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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

-----x

Third Street Firehouse
Greenport, New York

September 29, 2016
5:00 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

LUCY CLARK -- MEMBER

JOHN COTUNGO -- MEMBER - ABSENT

PAUL PALLAS - VILLAGE ADMINISTRATOR

JOSEPH PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR INDEX

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2 CHAIRMAN McMAHON: Hello. We're
3 going to begin the meeting.

4 This is the Village of Greenport
5 Planning Board work session for
6 September 29, 2016.

7 Item Number 1, Stirling Square;
8 300-308 Main Street.

9 Continued discussion on the
10 application for site plan review. An
11 amendment to the previous site plan
12 approved on November 4, 2015 is
13 required.

14 The applicant, Robert I. Brown,
15 Architect is representing Stirling
16 Square LLC, Brent Pelton.

17 The applicant has proposed to
18 remodel four existing apartment units
19 into five inn units, and one handicap
20 accessible unit on the ground floor for
21 a total of six additional inn units
22 bringing the total of inn units for
23 American Beech Inn to 11 inn units.

24 The proposal includes a renovation
25 of Suite 308C, a ground floor space
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1
2 into a lobby for the inn incorporating
3 a new glass facade with interior and
4 new exterior seating and a water
5 feature in the courtyard.

6 The proposal includes additional
7 bluestone hardscape for easier handicap
8 accessibility and several ramps
9 providing accessibility to each of the
10 commercial units.

11 The property is located in the
12 Historic District.

13 Additional plans were received on
14 8/29/2016 amending the application to
15 include a retractable awning over the
16 American Beech cedar pergola outdoor
17 dining area.

18 The Historic Preservation
19 Commission has approved the proposal
20 for a retractable awning at the
21 September meeting.

22 The Historic Preservation
23 Commission has also reviewed the
24 kitchen exhaust vents for the American
25 Beech Restaurant and has requested the
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1
2 applicant provide an alternative to the
3 current configuration. The new
4 proposed configuration is to be
5 reviewed at the October 3, 2016
6 meeting.

7 Suffolk County Tax Map number
8 1001-4-7-29.1.

9 Would you like to speak?

10 MR. BROWN: Rob Brown, architect.

11 Good evening again.

12 As you mentioned, we have gotten
13 approval for awning. I believe we have
14 responded positively to everything that
15 has been asked with the exception, of
16 course, of the ductwork on the
17 Carpenter Street side of the building.

18 We have discussed it with Historic
19 Preservation, and we are on the agenda
20 for October 16th for Historic
21 Preservation. We are currently in the
22 process of arranging a meeting with the
23 contractor in order to come up with a
24 new design that would be acceptable to
25 the Historic Preservation.

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2 We believe that -- Mr. Pelton had
3 a conversation with the contractor, and
4 we believe there are ways of mitigating
5 the issue to the satisfaction of
6 Historic Board.

7 So I guess we're just looking to
8 see if there is anything else that we
9 can do to expedite, and hopefully I'm
10 not sure if -- your next meeting is
11 next week, I presume. We're wondering
12 and hoping if it would be possible at
13 that point to get a conditional
14 approval based on everything that we
15 have done, conditional on Historic
16 Preservation accepting our proposal for
17 the redoing of the ductwork.

18 Is there anything you wanted to
19 say?

20 MR. PELTON: No. I think that's
21 exactly it.

22 CHAIRMAN McMAHON: Does anyone
23 have any questions or comments?

24 MR. BURNS: No.

25 CHAIRMAN McMAHON: We have
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1
2 discussed this at length. The plan is
3 scaled back from what was originally
4 discussed with the event space, the
5 lobby area.

6 It is going to just be a lobby and
7 gift shop, correct --

8 MR. PELTON: Correct.

9 CHAIRMAN McMAHON: -- as we
10 discussed at the last meeting.

11 The retractable awnings are fully
12 retractable now, correct?

13 MR. BROWN: Yes.

14 CHAIRMAN McMAHON: That was the
15 issue, it was considered a coverage
16 issue.

17 I think the only thing that we
18 were waiting on the last time we spoke
19 was Historic Preservation and the
20 ductwork and bringing that, addressing
21 that. That is currently my only
22 concern.

23 Does anyone else have any thoughts
24 or concerns?

25 MR. BURNS: I thought that's where
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2 we were.

3 CHAIRMAN McMAHON: Exactly.

4 As far as a conditional approval,
5 it would -- I don't really have an
6 issue with that if it's address --
7 here's the thing, I don't know what
8 they're going to say, so I don't want
9 to speak for them; and I don't want to
10 say go forward with anything or don't
11 without allowing them to do their job,
12 but at the same time -- what would you
13 gain by a conditional approval as
14 opposed to waiting for --

15 MR. BROWN: First let me say that
16 in my conversation with the Historic
17 Preservation Commission at their last
18 meeting, they did discuss some options,
19 some things that they would find
20 acceptable which I am intending to
21 relay to the contractor, so I feel very
22 confident that's a resolvable issue,
23 and Historic Preservation appeared to
24 me, for what it's worth, to seem as if
25 they were looking to be accommodating

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1
2 as well.

3 Along those lines, I have some
4 pictures of what it used to look like.

5 So but aside from that, what a
6 conditional approval would do would
7 give us the go ahead to start preparing
8 architectural drawings for submission
9 to the Building Department and ordering
10 materials with the confidence that we
11 will be able to install them.

12 MR. PELTON: I have to spend of
13 money -- I have to spend money, and I
14 want to make sure that it's going to be
15 approved before doing so, and one month
16 of further waiting is just, we have
17 people who, contractors, local
18 contractors who are counting on the
19 work over the winter, and I want to
20 make sure that we get them the work.

21 Our engineer who is going to be
22 working with us on the fire sprinkler
23 system is here, and we need to make
24 sure that we have that figured out, but
25 that all costs money and I just want to
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1
2 make sure that we're gonna have
3 approvals in place before I spend the
4 money to actually make that happen.

5 CHAIRMAN McMAHON: I believe the
6 reason that was brought into this
7 application, the exhaust systems that
8 were, at this point pre-existing
9 because they were part of -- they were
10 not recently installed, they're not
11 something that's about to be installed.
12 The reason that they were included in
13 this discussion is, I believe the, sort
14 of an impetus to correct the issue
15 before anything else would be going
16 forward.

17 I think recognition of that and
18 possibly including that in the wording
19 of any approval, final or otherwise,
20 would have to take that into
21 consideration and be part of that; and
22 it would be if it was not done to the
23 satisfaction of the Historic
24 Preservation Commission then the
25 entirety of the plan would -- you know,
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2 if that sort of the reason for the back
3 and forth. The entire plan is
4 dependent on that being rectified.

5 MR. BROWN: That's understood, and
6 what we're saying is we are in good
7 faith working on rectifying that
8 situation and obviously, if there was a
9 conditional approval conditional upon
10 satisfaction by HPC, then obviously
11 we're not going to be able to go
12 forward until that has been resolved.

13 CHAIRMAN McMAHON: Okay.

14 MR. PALLAS: I'm sorry.

15 One thing you might want to
16 consider is that the permit would be
17 issued in total for the awning and the
18 changes to the ductwork and the
19 interior work as well, it's single
20 permit; so until the ductwork is
21 resolved, the building permit wouldn't
22 be issued.

23 CHAIRMAN McMAHON: Okay.

24 That is important to --

25 MR. BROWN: But it would give us

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1 the opportunity to start the
2 preparation work for the application.

3 CHAIRMAN McMAHON: Does anyone
4 have any more thoughts or comments or
5 questions on the idea of a conditional
6 approval?
7

8 MR. BURNS: Makes sense to me.

9 MR. JAUQUET: Can't they go ahead
10 with the thing that don't involve --

11 CHAIRMAN McMAHON: Yes. And
12 then --

13 MR. JAUQUET: -- because it seems
14 to me that it would be okay to do that.

15 CHAIRMAN McMAHON: I don't really
16 have an issue with that, just making it
17 truly conditional upon HPC's approval
18 and all that needing to be rectified
19 before the building permit was issued.
20 I think that's -- I don't personally
21 have an issue with that.

22 ATTORNEY PROKOP: I'm sorry to
23 come late, I apologize.

24 CHAIRMAN McMAHON: We were just
25 discussing the possibility, the

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1 applicant is requesting, the Square
2 requested at our next meeting that we
3 perhaps have a vote and give
4 conditional approval giving final
5 approval by HPC for the ductwork.
6

7 We don't seem to have an issue
8 with use, the new proposed inns, we
9 discussed the lobby and pared-down use
10 of that space.

11 Do you have an opinion on this,
12 whether or not that's something that we
13 could do or is it appropriate for us to
14 do?

15 ATTORNEY PROKOP: At the next
16 meeting?

17 CHAIRMAN McMAHON: Yes.

18 ATTORNEY PROKOP: I think it would
19 fine, you could have it on the next
20 meeting.

21 We'll have to do a SEQRA
22 resolution, and then also wait to see
23 what happens with HPC.

24 That's what you're talking about,
25 right?

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2 CHAIRMAN McMAHON: Yeah, so the
3 HPC meeting is not actually happening
4 until the 16th.

5 MR. PALLAS: 17th.

6 CHAIRMAN McMAHON: 17th.

7 So it's not actually going to be
8 done by our meeting next week. It
9 would be conditional upon HPC's final
10 approval; is that right?

11 ATTORNEY PROKOP: I could see if
12 we could work that out. That's sort of
13 like a different part of this.

14 But anyway, but why don't you and
15 I meet sometime between now and next
16 week and just go over the site and I
17 can do a decision, a resolution, you
18 can consider adopting it.

19 CHAIRMAN McMAHON: Okay.

20 So it seems we're going to see if
21 it's a possibility, something we can
22 vote on at the next meeting.

23 I don't have any issue with that
24 just so long as it's truly conditional
25 upon approval of the HPC.

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1
2 MR. BROWN: Absolutely. That's
3 our understanding.

4 CHAIRMAN McMAHON: I think that's
5 what most of us are concerned about at
6 this point.

7 That's my only concern at this
8 point.

9 Anyone else.

10 MR. JAUQUET: Those are my
11 sentiments too.

12 MR. PELTON: Thank you.

13 MR. BROWN: Thank you very much.

14 See you next week.

15 CHAIRMAN McMAHON: Item Number 2,
16 the vacant lot east of 217 Monsell
17 Place.

18 The applicant proposes to develop
19 the vacant parcel which he is currently
20 under contract to purchase.

21 Bryan Nicholson is before the
22 Board to discuss the proposed
23 construction of a one-family house on
24 the property located east of 217
25 Monsell Place.

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2 The pre-submission package
3 includes a site plan, floor plans, and
4 elevations.

5 The project as proposed will
6 require one variance.

7 A revised site plan will be
8 submitted for consideration upon the
9 completion of the Zoning Board appeal
10 process.

11 The property is located in the
12 R-1, One-Family Residential District of
13 the Village of Greenport.

14 The property is not located in the
15 Greenport Village Historic District.

16 Suffolk County Tax Map number
17 1001-2-2-29.

18 Okay.

19 So we approved the other property
20 for last meeting, I believe; and this
21 was the one we are waiting for the ZBA,
22 and you had that ZBA meeting since
23 then, correct?

24 MR. NICHOLSON: That's correct.

25 They approved the variance.

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2 CHAIRMAN McMAHON: Okay.

3 I do have a letter from -- I just
4 want to make sure it's -- I do have a
5 letter from the chairperson of the ZBA
6 advising that they did approve the
7 five-foot variance allowing the house
8 to be sited five feet more easterly and
9 away from the neighbor's house.

10 He said you discussed with the ZBA
11 the possibility of flipping the layout
12 of that house; is that --

13 MR. NICHOLSON: It was brought up,
14 but we're going to go ahead as planned.

15 CHAIRMAN McMAHON: Okay.

16 Does anyone, the Board members
17 have any questions or concerns? I
18 believe we discussed this, I believe
19 both plans to some extent at previous
20 meetings; are there any issues or
21 concerns that anyone still had
22 outstanding?

23 MR. JAUQUET: None.

24 MR. BURNS: No.

25 MR. PALLAS: I believe the

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1
2 mirror-image issue, that you said
3 you're not going to do?

4 MR. NICHOLSON: No, we are not.
5 We are to go as planned as shown on the
6 plan.

7 MR. PALLAS: We need to confirm.
8 I think that was a requirement.

9 MS. WINGATE: I think it was a
10 condition.

11 MR. PALLAS: Of the Zoning
12 approval?

13 MS. WINGATE: Right.

14 MR. NICHOLSON: Okay.

15 We'll have to check that. I know
16 it was brought up, but I didn't know
17 that that was a condition that was put
18 in there.

19 MR. PALLAS: We have that
20 confirmed for next week's meeting,
21 before you vote.

22 CHAIRMAN McMAHON: I, apart from
23 that, when we have discussed it, I
24 didn't have any issues with the plans
25 other than acknowledging the one

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1
2 variance that was needed.

3 If we can get that clarification
4 as to what the actual decision was of
5 the ZBA, then we can move forward. So
6 we can look back at the minutes from
7 the ZBA meeting.

8 MR. PALLAS: Correct. We'll check
9 the minutes before the meeting and get
10 that information to the Board.

11 CHAIRMAN McMAHON: So where we are
12 right now then is, if there was
13 miscommunication about whether or not
14 flipping the house is required or
15 clarification is required on that, we
16 --

17 MR. NICHOLSON: I mean, I believe
18 even if we look back at the minutes,
19 they did -- I think it was John that
20 brought it up about flipping the
21 layout, but then I believe he said it
22 doesn't matter anyway because that's
23 more of a Planning Board issue, not a
24 Zoning thing because the outline of the
25 house isn't going to change on the

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1
2 property no matter what.

3 CHAIRMAN McMAHON: Okay.

4 So if the five-foot variance was
5 approved with that as a condition
6 attached that it be flipped, our hands
7 would be tied on what we would be
8 allowed to approve, so if that is,
9 we'll take a closer look at the reading
10 of the minutes and it turns out that
11 that was a condition of it, then you
12 would either have to talk to them again
13 or, I mean, our hands would really
14 be -- if it's a conditional approval
15 for the variance, we can't approve it
16 without a variance.

17 I don't have any other issues with
18 the project as is.

19 Does anyone else have any concerns
20 apart from the five-foot setback?

21 MR. JAUQUET: No.

22 MR. BURNS: I don't understand
23 that confusion. It's seems clear.

24 ATTORNEY PROKOP: We just don't
25 have the minutes here, that's the
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2 problem, so we'll probably have them in
3 a few day, we can confirm or watch the
4 videotape.

5 CHAIRMAN McMAHON: I mean that's
6 where -- you know, we can approve based
7 on what the ZBA, whatever the variance,
8 whatever requirements in their, in
9 their approval for a variance. We can
10 approve it with those conditions
11 attached, but I don't know how that's
12 going to work. I wasn't there, so I
13 don't know how that went. Hopefully we
14 can have it cleared up and if it --

15 MR. NICHOLSON: If it makes it
16 easier, I'll come back next week.

17 CHAIRMAN McMAHON: We have to go
18 to next week anyway, so I don't know if
19 we have anything else to discuss at
20 this point.

21 ATTORNEY PROKOP: Not, it's on
22 next week.

23 CHAIRMAN McMAHON: So it would be
24 next week either way.

25 MR. NICHOLSON: Thank you.

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2 CHAIRMAN McMAHON: Item Number 3,
3 201 Manor Place, Eastern Long Island
4 Hospital.

5 Continued discussion and possible
6 action to approve the application for
7 site plan review for Eastern Long
8 Island Hospital.

9 Applicant John Condon has been
10 authorized to submit plans for a
11 66-foot seawall/curb on the east, south
12 and west sides of the hospital.

13 The proposal also includes the
14 construction of a raised concrete
15 platform for a new electrical generator
16 located in the rear service area.

17 The application is before the
18 Board of Trustees on September 22, 2016
19 for approval of the Wetlands permit
20 application.

21 This property is not located
22 within the Historic District.

23 Suffolk County Tax Map number
24 1001-2-3-2.

25 Paul, would you like to speak to
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1 the wetlands?

2
3 MR. PALLAS: Yes. Thank you, Mr.
4 Chairman.

5 I have -- we did receive the
6 negative, I'm sorry, a letter of
7 non-jurisdiction, the current letter of
8 non-jurisdiction from New York State
9 Department of Environmental
10 Conservation, so they're not involved
11 in the process.

12 The Village Board is in the -- the
13 hearing was -- was it closed, Joe,
14 right?

15 ATTORNEY PROKOP: Yes. With no
16 action.

17 MR. PALLAS: The hearing was
18 closed with no action. The Village
19 Board will vote on a Wetlands permit at
20 their next meeting. The Village Board
21 had asked, and I believe you have some
22 question as well, about what happens to
23 the water after an inundation event. I
24 have an independent letter from an
25 independent engineer unaffiliated with
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2 the project that we used for drainage
3 within the Village before. I have
4 copies for Board members.

5 It's a little lengthy, but the
6 summary of the letter basically is that
7 there is no issue with, no concerns
8 about runoff or drainage as a result of
9 the wall.

10 CHAIRMAN McMAHON: Okay.

11 I mean, personally, that was my
12 large concern because the project, in
13 the interest of protecting the
14 hospital, in the event of severe
15 flooding or natural disaster, I think
16 that's to the benefit of everybody. I
17 didn't have any issues with that.

18 My only concern was who would be
19 doing the SEQRA determination for the
20 project, who is going to be making the
21 negative declaration for the project to
22 go forward.

23 I think at the last meeting, we
24 had sort of said since the Village
25 Board would be involved in the wetlands
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2 portion, and we weren't really prepared
3 to discuss beyond that, we're hoping
4 that they would take lead agency
5 status, but they did not at that
6 meeting.

7 I'm not certain where we're at. I
8 don't know what we do at this point
9 because --

10 ATTORNEY PROKOP: Is there anybody
11 here from the hospital to speak?

12 MR. PALLAS: Yes. John Condon,
13 the engineer who designed it who is
14 listed as the agent is in the audience.
15 I don't know if you want to talk to
16 him.

17 CHAIRMAN McMAHON: If there is
18 anything you would like to add, please
19 feel free.

20 MR. CONDON: John Condon, engineer
21 for the project, Condon Engineering.

22 CHAIRMAN McMAHON: Did you have
23 anything in particular you wanted to
24 add to the discussion?

25 MR. CONDON: When I heard there
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2 was some concern about trapping water,
3 okay, this is not something that's
4 going to trap water; it's basically
5 going to divert any water from going up
6 against the building and down into the
7 lower areas of the building because it
8 doesn't surround the entire building.

9 CHAIRMAN McMAHON: I think the
10 concerns were, could it then have a
11 negative impact on the neighbors; could
12 this be running off, preventing it from
13 going from the hospital into any
14 neighboring properties and causing
15 issues there? That was --

16 MR. CONDON: If you take a look at
17 the flood maps, okay, where the
18 floodwaters come in are on the eastern
19 side of Manor Place, okay. You can see
20 where that floods out a lot; also on
21 the western side by the parking lot of
22 the hospital, that's where the main
23 floodwaters come in with the flood maps
24 if you take a look at them.

25 CHAIRMAN McMAHON: Okay.

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2 MR. CONDON: So the wall does not
3 go all the way past the parking lot,
4 okay, on the western side; and on the
5 eastern side, it goes down to Manor
6 Place, but it doesn't go across the
7 road, so it's not going to affect
8 anything as far as water coming in from
9 those sides.

10 The concern, particularly with
11 Sandy was that there was water coming
12 blowing onto the back of the property
13 and onto the side of the property, and
14 on the eastern side of the hospital,
15 the electrical room and mechanical room
16 is at a lower level, and when I was
17 asked to go to the hospital, you know,
18 after Sandy left, and I look in the
19 electrical room underneath the main
20 electrical panels, and it was flooded
21 with water. Fortunately, we had pumps
22 to pump that out, but there was concern
23 not only from rising water, but also
24 water washing in.

25 What they had done at the hospital
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1 was put up temporary sandbags or
2 whatever to prevent any water from
3 going in there, but that was the
4 primary reason for doing these walls
5 was to prevent water from coming into
6 those areas. It doesn't affect,
7 negatively affect the rest of the
8 neighborhood because the water is gonna
9 come in those other areas that I just
10 described.
11

12 CHAIRMAN McMAHON: Does anyone
13 have anything to add?

14 MS. CLARK: I really can't say
15 much because I don't have anything in
16 front of me to look at.

17 CHAIRMAN McMAHON: We had, at the
18 last meeting.

19 MS. CLARK: Pardon me?

20 CHAIRMAN McMAHON: I think we had
21 a packet at the last meeting.

22 MS. CLARK: Really.

23 I thought it was very little
24 and -- can I see it?

25 MS. WINGATE: Sure.

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2 MR. PALLAS: Mr. Chairman, while
3 we're doing that, in terms of the
4 jurisdiction question for SEQRA, and
5 Joe, correct me if I'm wrong, the
6 wetlands piece would cover a portion of
7 the wall and so the -- from a SEQRA
8 perspective, I think you have wider
9 jurisdiction because you would cover
10 the entire site for the purposes of
11 this project. Again, that's a point of
12 information, if you're looking to make
13 a decision about who is lead agency.

14 CHAIRMAN McMAHON: Can we, are we
15 in a position to move forward without
16 having the Board of Trustees complete
17 their review of the wetlands portion of
18 the application?

19 ATTORNEY PROKOP: Yes, but then it
20 would be subject to the wetlands
21 approval. The only -- I would only do
22 it on this kind of an application where
23 the, I think it's a 1,000-foot wall and
24 there is only 20 feet that are in the
25 wetlands, so if that wasn't the

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1 situation, I would say no, but it's
2 such a small piece, I would say it's
3 okay subject to the Trustees' approval.

4
5 CHAIRMAN McMAHON: Okay.

6 Given that we do have a letter
7 from an outside contractor, outside
8 engineer, indicating there wouldn't be
9 any --

10 ATTORNEY PROKOP: I think the
11 concern for flooding was on Manor
12 Place, if I'm not mistaken. I mean,
13 this is just my recollection, but I
14 think the discussion was the concern
15 that the hospital would be pushing
16 water back out onto Manor Place, not
17 what you said, but a different issue.

18 MR. SWISKEY: It created a funnel.

19 ATTORNEY PROKOP: It's a problem
20 that already existed apparently that
21 people were afraid would be
22 exacerbated.

23 MR. CONDON: It doesn't do
24 anything but prevent water from coming
25 onto the hospital's property, okay.

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1
2 The water still goes up Manor Place
3 because it's open, and if you take a
4 look at the flood maps, that's one of
5 the lowest areas in that neighborhood
6 area there, so the hospital walls are
7 not going to do anything to divert any
8 water from going down into those areas.

9 ATTORNEY PROKOP: What about water
10 that's from the hospital property,
11 water that's from the hospital property
12 will be retained on the hospital
13 property?

14 MR. CONDON: No. It would drain
15 off like it does now.

16 ATTORNEY PROKOP: Drain off to
17 where?

18 MR. CONDON: It drains off to
19 Manor Place.

20 ATTORNEY PROKOP: Yeah, I think
21 that was the problem. I think that was
22 what was --

23 MR. CONDON: And that's why they
24 have, that's why the Village put in two
25 drains down at that end, the only thing
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1
2 that would temper that to a certain
3 degree is that we did put in speed
4 bumps on that eastern side that could
5 retain some water.

6 ATTORNEY PROKOP: Is there any
7 mitigation that could be done to
8 keep -- you know, generally the Village
9 has a policy that water should be
10 retained on the premises that it
11 originates from, it should not drain
12 out into other, either the road or
13 other properties.

14 MR. CONDON: Well, I did come up
15 with a drainage plan for that
16 particular side of the property and
17 Paul and I had discussed it, okay.

18 There is no reason why we wouldn't
19 put that in, but there's none there
20 now.

21 ATTORNEY PROKOP: Yeah.

22 MR. CONDON: So any rainwater that
23 comes down on the property now, drains
24 onto Manor, and I think that's why
25 there were two catch basins put at the
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1
2 end of Manor Place on the eastern end.

3 MR. PALLAS: Just another point,
4 the CAC as far as wetlands review
5 process, did recommend along the west
6 side of the east wall approximately 18
7 inches wide, a gravel area so that any
8 water will percolate down, it was the
9 recommendation of the CAC so that the
10 wall, it wouldn't be paved up to the
11 wall which in theory, the berm used to
12 be there, it somewhat mimics what was
13 there, that's just another point to
14 consider.

15 MR. CONDON: That's the other
16 alternative.

17 ATTORNEY PROKOP: Do you want to
18 have a week to talk?

19 CHAIRMAN McMAHON: Yeah.

20 Does anyone have any thoughts?

21 MR. BURNS: It's an engineering
22 issue I don't understand.

23 CHAIRMAN McMAHON: Yeah, I'm out
24 of my depth.

25 MR. JAUQUET: Me too.

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2 It's mechanical engineering and
3 site plan analysis that maybe those
4 pictures that we have -- I don't know
5 if that, what we have there, if we can
6 understand that personally, but I think
7 a mechanical engineer is going to have
8 to, and he's already working with him.

9 MR. PALLAS: That's what this
10 letter basically -- that's why it
11 requested to get this letter.

12 MR. JAUQUET: I read through this
13 letter just now, but it looks like
14 it -- it doesn't say -- it appears that
15 it says the current design isn't going
16 to work.

17 MR. PALLAS: That the --

18 MR. JAUQUET: And so what do we do
19 next if I'm right?

20 MR. CONDON: It's not gonna work
21 in what regard?

22 MR. JAUQUET: I don't know, I'm
23 not an expert, so I'll defer to Mr.
24 Pallas.

25 MR. PALLAS: The issue that is
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2 raised in the letter has, as far as
3 whether it works or not, has to do with
4 whether it would perform the function
5 for the hospital that was desired as
6 opposed to what the impacts are on the
7 surrounding area.

8 MR. JAUQUET: Okay.

9 MR. PALLAS: The question on
10 whether it works for the hospital or
11 not, I don't think is a question for
12 this Board, it's between the hospital
13 and its engineer.

14 CHAIRMAN McMAHON: But our concern
15 is, is there going to be any effect on
16 the neighbors?

17 MR. PALLAS: Again, with my
18 reading this letter and subsequent
19 discussions I've had with this
20 engineer, the short answer is no, it
21 will have no, not change anything that
22 goes on now.

23 CHAIRMAN McMAHON: Okay.

24 I haven't had a chance to read
25 through this letter, it's the first I
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1 Proceedings 9-29-16

2 saw of it, but perhaps we can get
3 together before the next meeting and
4 get oriented on this too.

5 MR. PALLAS: Sure. When we meet
6 on the other project, we can discuss
7 this one as well.

8 CHAIRMAN McMAHON: Okay.

9 Perhaps we can have a more
10 in-depth conversation, sort of see
11 what's going on here, and if we have --
12 see exactly what this letter, how this
13 reads and we'll defer to Paul, but at
14 the moment, I would suggest that we
15 table this until our next meeting.

16 MR. BURNS: I'd like to hear Bill,
17 listen to what he has, what is
18 troubling him with this.

19 CHAIRMAN McMAHON: If you're
20 gonna -- please take the podium.

21 MR. SWISKEY: Are you asking me to
22 give my opinion?

23 CHAIRMAN McMAHON: Ben is.

24 MR. BURNS: My understanding is
25 the only thing we were concerned with
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1
2 is --

3 MR. SWISKEY: William Swiskey, 184
4 Fifth Street.

5 Basically, look at that plan, on
6 the east wall, all that water, a lot of
7 that water that runs down that driveway
8 used to run off and either be absorbed
9 in the soil or fall into Sterling
10 Creek, okay, it didn't reach Manor
11 Place. This wall is gonna funnel all
12 that water onto Manor Place.

13 I went down there during that last
14 rainstorm and that storm, it was really
15 severe; in other words, the flooding
16 there was ugly, it was dirty and the
17 Village Code basically, I know, I
18 believe Mr. Prokop confirmed it, the
19 hospital is making a change, before
20 they were grandfathered in, now since
21 they're making this change, they should
22 be obligated to contain most of this
23 water on their property, same as if I
24 build a house, I have to put in a dry
25 well and run the drains into it. I

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1
2 mean -- and I thought that the Village
3 was gonna, Mr. Pallas was gonna get an
4 opinion from an independent engineer
5 about the Village's risk, not somebody
6 that says this will work for the
7 hospital. That shocks me to tell you
8 the truth.

9 MR. PALLAS: If I may, the letter
10 does talk about the Village's risk.
11 There are several points that are made
12 in the letter including whether it
13 works for the hospital. It does assess
14 the impact on the Village.

15 MR. SWISKEY: What does it say?

16 MR. PALLAS: In my read of it and
17 subsequent discussion, as I stated
18 earlier, that it does not pose any
19 additional concerns for the Village.

20 MR. SWISKEY: Who was the
21 engineer?

22 MR. PALLAS: JR Holzmacher.

23 MR. SWISKEY: I don't know because
24 the way I look at this, this is gonna
25 be a mess on that road and -- but it's
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1 up to this Planning Board to make the
2 decision and to interpret the letter
3 because Peter there just said that the
4 letter said it was not gonna work; am I
5 right, Peter?
6

7 MR. JAUQUET: Well, that was a
8 cursory reading, Bill, I'm not a --

9 MR. SWISKEY: I realize that --

10 MR. BURNS: That's not our issue.

11 MR. JAUQUET: That's not really
12 the issue.

13 MR. SWISKEY: No, it's not your
14 issue with the hospital, but your issue
15 is the Village is gonna have to spend a
16 lot of money on road end remediation at
17 the end of Manor Place. In fact, it's
18 already in the pipeline.

19 Now, is this gonna cause you to
20 have to spend more money and put in
21 more facilities, that was my point at
22 the Village Board, and nobody's
23 answered that.

24 MR. BURNS: This is the answer.

25 MR. PALLAS: Correct.

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2 MR. BURNS: We have the answer.

3 MR. SWISKEY: And they're saying
4 it's not gonna have a problem.

5 MR. BURNS: Right.

6 MR. SWISKEY: Well, if you agree
7 with that, but just from my experience
8 you're gonna have a problem.

9 CHAIRMAN McMAHON: I would like to
10 take a week to just have it thoroughly
11 explained to me at the very least to
12 have a better understanding of it.

13 Apart from that, does anyone have
14 any -- I mean, I don't think anyone had
15 any issues with the project, with the
16 intent of the project or anything in
17 that regard; our only concern was if it
18 was going to have an impact on the
19 neighbors and Paul has indicated that
20 it will not, and that's what the
21 engineer is telling him, it will not,
22 so I'm going to defer to him on that,
23 but either way, we're going to take the
24 week and we'll vote on it next week
25 either way.

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1
2 I think that's what's going to
3 happen.

4 MR. BURNS: Well, whether it works
5 or not is not our issue.

6 CHAIRMAN McMAHON: Yeah, I mean
7 obviously we want to be cautious about
8 it, but yeah, as to whether or not, if
9 we're receiving a professional opinion
10 saying that it's going to work, I think
11 that's what we need to defer to.

12 Is there anything else we need to
13 discuss this evening with regard to
14 this?

15 (No response.)

16 I'm going to make a motion that we
17 move on to the next item on the agenda,
18 so we'll move on to the next agenda.

19 Item Number 4, 316 Front Street,
20 Motion to accept application and
21 possible action on the use evaluation
22 application from applicant Linda
23 Ruland, Executive Director of Community
24 Action Southold Town, Inc., CAST.

25 CAST has relocated offices to 316
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Proceedings 9-29-16

1 Front Street. This is a permitted use
2 in the CR, Commercial Retail District.
3

4 This property is not located in
5 the Historic District.

6 Suffolk County Tax Map number
7 1001-4-8-33.

8 They moved across the street from
9 where they were continuing their
10 operations as they were previously.

11 ATTORNEY PROKOP: What was the
12 prior use, where they moved into, what
13 was the prior use?

14 CHAIRMAN McMAHON: I don't know.

15 MS. WINGATE: I think it was one
16 of the psychic shops.

17 ATTORNEY PROKOP: Usually with use
18 applications we, if it's the same as
19 the former use, we approve it at the
20 work session.

21 CHAIRMAN McMAHON: Does anyone
22 have any issues or questions about
23 this?

24 MR. BURNS: I think it's a great
25 move.

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2 MS. RULAND: Thank you.

3 CHAIRMAN McMAHON: Any concerns
4 from the Village?

5 MS. WINGATE: It's a great move,
6 they now have a parking lot, and people
7 could park safely. It's a good thing.

8 CHAIRMAN McMAHON: Okay.

9 I looked at this earlier, I don't
10 have any issues with this, it's a use
11 evaluation application site plan
12 review, so if the use is a conforming
13 use, I believe it is -- does anyone
14 have any issues, questions or concerns?

15 (No response.)

16 I'm going to make a motion that we
17 approve the use evaluation application
18 as submitted.

19 Do I have a second for that?

20 MS. CLARK: Second.

21 CHAIRMAN McMAHON: All in favor?

22 MR. BURNS: Aye.

23 MR. JAUQUET: Aye.

24 MS. CLARK: Aye.

25 CHAIRMAN McMAHON: Motion carries.

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2 Item Number 5, 313 Third Street.

3 Applicant Rachel Mysliborski for
4 Woodstruck, LLC has submitted a sign
5 application for the retail boutique in
6 Sterlington Commons.

7 Previously approved at the August
8 Regular Session, the sign was
9 redesigned for compliance with all
10 Village sign rules and regulations.

11 Suffolk County Tax Map number
12 1001-6-2-23.5.

13 This is just a sign permit
14 application, I believe.

15 We already reviewed the use at the
16 last -- it was approved at the last
17 meeting, the meeting before.

18 ATTORNEY PROKOP: This complies?

19 MS. WINGATE: Yes.

20 CHAIRMAN McMAHON: This complies
21 with all zoning regulations. I don't
22 have any issues with this, the sign
23 itself, if it adheres to the sign
24 regulations for the Village, then I
25 have no problems.

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Does anyone have any concern?

MS. CLARK: I do not.

MR. JAUQUET: No.

MR. BURNS: No.

CHAIRMAN McMAHON: I'm going to make a motion that we approve the sign application as submitted.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor? Motion.

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

MS. RULAND: Thank you.

CHAIRMAN McMAHON: Item Number 6, 26A Front Street. Motion to accept use evaluation application from Matthew Kapell, agent for the Olive Branch Cafe.

The cafe is located at 26A Front Street. This is a permitted use in the CR, Commercial Retail District.

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1
2 This property is not located in
3 the Historic District.

4 Suffolk County Tax Map number
5 1001-4-9-28.3.

6 Is there anything you would like
7 to add?

8 MR. KAPPELL: This is essentially
9 the same application that was approved
10 by the Planning Board a couple of years
11 ago for a prior applicant. The only
12 changes here are that we're adding a
13 couple of convection ovens so that they
14 can heat up baked goods, and they have
15 actually reduced significantly the
16 number of seats from 49 to 16; so it's
17 actually de-intensification of the
18 original application.

19 One correction, the address is
20 misstated, it's 120A Front Street.

21 CHAIRMAN McMAHON: We had an
22 application to, a use evaluation
23 application -- I don't see any glaring
24 issues off the bat, generally we accept
25 the application and approve it at the
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1
2 next meeting.

3 MR. KAPELL: I noticed that you
4 just approved a prior use evaluation;
5 can we ask you for the same treatment
6 here?

7 CHAIRMAN McMAHON: Does anyone
8 have any issues with this use?

9 ATTORNEY PROKOP: The exits were
10 okay, and the seating?

11 MS. WINGATE: Yes.

12 CHAIRMAN McMAHON: I don't
13 personally have an issue with the use,
14 we did previously approve it. I don't
15 have an issue.

16 MS. WINGATE: You have a sign
17 application there too.

18 CHAIRMAN McMAHON: There is a sign
19 application, a separate sign
20 application?

21 MS. WINGATE: Um-hmm.

22 CHAIRMAN McMAHON: And the sign
23 conforms with --

24 ATTORNEY PROKOP: No, they have
25 two signs, right?

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2 MS. WINGATE: Yes.

3 ATTORNEY PROKOP: Are they allowed
4 to do that?

5 MS. WINGATE: Actually, it's three
6 signs. They all add up to still within
7 the code.

8 ATTORNEY PROKOP: I thought you
9 can only have one sign. You can have
10 three signs?

11 MS. WINGATE: They have a sidewalk
12 sign, a graphic sign, existing
13 directory on the building, and then
14 there's a sign for the restaurant.

15 ATTORNEY PROKOP: I didn't know
16 you can accumulate the signs; I thought
17 it was one sign not larger than, I
18 didn't know you can take different
19 signs.

20 MS. WINGATE: It doesn't say one
21 sign.

22 MR. KAPPELL: If I can just
23 interject for a moment. This is a --
24 I'm sure you're all familiar with this
25 property. This is the Front Street
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1 Garden property. Those stores at the
2 back of this courtyard have been unused
3 and vacant and blighted frankly for I
4 don't know how many years now. The
5 landlord is trying his best to
6 revitalize that property. In order to
7 get people to go back there, we need
8 some signage in the front directing
9 them to the back. It's a dead end
10 right now, and this is an application
11 that would have significant benefit for
12 the Village.
13

14 MS. CLARK: But this one that's
15 hanging is right in the front, right?

16 MR. KAPPELL: Yes, it's an existing
17 sign there now.

18 MS. CLARK: Say they didn't
19 revitalize this and other stores took
20 occupancy, would they be able to have
21 signs out front as well?

22 MR. KAPPELL: Yeah, there is a
23 directory sign where Front Street
24 Garden meets the street, meets the
25 sidewalk, so they get a sign there and
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1 then they want a sign in front.

2 MR. JAUQUET: In the planter area;
3 is that where it is?

4 MR. KAPELL: Yes.

5 MS. CLARK: And there's room for
6 other signs?

7 MR. KAPELL: Yes.

8 MR. JAUQUET: Is the planter area
9 our jurisdiction?

10 MR. KAPELL: I mean, I say the
11 whole site is your jurisdiction, sure.

12 MR. JAUQUET: The other permeation
13 that we had originally on this site,
14 didn't they have outdoor seating?

15 MR. KAPELL: They did. We are not
16 showing outdoor seating.

17 MR. JAUQUET: You're not planning
18 on it?

19 MR. KAPELL: Not now, no.

20 MR. JAUQUET: That seemed to be an
21 integral part of the attraction, at
22 least a visible thing to get things
23 down there.

24 MR. KAPELL: The applicants are
25 Flynn Stenography & Transcription Service
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2 also in contract to lease the store, I
3 don't know if you recall the history --

4 MR. JAUQUET: (Inaudible.)

5 MR. KAPELL: -- across the way,
6 right, so we're going to be back here
7 with an application for those stores
8 and we'll address the outdoor seating
9 question.

10 MR. JAUQUET: All right.

11 MR. BURNS: That would be my only
12 question, how it affects the other
13 stores, the hair salon, for instance.

14 MR. KAPELL: There would be no
15 obstruction in front of her store.

16 We're not proposing any seating
17 outdoors at this point.

18 MR. JAUQUET: Those other two are
19 vacant still?

20 MR. KAPELL: Yes, they are.

21 MR. JAUQUET: How is the hair
22 salon doing?

23 MR. KAPELL: It's there.

24 MR. JAUQUET: I know, she's been
25 there for --

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2 MR. KAPPELL: I go there for
3 whatever it's worth.

4 MR. JAUQUET: I've gone there.

5 MR. PALLAS: Can I just ask what
6 sign, I don't know what action you're
7 planning on taking, but on the sign, I
8 would like the opportunity to confirm
9 the code for sign.

10 CHAIRMAN McMAHON: Okay.

11 Personally, I don't have an issue
12 with the use. If there is a question
13 as to whether or not the number of
14 signs, if you'd like to clarify that,
15 we can put that portion of it off.

16 MR. PALLAS: Yes.

17 CHAIRMAN McMAHON: Do you have any
18 concerns about the use itself?

19 ATTORNEY PROKOP: No. The use is
20 good to go, so they can start working.

21 CHAIRMAN McMAHON: I think what
22 I'm going to propose is we approve the
23 use and the sign application, we'll
24 take the week and discuss it at the
25 next meeting.

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2 MR. KAPELL: Thank you.

3 CHAIRMAN McMAHON: I'm going to
4 make a motion to approve the use
5 evaluation application as submitted.

6 Do I have a second for that?

7 MR. JAUQUET: Second.

8 CHAIRMAN McMAHON: All in favor?

9 MR. BURNS: Aye.

10 MS. CLARK: Aye.

11 MR. JAUQUET: Aye.

12 CHAIRMAN McMAHON: Motion carries.

13 We will discuss, clarify how many
14 signs are permitted.

15 MR. KAPELL: Just as a practical
16 matter, this is a blighted area, some
17 consideration by the Village should be
18 given for helping to drive traffic back
19 there so we can revitalize these
20 stores. They're underperforming.

21 CHAIRMAN McMAHON: Item Number 7,
22 motion to approve the Planning Board
23 minutes of July 7, 2016 and July 28,
24 2016.

25 Do I have a second for that?

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MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 8, motion to accept
the Planning Board minutes of August 4,
2016 and August 25, 2016.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 9, motion to adjourn.

Do I have a second?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

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Thank you.

(Time noted: 5:55 p.m.)

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C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on September 29, 2016.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 2016.

STEPHANIE O'KEEFFE

ATTORNEY PROKOP: [26] 12/21 13/14 13/17 14/10 20/23 21/20 23/14 25/9 29/18 30/9 30/18 31/8 31/15 31/19 32/5 32/20 33/16 42/10 42/16 44/17 47/8 47/23 48/2 48/7 48/14 52/18
CHAIRMAN McMAHON: [76]
MR. BROWN: [7] 5/9 7/12 8/14 11/4 11/24 14/25 15/12
MR. BURNS: [22] 6/23 7/24 12/7 17/23 20/21 33/20 36/15 36/23 39/9 39/23 39/25 40/4 41/3 42/23 43/21 45/4 45/12 51/10 53/8 54/3 54/13 54/21
MR. CONDON: [12] 25/19 25/24 26/15 26/25 30/22 31/13 31/17 31/22 32/13 32/21 33/14 34/19
MR. JAUQUET: [31] 12/8 12/12 15/9 17/22 20/20 33/24 34/11 34/17 34/21 35/7 39/6 39/10 43/22 45/3 45/14 50/2 50/8 50/12 50/17 50/20 51/3 51/9 51/17 51/20 51/23 52/3 53/6 53/10 54/4 54/14 54/22
MR. KAPPELL: [18] 46/7 47/2 48/21 49/15 49/21 50/4 50/7 50/10 50/15 50/19 50/24 51/4 51/13 51/19 51/22 51/25 52/25 53/14
MR. NICHOLSON: [7] 16/23 17/12 18/3 18/13 19/16 21/14 21/24
MR. PALLAS: [24] 11/13 14/4 17/24 18/6 18/10 18/18 19/7 23/2 23/16 25/11 28/25 33/2 34/8 34/16 34/24 35/8 35/16 36/4 38/8 38/15 38/21 39/24 52/4 52/15
MR. PELTON: [4] 6/19 7/7 9/11 15/11
MR. SWISKEY: [10] 30/17 36/20 37/2 38/14 38/19 38/22 39/8 39/12 40/2 40/5
MS. CLARK: [18] 28/13 28/18 28/21 43/19 43/23 45/2 45/9 45/13 49/13 49/17 50/5 53/9 53/25 54/5 54/11 54/15 54/19 54/23
MS. RULAND: [2] 42/25 45/16
MS. WINGATE: [13] 18/8 18/12 28/24 42/14 43/4 44/18 47/10 47/15 47/20 47/25 48/4 48/10 48/19

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1001-2-3-2 [1] 22/24
1001-4-7-29.1 [1] 5/8
1001-4-8-33 [1] 42/7
1001-4-9-28.3 [1] 46/5
1001-6-2-23.5 [1] 44/12
11 [1] 3/23
120A [2] 2/9 46/20
15 [1] 2/5
16 [1] 46/16
16th [2] 5/20 14/4
17th [2] 14/5 14/6
18 [1] 33/6
184 [1] 37/3

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217 [3] 2/5 15/16 15/24
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25 [1] 54/10
26A [2] 45/19 45/23
28 [1] 53/23
28.3 [1] 46/5
29 [4] 1/8 3/6 16/17 56/7
29.1 [1] 5/8
29th [1] 56/13

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