way it's set up, that could change in the future, but that would effect the parking requirements, so as a design, I would make sure there is some kind of contingency that it's limited to no more that five doctors or else their site plan would be in violation because quite frankly, they have got another whole unit they're administrative with no doctor, that

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could easily turn into another doctor's office, you know, so they put three doctors here there used to be two, you know, so it could easily be more than five with the layout they have.

MR. BURNS: So they're limited to do five doctor offices. I mean, you may have a doctor on Monday, Wednesday, Friday, another on Thursday and Tuesday, but the office is, they're are five doctor offices.

MS. BERRY: Correct. And also just five doctors too.

CHAIRWOMAN GIVEN: I'm sorry.

MS. BERRY: And also just five doctors or equivalent medical because the downstairs has a nurse practitioner who has the same load as a doctor I don't recollect.

MR. COTUNGO: So there six doctors offices. If you count Linda, there's six.

MS. BERRY: Right. Actually, you're right and there should only be

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five.

But they're saying one is not medical, so they're having this extra thing.

It has more intense use and has the capacity of more intense use, so I'm just saying, as long as you make the site plan contingent about no more than five medical professionals using it.

CHAIRWOMAN GIVEN: Okay.

MS. BERRY: Because this could easily be more.

CHAIRWOMAN GIVEN: We can certainly stipulate that, but I don't know how you're gonna walk in there and verify that there's only five doctors.

MS. BERRY: Which is part of the reason we have a problem with the design actually, you know, and having that intense use which is the reason for the comment consistently.

CHAIRWOMAN GIVEN: Any other comments?

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MR. BURNS: How many people,
persons could be in the building at one
time.

MS. BERRY: What you could do is,
you could look at the former plan and
look at the occupancy rate because my
guess would be less than what this plan
has, and you could limit the occupancy
if you wanted to. That is something
you could look at, but the occupancy
layout determines the occupancy, and if
you -- once it's set, they can by State
code have that number of people in
there based on the design. If you
want, you know, you can put
restrictions if you wanted to, but it's
again hard to enforce, you know,
because legally once they set up the
design, the State code will determine
the minimum occupancy actually that you
the design for, it doesn't determine
the maximum.

MR. BURNS: Our intention is to
keep the intensity as low as we can.

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MS. BERRY: Right.

MR. BURNS: How we do that is the question.

MS. BERRY: Exactly.

MR. CONNOLLY: At some point with these applications, we have to take the applicant for their word, what they're going to be doing. If there are gonna be any violations, then there should be complaints and the Village is going to have to, you know --

CHAIRWOMAN GIVEN: Agreed.

MR. CONNOLLY: -- enforce the Village code and the site plan.

I think what the maximum occupancy I think was what, fifty-one for the property?

MS. BERRY: No, I think --

MR. COTUNGO: I guess if you can tell us that for the next meeting, it should be part of the approval that it's limited to a maximum of whatever you say.

MS. BERRY: That's not my call. I

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don't determine occupancy, so I could calculate what I think is building code occupancy based on their plan and I could compare it to what the occupancy was before.

MR. COTUNGO: Yeah, that would be great.

MS. BERRY: If you want that data.

MR. COTUNGO: That would be great.

MS. BERRY: We could do that.

MR. COTUNGO: That's what I mean.

MS. BERRY: Okay.

CHAIRWOMAN GIVEN: Okay. So you're gonna do some figuring and come back to us with occupancy figure.

MR. COTUNGO: The applicant is gonna come back with a site plan.

CHAIRWOMAN GIVEN: The full set of plans showing --

MR. SOUTHARD: The full set of plans has already been submitted to the Building Department and to the fire marshal. The full set of plans shows a maximum occupancy by State code of, I

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believe it's fifty one. These plans have been submitted quite some time ago, and reviewed, and I believe it was fifty-one is maximum occupancy State code. That's how it gets determined.

CHAIRWOMAN GIVEN: That's where you got that number.

MR. CONNOLLY: Right, I remember them saying that.

CHAIRWOMAN GIVEN: Okay.

MS. BERRY: It doesn't answer in comparison to what was there.

CHAIRWOMAN GIVEN: I think it was under used. I do. I think that that was a blessing that it was. I don't think it was ever used to its full potential, that building, I just don't. The space was there, it wasn't utilized. I just think it has been a blessing that it hasn't been utilized to its full potential. There's a lot of unused space in that building. I used to go there, and I know it well. I was a patient of one of the doctors,

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and I know for a fact that there was a lot of unused space in there, and, you know, I understand that you still want to compare it to that, but just because it wasn't used doesn't mean it shouldn't be allowed to be used. That is what I'm saying.

MR. BURNS: Where are we on this application?

CHAIRWOMAN GIVEN: We are having this -- we're trying to come to a decision of the Board to let them know what we are willing to arrive; am I correct in that assessment of where we are on this application?

MR. CONNOLLY: I think you should talk about the general conditions that you might want placed on, besides from the -- the HVAC what you want them to do with that.

CHAIRWOMAN GIVEN: Didn't they take care of that; didn't they relocate those in the final plan?

TRUSTEE ROBERTS: They did. But

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they're going to have to submit the plans showing that with the two driveways too.

MR. COTUNGO: Right.

CHAIRWOMAN GIVEN: Yes, that -- you do understand that the plans will have the be amended to show the two driveways again.

MR. SOUTHARD: They are the existing plans. You have them in front of you.

CHAIRWOMAN GIVEN: No, the last set you gave us --

MR. SOUTHARD: No, that was a -- somebody suggested we only do one, so I did a preliminary plan for one.

CHAIRWOMAN GIVEN: Okay.

MR. SOUTHARD: You have the official submitted plan that has two driveways.

CHAIRWOMAN GIVEN: I'm not seeing that.

MR. COTUNGO: We saw it a while ago.

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CHAIRWOMAN GIVEN: But on that one, the HVAC was different.

MR. COTUNGO: Right.

CHAIRWOMAN GIVEN: I do not believe we have the final plan showing everything that we wanted change.

MR. SOUTHARD: You do. Everything that was discussed and everything you requested is shown on the final plans you received January 23rd, I want to say.

CHAIRWOMAN GIVEN: No. Because we've just gone back to the two-way driveway since our last meeting. Right, Rob, we had gone to --

MR. CONNOLLY: I'm not sure if that was the last meeting.

MR. SOUTHARD: This was -- the one prior to this one. This was the preliminary that was submitted because someone suggested we only have one driveway, but the original ones that were submitted in their entirety were two driveways.

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CHAIRWOMAN GIVEN: Yes, I understand that; however, on that one where it was the two driveways, I do not believe that you changed the location of the HVAC.

MR. SOUTHARD: Yeah.

CHAIRWOMAN GIVEN: I think that was --

MR. SOUTHARD: The HVAC was changed, the lighting was changed. This is the two driveways, all right, there was a plan that was submitted with this which you don't have which shows that the light posts were reduced to five-foot high, there was a note on the drawing and the HVAC units were relocated to the back of the building. There was an individual HVAC plan that was attached to it. Those have all been submitted.

CHAIRWOMAN GIVEN: They have your file so.

MR. COTUNGO: This is all new.

MR. SOUTHARD: You have the HVAC

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plan submitted in February. Okay, and the one in February that goes with it shows the HVAC unit relocated it not on either side now.

CHAIRWOMAN GIVEN: But it doesn't -- so where's the rest of --

MR. COTUNGO: No, because this was the with one driveway.

MR. SOUTHARD: No. Okay. I'll get you more sets.

CHAIRWOMAN GIVEN: Great.

MR. SOUTHARD: But they all do exist, they have all been submitted.

CHAIRWOMAN GIVEN: Okay, fine. Thank you.

Rob should I read them out loud?

MR. CONNOLLY: No just for you in case there was something there you wanted to discuss.

CHAIRWOMAN GIVEN: Should I read them out loud?

MR. CONNOLLY: No, just for you.

CHAIRWOMAN GIVEN: This will be the general conditions on our approval.

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MR. CONNOLLY: If the Board agrees.

(Whereupon, the Board speaks quietly to one another.)

CHAIRWOMAN GIVEN: Okay. I'm asking how I proceed. We are not voting tonight.

MR. CONNOLLY: Do you want to proceed with drafting the resolution as --

CHAIRWOMAN GIVEN: Well, we need the plans, none of us seem to have plans that he's saying show the HVAC moved, all of the changes we asked for, I do not have in front of me a set of those plans, apparently, there is a set in the file.

MR. PALLAS: Madam Chair, may I. We just took a quick look through the file, the January date of the site plan, the January date that showed HVAC units still shows the HVAC units on the sides with the corresponding site plan that shows the two driveways.

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CHAIRWOMAN GIVEN: Right.

MR. PALLAS: That would have to be, if that's what you ultimately are going to vote on to move them, the formal site plan would have to show that.

CHAIRWOMAN GIVEN: Right. That's what we need. We need a formal site plan showing what we discussed, the two driveways with the lighting that, the reduced lighting that we requested, the HVAC relocated. You're saying that you did those and they will be obtainable and you can get those to us.

MR. SOUTHARD: You have them all.

CHAIRWOMAN GIVEN: Yes. I understand, sir, I understand that's your statement that you gave them to us; however, they don't seem to be able to put their hands on them, so I'm asking if you would please resubmit them. We can't move forward without them.

MR. SOUTHARD: Surely, I'll get

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them to you Monday.

CHAIRWOMAN GIVEN: Great. Thank you.

And that's where we are. We'll vote on this hopefully at our next meeting. Upon seeing those plans and having all the amendments and corrections that we asked for on them.

MR. CONNOLLY: You have to vote on it at the next meeting time wise.

CHAIRWOMAN GIVEN: We will be voting. I'm sorry, do you have a --

MR. SOUTHARD: Yeah, I submitted all those plans to you and I don't understand because you don't have them, why can't you just go ahead and make a stipulation that --

CHAIRWOMAN GIVEN: We're not voting tonight. There was never, ever a, we had decided we were discussing this tonight. One of our members isn't here. We want a full board for this application, it's been a very lengthy process as you well know. It's a big

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project and we want a full board to vote. I don't know why you were lead to believe there would be a vote taken this evening, but that was never our intention tonight.

MR. SOUTHARD: Well, there's been three hearings, so it's okay.

MR. PALLAS: I'm more than happy to sit with the applicant tomorrow morning or this evening after the close of the meeting to review the file with him to show what we're looking for.

CHAIRWOMAN GIVEN: Okay, great. So we're done with that item. May I move on to the next.

MR. COTUNGO: Yes.

CHAIRWOMAN GIVEN: Rob, yes?

MR. CONNOLLY: Yes.

CHAIRWOMAN GIVEN: Item number 7, motion to adjourn at 4:50.

Do I have a second?

MR. THOMAS: Second.

CHAIRWOMAN GIVEN: All in favor?

MR. BURNS: Aye.

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MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Meeting is adjourned.

(Time noted: 4:50 p.m.)

CHAIRMAN McMAHON: [2]

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CHAIRWOMAN GIVEN: [87]

MR. BURNS: [22] 3/10 3/12

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MR. CONNOLLY: [13] 19/2

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MR. COTUNGO: [48] 3/13

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MR. MURRAY: [38] 5/14 6/24

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MR. PALLAS: [16] 6/22 7/2

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MR. SOUTHARD: [31] 21/25

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MR. THOMAS: [16] 3/14 3/21

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MS. BERRY: [51] 7/20 8/4 8/7

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MS. GIVEN: [4] 3/11 3/22 4/9

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TRUSTEE ROBERTS: [2]

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accept [2] 2/4 3/6

acceptance [1] 33/17

access [4] 8/9 28/15 29/7

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accurate [1] 51/9

action [1] 51/12

active [1] 25/7

activity [1] 25/9

actually [4] 6/21 35/24 36/21

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additional [1] 29/13

adjourn [1] 49/21

adjourned [1] 50/5

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ADMINISTRATOR [1] 1/20

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agree [1] 23/22

agreed [2] 22/23 38/13

agrees [1] 46/3

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allowed [1] 41/7

already [4] 18/23 32/24 33/9

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anything [1] 21/22
anyway [1] 27/21
apartment [3] 6/14 6/14 8/15
apologize [2] 7/5 22/11
apparently [1] 46/17
Appeals [2] 33/12 33/16
applicant [6] 20/25 21/11
 21/21 38/8 39/17 49/10
application [7] 5/5 8/3 19/15
 21/9 41/10 41/16 48/24
applications [1] 38/7
apply [1] 10/21
appoint [1] 20/9
appreciate [2] 14/16 21/6
appreciated [1] 11/7
approval [4] 5/6 7/2 38/22
 45/25
approve [3] 2/6 3/17 16/9
April [1] 4/6
arborvitae [1] 14/10
architect [5] 15/7 15/12 15/14
 22/2 22/4
are [33] 5/20 5/21 6/11 6/19
 6/23 7/11 14/19 15/6 15/11
 15/25 16/2 16/13 21/24 21/25
 22/21 23/5 23/6 26/3 26/7
 29/10 30/10 30/11 33/10 35/11
 38/9 41/9 41/11 41/14 41/16
 42/10 46/7 47/4 48/5
area [3] 7/17 13/3 14/3
areas [1] 30/16
around [2] 14/3 26/2
arrive [1] 41/14
arriving [1] 24/20
as [19] 5/19 6/10 9/18 15/8
 15/8 20/10 30/13 31/25 32/3
 34/12 34/12 34/18 35/19 36/8
 36/8 37/25 37/25 46/10 48/25
asked [4] 32/25 34/3 46/15
 48/9
asking [3] 34/2 46/7 47/22
assessment [1] 41/15
attached [1] 44/20
ATTORNEY [1] 1/18
authorization [1] 20/9
Aye [16] 3/13 3/14 3/15 3/24
 3/25 4/2 4/10 4/11 4/12 4/13
 4/21 4/22 4/23 49/25 50/2 50/3

B

back [27] 6/18 7/9 7/18 9/3 9/3

11/6 13/4 14/3 24/3 24/9 25/9
 26/8 26/8 26/9 26/14 26/20
 27/2 27/10 27/17 31/9 33/4
 33/9 34/4 39/16 39/18 43/14
 44/18
bar [2] 10/15 10/18
based [4] 10/11 34/14 37/15
 39/4
bathroom [1] 17/2
bathrooms [2] 9/24 16/12
Bayone [1] 22/4
be [60]
bear [1] 6/2
because [27] 7/24 9/10 9/12
 9/16 10/11 10/24 14/6 14/17
 16/20 17/12 19/14 23/6 25/6
 26/14 31/10 32/11 32/18 34/23
 35/17 36/13 37/7 37/19 41/5
 43/13 43/21 45/8 48/16
bedroom [1] 6/14
been [12] 14/23 15/3 16/12
 33/13 39/22 40/3 40/20 40/21
 44/21 45/14 48/24 49/7
before [5] 16/8 19/7 23/13
 33/12 39/6
beginning [2] 24/18 25/17
behind [1] 14/13
being [2] 10/9 29/5
belief [1] 23/10
believe [7] 19/20 23/18 40/2
 40/4 43/6 44/5 49/4
Ben [2] 18/6 26/4
BERRY [1] 1/19
besides [1] 41/19
better [1] 5/19
big [3] 8/24 14/2 48/25
blessing [2] 40/16 40/21
blood [1] 51/12
blue [1] 7/8
board [21] 1/4 1/19 3/4 3/8
 3/19 4/5 4/16 5/16 6/8 6/16
 9/10 12/17 22/12 24/4 30/24
 33/16 41/13 46/2 46/4 48/23
 49/2
Board's [2] 7/2 18/12
boards [2] 16/24 33/12
bones [1] 6/2
both [4] 9/21 9/23 17/18 17/22
bottom [2] 28/14 29/6
BRADLEY [1] 1/13
bring [1] 31/11
buffer [3] 14/3 14/21 15/2
build [1] 10/13
building [15] 1/21 8/18 8/19
 9/8 15/20 21/12 26/11 30/23

33/8 37/3 39/3 39/23 40/18
40/23 44/18

bumper [1] 11/6
BURNS [1] 1/13

C

calculate [2] 7/24 39/3
call [1] 38/25
came [1] 31/13
can [8] 31/6 31/11 36/15 37/13
 37/16 37/25 38/20 47/15
can't [5] 10/5 16/6 16/7 47/23
 48/17
capacity [1] 36/7
care [2] 15/7 41/23
carried [1] 50/4
carries [4] 3/16 4/3 4/14 4/24
case [1] 45/19
certainly [2] 30/15 36/16
certify [2] 51/8 51/11
Chair [2] 22/10 46/19
CHAIRWOMAN [1] 1/12
change [6] 26/12 33/13 34/8
 34/11 34/16 43/7
changed [3] 44/5 44/11 44/11
changes [1] 46/15
Charles [1] 22/3
check [2] 8/12 17/25
cheese [1] 7/14
circulation [1] 24/25
claiming [1] 29/17
clarified [2] 9/7 12/5
clarify [3] 12/4 31/23 32/18
clarifying [1] 32/9
classification [2] 10/10 10/19
classified [1] 10/9
CLERK [1] 1/21
close [1] 49/11
code [12] 8/11 8/12 12/10
 15/24 16/21 18/3 37/14 37/20
 38/15 39/3 39/25 40/6
color [1] 7/7
come [4] 24/7 39/15 39/18
 41/12
comes [2] 9/16 16/19
comfortable [1] 8/20
coming [3] 33/4 33/9 34/4
comment [1] 36/23
comments [7] 7/20 18/7 20/17
 20/24 21/19 22/13 36/25
commercial [5] 5/7 5/11 18/24
 18/25 19/4
commitment's [1] 32/24
committed [2] 33/4 33/9
company [2] 13/4 15/12

C

compare [2] 39/5 41/5
comparison [1] 40/13
compatible [1] 25/18
complaints [1] 38/11
completely [1] 28/2
compliant [1] 8/10
compliment [1] 11/5
comply [2] 8/6 12/10
concern [3] 23/25 32/2 34/7
concerns [1] 31/17
condition [2] 27/25 28/3
conditions [2] 41/18 45/25
conference [2] 5/2 5/17
confusion [1] 31/24
CONNOLLY [1] 1/18
consider [1] 10/17
considered [1] 10/15
consistently [1] 36/23
consultant [2] 1/19 20/24
contemplation [1] 20/8
contingency [1] 34/20
contingent [1] 36/9
conversion [1] 5/6
converting [2] 5/21 6/11
copies [1] 7/7
copy [1] 22/13
correct [7] 6/8 6/23 17/22 19/9
 19/10 35/13 41/15
correcting [1] 24/17
corrections [1] 48/9
correctly [1] 9/22
corresponding [1] 46/24
COTUNGO [1] 1/16
could [18] 10/13 13/4 27/4
 28/25 30/3 32/5 34/16 35/2
 35/5 36/13 37/3 37/5 37/6 37/9
 37/11 39/2 39/5 39/11
count [1] 35/22
COUNTY [4] 1/3 5/12 21/17
 51/4
course [1] 30/21
coverage [2] 7/23 8/4
crackers [1] 7/15
creating [1] 28/2
crucial [1] 23/19
currently [1] 30/4
customers [1] 25/15
cut [2] 24/24 25/8

D

data [1] 39/9
date [2] 46/21 46/22
David [3] 5/4 5/14 20/16

day [1] 51/16
decided [1] 48/21
decision [1] 41/13
definitely [1] 26/10
department [5] 8/19 9/8 23/10
 23/14 39/23
department's [1] 23/20
depends [1] 9/14
Des [1] 22/16
DESCRIPTION [1] 2/3
design [7] 5/20 15/11 34/19
 36/21 37/15 37/20 37/22
designated [2] 5/12 21/17
designed [2] 30/8 30/13
detail [2] 28/11 28/12
determine [4] 10/25 37/20
 37/22 39/2
determined [1] 40/6
determines [1] 37/12
development [1] 18/14
di [1] 11/25
did [10] 7/24 11/6 12/7 20/4
 22/13 22/15 31/15 41/25 42/17
 47/14
didn't [6] 7/25 8/5 19/11 19/15
 41/22 41/23
difference [1] 33/25
different [2] 10/18 43/3
dimensions [1] 17/13
direct [2] 27/10 28/8
directed [1] 26/7
discuss [2] 21/23 45/20
discussed [2] 43/9 47/10
discussing [3] 24/9 31/21
 48/21
Discussion [1] 21/8
distant [1] 25/6
distributed [1] 31/5
district [5] 5/11 12/15 19/5
 21/15 21/16
do [51] 3/10 3/21 4/7 4/18 6/7
 7/19 11/25 12/5 12/7 12/8
 13/13 13/15 14/4 14/25 15/23
 16/6 16/7 16/8 16/20 17/7
 17/23 18/6 20/16 22/21 24/2
 24/12 25/20 28/16 28/20 28/22
 31/4 31/16 34/13 35/8 37/5
 38/3 39/11 39/15 40/15 41/21
 42/7 42/16 43/5 43/8 44/4
 45/13 46/9 46/16 48/13 49/22
 51/8
doctor [10] 26/17 31/25 32/5
 32/22 33/10 34/25 35/8 35/9
 35/12 35/19
doctor's [2] 30/17 35/2

doctors [20] 30/2 30/10 30/18
 32/4 32/13 32/24 32/25 33/15
 33/17 33/19 33/23 34/3 34/14
 34/21 35/4 35/14 35/17 35/21
 36/18 40/25
document [1] 20/5
does [4] 8/6 13/23 23/24 28/17
doesn't [6] 17/13 19/6 37/22
 40/12 41/6 45/7
doing [8] 6/6 9/19 14/17 14/19
 15/20 17/4 33/2 38/9
don't [21] 11/15 12/12 14/23
 17/21 17/25 20/3 24/6 25/4
 25/19 31/2 33/25 35/20 36/16
 39/2 40/16 40/18 44/14 47/20
 48/15 48/16 49/3
done [2] 16/22 49/15
door [1] 17/16
double [1] 17/24
down [8] 6/2 7/13 9/16 11/17
 19/22 24/24 25/8 26/16
downstairs [2] 33/3 35/18
Dr [1] 33/6
drafting [1] 46/10
drawing [3] 28/11 28/21 44/17
driveway [7] 12/23 12/25 13/8
 23/21 43/15 43/23 45/9
driveways [8] 42/4 42/9 42/21
 43/25 44/4 44/12 46/25 47/11
dumpster [2] 13/3 13/3
duplicate [1] 6/4

E

each [5] 9/20 10/7 27/6 29/15
 32/4
easily [3] 35/2 35/5 36/14
effect [1] 34/17
effects [2] 32/12 32/19
egress [2] 6/20 27/16
either [1] 45/5
eliminated [1] 31/11
else [1] 34/21
else's [1] 26/4
elsewhere [1] 25/15
employees [1] 24/11
encourage [1] 27/16
enforce [2] 37/18 38/14
engineer [1] 15/15
engineered [1] 12/11
engineering [1] 16/23
enough [1] 8/24
entire [1] 30/22
entirety [1] 43/24
entries [1] 29/15
entry [1] 29/9

E

equivalent [1] 35/17
establishment [1] 7/10
even [3] 15/4 17/13 23/13
evening [3] 3/2 49/5 49/11
ever [4] 30/19 33/14 40/17 48/20
evergreens [1] 14/12
everybody [2] 22/16 24/13
everything [7] 6/7 11/8 15/21 22/24 43/7 43/8 43/9
exact [3] 14/4 15/2 16/25
Exactly [1] 38/5
exam [1] 30/17
excuse [1] 24/16
exempt [1] 12/20
exist [1] 45/14
existing [7] 13/20 28/19 28/20 29/3 33/8 34/3 42/11
exists [1] 17/23
exits [2] 15/25 17/17
exterior [3] 6/9 11/11 16/19
extra [1] 36/4

F

facilities [1] 32/14
fact [2] 14/16 41/2
family [2] 9/20 21/14
far [1] 15/8
favor [5] 3/12 3/23 4/9 4/20 49/24
February [4] 3/7 3/19 45/2 45/3
February 22 [1] 3/7
feel [2] 24/2 24/12
feeling [1] 23/11
feelings [1] 26/4
female [1] 16/4
fenced [1] 13/2
few [1] 7/21
fifteen [2] 9/17 10/4
fifty [4] 10/12 38/17 40/2 40/5
fifty-one [2] 38/17 40/5
figure [2] 16/24 39/16
figured [1] 17/2
figuring [2] 9/11 39/15
file [5] 20/6 44/23 46/18 46/21 49/12
final [4] 21/23 41/24 43/6 43/10
find [3] 13/16 25/8 27/11
fine [1] 45/15
fire [4] 23/10 23/14 23/20 39/23
Firehouse [1] 1/7

First [5] 2/12 4/25 5/8 11/25 29/9
five [14] 33/17 33/18 33/22 34/14 34/21 35/6 35/8 35/12 35/14 35/16 36/2 36/10 36/18 44/16
five-foot [1] 44/16
fixture [1] 10/22
floor [9] 8/15 28/18 29/9 29/11 30/20 31/3 31/12 31/18 32/16
food [2] 7/10 7/14
foot [2] 14/20 44/16
FOOTE [2] 1/15 22/14
form [1] 20/11
formal [2] 47/6 47/9
formalize [1] 20/23
former [1] 37/6
forward [1] 47/23
frankly [1] 34/23
Friday [1] 35/10
front [12] 9/3 12/8 27/9 27/13 28/13 28/13 29/4 29/10 29/13 31/16 42/11 46/16
full [8] 30/22 39/19 39/21 39/24 40/17 40/22 48/23 49/2
further [1] 51/11
future [1] 34/17

G

gave [2] 42/14 47/19
general [3] 14/7 41/18 45/25
get [14] 13/6 16/5 16/14 17/2 17/11 17/19 17/20 20/19 20/25 21/23 22/13 45/11 47/15 47/25
gets [2] 10/14 40/6
getting [1] 27/10
GIVEN [1] 1/12
Glenys [2] 7/19 31/16
GLYNIS [1] 1/19
go [15] 12/15 13/7 15/9 15/24 16/22 16/23 19/7 23/19 26/16 26/17 26/25 27/16 31/9 40/24 48/17
goes [1] 45/3
going [20] 3/3 5/25 6/11 6/13 6/19 6/20 7/11 15/6 24/7 26/2 26/7 27/2 29/12 29/12 31/8 33/4 38/9 38/11 42/2 47/5
gone [4] 33/12 33/15 43/14 43/16
gone to [1] 43/16
gonna [19] 6/3 6/6 6/7 7/13 11/19 11/25 12/3 13/2 13/5 13/6 15/17 16/14 16/22 26/25 28/7 36/17 38/9 39/15 39/18

good [3] 3/2 5/15 15/22
got [3] 9/14 34/23 40/8
gotten [1] 33/16
gray [1] 13/2
great [8] 20/21 22/20 23/2 39/8 39/10 45/12 48/3 49/14
green [2] 14/2 14/20
greenery [1] 15/2
GREENPORT [3] 1/2 1/7 3/4
Group [1] 21/10
guess [2] 37/8 38/20
guys [1] 21/5

H

had [7] 5/14 22/23 22/25 29/22 31/11 43/16 48/21
hand [1] 51/16
handicap [20] 6/17 7/22 8/10 9/25 16/4 16/13 16/25 17/18 17/19 17/23 24/14 25/23 25/24 26/10 26/21 26/24 28/8 28/15 28/18 29/7
handicapped [2] 24/10 24/19
hands [1] 47/21
handwritten [1] 8/3
hanging [1] 12/10
happy [1] 49/9
hard [2] 25/3 37/18
has [11] 17/20 31/14 33/13 35/18 35/19 36/6 36/6 37/9 39/22 40/20 42/20
hasn't [1] 40/21
have [82]
having [6] 8/22 25/12 36/4 36/21 41/11 48/8
He [1] 19/19
he's [1] 46/14
heard [1] 23/14
hearing [3] 18/14 18/17 25/20
hearings [1] 49/8
help [1] 14/18
here [4] 22/6 28/24 35/4 48/23
hereby [1] 51/8
hereunto [1] 51/15
high [1] 44/16
him [1] 49/13
hire [2] 15/7 18/4
historic [5] 6/8 12/14 12/17 17/5 21/16
historically [1] 6/3
home [1] 5/21
hopefully [1] 48/6
hours [1] 13/14
house [7] 5/25 6/2 6/7 6/14 7/8 7/18 11/13

H
how [15] 8/20 10/25 12/23
13/24 22/21 24/2 24/12 26/6
27/2 30/7 36/17 37/2 38/3 40/6
46/7
however [2] 44/3 47/20
Huh [1] 29/23
HVAC [12] 41/20 43/3 44/6
44/10 44/17 44/19 44/25 45/4
46/14 46/22 46/23 47/13

I
I'd [1] 25/14
I'll [4] 11/16 20/19 45/10 47/25
I'm [17] 6/15 16/6 22/2 22/6
24/16 25/20 30/9 34/6 35/15
36/8 41/8 42/22 43/17 46/6
47/21 48/13 49/9
I've [1] 16/12
ice [1] 7/17
idea [2] 15/23 25/5
ideas [1] 22/22
identify [1] 10/21
impact [1] 11/2
important [1] 23/19
include [2] 9/18 11/19
increase [2] 7/23 9/2
INDEX [1] 2/2
indicate [3] 6/10 16/11 26/9
indicated [2] 16/12 31/14
indicating [3] 23/3 23/7 29/5
individual [1] 44/19
information [1] 12/22
ingress [1] 27/15
inside [1] 9/14
inspector [1] 8/18
instead [1] 11/7
integrity [1] 5/24
intended [1] 33/14
intense [3] 36/6 36/7 36/22
intensity [1] 37/25
intent [1] 33/11
intention [2] 37/24 49/6
interested [1] 51/13
interesting [1] 27/17
interior [1] 6/10
interrupting [1] 22/11
involved [1] 16/5
is [73]
isn't [2] 30/13 48/22
issue [1] 9/9
issues [1] 9/16
it [92]
it's [47] 6/25 7/10 7/12 8/13

8/15 8/20 8/23 9/10 9/17 10/10
10/14 12/10 12/14 12/25 13/2
13/5 13/9 13/21 14/6 15/22
18/11 18/23 19/3 19/9 19/23
19/24 20/9 24/6 25/3 26/24
28/4 29/5 30/7 32/2 32/18
32/21 33/12 33/22 34/16 34/20
37/13 37/17 38/23 40/2 48/24
48/25 49/8
item [10] 2/3 3/6 3/17 4/4 4/15
4/25 18/13 21/7 49/15 49/20
its [4] 6/2 8/11 40/17 40/22

J
January [4] 3/18 43/11 46/21
46/22
January 25 [1] 3/18
Jay [1] 33/7
job [1] 6/6
JOHN [2] 1/16 20/4
Junior [1] 22/3
just [30] 7/16 7/21 11/4 11/18
12/9 12/22 20/9 21/22 22/6
22/12 24/19 25/11 25/15 26/14
26/18 31/11 32/9 32/10 32/17
35/14 35/16 36/8 40/18 40/20
41/5 43/14 45/18 45/23 46/20
48/17

K
keep [2] 12/25 37/25
keeping [1] 5/24
kind [10] 8/17 8/25 9/10 13/24
14/8 25/13 26/15 27/18 27/25
34/20
kinds [1] 7/17
Kirk [2] 5/3 5/18
kitchen [1] 7/15
knew [1] 12/2
know [26] 11/16 13/13 13/23
14/4 14/23 16/17 17/21 20/3
25/11 25/19 29/11 30/12 32/12
35/3 35/5 36/17 36/21 37/16
37/18 38/12 40/24 41/2 41/4
41/13 48/25 49/3
known [1] 5/19
KRISTINA [1] 1/21

L
labeled [1] 27/3
landscape [2] 14/7 14/25
landscaping [3] 13/19 13/23
15/3
Lanmark [1] 21/10
last [4] 31/10 42/13 43/15

43/18
latest [1] 31/7
lawn [2] 28/13 29/4
layout [2] 35/6 37/12
lead [1] 49/3
leave [2] 33/2 34/4
legally [1] 37/19
lengthy [1] 48/24
less [2] 25/25 37/8
let [2] 18/4 41/13
level [1] 6/12
light [1] 44/15
lighting [5] 11/11 11/17 44/11
47/11 47/12
like [10] 7/14 11/5 12/7 14/9
16/25 17/3 25/4 26/6 27/6
28/23
limit [2] 26/8 37/9
limited [3] 34/20 35/7 38/23
Linda [1] 35/22
line [1] 14/21
LINGG [1] 1/21
little [2] 10/14 26/16
LLC [2] 5/3 5/19
load [2] 12/12 35/19
locate [1] 31/6
located [5] 5/8 5/10 21/12
21/14 21/15
location [1] 44/6
long [2] 34/12 36/8
look [9] 9/13 26/12 26/19
27/20 28/10 37/6 37/7 37/11
46/20
looking [3] 6/15 9/2 49/13
lot [8] 7/23 8/4 18/24 24/7
24/10 25/12 40/22 41/3
loud [2] 45/17 45/22
low [1] 37/25

M
ma'am [1] 16/6
Madam [2] 22/10 46/19
main [2] 6/12 28/13
make [8] 8/12 11/16 18/21
22/12 34/13 34/19 36/8 48/17
makers [1] 7/17
makes [1] 25/7
making [1] 18/16
male [1] 16/4
Manor [3] 2/13 21/8 21/13
many [3] 10/25 13/24 37/2
Map [2] 5/12 21/18
March [4] 1/8 3/8 51/10 51/16
March 1 [1] 3/8
marriage [1] 51/13

M
marshal [1] 39/24
MARY [1] 1/12
masonry [1] 7/8
materials [1] 15/3
matter [3] 17/15 21/20 51/14
maximizing [1] 11/8
maximum [5] 37/23 38/16
38/23 39/25 40/5
may [6] 4/17 18/15 31/22 35/9
46/19 49/15
maybe [2] 11/18 13/11
me [5] 6/22 22/7 24/16 24/17
46/16
mean [4] 10/3 35/8 39/12 41/6
meaningless [1] 28/5
measurement [1] 7/25
medical [4] 21/12 35/17 36/4
36/10
meet [2] 10/8 16/20
meeting [16] 2/8 2/11 3/9 3/20
4/5 4/17 12/4 15/5 21/20 38/21
43/15 43/18 48/7 48/11 49/12
50/5
meetings [2] 2/5 2/7
MEMBER [4] 1/13 1/14 1/15
1/16
members [2] 22/13 48/22
might [2] 22/7 41/19
mind [1] 26/15
minimum [1] 37/21
minor [1] 8/8
minutes [3] 2/4 3/7 3/18
mixture [1] 14/11
Monday [2] 35/9 48/2
more [12] 9/8 14/6 25/18 32/5
34/21 35/5 36/6 36/7 36/9
36/14 45/11 49/9
morning [1] 49/11
motion [13] 3/6 3/16 3/17 4/3
4/4 4/14 4/15 4/24 18/17 18/22
21/9 49/21 50/4
mounted [1] 11/23
move [3] 47/5 47/23 49/16
moved [1] 46/15
Mr. [1] 20/10
Mr. Murray [1] 20/10
much [1] 20/22
Murray [2] 5/4 20/10
my [8] 15/12 18/2 22/3 23/14
26/15 37/7 38/25 51/15
myself [1] 26/13

N
name [1] 22/3
narrow [1] 8/25
need [16] 6/16 8/17 9/21 9/24
10/8 10/16 10/20 12/4 15/17
15/24 16/3 16/13 17/23 46/12
47/9 47/9
needed [1] 19/16
needs [3] 9/7 12/9 17/17
never [2] 48/20 49/5
new [5] 1/3 1/7 44/24 51/3 51/7
next [10] 12/3 15/5 18/13 18/20
20/25 29/14 38/21 48/6 48/11
49/16
nice [1] 14/25
no [33] 6/24 6/25 7/15 14/4
14/14 14/15 18/8 18/10 19/8
19/8 19/17 19/17 19/21 20/14
20/18 21/19 24/15 30/3 30/10
32/23 33/13 34/21 34/25 36/9
38/19 42/13 42/15 43/13 45/8
45/10 45/18 45/23 51/13
NOAH [3] 1/14 18/9 22/21
none [1] 46/13
normal [1] 11/13
not [45] 6/21 7/10 7/11 7/12
7/12 8/24 9/2 9/4 9/4 9/15 10/2
10/17 12/5 13/5 13/9 13/15
14/4 15/3 16/6 16/20 16/22
17/23 19/23 19/24 20/4 21/15
24/2 25/14 26/8 26/13 28/22
30/7 32/10 34/6 36/3 38/25
42/22 43/5 43/17 44/5 45/4
46/7 46/16 48/19 51/11
Notary [1] 51/7
note [1] 44/16
noted [1] 50/6
notice [2] 8/11 29/6
now [12] 15/23 16/11 16/20
16/22 17/7 19/4 21/23 29/4
29/18 32/16 34/15 45/5
number [11] 3/6 3/17 4/4 4/15
4/25 5/13 21/7 21/18 37/14
40/8 49/20
nurse [1] 35/18

O
O'KEEFFE [2] 51/6 51/20
obey [1] 25/12
obtainable [1] 47/14
obviously [1] 10/12
occupancy [18] 9/11 9/12 9/17
10/11 11/2 34/9 37/7 37/9
37/11 37/12 37/21 38/16 39/2

39/4 39/5 39/16 39/25 40/5
occupied [1] 8/16
occupying [1] 34/5
off [1] 13/8
office [3] 30/2 35/3 35/11
offices [8] 30/4 30/5 30/11
30/14 30/17 35/8 35/12 35/22
official [1] 42/20
oh [2] 8/21 18/21
okay [26] 10/6 10/23 11/3
11/14 11/21 12/7 17/10 20/15
20/21 22/9 23/23 24/8 27/19
27/23 32/15 36/12 39/13 39/14
40/11 42/18 45/2 45/10 45/15
46/6 49/8 49/14
once [2] 37/13 37/19
one [43] 6/14 6/17 6/18 7/25
8/8 10/7 12/3 17/22 21/14
23/15 24/5 25/6 29/15 29/25
31/6 31/7 32/5 32/13 32/21
33/5 33/6 33/7 33/10 33/23
33/24 33/25 36/3 37/3 38/17
40/2 40/5 40/25 42/16 42/17
43/3 43/19 43/20 43/22 44/3
45/3 45/9 46/5 48/22
one-bedroom [1] 6/14
one-family [1] 21/14
ones [2] 26/23 43/23
only [7] 7/13 8/21 9/6 35/25
36/18 42/16 43/22
open [2] 3/3 26/22
operate [1] 25/4
operation [1] 13/14
opinion [1] 23/15
opposed [2] 31/25 32/3
opposite [1] 23/16
order [1] 26/17
original [1] 43/23
originally [1] 20/6
other [13] 7/22 8/14 9/6 11/12
13/10 20/17 23/24 26/23 32/20
33/6 33/7 33/24 36/24
ought [1] 27/20
our [9] 12/22 20/24 21/23
37/24 43/15 45/25 48/6 48/22
49/5
out [14] 9/11 12/8 13/17 16/24
17/19 17/20 23/12 23/16 27/9
27/11 27/13 29/13 45/17 45/22
outcome [1] 51/14
outfits [1] 33/11
outside [3] 9/13 9/18 11/20
over [4] 10/4 10/12 28/23
29/14
own [1] 12/22

O
owner [1] 8/17

P
p.m [5] 1/9 3/5 4/6 4/17 50/6
page [2] 2/3 8/4
PALLAS [1] 1/20
paper [1] 19/25
park [3] 24/3 26/13 26/18
parking [9] 12/21 13/10 24/10 25/14 26/20 28/8 33/18 34/12 34/18
part [6] 7/18 12/25 17/8 21/24 36/19 38/22
parties [1] 51/12
patient [1] 40/25
patients [2] 24/10 24/20
patio [2] 13/7 14/22
patios [1] 7/8
pattern [1] 24/25
PAUL [2] 1/20 31/14
people [9] 13/7 25/12 26/7 26/12 27/10 28/8 29/11 37/2 37/14
permits [1] 15/20
person [2] 17/19 26/25
persons [1] 37/3
phase [1] 5/20
phonetic [1] 33/7
picture [1] 11/19
piece [1] 19/25
place [4] 2/13 17/16 21/8 21/13
placed [1] 41/19
plan [32] 5/3 7/3 7/6 7/16 12/23 13/10 16/21 17/3 17/4 17/12 30/20 31/10 31/19 34/13 34/22 36/9 37/6 37/8 38/15 39/4 39/18 41/24 42/17 42/20 43/6 44/13 44/19 45/2 46/22 46/24 47/6 47/10
planned [1] 26/11
planning [12] 1/4 1/19 3/4 3/8 3/19 4/5 4/16 5/16 6/16 7/2 9/9 20/24
plans [22] 5/23 6/10 15/8 16/11 16/16 28/16 30/22 31/3 31/9 39/20 39/22 39/24 40/2 42/3 42/7 42/11 43/10 46/13 46/14 46/17 48/7 48/15
platforms [1] 17/14
play [1] 16/19
please [2] 28/25 47/22
pleasure [1] 18/12
podium [1] 5/14

point [3] 23/6 31/6 38/6
Pointe [4] 5/19 5/23 6/5 14/24
points [1] 23/24
porch [5] 8/22 8/23 8/25 9/3 12/2
possible [1] 21/9
posts [1] 44/15
potential [2] 40/18 40/22
practitioner [1] 35/18
pre [2] 5/2 5/17
pre-submission [1] 5/17
prefer [3] 12/8 25/22 26/18
prejudice [1] 26/15
preliminary [2] 42/17 43/21
prepared [1] 20/7
pretty [1] 14/12
prior [2] 27/10 43/20
probably [3] 6/4 14/5 14/11
problem [2] 27/24 36/20
proceed [2] 46/7 46/10
proceedings [1] 51/10
process [2] 17/9 48/25
professional [1] 18/4
professionals [1] 36/10
project [3] 5/18 5/21 49/2
proof [1] 8/18
property [6] 5/8 5/10 14/21 19/4 21/13 38/18
proposed [2] 13/20 13/21
proposing [1] 21/11
psychiatrist [1] 33/5
psychologist [1] 33/6
public [4] 18/14 18/17 21/19 51/7
put [5] 18/12 20/19 35/3 37/16 47/21
putting [1] 25/5

Q
question [3] 19/12 19/14 38/4
questions [1] 22/7
quick [2] 9/13 46/20
quietly [3] 24/5 30/25 46/5
quite [2] 34/23 40/3

R
R-1 [1] 21/14
ramp [3] 6/17 7/22 8/9
ramps [1] 17/14
rate [2] 10/11 37/7
rather [2] 25/14 26/13
read [2] 45/17 45/21
really [12] 6/2 6/6 8/24 9/4 11/5 13/5 13/6 13/9 14/24 16/21 21/22 25/6

rear [4] 25/20 28/9 28/15 29/7
reason [2] 36/20 36/22
received [1] 43/11
recollect [1] 35/20
recommendation [1] 23/20
recommended [1] 24/24
redesign [1] 16/14
reduced [2] 44/15 47/12
refrigeration [1] 7/16
regarding [1] 5/17
registered [1] 22/4
Regular [2] 2/10 4/16
related [1] 51/11
relates [1] 9/9
relocate [1] 41/23
relocated [3] 44/18 45/4 47/13
remember [2] 31/3 40/9
renovations [1] 33/3
reopen [1] 21/12
Reporter [1] 51/6
represented [1] 5/4
representing [1] 5/18
requested [2] 43/10 47/12
require [1] 9/19
required [8] 6/24 8/16 15/25 19/18 19/23 19/24 20/14 33/18
requirement [2] 10/8 10/22
requirements [2] 12/21 34/18
residential [3] 5/7 19/3 21/15
residents [1] 14/13
resolution [1] 46/10
rest [1] 45/7
restaurant [1] 7/12
restricting [2] 24/3 24/9
restrictions [1] 37/17
resubmit [2] 31/9 47/22
retail [2] 5/11 19/2
retrimming [1] 6/9
reverse [1] 25/17
review [4] 5/3 7/3 12/18 49/12
reviewed [2] 20/13 40/4
right [29] 6/18 6/22 7/4 11/17 14/13 16/11 19/4 19/9 25/2 27/14 27/21 28/4 28/6 29/14 33/17 33/20 34/9 34/10 34/14 35/24 35/25 38/2 40/9 42/5 43/4 43/16 44/12 47/2 47/8
Road [1] 22/4
roads [1] 26/16
Rob [3] 43/16 45/17 49/18
ROBERT [1] 1/18
room [6] 5/22 6/12 9/15 10/18 17/17 30/18
round [1] 8/16

S

said [4] 19/19 19/21 20/2 22/25
same [2] 20/11 35/19
saw [3] 8/11 19/22 42/24
say [10] 13/23 16/7 19/15
 21/21 26/13 26/23 28/17 34/13
 38/24 43/12
saying [8] 15/23 16/6 36/3 36/8
 40/10 41/8 46/14 47/13
says [6] 26/15 26/19 28/14
 28/19 29/6 31/24
schedule [6] 2/8 2/10 4/4 4/15
 18/13 18/17
seating [3] 8/22 8/24 9/5
second [23] 3/10 3/11 3/21
 3/22 4/7 4/8 4/18 4/19 6/20 8/4
 8/15 16/17 16/25 28/18 29/11
 29/18 30/20 31/3 31/12 31/18
 32/16 49/22 49/23
see [15] 5/23 7/25 8/5 14/9
 15/24 16/3 20/4 25/14 26/6
 27/17 27/21 28/11 28/18 32/12
 33/25
seeing [3] 31/3 42/22 48/7
seem [2] 46/13 47/20
semantics [2] 32/8 32/10
separate [10] 30/4 30/5 30/13
 30/16 30/17 32/3 32/4 32/23
 33/15 33/23
serve [1] 7/14
service [1] 7/17
Services [1] 5/3
serving [1] 7/11
SESSION [6] 1/5 2/8 2/10 3/4
 4/5 4/16
set [11] 30/22 34/16 37/13
 37/19 39/19 39/21 39/24 42/14
 46/16 46/17 51/15
sets [1] 45/11
sex [1] 9/20
sharing [1] 32/14
sharp [1] 6/6
she [1] 15/23
should [15] 8/9 8/12 12/11
 13/16 14/5 18/4 21/21 23/11
 23/15 35/25 38/10 38/22 41/17
 45/17 45/21
shouldn't [1] 41/7
show [5] 16/16 42/8 46/14 47/6
 49/13
showed [1] 46/22
showing [5] 34/15 39/20 42/3
 43/6 47/10
shown [1] 43/10

shows [7] 7/7 29/20 39/24
 44/15 45/4 46/23 46/25
shrubs [1] 13/25
side [1] 45/5
sides [3] 6/18 23/12 46/24
siding [1] 6/5
sign [13] 11/22 12/8 25/12
 26/19 28/12 28/13 28/14 28/18
 28/20 28/20 29/4 29/12 29/20
signage [7] 12/5 26/6 27/13
 27/18 27/22 29/14 31/24
signs [3] 25/13 27/9 28/12
simply [1] 26/14
since [1] 43/15
sir [1] 47/18
sit [1] 49/10
site [13] 5/3 7/3 7/6 18/14
 19/18 34/22 36/9 38/15 39/18
 46/21 46/24 47/6 47/9
sitting [1] 7/13
six [2] 35/21 35/23
size [1] 9/2
sized [1] 9/21
sizes [1] 17/16
smooth [1] 8/13
so [46] 6/15 7/6 7/15 8/5 8/11
 8/11 8/19 9/21 9/23 10/12
 10/14 11/15 12/2 12/15 12/21
 16/13 16/21 18/11 18/16 19/6
 23/17 25/7 25/13 25/17 26/17
 29/11 29/17 32/7 32/12 32/17
 32/21 34/18 35/3 35/5 35/7
 35/21 36/4 36/7 39/2 39/14
 42/16 44/23 45/7 47/21 49/8
 49/15
solutions [1] 25/8
some [11] 6/19 7/8 7/9 8/17
 14/9 16/24 26/14 34/19 38/6
 39/15 40/3
somebody [1] 42/16
someone [1] 43/22
something [3] 24/23 37/10
 45/19
somewhere [2] 12/13 19/22
sorry [5] 19/11 24/16 30/9
 35/15 48/13
sort [2] 26/24 27/6
South [1] 11/25
Southard [1] 22/3
Southold [1] 22/5
space [6] 6/11 9/4 9/11 40/19
 40/23 41/3
Sparkling [1] 6/5
Sparkling [3] 5/19 5/22 14/24
speaks [3] 24/4 30/24 46/4

specific [1] 14/6
spot [2] 26/24 27/7
spots [1] 26/22
ss [1] 51/3
staff [5] 25/5 25/14 25/21
 26/20 26/23
stair [1] 16/18
staircase [1] 16/19
stairs [3] 6/19 16/16 16/20
stairwell [1] 6/20
stand [1] 22/21
standing [2] 9/15 23/18
standup [1] 7/9
STATE [7] 1/3 37/13 37/20
 39/25 40/5 51/3 51/7
stated [1] 34/2
statement [1] 47/19
states [1] 29/15
stay [1] 13/8
STEPHANIE [2] 51/6 51/20
still [4] 12/24 13/9 41/4 46/23
stipulate [1] 36/16
stipulation [1] 48/18
street [5] 1/7 2/12 4/25 5/9
 26/18
stripping [1] 5/25
stuff [1] 32/11
subdivided [1] 32/19
submission [2] 5/2 5/17
submit [3] 8/17 31/15 42/2
submitted [11] 7/7 39/22 40/3
 42/20 43/21 43/24 44/13 44/21
 45/2 45/14 48/14
SUFFOLK [4] 1/3 5/12 21/17
 51/4
suggested [2] 42/16 43/22
suite [2] 29/10 32/13
support [1] 32/11
sure [7] 8/12 11/16 22/12 34/6
 34/13 34/19 43/17
Surely [1] 47/25
surface [1] 8/10

T

tables [1] 7/9
take [4] 15/7 28/23 38/7 41/23
taken [3] 5/14 49/4 51/10
talk [2] 31/17 41/18
talking [3] 23/9 25/16 32/8
tall [2] 14/9 14/12
taste [1] 10/18
tasting [3] 5/22 6/12 17/17
Tax [2] 5/12 21/18
tell [4] 6/22 18/5 26/25 38/21
ten [1] 14/20

T

ten-foot [1] 14/20
tenant [4] 13/11 31/25 32/4 32/21
tenants [3] 29/18 32/3 33/8
than [8] 7/22 11/12 13/10 32/5 35/5 36/10 37/8 49/9
Thank [6] 11/9 20/22 21/3 24/16 45/16 48/3
Thanks [1] 21/5
that [136]
that's [26] 6/22 7/4 8/10 8/20 10/10 11/7 13/12 16/18 18/2 20/10 22/7 24/13 29/3 29/4 30/7 31/25 32/19 34/15 38/25 39/12 40/6 40/7 47/4 47/8 47/18 48/5
their [6] 20/10 34/22 38/8 39/4 43/24 47/21
them [21] 18/5 20/25 26/23 30/11 31/12 31/15 40/10 41/13 41/20 42/11 45/17 45/22 47/5 47/16 47/19 47/21 47/23 47/24 48/2 48/9 48/16
themselves [2] 17/15 30/25
then [11] 8/21 10/9 10/12 10/20 12/14 13/2 13/16 25/6 26/21 29/13 38/10
there [50] 6/19 6/23 7/15 7/16 7/23 10/15 11/10 13/6 13/9 14/9 14/12 19/25 20/5 20/7 20/8 21/19 23/5 23/15 25/9 25/15 27/2 27/11 29/24 30/5 30/6 30/10 30/10 30/19 33/13 34/19 35/4 35/21 35/25 36/17 37/15 38/9 38/10 40/13 40/19 40/24 41/2 41/3 44/13 44/16 44/19 45/19 45/19 46/17 48/20 49/4
there's [10] 9/4 19/8 19/17 20/14 28/12 29/13 35/22 36/18 40/22 49/7
these [5] 16/24 20/19 26/16 38/7 40/2
they [35] 6/10 7/14 10/4 12/7 12/24 14/2 14/22 14/24 14/25 16/2 25/16 26/25 27/4 31/10 31/11 31/12 31/15 33/7 33/8 33/10 34/4 34/23 35/3 35/6 37/13 37/19 41/22 41/23 41/25 42/10 44/22 45/13 45/14 47/14 47/20
they're [17] 6/7 6/21 7/11 7/12 10/17 12/20 14/17 27/2 29/12

34/15 34/24 35/7 35/11 36/3 36/4 38/8 42/2
thing [6] 7/13 8/8 8/14 9/6 12/3 36/5
things [3] 17/3 20/19 32/20
think [27] 8/2 9/7 11/15 11/24 14/17 15/4 16/8 17/6 17/25 24/6 24/18 25/17 26/5 27/8 27/24 28/4 31/14 38/16 38/17 38/19 39/3 40/14 40/15 40/17 40/20 41/17 44/8
thinking [1] 27/9
Third [1] 1/7
this [47] 5/16 5/18 5/21 6/7 7/6 7/9 9/8 9/12 14/17 15/7 15/13 17/8 17/12 21/20 21/20 21/22 22/24 23/2 25/18 27/2 27/25 29/19 31/16 33/11 33/13 36/4 36/13 37/8 41/9 41/12 41/16 43/19 43/20 43/20 44/12 44/14 44/24 45/8 45/24 48/6 48/22 48/23 49/5 49/11 51/12 51/14 51/16
THOMAS [1] 1/14
those [9] 22/16 33/10 41/24 44/20 46/17 47/14 47/15 48/7 48/15
thought [4] 13/6 15/4 29/25 34/9
three [17] 29/18 29/21 30/2 30/4 30/5 30/13 30/16 30/18 32/2 32/3 32/13 32/21 32/23 33/14 33/24 35/3 49/8
through [1] 46/20
throwing [1] 12/12
Thursday [1] 35/10
time [4] 37/4 40/3 48/11 50/6
together [1] 20/20
toilet [2] 9/16 10/22
toilets [3] 10/25 16/4 17/15
tomorrow [1] 49/10
tonight [5] 21/20 46/8 48/20 48/22 49/6
too [4] 14/6 32/20 35/14 42/4
took [2] 9/13 46/20
traffic [1] 25/25
transcript [1] 51/9
tree [1] 14/4
trees [3] 13/24 13/25 14/8
true [1] 51/9
try [3] 13/6 31/6 31/22
trying [2] 25/7 41/12
Tuesday [1] 35/11
turn [1] 35/2
two [22] 6/16 15/25 16/4 16/13

16/16 17/17 23/11 30/16 32/25 33/10 33/23 33/24 35/4 42/3 42/8 42/20 43/14 43/25 44/4 44/12 46/25 47/10
two-way [1] 43/14

U

ultimately [1] 47/4
unclear [1] 10/14
under [1] 40/15
underneath [1] 6/4
understand [11] 16/10 19/11 20/12 33/21 34/7 41/4 42/7 44/3 47/18 47/18 48/16
understanding [1] 18/3
unenforceable [1] 28/2
unisex [3] 9/24 10/2 10/5
unit [3] 9/20 34/24 45/4
units [3] 44/17 46/23 46/23
unless [1] 16/5
unused [2] 40/23 41/3
up [4] 13/4 24/7 34/16 37/19
Upon [1] 48/7
upstairs [6] 6/13 6/20 16/18 30/12 33/5 34/5
us [8] 20/17 21/22 38/21 39/16 42/14 46/13 47/15 47/20
use [8] 5/7 5/7 11/20 12/23 13/10 36/6 36/7 36/22
used [9] 8/20 13/5 20/11 35/4 40/15 40/17 40/24 41/6 41/7
using [2] 32/13 36/10
utilized [2] 40/20 40/21

V

variance [8] 19/9 19/14 19/16 19/18 20/2 20/7 20/8 20/14
variances [4] 6/17 6/21 6/24 6/25
verify [1] 36/18
very [2] 20/22 48/24
VILLAGE [6] 1/2 1/18 1/20 3/3 38/11 38/15
vinyl [1] 6/5
violation [1] 34/22
violations [1] 38/10
vote [5] 47/5 48/6 48/10 49/3 49/4
voting [3] 46/8 48/13 48/20

W

waiting [2] 16/23 30/16
walk [2] 28/23 36/17
walkway [1] 13/7
wall [1] 15/2

W

WALTER [3] 1/15 22/14 22/24
want [22] 6/22 11/4 11/16
 12/12 12/24 14/2 14/22 14/22
 14/24 14/25 22/12 25/20 28/7
 37/16 39/9 41/4 41/19 41/20
 43/11 46/9 48/23 49/2
wanted [5] 32/17 37/10 37/17
 43/7 45/20
was [54]
wasn't [3] 19/25 40/19 41/6
way [9] 23/15 23/16 25/13
 26/10 26/12 26/19 34/16 43/14
 51/13
we [66]
we'll [6] 15/4 15/19 17/2 18/12
 20/23 48/5
we're [20] 3/3 5/24 5/25 6/3
 8/25 9/3 11/24 16/21 16/23
 17/8 18/16 23/9 23/17 24/8
 28/7 31/8 41/12 48/19 49/13
 49/15
we've [1] 43/14
weapon [1] 10/5
Wednesday [1] 35/9
wee [1] 18/13
week [2] 18/20 21/2
well [10] 9/18 13/22 15/19
 15/22 18/23 30/3 40/24 46/12
 48/25 49/7
were [13] 25/16 30/5 31/21
 32/25 33/2 33/3 33/7 43/24
 43/24 44/15 44/17 48/21 49/3
what [37] 6/4 6/15 6/22 11/19
 11/24 11/25 13/22 13/24 14/8
 14/19 16/21 19/13 22/21 22/24
 26/3 26/5 27/18 28/17 31/20
 32/12 34/15 37/5 37/8 38/8
 38/16 38/17 39/3 39/5 39/12
 40/13 41/8 41/14 41/20 47/4
 47/9 47/10 49/13
what's [1] 11/12
whatever [2] 34/12 38/23
wheelchair [1] 8/13
when [6] 9/12 9/19 15/23 20/7
 26/25 31/12
where [14] 12/25 13/3 16/18
 21/24 27/15 29/11 29/16 29/19
 32/2 40/7 41/9 41/15 44/4 48/5
where's [1] 45/7
WHEREOF [1] 51/15
Whereupon [3] 24/4 30/24
 46/4
whether [2] 32/4 33/22

which [10] 9/17 25/16 26/10
 27/20 28/14 34/14 36/19 36/22
 44/14 44/14
while [2] 33/2 42/24
who [2] 27/16 35/19
whole [4] 6/9 14/3 15/20 34/24
why [3] 26/15 48/17 49/3
wife [1] 15/12
will [17] 8/17 8/21 10/24 11/2
 11/10 11/22 12/15 13/8 14/18
 21/19 34/4 34/4 37/20 42/7
 45/24 47/14 48/12
willing [1] 41/14
wind [1] 12/12
wise [2] 7/14 48/11
wish [1] 21/21
within [2] 51/7 51/8
without [1] 47/23
WITNESS [1] 51/15
won't [3] 26/11 34/8 34/11
wondering [1] 12/22
word [1] 38/8
work [5] 1/5 2/8 3/4 4/5 16/15
workers [2] 24/19 24/21
would [30] 9/21 9/24 10/7
 10/13 10/16 14/9 17/24 18/19
 24/20 25/8 25/17 26/6 26/13
 26/16 26/17 27/12 27/17 27/21
 28/23 34/13 34/17 34/19 34/22
 37/8 39/7 39/10 47/3 47/6
 47/22 49/4
written [1] 19/22

Y

yeah [8] 15/10 15/19 23/4
 23/13 34/11 39/7 44/7 48/14
year [1] 8/16
year-round [1] 8/16
Yep [1] 15/16
yes [28] 8/7 11/18 12/16 12/19
 18/20 19/10 19/12 21/3 22/15
 22/17 22/18 22/19 23/8 23/12
 24/22 25/3 25/10 26/5 29/2
 29/8 30/21 32/6 42/6 44/2
 47/17 49/17 49/18 49/19
yet [1] 12/6
YORK [4] 1/3 1/7 51/3 51/8
you [132]
you'll [1] 28/11
you're [13] 9/19 11/19 15/17
 17/22 27/9 27/25 29/17 32/7
 33/25 35/25 36/17 39/15 47/13
your [11] 10/9 10/12 10/15
 11/2 28/16 28/21 29/14 31/17
 34/7 44/22 47/19

yourself [1] 16/7
Yup [1] 13/18

Z

ZBA [1] 19/7
zone [1] 19/10
zoning [1] 16/5