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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

October 29, 2015
5:05 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

PAT MUNDUS - MEMBER

CHRIS DOWLING - MEMBER

JOHN DICIOCCIO - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD CONSULTANT

PAUL PALLAS - VILLAGE ADMINISTRATORCHAIRMAN

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

4 This is the Village of Greenport
5 Planning Board Work Session, October 29,
6 2015.

7 I imagine some of you are here for
8 two items that were actually taken off the
9 agenda.

10 The discussion with the two
11 proposed subdivisions on Fifth Avenue, I was
12 told this application was incomplete, so it
13 was taken off the agenda.

14 If they complete the applications,
15 they can submit the additional documents
16 that are required, it can be on the next --
17 a future meeting. It wouldn't be next, it
18 would be at a future work session, not at a
19 regular meeting.

20 So with that, I'll start with item
21 number 1, pre-submission conference for Dan
22 Pennessi. Dan Pennessi represents owner
23 Mayland Shannon, LLC and is before the Board
24 to discuss proposed uses and development of
25 the site located at the corner of Front and

1
2 Third Streets.

3 The pre-submission package
4 contains a preliminary site plan and
5 elevations of the proposed building.

6 The project as proposed will
7 require variances and the proposed uses are
8 not approved for the WC Waterfront
9 Commercial District, but are listed as
10 conditional uses.

11 Suffolk County Tax Map number
12 1001-5-4-5.

13 You are the applicant.

14 MR. PENNESSI: Dan Pennessi, that's
15 P-E-N-N-E-S-S-I.

16 CHAIRMAN McMAHON: Did you want to
17 start with some comments?

18 MR. PENNESSI: Sure.

19 My name is Dan Pennessi. Good
20 afternoon, Chairman and members of the
21 Planning Board.

22 I'm here on behalf of the contract
23 vendee for the property which is SAKD
24 Holdings, LLC. We received authorization
25 from the property owner Mayland Shannon, LLC

1
2 to present this application.

3 We have submitted a preliminary
4 work session proposal for the property.
5 What we're proposing is at grade retail and
6 restaurant use and then two floors above,
7 having eight hotel rooms in each floor for a
8 total of sixteen hotel rooms.

9 The structure will be focused on
10 the corner of Front and Third Streets and
11 there is also proposed to have twelve
12 surface parking spaces to the south.

13 We did submit in the package some
14 renderings for the building, and also a site
15 plan.

16 On the site plan, we've made an
17 attempt, you know, understanding that this
18 will be a work session and we look forward
19 to working with the Planning Board and
20 certainly the ZBA because some variances are
21 required.

22 We thought that this would be a
23 good start and as the plan develops with the
24 input from the municipality, we can
25 certainly develop the plans with more

1
2 detail.

3 CHAIRMAN McMAHON: Okay.

4 MR. PENNESSI: I also have here with me
5 the architect of record, Tom Pedrazzi to
6 answer any questions you may have.

7 CHAIRMAN McMAHON: Thank you.

8 As you noted, this project would
9 require a number of variances.

10 The first one that stands out to
11 me is obviously the lack of parking. You
12 have twelve spots allotted. With the
13 multiple uses of the property -- this is the
14 second -- I think this is the second or
15 third time I've seen this site come before
16 us and every time we run into the same issue
17 where just a simple lack of parking and the
18 difficulty of egress and access to the
19 street, considering you are on, you have a
20 State road there, you have a number of
21 throughways. There are a number of issues
22 there that come in with accessing that and
23 developing it.

24 MR. PENNESSI: Absolutely.

25 CHAIRMAN McMAHON: I think you seem to

1
2 be aware of that, so I think we should
3 acknowledge that it would likely be denied
4 by us initially, and then it would go to the
5 ZBA, they would have their say. I imagine
6 because of the potential impact on the
7 environment and the surrounding areas that I
8 mentioned, there will be a public hearing.
9 I would expect the Village Board of Trustees
10 to weigh in as well, so there would be --
11 this is the correct first stop, but there
12 would be a number of other people who would
13 be involved.

14 MR. PENNESSI: Absolutely, and we have
15 identified, understanding we have done quite
16 a bit of diligence on the minutes of the
17 Boards with respect to this property both
18 back in April and prior several years ago to
19 figure out, at least from the minutes, what
20 was important to the Planning Board and the
21 ZBA.

22 You know, we'll certainly go
23 through the calculations with the Board if
24 they would like to, or with the consultant,
25 to identify that we have, we believe,

1
2 complied with the coverage ratio, we're
3 within the forty percent. On the height,
4 we're within the requisite height of
5 thirty-five feet, but we are seeking three
6 floors instead of two and there is some
7 precedent in the Village for granting that
8 type of variance.

9 Then on the parking, we're
10 currently calculating thirty-six spaces.
11 We've provided twelve and we would be open
12 to discussing the payment in lieu if that's
13 an option that the Planning Board would
14 entertain leaving about four spaces for a
15 variance and, you know, we can work with the
16 ZBA if that's not something they would like
17 to do, but we would like to, we'd like to
18 keep the uses generally what they're looking
19 like in the size to make them really viable
20 economic entities.

21 CHAIRMAN McMAHON: Any first
22 impressions from any of the Board members,
23 questions, concerns, anything?

24 MR. BURNS: I just hope together we can
25 pull this off. There are some real

1
2 questions about certain aspects of it, but
3 that lot has been sitting there bare and
4 needs something like what you have proposed,
5 so we'll see.

6 MR. JAUQUET: I don't see any other way
7 to handle the parking on this because you
8 can't -- you can't go -- you can't put it in
9 any other position on that site and take --
10 you take away so much from the rest of the
11 building that it wouldn't be viable.

12 CHAIRMAN McMAHON: Yes. What we found
13 in the past is that most uses for the
14 property just accommodating parking would
15 take up the entire lot, there would be no
16 room for any building on there, so I do
17 recognize the difficulties building in that
18 location.

19 I think if I'm -- I can only speak
20 for myself really. I am certainly amenable
21 to work with you and doing whatever I can in
22 finding a viable solution that works for the
23 Village as a whole.

24 There are going to be a lot of
25 people that want to have their voices heard

1
2 on this.

3 MR. PENNESSI: Absolutely.

4 CHAIRMAN McMAHON: A lot of members of,
5 you know, the community are going to want to
6 have their say, so I would just say, being a
7 pre-submission conference, be prepared for
8 that.

9 MR. PENNESSI: Absolutely.

10 CHAIRMAN McMAHON: There is going to be
11 a lot of different voices that want to have
12 their say in this.

13 MR. PENNESSI: I can tell you, we are
14 looking forward to that input and again in
15 reviewing at least the minutes, we spent a
16 lot of time trying to figure out how to
17 accommodate the parking, understanding that
18 it was important to certain members of the
19 community, but at the same time, developing
20 the street scape.

21 It seems from walking through the
22 Village, it's so important the keep it alive
23 there, and, you know, while this may not be
24 the optimal design, at least it does
25 accommodate some surface parking. You know,

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2 we had looked to try to develop Third Street
3 a little bit more and maybe put the parking
4 behind, but it just got more complicated.

5 MR. JAUQUET: I mean, I think the
6 overarching theme of this is to complete
7 that street wall as much as possible on both
8 Third and on Front to close that gap and
9 make that -- which is the second hundred
10 percent (inaudible) in the Village and it
11 should have what you have here in my
12 opinion.

13 MR. PENNESSI: Great.

14 MR. JAUQUET: That's just how I've
15 always felt about that block. You know, at
16 some point, the one across the street is
17 probably going to come before us too, and
18 it's going to be the same thing.

19 MS. MUNDUS: At the same time, that's a
20 real problem street because of the very
21 intensive use.

22 MR. JAUQUET: Yes. That one thing -- I
23 don't -- who has -- who has, you know, who
24 is going to have precedence on the conflict
25 of the traffic there.

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2 CHAIRMAN McMAHON: Yes, actually,
3 and --

4 MR. JAUQUET: I mean, I don't know,
5 there is a lot of traffic going in and out
6 of Harborfront Hotel. You know, that's as
7 busy, if not more busy, and they're -- you
8 know, no one is complaining now, but, you
9 know.

10 MS. MUNDUS: They don't have to back
11 out into traffic.

12 MR. JAUQUET: That's true.

13 MS. MUNDUS: The parking that you have
14 on your site plan is really small, and
15 anybody who pulls in there with a pickup
16 truck, for example, or large classic car is
17 going to have to back out.

18 MR. JAUQUET: Into the driveway you
19 mean?

20 MS. MUNDUS: Yes, getting out of the
21 parking lot.

22 MR. JAUQUET: That you wouldn't have to
23 back onto the apron.

24 MS. MUNDUS: If everything, if
25 everything is -- hypothetically, if all

1
2 those parking spaces are filled, I mean,
3 unless you do --

4 MR. PENNESSI: We can certainly look
5 into that, and I can have Tom comment. I
6 think what we've designed are standard
7 parking stalls with the fifteen feet in
8 between, but we can certainly look at it in
9 more detail to make sure that we have at
10 least some ability for most cars, maybe
11 compact cars, but most cars to make that
12 turn so they don't have to back out.

13 MS. MUNDUS: There is a standard in
14 Greenport for parking space size.

15 MR. PEDRAZZI: And that's what we're
16 using here.

17 MS. MUNDUS: On this one?

18 MR. PEDRAZZI: With this one, yes.

19 MS. MUNDUS: I have a question about
20 the roof.

21 MR. PENNESSI: Yes.

22 MS. MUNDUS: What was your intention
23 for the roof? It's just, the whole roof is
24 just for that one little pergola up there
25 with seating.

1
2 MR. PENNESSI: So the roof, in order to
3 comply with the lot coverage, we have
4 decided to put the mechanicals up on the
5 roof and have them shielded from view from
6 the street, but there is some leftover space
7 to do it.

8 Based on the current design of
9 where the elevator shaft and where the
10 stairwells would have to come up, it
11 requires a little bit more focus, but we're
12 considering that it would be about a
13 1300-foot roof deck up there.

14 MR. JAUQUET: So the white space up
15 there is --

16 MR. PENNESSI: The white space will
17 be --

18 MR. JAUQUET: -- fenced off with
19 condensers?

20 MR. PENNESSI: Yes, exactly.

21 MR. JAUQUET: I was going to ask you if
22 there is a view amenity once you're up there
23 with your wedding party.

24 MR. PENNESSI: Well, you know, we have
25 been looking at how to deal with that second

1 staircase and the New York State law on how
2 big the roof deck can be with only one means
3 of egress. I think it's only about 500
4 feet, so if you go over it, you got to have
5 two means of egress, but we are looking at
6 alternatives for that southern staircase.
7

8 CHAIRMAN McMAHON: Is the roof deck
9 right now designed to be for the use of the
10 --

11 MR. PENNESSI: It is currently. We
12 would be open to speaking to the ZBA about
13 it because if it does get open to the public
14 or even to a restaurant tenant and their
15 customers, we would need to accommodate
16 parking for that space and we currently
17 don't, so it's gonna be a question of how
18 flexible we can be with this parking.

19 MR. JAUQUET: Like a small bar
20 situation up there?

21 MR. PENNESSI: Yes.

22 MR. JAUQUET: Is there a view; have you
23 calculated whether there is a view or not
24 over the roofs to the east over the theater?

25 MR. PENNESSI: Not over the theater

1
2 because the theater, I think is at
3 forty-three feet or forty-five feet.

4 MR. PEDRAZZI: But it does ziggurat
5 down to a lower elevation off the back.

6 MR. JAUQUET: Right.

7 Do you see over the VFW?

8 MR. PENNESSI: Yes.

9 MR. JAUQUET: You do.

10 MR. PENNESSI: Yes.

11 The third floor -- in fact, the
12 second floor hotel rooms will not have an
13 unrestricted view of the harbor, but the
14 third floor and roof deck should.

15 MR. JAUQUET: Oh, right.

16 Do you have a name?

17 MR. PENNESSI: Not yet. There are a
18 couple under consideration but not yet.

19 CHAIRMAN McMAHON: One thing I would
20 say with -- it's not just the number of
21 parking spaces that are a concern, it's the
22 location. Even if this were entirely a
23 parking lot, it would still be a difficult
24 location because what happens is where the
25 proposed entrance to the parking lot is --

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MR. PENNESSI: Um-hum.

CHAIRMAN McMAHON: -- when the ferry lets out, you get a line of cars that back up to that stoplight there.

MR. PENNESSI: Okay.

CHAIRMAN McMAHON: You would then not be able to exit until all of those cars cleared, as well as anyone who wants to enter the parking lot would then be waiting with a left-turn signal and that would then back up traffic into the -- cross into the four-way intersection there, so that is when it really could become an issue, where if you have a lot of traffic going in and out, then it can be very difficult, it could be very problematic.

MR. PENNESSI: Sure.

CHAIRMAN McMAHON: That's one of the issues that's been raised a number of times.

MR. PEDRAZZI: We might need to talk about, you know, some sort of way of having somebody sort of even manage that sort of situation, maybe not a police --

MR. JAUQUET: Or manage the striping on

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2 the street.

3 MR. PEDRAZZI: Manage the striping on
4 the street --

5 MR. JAUQUET: They do that in lots of
6 places.

7 MR. PEDRAZZI: We're doing that over at
8 the Baron's Cove Hotel where they have
9 people actually kind of like making sure
10 that --

11 MR. JAUQUET: Right. Where?

12 MR. PEDRAZZI: Baron's Cove. I did the
13 Barons's Cove renovation project.

14 CHAIRMAN McMAHON: In Sag Harbor?

15 MR. PEDRAZZI: In Sag Harbor, and we
16 had a lot of problems with that sort of
17 tight driveway getting in there with
18 pedestrians dropping off, so there is always
19 a person on staff who is just watching that,
20 getting the luggage out, you know, sort of a
21 concierge-in-the-parking-lot person.

22 That's on weekends, Friday,
23 Saturdays and Sundays when it really gets,
24 you know, heated.

25 MR. PENNESSI: There was also, one of

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2 the prior applications, we had FOILED a
3 traffic study that was performed then, and
4 we do plan on having an updated traffic
5 study, so we can certainly see what that
6 means for the property, the impact of the
7 ferry.

8 CHAIRMAN McMAHON: I should mention
9 too, our last meeting, we discussed -- we
10 had a number of concerns about traffic and
11 parking throughout the Village, and we
12 started to put together a list of the items
13 that we want to bring forth, so be aware of
14 that. It is actually going to be on --
15 we're going to be sending a letter to the
16 Board of Trustees with recommendations or at
17 least a list of items that we feel should
18 kick-start the conversation.

19 You're going to want to be a part
20 of that conversation and be aware of what's
21 going on because that absolutely will have
22 an impact on whether or not this is seen as
23 a viable use of property.

24 MR. JAUQUET: Is a traffic study
25 required for this to be done?

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2 CHAIRMAN McMAHON: I don't know. I
3 can't speak for that.

4 MR. JAUQUET: I guess we could request
5 one, a professional study, recommendation
6 solution kind of thing.

7 CHAIRMAN McMAHON: Yes. I would not be
8 surprised if that were a requirement of
9 this, simply because of the -- it really
10 could become a very large problem for the
11 whole section, that four-way intersection,
12 particularly with the traffic going to the
13 ferry, which is also another issue.

14 There is now -- the past summer,
15 there was traffic, there was an attendant
16 from the ferry who was out there directing
17 traffic in the mornings. The Village needs
18 to address that as well, you know, that's
19 obviously going to play into this as well,
20 so I would suggest being part of those
21 conversations.

22 MR. PENNESSI: Absolutely.

23 CHAIRMAN McMAHON: Because you don't
24 want them to come up with a solution that
25 works now that would then be upended by this

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2 project, so I would suggest being involved
3 in those as much as possible early on,
4 getting as much community involvement as
5 possible.

6 MR. PENNESSI: Will do, absolutely.

7 MS. BERRY: I just wanted to support
8 what Pat said, parking is usually for
9 one-way operation, not two-way, and I think
10 you're -- it could be a dangerous situation
11 if cars were backing over the sidewalk
12 because there is a lot of traffic coming
13 from the ferry over there.

14 MR. PENNESSI: Okay.

15 MS. BERRY: If you can try and get
16 perpendicular parking, I think it would be a
17 much safer situation.

18 MR. PENNESSI: Okay.

19 MS. BERRY: This is minor, but you have
20 got a handicapped ramp there but you don't
21 have a connection to the sidewalk, so if you
22 could make sure you go through your planning
23 strip and connect the whole circulation.

24 Usually a handicapped ramp is
25 supposed to go to the main entry, but I know

1
2 you do have a difficult situation where
3 because you've got another storefront there,
4 you know, so it's something that --

5 MR. PEDRAZZI: We're really trying to
6 create, you know, not really the prime area,
7 really I want to create two entrances to the
8 first floor, so the rhyme or reason is you
9 shouldn't have the handicapped people have
10 to go to the back door.

11 CHAIRMAN McMAHON: I'm sorry, sir, can
12 you speak up a little bit, I'm sorry, or if
13 you don't mind taking the podium so we can
14 make it clear for everybody and everybody
15 can hear what's going on.

16 MR. PEDRAZZI: (Moved to podium.)

17 My thought was to make two front
18 doors instead of just one so that even with
19 the pedestrian flow, there are stairs for
20 this back door, so it's just not a ramp,
21 there are, you know, there is a staircase
22 that's adjacent to the ramp, so I just
23 didn't want to create one main entrance.
24 This is truly a two-entrance building. Even
25 the connection from the lobby to the parking

1
2 is very nice, it's very wide. It goes past
3 the elevator, it's not a back -- what I'm
4 saying is, it's not a back hallway.

5 MS. BERRY: I have to compliment you.
6 I think you have been very responsive to the
7 issues on the site, and I know it's a
8 difficult one, and even changes that you
9 have made since the first round have all
10 been in the right direction.

11 MR. PEDRAZZI: Thank you.

12 MS. BERRY: I know it's not easy.

13 MR. PEDRAZZI: Thank you.

14 MS. MUNDUS: This is also petty but in
15 your application, I see you answer no, that
16 you're not in the hundred-year flood plane,
17 but right next door, the American Legion,
18 they took water inside during Hurricane
19 Sandy and I'm wondering if you're aware of
20 that.

21 MR. PEDRAZZI: That's a FEMA
22 regulation, we're in an X zone, so, you
23 know, that means that, basically, we're not
24 required to do any elevation, we're not
25 required to do, you know, a FEMA elevation.

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2 There is no FEMA elevation that --

3 MS. MUNDUS: No. I know you probably
4 used the data, but I'm just saying are you
5 aware that you took water inside the
6 building immediately next door because your
7 ground floor is at ground level?

8 MR. PEDRAZZI: No. Our ground floor is
9 about two feet off of the ground.

10 MS. MUNDUS: Oh. Maybe I read your
11 diagram wrong.

12 MR. PEDRAZZI: There are three steps --

13 MS. MUNDUS: I'm sorry, one foot, nine
14 inches, sorry.

15 MR. PEDRAZZI: Also, the dining on
16 Front Street is also raised up, so, you
17 know, we're really trying to create, you
18 know, a continuation of this sort of
19 engaging energized street facade, which is a
20 little bit broken, you know, when you get to
21 the theater on the street level, so I
22 thought that that was a nice amenity, the
23 trellis and we were going back and forth
24 with, you know, really what that's going to
25 be like, and if it's seasonal it can be very

1 nice because, you know, we could really
2 pull, you know, the restaurant out and it's
3 a very nice amenity to have to be able to
4 sort of come out to the sidewalk and be a
5 little bit above the sidewalk.
6

7 MR. JAUQUET: Right.

8 CHAIRMAN McMAHON: Any other questions,
9 concerns?

10 Do you have any questions for us?

11 MR. PENNESSI: Not at the moment, and
12 we would just like to say again, we look
13 forward to working with the Planning Board.
14 We know this is the first step in a very
15 long process, very important piece in
16 downtown, so we look forward to the input
17 and, you know, where we can, we'll certainly
18 accommodate the comments to bring them in,
19 we did make every effort to be responsive to
20 the initial comments that we received and
21 trying to fit this project into the property
22 with its constraints, and, of course, there
23 are still some that we haven't been able to
24 accommodate, but again, we're looking
25 forward to working with you guys to make it

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2 work. We're very excited about it.

3 CHAIRMAN McMAHON: Thank you.

4 Anyone else, comments, questions?

5 Thank you.

6 MR. PENNESSI: Thank you.

7 CHAIRMAN McMAHON: I'm going to make a
8 motion to move on to the second item.

9 Do I have a second on that?

10 MR. JAUQUET: Second.

11 CHAIRMAN McMAHON: All in favor?

12 MR. JAUQUET: Aye.

13 MR. BURNS: Aye.

14 MS. MUNDUS: Aye.

15 MR. DOWLING: Aye.

16 CHAIRMAN McMAHON: Aye.

17 Motion carries.

18 Item number 2 is motion to accept
19 use evaluation application for David Akcay,
20 the owner of the property at 126 South
21 Street. David has proposed the installation
22 of a bakery in the east storefront of the
23 property.

24 The property is located in the CR
25 Commercial Retail District.

1 I don't see Dave here. I don't
2 see Julie either.

3 This application actually is
4 incomplete as it was submitted. There are
5 no drawings of the second floor, it needs
6 more detailed plans. There are a number of
7 issues to the property, so we actually can't
8 even accept the application at this time as
9 it is incomplete, but I did also want to
10 note that there is pending legal action with
11 regards to use, and before anything -- we
12 can't even accept it at this time, but we
13 wouldn't be able to approve it until that
14 was resolved.

15 So without the applicants here, we
16 can't -- I don't know if it's really
17 beneficial to even highlight the items that
18 are deficient from that application.

19 MS. MUNDUS: Well, it's kind of a
20 hodgepodge of work that's been done and
21 without permits and things that are on here
22 are not there and things that are there are
23 not on here and --

24 CHAIRMAN McMAHON: There really isn't,

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2 you know, I would have pointed out some of
3 the deficiencies in the application, and
4 there are a number of issues, but if the
5 applicant isn't here, I don't know what we
6 can really do at this time. I'm not sure if
7 it's really -- we should probably just move
8 on.

9 MR. JAUQUET: If we accept them, we're
10 on a timeline to approve, aren't we?

11 CHAIRMAN McMAHON: Yes. To make an --

12 MR. JAUQUET: Yes, so --

13 CHAIRMAN McMAHON: Without the
14 applicant here to discuss the issues, I'm
15 just going to make a motion to move on to
16 the next item.

17 Do I have a second?

18 MR. BURNS: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MR. JAUQUET: Aye.

21 MR. BURNS: Aye.

22 MS. MUNDUS: Aye.

23 MR. DOWLING: Aye.

24 CHAIRMAN McMAHON: Aye.

25 Motion carries.

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2 Item number 3, motion to accept
3 the sign application for Susan DePaola,
4 representing a change of ownership in the
5 restaurant located at 45 Front Street.

6 Susan DePaola was approved for use
7 in July, and her signage application has
8 been outstanding. The awning sign was
9 submitted first within the Village Code
10 regulations.

11 The reason sign application is
12 here is, there was a little confusion on
13 this, whether or not it should be a simple
14 sign application that went through the
15 Building Department or whether it was
16 something, part of a site plan because of
17 the awning. We made a determination that it
18 needed, it was part of the site plan, so it
19 needed to be approved here. I believe we
20 have the drawings and everything that was
21 required.

22 Unless there are some comments or
23 questions.

24 MS. MUNDUS: Am I missing a page? I
25 have industry standards and Tony's Asian

1 Fusion, but I don't have hers. That's it?

2 MS. BERRY: My understanding is she's
3 putting it in exactly the same location.

4 MS. MUNDUS: So in other words, she's
5 just changing the lettering on Tony's Asian
6 Fusion to her rendering?

7 CHAIRMAN McMAHON: Is that correct?
8 Are you Susan?

9 MS. DePAOLA: Yes, I'm Susan DePaola.
10 Yes, that's correct.

11 CHAIRMAN McMAHON: Okay.

12 Any question or concerns from the
13 Board?

14 MS. MUNDUS: So you're -- the name of
15 your restaurant is going to be exactly in
16 the same style, same letters as Tony's Asian
17 Fusion?

18 MS. DePAOLA: Exactly, yes.

19 MR. JAUQUET: Do you have a rendering
20 of that?

21 MR. VILLANTI: We submitted the -- My
22 name is Bryan Villanti.

23 MS. MUNDUS: Hi.

24 MR. VILLANTI: Good evening. I went --

1 MR. JAUQUET: Do you have it with you?

2 MR. VILLANTI: I have a copy of the
3 minutes and it said, after everything was
4 approved last time, just to go file an
5 application to get a sign permit.
6

7 We have been trying to do that
8 since October 8th and, you know, next thing
9 we know, we're on this hearing tonight. I
10 didn't understand the confusion on that,
11 everything was approved, it was just a
12 separate issue to get the sign permit.

13 MS. MUNDUS: Okay.

14 So it's Tony's Asian Confusion?

15 (Laughter.)

16 MS. MUNDUS: I think we need something
17 that, if we're going to approve it, we can't
18 just --

19 CHAIRMAN McMAHON: This is the
20 dimensions and the drawing.

21 MR. JAUQUET: So the name of the
22 restaurant is Northfork Brew and --

23 MR. VILLANTI: That's the business
24 name, the trade name is going to be Industry
25 Standard.

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2 CHAIRMAN McMAHON: Yes, I believed you
3 are free to open. It was just a matter of
4 the awning going up and having a completed
5 application, completed sign permit
6 application, which it looks like we have
7 here. Applications are accepted at a work
8 session, they voted on at a regular meeting,
9 it's just how all of the applications are
10 processed, so we can vote to accept it this
11 evening and then it would be voted on at the
12 next meeting.

13 MR. VILLANTI: The next day?

14 CHAIRMAN McMAHON: No, next week, next
15 Thursday.

16 MR. VILLANTI: Okay. Because when you
17 read the minutes here, Eileen gave us these,
18 on the minutes, it says the only thing you
19 need to do at this point is to get -- apply
20 for a sign permit.

21 We have been trying to do that and
22 it doesn't seem like we're getting a
23 straight answer. When you go down two or
24 three times a day for twenty days and get
25 different answers, it's a little frustrating

1
2 to say the least, and at the last minute, we
3 found out that we were on this hearing or
4 this hearing and we didn't apply for that.

5 MS. MUNDUS: This is a work session, so
6 we don't vote on anything at a work session.

7 MS. BERRY: This is the process for a
8 sign permit, so you don't just get it from
9 the building inspector, it goes through the
10 Planning Board and back, so that's probably
11 the confusion. You don't just apply and
12 receive it.

13 MR. VILLANTI: But the confusion is
14 this, I don't understand when the building
15 inspector tells you, yes, you can apply, all
16 you need is a sign permit and then you're
17 told something three days later and it keeps
18 going back and forth. That's definitely the
19 confusion.

20 CHAIRMAN McMAHON: I apologize for the
21 confusion, but, you know, I can only work
22 with, you know, what my responsibilities are
23 and what I'm asked to do here, and my
24 understanding is that we can accept your
25 sign permit tonight and we can vote on it at

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2 our regular meeting next week.

3 MR. VILLANTI: The only reason I'm a
4 little insistent is because we have been
5 told that this is the process and then this
6 is already three weeks ago that we said, all
7 right, we're gonna start the process and
8 then we would be told something different
9 tonight, that's pretty disappointing and I
10 don't think that, you know, we can open up a
11 restaurant without having a name on there.
12 I think that's pertinent, and, you know,
13 it's a financial burden and it's only
14 getting worse, it's not getting better.

15 MR. JAUQUET: Have you ordered the
16 awning?

17 MR. VILLANTI: Yes. It's the actual
18 same awning. It's the exact same one, it's
19 just gonna be relettered.

20 MR. JAUQUET: With the same helvetica.

21 MR. VILLANTI: I'm sorry?

22 MR. JAUQUET: With the helvetica
23 typeface?

24 MR. VILLANTI: I want to call it --

25 MR. JAUQUET: Somewhat of a script.

1
2 MR. VILLANTI: No, it's a standard
3 print.

4 MS. BERRY: This is the same print,
5 right?

6 MR. VILLANTI: Yeah, that's the
7 identical print.

8 MR. DOWLING: Do you have another -- do
9 you have another restaurant in town?

10 MR. VILLANTI: Yes.

11 MR. DOWLING: I remember it's Vino n
12 Vittles, right?

13 MR. VILLANTI: Correct.

14 MR. DOWLING: You went through the same
15 process when you opened that, you had to
16 come in front of us, it's just because you
17 didn't have a sign application then, this
18 time, when you first got approved, that's
19 why it's been delayed for you. You went
20 through the same process when you opened up
21 Vino n Vittles.

22 MR. VILLANTI: I think it's changed
23 since then because you didn't have to file
24 for a sign permit.

25 MR. DOWLING: Yes, you did.

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MR. VILLANTI: Well --

MR. DOWLING: And you did, you did file for a sign permit to be approved because we approved it then.

MR. VILLANTI: Well, I don't remember it that way. I apologize if I'm incorrect.

CHAIRMAN McMAHON: I apologize for the confusion if it wasn't clear to you. There has been many discussions in the Village about cleaning up the process and making things simpler and more transparent perhaps, but I apologize for any confusion, but my hands are essentially tied right now. We can accept the application tonight and we vote on it at the meeting next Thursday.

MR. VILLANTI: Okay.

Is there anything else that is incomplete at this point?

CHAIRMAN McMAHON: No, it looks like a complete application to me. I believe the fee has been paid and I think you're all set to go.

MR. VILLANTI: I don't think that we did pay the fee yet because the application

1
2 has been rescinded many times.

3 CHAIRMAN McMAHON: You didn't pay the
4 fee?

5 MR. VILLANTI: No. I told Eileen the
6 initial time we went to the Building
7 Department, and then we weren't allowed to
8 have the permit and then, it's a little
9 frustrating when somebody says you can hang
10 the sign up and don't worry about it.

11 MR. DOWLING: If you haven't paid for
12 the sign permit, I would make sure you pay
13 for it before the next meeting.

14 MR. JAUQUET: I would too.

15 MR. VILLANTI: After all this
16 confusion, have we paid, I'm not sure now.

17 Okay, can I ask you one more
18 question? Is this approved as of next
19 Thursday and we can hang the sign the
20 following day?

21 All in favor?

22 (Laughter.)

23 CHAIRMAN McMAHON: I'm going to make a
24 motion that we accept the sign application.

25 Do I have a second?

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MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. DOWLING: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

We will vote on that at the next meeting.

MS. MUNDUS: We only meet every two weeks, it was just the cycle that you got in because we only meet every two weeks except this time.

MR. VILLANTI: So it will be next week, right?

MS. MUNDUS: Yes.

CHAIRMAN McMAHON: Item number 4, continued discussion of current sign regulations.

So at our last meeting, I think was discussed the -- the Code Committee had asked the Planning Board for our input on the section of the Village code that deals

1 with signage, it's section -- it's Chapter
2 150-15 of the Greenport Village Code.

3 We discussed some of the items at
4 the last meeting and I drafted up, collected
5 some of the bullet points, some of the items
6 that we wanted the Code Committee to
7 consider. I drafted up some of those
8 concerns and one or two items here, so I'm
9 going to read through them briefly.

10 We can discuss them if you would
11 like to make any changes or reject it
12 outright, that's fine. If at all possible,
13 I would like to have this committee approve
14 these so we can send it over to the Code
15 Committee for their next meeting, which is
16 on Monday. I'm just going to start, we'll
17 go item by item here.

18 Number one, current regulations do
19 not seem to address any limitations on the
20 size or number of signs permitted in
21 windows. There are specific regulations on
22 permissible size and quantity of other types
23 of signs, overhead, temporary, directional,
24 but limitations for signs displayed directly
25

1
2 Does anyone else have a different
3 interpretation of --

4 MR. JAUQUET: Are they trying to
5 address, like, a real estate agency's a
6 little --

7 CHAIRMAN McMAHON: No. I think --

8 MR. JAUQUET: Well, you know, the real
9 estate agencies have framed pictures of
10 their listings and sometimes they hang them
11 together or they put them along the
12 windowsill on the inside, but other, you
13 know, restaurants are now putting flashing
14 signs in there and neon and there is a big
15 difference between those two, and in the
16 meantime --

17 CHAIRMAN McMAHON: Well, that's
18 actually, those are already explicitly not
19 permitted --

20 MR. JAUQUET: They're not allowed.

21 CHAIRMAN McMAHON: Those are not
22 allowed, and at the same time, the -- what I
23 see in many -- I made one, they're just a
24 front display that had a rotating cycle of
25 all the listings. It's an illuminated

1
2 display that under the current code,
3 actually is not allowed, so if the Village
4 wants to allow it, they should, I think they
5 should change the code or enforce the code
6 saying you can't have it, but I think it's
7 something that needs to be addressed because
8 my reading of it, and please correct me if
9 anyone has a different interpretation of the
10 code, my understanding is that each listing
11 sheet that goes up would qualify as a sign,
12 perhaps you can consider the bulk of them as
13 one sign, but then if you're changing what
14 is in there, every time you changed it, you
15 would need to go get a new, submit an
16 application for a sign permit and
17 five-dollar fee and it just seems really
18 onerous.

19 MS. MUNDUS: Really, each listing that
20 they have in the frame illuminated or not is
21 a product that they sell, so what is the
22 difference between those products or those
23 that are used for furniture?

24 MR. JAUQUET: The new --

25 CHAIRMAN McMAHON: Well, there is -- it

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2 does specifically say in the code, you know,
3 it makes reference to things with wording on
4 them, with lettering as opposed to actual
5 products, you know, there is very specific
6 mention of, you know, language on
7 advertisements.

8 MR. JAUQUET: Well, the other one, you
9 know, the decals tend to be ugly and slapped
10 on and not neat, and they fade and they're
11 usually, you know, lot's of times they're
12 like beer and stuff, and they tend to be
13 sort of a lower brow kind of product, and
14 they're ugly when they're stuck to a window,
15 but I don't know, you know, but a lot of
16 stores have small decals, you know, saying
17 something symbolically.

18 CHAIRMAN McMAHON: And, you know, there
19 are, as far as I can tell, just what I
20 understood reading through the Chapter
21 157-15 of the Village Code sign regulations,
22 if you're going to put a decal on a window,
23 that can just be done with a five-dollar fee
24 and an application permit from the building
25 inspector, that doesn't have to come before

1
2 the Board. A number of signs that can be
3 put up without coming before the Board. I
4 think overhead signs are the ones that are
5 primarily addressed by this board or if it
6 is part of a site plan, then it's required
7 to come before us, but otherwise it's at the
8 discretion of the Building Department. It's
9 not even necessarily at their discretion,
10 sort of if everything is in order, they will
11 issue a permit.

12 MR. JAUQUET: How about those flags,
13 could we address those flags?

14 CHAIRMAN McMAHON: Flags, I think cloth
15 banners are actually prohibited.

16 MR. DOWLING: Yes, banners.

17 CHAIRMAN McMAHON: Banners are
18 prohibited from -- so, I mean, there are a
19 number of things that are --

20 MR. JAUQUET: I guess, does that --
21 were you going to get to the sandwich
22 boards?

23 CHAIRMAN McMAHON: Yes, we'll get to
24 that.

25 MS. MUNDUS: Chris, what's your take as

1 a retailer, with a store window on decals
2 and --

3 MR. DOWLING: I was, you know, looking
4 at that because I have products in the
5 window that have the name of the product,
6 but it comes in here that it's -- they call
7 it a sign as in any advertising structure,
8 display board screen, structure, shadowbox,
9 poster, banner, pennant, cloth, bill,
10 bulletin, printing, balloon or other device
11 or object or part thereof used to announce,
12 identify, declare, demonstrate, display or
13 in any manner advertise or attract attention
14 of the words, letters, figures, colors,
15 illumination or iridescence, yadda, yadda,
16 yadda.

17 MS. MUNDUS: That's pretty much
18 everything.

19 MR. DOWLING: Everything except for the
20 product. It doesn't say anything about the
21 product, so you can have your product in
22 your window, you can't have a sign telling
23 about a product, apparently.

24 So with that, like, I guess a real
25

1
2 estate office with the framed picture, the
3 way it is written here, is a sign of the
4 product, you can't put a house in the
5 window.

6 MS. MUNDUS: How about a restaurant
7 then who puts their menu up?

8 CHAIRMAN McMAHON: Again, I mean
9 that's -- again, I'm not opposed to a
10 restaurant putting up a menu, nor am I
11 opposed to a real estate, but the code
12 should address it one way or another.

13 MR. DOWLING: Right.

14 CHAIRMAN McMAHON: It should be clear
15 for any applicant that comes in and is
16 opening a business, they should be able to
17 look at it and say, okay, I have a real
18 estate office, I'm allowed to do this or I'm
19 not.

20 MR. DOWLING: And maybe request not a
21 whole window, maybe request it's a realty
22 office that it, you know, only takes up
23 thirty percent of the window --

24 CHAIRMAN McMAHON: Yes. I don't see
25 anything --

1
2 MR. DOWLING: Look like a billboard or
3 something. I don't know.

4 It's hard to, you know, coming
5 from retail background, it's, you know, you
6 have -- your window is what gets people in
7 the door. If you don't have anything in
8 your window, no one is going to walk in, so
9 it's hard to tell somebody, this is what you
10 can put in your window if we don't know
11 anything about their business.

12 MS. MUNDUS: Plus it's not enforceable.
13 Who is going to walk around and enforce
14 every single store window?

15 MR. DOWLING: Well, no one ever
16 enforces anything as it is anyway --

17 MS. MUNDUS: Right, that's what I'm
18 saying.

19 MR. DOWLING: So it's kind of hard to
20 say, so it's, you know, to tell somebody
21 what they can and can't, I think it's a fine
22 line, and I think this should be addressed
23 because maybe the wording in those
24 regulations isn't exact, like this -- I
25 think it would be nice to have, you know, if

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2 I have something that's, you know, I have
3 dry suits available right at this time of
4 the year, it would be nice to have a little
5 sign saying, I have dry suits available in
6 the window without a permit, but if I have
7 to every time I want to put a little sign in
8 the window, I have to pay five dollars, go
9 to Village Hall for a five-dollar sign, get
10 a permit and everything for a little piece
11 of cardboard I put up --

12 MS. MUNDUS: That you're going to use
13 for two weeks.

14 MR. DOWLING: Right. Again, in two
15 weeks, the thing, we have to ask permission,
16 it's like before, you know, before I put a
17 little sign in the window, you know, will
18 someone just say, I'll wait for Ed to come
19 by and write me a summons, it's only got to
20 be here so long, and how is someone going to
21 come along and say, this window has changed
22 this week or this sign wasn't approved.
23 It's a lot.

24 MS. MUNDUS: And a lot of people do go
25 out shopping at night when the store is not

1
2 open and they do window shop and they do
3 need a little help when you're outside
4 looking in after hours.

5 MR. JAUQUET: You know, East Hampton
6 makes people decorate their window displays
7 even if they're vacant all winter long. I
8 mean, you can take it to an extreme, you
9 know, it makes the street wall a continuous
10 shopping pedestrian experience and that's
11 what this Village has become, is an
12 entertainment district.

13 I don't like the details on the
14 inside of the windows that take up the whole
15 window and door, and then if they're all
16 faded and it's beer, you know, but they have
17 a door that is just sort of out there in the
18 middle of a wall, so instead of looking into
19 the store, into like a shelf display or
20 someone shopping, you know, they put the
21 faded decal on the door and people put full
22 length Santa Clauses on the inside of their
23 doors during Christmastime and stuff like
24 that, so I don't --

25 CHAIRMAN McMAHON: Yes, I mean --

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2 MR. JAUQUET: Some of it looks okay,
3 some of it looks ugly.

4 MS. MUNDUS: But you can't legislate
5 taste.

6 MR. JAUQUET: I know.

7 CHAIRMAN McMAHON: Here's the thing, I
8 mean, the way the code is written now, it
9 doesn't seem as if there -- most sign
10 permits would not come before the Board,
11 most of them would just go through the
12 Building Department unless it's part of a
13 site plan application, but if someone wants
14 to change their signs, they -- you know, if
15 someone wants to put a full-size decal on
16 the size of the front window, there are not,
17 as I read it, any restrictions on the size
18 of the decals that are there, types of items
19 that are there. If there is no building
20 permit being issued, there's, going into
21 item number 2, there's no historic
22 preservation, there's no review for that.
23 The only thing that triggers historic review
24 is issuance of a building permit.

25 We don't need to come to a -- we

1 don't need to fix this tonight. We don't
2 need to come up with a solution for it. We
3 were asked by the Code Committee to, you
4 know, take a look at it and mention some of
5 the issues that we collectively found that
6 needed some clarification.
7

8 There was also a number of
9 signs --

10 MS. BERRY: Basically also from the
11 window decal, I think if it intends to be
12 the permanent sign announcing the building,
13 it needs to be considered as a sign and fit
14 the dimensions and the restrictions of any
15 other, so I think maybe that's part of it,
16 the differential between something that's
17 part of the use of the structure and the
18 formal presentation of the name.

19 The other thing I wanted to add as
20 another point because I probably wasn't
21 clear before is when we were dealing with
22 the signs, Eileen and I interpreted part of
23 the code differently, so I think they need
24 to clarify it and that's how many signs are
25 allowed by a tenant on a wall.

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2 When I was reading 150-9A, it says
3 not more than one such sign shall be
4 permitted per each tenant on the premises on
5 each wall fronting on the street. So to me
6 they were limited to one sign, but another
7 portion talks about multiple signs, but I
8 didn't know if it's multiple signs for the
9 same tenant or all the signs that are on the
10 wall, that type of thing, so I think --

11 CHAIRMAN McMAHON: What section was
12 that?

13 MS. BERRY: 150-9A.

14 CHAIRMAN McMAHON: So that's L9, I
15 don't -- 150 --

16 MS. MUNDUS: In the past, we have been
17 limiting businesses to one sign, you know,
18 we've ruled that way.

19 MR. DOWLING: That's overhanging sign.

20 MS. MUNDUS: Overhanging signs.

21 MR. DOWLING: Like I know with mine, I
22 have the overhead signs and I also have the
23 name on the face of the building.

24 CHAIRMAN McMAHON: Overhanging signs --

25 MR. DOWLING: And another sign

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2 overhands the sidewalk.

3 CHAIRMAN McMAHON: Those are a -- we'll
4 get to that at the end, that's a separate
5 issue because there are insurance
6 requirements for that, there's a number
7 of --

8 MS. BERRY: Right.

9 And they're not considered on the
10 wall. Like this says on the wall.

11 CHAIRMAN McMAHON: Yes, I mean, there
12 is a distinction between signs that are
13 affixed to the wall that are on windows,
14 that are behind the window, illuminated
15 sign, behind the window, there's overhead
16 signs, there are marquees, there are a
17 number of different classifications for
18 signs.

19 MS. MUNDUS: But if it's affixed to the
20 wall, we allow one sign, because we have
21 ruled that way the last couple of years
22 several times.

23 Liam (phonetic), remember, we had
24 to have him remove one of his signs because
25 he had two facing the street, and then when

1
2 the bakery, our previous application we just
3 discussed, they had signs on the front and
4 on the side and on the -- they had three
5 signs on the building, we asked them to take
6 them down.

7 MS. BERRY: Even on the one we saw
8 today with the awning, there is a name on
9 the front, but then there is the other sign
10 on the top of the awning. You know, if it
11 were me, I would have the one, but so I'm
12 not clear on how many signs are allowed.

13 MR. JAUQUET: Maybe there is a square
14 footage of the window that can be covered.

15 CHAIRMAN McMAHON: That's the thing, I
16 mean, there is a formula for perimeters --

17 MR. JAUQUET: There is.

18 CHAIRMAN McMAHON: -- not for window
19 signs, but for every other form of sign. I
20 mean it's five-and-a-half feet per one
21 horizontal foot for large over -- I can't
22 remember the terminology.

23 MS. MUNDUS: But I think it's left
24 undescribed for a reason because it's just
25 so cumbersome, such a jellyfish. You can't

1
2 even articulate it, so that's why it's left
3 that way.

4 CHAIRMAN McMAHON: The thing is, right
5 now, if you are looking, you know, going by
6 the code as it is right now, every one of
7 those real estate listings needs a separate,
8 you know, that's based on the way the code
9 is written right now.

10 Right now, essentially, I think
11 we're choosing not to enforce that
12 particular section. I would rather change
13 the code than not enforce code that is on
14 the books, you know.

15 MS. MUNDUS: Right.

16 CHAIRMAN McMAHON: Or enforce it,
17 whatever the decision may be, but be
18 consistent, you know, have a clear
19 understanding of all parties involved so
20 everyone is on the same page and everyone
21 can move forward in the same way.

22 MR. DOWLING: I think Glynis mentioned
23 on 150-9, that is also the permitted
24 accessories only one sign, it's not --

25 In the customary and acceptable

1
2 uses, off-street and loading for only one
3 sign, yadda, yadda, yadda. So it's like a
4 storefront, that's not commercial retail, a
5 store is a permitted use, so you don't
6 have -- it doesn't fall under that.

7 MS. BERRY: This is where --

8 MR. DOWLING: Accessories.

9 MS. BERRY: No. This is where I think
10 your point is absolutely right because part
11 of the misconception that we're having is,
12 to me, this reads like a sign is an
13 accessory use, not a sign on an accessory
14 use, so I think that's part of the
15 difference too, so maybe we need
16 clarification on that.

17 CHAIRMAN McMAHON: I can add that to
18 the list, modify this to include
19 clarification for total number of signs,
20 window and wall and overhead and if there
21 is a maximum number of signs or different
22 varieties --

23 MS. BERRY: And maybe clarification, in
24 this part, does it mean that a sign is an
25 accessory use or does it mean something

1
2 else?

3 MR. DOWLING: No, because it's listed
4 under accessories, it's a subset of one of
5 the customary accessory uses including, it's
6 a subset of that.

7 MS. BERRY: Right.

8 MR. DOWLING: So it's not part of the
9 permitted uses, it's a total separate
10 section. If you read down, it's part of
11 section C.

12 MS. BERRY: To me, we're getting
13 different readings, so I think it needs
14 clarification.

15 CHAIRMAN McMAHON: So that was 150-9.

16 MS. MUNDUS: 150 subsection 9.

17 MR. DOWLING: Paragraph C1A.

18 MS. BERRY: So the accessory uses are
19 being discussed relative to the tenants or
20 are they being discussed relative to the use
21 of the sign?

22 CHAIRMAN McMAHON: So sign for
23 accessory use or sign as accessory use is
24 the distention?

25 MS. BERRY: Right.

1
2 MR. PALLAS: Maybe an idea would be
3 just to remove it from that section
4 altogether and clarify that in the sign
5 section. Right now that's out, that's not
6 even in the sign section.

7 CHAIRMAN McMAHON: Which is why I
8 didn't even see when I looked in sign
9 regulations.

10 MR. DOWLING: I think that if you
11 really read through it, it's really stating
12 that, I think what it's saying is, like if
13 you have, say, a back door where you have a
14 parking area, you can have a sign there,
15 stating who is actually inside that door.

16 I mean, if you really read it, it
17 says customer accessories uses include
18 off-street parking and loading facility
19 subject to 150-16 and sign subject to 150-15
20 and the following conditions.

21 So, basically, if you read through
22 it, it looks like you can have a sign on
23 your back door basically for who is inside
24 that building.

25 MS. BERRY: It also talks about each

1 wall fronting on the street too, so I think
2 it should be part of the sign and taken out.
3 I agree, and then the whole thing is clear.
4

5 MR. PALLAS: That would be the
6 simplest, I think, way to approach it, and
7 whatever you all want, you know, for that,
8 that's fine, but it should be removed from
9 that section and keep signs all together.

10 CHAIRMAN McMAHON: Okay.

11 MR. PALLAS: Just a suggestion.

12 CHAIRMAN McMAHON: Again, it does need
13 to be clarified.

14 All right.

15 Item number 2 here was the
16 Historic Preservation Commission is not
17 mentioned in Village Code Chapter 150-15,
18 Sign Regulations. There is no mechanism in
19 the existing code that allows for HPC review
20 of signage in instances where a building
21 permit is not required.

22 So when we have site plan
23 applications coming in, we have someone
24 opening new business and they are not making
25 any significant changes to the property but

1
2 they do want to put up new signs or a number
3 of different things, particularly signs in
4 window that would not require, or signs that
5 are not overhead signs that would not
6 require a building permit, there is no
7 trigger to have appropriateness issued on
8 the Historic Preservation Commission. So
9 whether or not, I don't know if anybody
10 wants to have that or not, but as I read it
11 now, the trigger to have HPC review signage
12 is the issuance of a building permit. I
13 don't see any other mechanism for that to
14 happen, but we regularly have, pretty much
15 every time an application comes here, as
16 long I have been here, I've seen it
17 recommended, if the building is within the
18 Historic Preservation.

19 MS. MUNDUS: It's already in check on
20 the application, but that doesn't --

21 CHAIRMAN McMAHON: But that doesn't
22 trigger a review, it's acknowledging, you're
23 acknowledging on the application that it is
24 in the Historic District, but then it's
25 never going before the Historic Preservation

1 Commission.

2
3 MR. JAUQUET: I would think that we
4 want to review a new sign.

5 MR. DOWLING: I think that, you know,
6 some consensus with us that we say should be
7 addressed by the Code Committee when
8 they're --

9 MS. MUNDUS: It should be.

10 MR. JAUQUET: It should be.

11 CHAIRMAN McMAHON: Third item was
12 sandwich board signs are prevalent
13 throughout the Village. They are not
14 expressly permitted by any section of the
15 code and as a result, are not allowed.
16 These signs should be specifically addressed
17 if the Village wants to allow their
18 continued use or else existing regulations
19 should be enforced.

20 I don't know if anyone has a
21 strong preference --

22 MS. MUNDUS: You're sure that a
23 sandwich board doesn't come in under section
24 D, display board, sign as any advertising
25 structure display board, screen --

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CHAIRMAN McMAHON: These --

MS. MUNDUS: Because it says double sided.

CHAIRMAN McMAHON: Well, there is the issue or whether or not it's on their property or whether it's in front of their property on the sidewalk.

MR. DOWLING: I think once it's on the sidewalk, it's not on their property, it's technically not allowed because you're putting it on Village property.

MR. JAUQUET: That's right.

MR. DOWLING: Anytime there is a flag or if there's tables with merchandise on them, not during Maritime Festival, once it's on Village property, you know, it's off their property.

MS. MUNDUS: Correct.

CHAIRMAN McMAHON: Yes, but then someone will also have slightly recessed properties where they have, it looks as if it's part of the sidewalk but they actually do own the section of the sidewalk.

MS. MUNDUS: A lot of people that are

1
2 the biggest perpetrators are the ones who
3 don't have sidewalk frontage, so they put
4 something out to get people to walk down the
5 alley.

6 The Fireboat is the biggest,
7 they're out on the corner of Front and Third
8 Street, which is a quarter of a mile away
9 from their attraction.

10 MR. JAUQUET: What do you do if someone
11 like the Fireboat wants to do that because
12 they're so far away from -- they have to,
13 they should get a permit for that or not be
14 allowed.

15 MS. MUNDUS: We already have those
16 little charming signs that are up, like, you
17 know, saying --

18 MR. JAUQUET: Yes, I know.

19 MS. MUNDUS: Which is, like you said,
20 you can't legislate taste, and the
21 hand-painted sandwich boards are pretty
22 trashy, especially everywhere.

23 MR. JAUQUET: I think it's a matter of
24 enforcing it, and if you want to give a
25 special permit to someone like the Fireboat

1
2 or someone else, that should be --

3 CHAIRMAN McMAHON: There are -- there
4 were some exemptions for things in public
5 interest, that is addressed, I'm not sure
6 what section it is.

7 MR. JAUQUET: But the ones that are out
8 there that are on Village property along
9 Front Street in the thick of things are
10 really in the way, and there is a few of
11 them and the flags that go across the
12 sidewalk.

13 MS. MUNDUS: You're talking about --

14 MR. JAUQUET: -- item F.

15 MS. MUNDUS: Temporary signs for
16 benefit, educational, religious and
17 charitable uses.

18 CHAIRMAN McMAHON: Yes.

19 And also, the beginning of section
20 E, permits for signs. No person, firm or
21 corporation shall erect, post, affix or
22 maintain any sign in the Village of
23 Greenport except as specifically permitted
24 by this chapter, unless a permit therefore
25 has been granted in writing and signed by

1
2 the mayor.

3 So there is another exemption. I
4 just think there needs to be some
5 clarification on that.

6 The reason this is included in the
7 bullet points is that, in our conversation
8 last time, we had a number of people from
9 the public commenting as well, it was just
10 asked that if we're going to talk about
11 signage, it should be addressed in our
12 comments to the Code Committee because
13 either it should be addressed specifically
14 in here and allowed with specific
15 restrictions or it should be a
16 recommendations that it would just be
17 enforced, so again we don't have to make
18 that determination tonight, but it's
19 something that we think there's discussion
20 --

21 MR. JAUQUET: Some improvement.

22 MS. BERRY: You brought up a good point
23 but I don't think it's also addressed in the
24 code, is there any allowance for a property
25 having a sign where the tenant isn't on that

1
2 property?

3 CHAIRMAN McMAHON: You're talking about
4 a direction sign on private property to
5 another property?

6 MS. BERRY: Right.

7 Is that allowed or is that
8 forbidden because reading this, it sounds
9 like you can only have signs for the
10 tenants, but is that allowed and is that
11 done?

12 CHAIRMAN McMAHON: I don't know.

13 For the companion business or a
14 friend of -- you know, I don't know that
15 that's specifically addressed.

16 MS. BERRY: I think it's an issue.

17 MR. DOWLING: There is a thing about
18 commercial signs, basically, commercial
19 signs facing public streets only shall be
20 permitted only in districts zoned for retail
21 commercial, general commercial and
22 waterfront commercial uses and shall
23 advertise only the business conducted on the
24 premises upon which the same shall be placed
25 or maintained.

1 MS. BERRY: Which section was that?

2 MR. DOWLING: That would be 150-15 H.

3 MS. BERRY: So I guess they don't allow
4 it.

5
6 CHAIRMAN McMAHON: There was -- so do
7 you want to add anything to number 3 there,
8 anything else?

9 Number 4, additional clarification
10 is needed for overhead signs.

11 What are the regulations on
12 overhead signs that do not hang above
13 Village sidewalks, but are instead affixed
14 above a recessed entranceway? Do they have
15 the same insurance requirements?

16 Right now, if anyone has an
17 overhead hanging sign that goes over the
18 sidewalk, we require the applicant to -- it
19 needs to come before the Planning Board, it
20 needs to be approved by the Planning Board,
21 and they need to show proof that they have
22 retained general liability insurance in case
23 the sign falls and someone is injured.

24 We recently had an application
25 where this came up where there was an

1
2 overhead sign, but it was not over Village
3 property, it was over a recessed
4 entranceway, so the question became, do they
5 have -- it was to us anyway, it was not
6 clear as to service whether or not they
7 would be required to have the same insurance
8 requirements.

9 I believe it poses the same risk
10 because if it is, you know, wind coming in
11 and it rips the sign off, it certainly could
12 fall onto the sidewalk, but I think it does
13 need some clarification.

14 MS. MUNDUS: The code doesn't say
15 Village property, it says over the sidewalk
16 and only where a sidewalk exists.

17 MR. JAUQUET: Village property ought to
18 be added to the language there, because
19 that's really what the crux of the problem
20 is or on some of these sign uses.

21 MS. MUNDUS: The one that had the most
22 problems was in bump-out window where the
23 sign was an overhead sign but it was hanging
24 on the property, between the bump-outs of
25 the window and technically not over the

1 sidewalk.

2
3 CHAIRMAN McMAHON: That's what I'm
4 referring to.

5 MS. MUNDUS: It was on the landing of
6 the business.

7 CHAIRMAN McMAHON: Also related to
8 that, I don't see anywhere in here where
9 there are minimum safety standards addressed
10 for how these signs are physically attached
11 to the building. You're going to -- the
12 purpose of requiring insurance, having a
13 Planning Board review is to ensure safety,
14 and I think there should be some minimum
15 standards as to how they are affixed,
16 whether it's simply putting one screw
17 into --

18 MR. JAUQUET: Yes.

19 CHAIRMAN McMAHON: The point is safety,
20 it's a matter of public safety, it should be
21 clear for anyone, you know, what is
22 appropriate and what is not.

23 MS. MUNDUS: That's where all the
24 public criticism came from because we were
25 trying to get something that was safe and

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2 not a liability when there were no standards
3 to hold people to. Remember we asked her,
4 one person to come back with a diagram of
5 the kind of hinges she was using, what type
6 of S hooks and, you know --

7 CHAIRMAN McMAHON: And we are not
8 experts in that area, and we shouldn't be
9 making that determination ourselves.

10 MS. MUNDUS: Right.

11 CHAIRMAN McMAHON: That should be
12 something that -- a qualified engineer
13 should be making that determination as to
14 what's going to be sufficient.

15 MS. MUNDUS: Right.

16 CHAIRMAN McMAHON: Okay.

17 Are there, in the entirety of
18 this, going back to one I'm going to add
19 some mention of clarification for the total
20 number of signs specifically talking about
21 section, Chapter 150-15, so section 9C
22 subsection 1A.

23 We also wanted to -- that would be
24 total number of signs including window
25 signs, overhead signs, awning lettering,

1
2 anything that is there, any restriction on
3 that, if you're only permitted one, is it
4 one or the other, some clarification on
5 that.

6 We want to know, 150-59 C1A was
7 different between sign for an accessory use
8 and sign as accessory use; is that correct?

9 MS. BERRY: Yes. That's what he also
10 suggested, just moving it.

11 CHAIRMAN McMAHON: Moving it out of
12 there.

13 MS. BERRY: Which makes a lot of sense.

14 CHAIRMAN McMAHON: The Historic
15 Preservation Commission, do you guys have
16 thoughts on that; do you want to -- do we
17 feel it's appropriate that if it's in the
18 Historic District, there should be some
19 mechanism for the Historic Board to have a
20 review of items that don't have a building
21 permit because right now the only trigger
22 for the Historic Preservation Commission to
23 look at any signage in the Historic District
24 is if there is a building permit issued. If
25 there is a change of use or someone just

1
2 wants to put up a sign that doesn't fit the
3 character of the Historic District, there is
4 no mechanism for review right now, as I
5 understand it.

6 Do you think that's something that
7 the Code Committee should look at?

8 MS. MUNDUS: Yes. I don't understand
9 why you have a checkbox on the application
10 if there is no purpose to it.

11 MR. JAUQUET: Yes.

12 CHAIRMAN McMAHON: I think the -- well,
13 I'm not going to speculate.

14 All right, so item number -- is
15 there any changes you guys want to make to
16 item number 1 or 2 so far?

17 MS. MUNDUS: Nope.

18 CHAIRMAN McMAHON: Other than what we
19 have already mentioned.

20 MS. MUNDUS: No.

21 CHAIRMAN McMAHON: Number 3, sandwich
22 boards, that discussion, if you want to
23 say -- again we're basically saying they are
24 in existence throughout the Village now,
25 they are not permitted by the section of the

1
2 code, they're not allowed right now, if the
3 Village wants to allow them to stay in
4 place, they should address that in the code,
5 if not, the code should be enforced.

6 Are we all in agreement on that?

7 MS. MUNDUS: Um-hum.

8 MR. JAUQUET: Um-hum.

9 CHAIRMAN McMAHON: For additional
10 clarification for overhead signs, any
11 changes you guys want to make to that, or
12 want to add to that, number 4?

13 Okay.

14 So the Code Committee is meeting
15 on Monday, I believe. You guys, is this --
16 I imagine it's on the agenda. I know it was
17 on the agenda last time, but other issues
18 took precedence.

19 MR. PALLAS: Yes, it's still on the
20 agenda, yes.

21 CHAIRMAN McMAHON: Okay.

22 MR. JAUQUET: When on Monday?

23 CHAIRMAN McMAHON: I think it's 4
24 o'clock. If you want to go, because I can't
25 make it so --

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2 MR. JAUQUET: I can make it.

3 CHAIRMAN McMAHON: If all of these
4 issues are amenable or acceptable to all of
5 you, I'll just make these couple of changes
6 to the first item and I'll send these over
7 to Jeanmarie, and she can have these
8 delivered to the Code Committee.

9 If we have any additional thoughts
10 or concerns, we can certainly, you know,
11 send another, we can pass a resolution, ask
12 the Board of Trustees or the Code Committee,
13 this doesn't have to be our last word on
14 this but they are looking for input, so if
15 this is okay with everyone, we'll take a
16 vote on this with the changes that we
17 mentioned. I would draft it and move on.

18 Does that seem reasonable?

19 MS. MUNDUS: Um-hum.

20 AUDIENCE MEMBER: Excuse me, Mr.
21 Chairman, can I make a correction?

22 CHAIRMAN McMAHON: Yes, please.

23 AUDIENCE MEMBER: The Code Committee is
24 the 9th according to the agenda.

25 CHAIRMAN McMAHON: Oh, the 9th?

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CHAIRMAN McMAHON: Aye.

Motion carries.

MS. McENTEE: Excuse me.

CHAIRMAN McMAHON: Yes.

MS. McENTEE: Before you got on --

CHAIRMAN McMAHON: Can you come to the podium, please?

MS. McENTEE: Absolutely.

JoAnne McEntee, 242 Fifth Avenue.

I just had -- I understand that property has been taken off the agenda tonight. Can you tell me, is it definitely -- it hasn't been withdrawn?

CHAIRMAN McMAHON: I don't know. I don't know the specifics of it. I spoke with Joe Prokop earlier and he said it was taken off because of what I explained earlier, the application was found to be incomplete. I don't know.

Can you shed any light on that?

MR. PALLAS: I don't believe it's been withdrawn, we're just asking for additional (inaudible).

MS. McENTEE: So what I'm not

1
2 understanding is that we had 126 South
3 Street that was on the agenda tonight and so
4 why wasn't that taken off if the other two
5 properties at 238 and 221 Fifth Avenue were
6 taken off? I'm kind of a bit confused about
7 that.

8 CHAIRMAN McMAHON: I don't know why
9 those were taken off, other than what I said
10 before.

11 MS. McENTEE: Why wouldn't all three be
12 taken off?

13 CHAIRMAN McMAHON: I made a
14 determination that the application for 126
15 was incomplete, that was my -- I looked at
16 it and I said --

17 MS. McENTEE: Okay.

18 CHAIRMAN McMAHON: That was my
19 decision, and I was going to address it with
20 them if they were here because there are a
21 number of other issues with it that we could
22 address this evening because there is the
23 use that was at 126 that was not allowed and
24 there is litigation with that so it's a
25 slightly different situation. The reason

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2 126, I didn't ask for it to be removed is
3 because I was reviewing material earlier
4 today and I don't see any drawings for it
5 because there is an apartment above.

6 MS. McENTEE: And we knew there was
7 litigation as well, going on as well, right?

8 CHAIRMAN McMAHON: Yes.

9 MS. McENTEE: That's why I would expect
10 it not to have been on the agenda and have
11 been removed before that.

12 CHAIRMAN McMAHON: It was just a matter
13 of -- it was -- this is actually not -- my
14 agenda still has everything on there.

15 MS. McENTEE: I completely understand.

16 CHAIRMAN McMAHON: I was informed today
17 that the subdivisions were no longer on
18 there.

19 MS. McENTEE: Now, do we know what the
20 current issues are with 238, what their
21 reasons are, why the applications were
22 pulled back?

23 MR. PALLAS: It was procedural.

24 MS. McENTEE: What does procedural
25 mean?

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2 MR. PALLAS: They didn't -- I think it
3 was public notice provision that wasn't
4 followed correctly.

5 MS. McENTEE: Okay. Is that the same
6 with 221 Fifth Avenue?

7 MR. PALLAS: Correct.

8 MS. McENTEE: Both of them went through
9 the same -- didn't go through the correct
10 process?

11 MR. PALLAS: Correct.

12 MS. McENTEE: It is my understanding
13 that these applications were submitted under
14 the Village Code 150 as they are
15 subdivisions. Why are they not being put
16 through the code, the subdivision code 118?

17 MR. PALLAS: You're catching me a
18 little bit off guard because it was pulled
19 off the agenda. Do you want me to answer?

20 CHAIRMAN McMAHON: If you can shed some
21 light on it --

22 MS. McENTEE: Because my feeling is
23 that it shouldn't be against, you know, it
24 shouldn't be here at the Planning Board
25 first. I would assume it would go to the

1
2 Zoning Board first.

3 MR. DICIOCCIO: Right now, there is no,
4 there's nothing before this board tonight.

5 MS. McENTEE: Right.

6 MR. DICIOCCIO: In the future, you
7 know, whatever route they choose, it's going
8 to be placed back on the agenda and you're
9 free to attend that meeting and if you have
10 concerns then, that's probably the best
11 place to address them. Not now, not
12 tonight.

13 MS. McENTEE: That's fine.

14 I just was curious to know because
15 I did get the opinion, I did FOIL the
16 opinion and I did see that it said 115, so
17 I'm just curious to know why it wasn't under
18 the code, section 118.

19 So therefore, all the neighbors
20 will be notified; is that correct, via
21 certified mail?

22 MR. PALLAS: That's the process that is
23 supposed to be followed, yes.

24 MS. McENTEE: So we also -- Robert Kiel
25 (phonetic) has not had the address change.

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2 Two years ago, we had the same issue with
3 these same two lots. I believe the same two
4 lots, but especially 221, but Robert Kiel is
5 listed as 237 Fifth Avenue and that is not
6 his mailing address. He used to live there
7 many years ago, and his mailing address is
8 242 Fifth Avenue. Eileen Wingate has said,
9 stated to us that she would have had that
10 changed. I'm still looking at the records
11 and it's still not changed, so if there is
12 something that is going out in the mail,
13 certified, I would expect that it goes to
14 Robert Kiel at 242 Fifth Avenue.

15 MR. PALLAS: For my education, what
16 record are you talking about?

17 MS. McENTEE: Well, we had this
18 subdivision, Mr. Erling applied for a
19 subdivision a few years back, I believe it
20 was 2013, he's redoing it again at 221 Fifth
21 Avenue. We are having -- we're going
22 through the same thing again, and he did not
23 receive his mail.

24 MR. PALLAS: I understand. Are you
25 saying it wasn't changed in the record,

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2 where, what record?

3 MS. McENTEE: I did see it on the Town
4 assessor's, that was 237, I don't know if
5 the Village has changed it here, so we want
6 to make sure that that has been changed.
7 We'll certainly send a letter, if you would
8 like.

9 MR. DICIOCCIO: Again, the best time
10 for you to address all these issues is when
11 there is an actual application before the
12 Board. Tonight there is -- I mean, if you
13 have problems with the notice and whether or
14 not the public notice requirements were
15 complied with, the best time to address that
16 is when the application is actually before
17 the Board. There is nothing before the
18 Board tonight.

19 MS. McENTEE: The applications will go
20 out and then the notices go out, so that's
21 what I'm trying to find out.

22 MR. DICIOCCIO: Typically you apply and
23 then -- go ahead.

24 MR. PALLAS: A notice has to be made of
25 the applicant -- of the application being

1
2 submitted. It's actually been two different
3 notices.

4 MS. McENTEE: Correct.

5 MR. PALLAS: So this is just the first
6 notice for review of the survey drawing,
7 that's what the first notice is for. The
8 second notice is for the formal hearing for
9 the subdivision. It's two different notices
10 that will go out.

11 MS. McENTEE: Okay.

12 Thank you. I appreciate you
13 listening.

14 CHAIRMAN McMAHON: Thank you.

15 We do need to schedule the next
16 meeting. We are normally the last Thursday
17 of the month, but that, I believe, is
18 Thanksgiving, correct?

19 So we're scheduled -- normally, we
20 would have a meeting on the 29th and then
21 again on the 5th, the 29th -- that's this
22 month, sorry.

23 Next month. The 26th is when we
24 normally would have had a meeting but that
25 is Thanksgiving, and then the 3rd we would

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2 have the follow-up meeting.

3 I would suggest we have the work
4 session on the 19th, if that's workable for
5 everyone and then the regular session on the
6 3rd, that way we're not -- otherwise we're
7 pushing back the meeting another month and
8 I'd rather keep the regular meeting date. I
9 would rather change the work session than
10 the regular meeting.

11 MR. JAUQUET: Is there too much to
12 combine them on one day?

13 CHAIRMAN McMAHON: There could be. You
14 know, if we do have, if we have these
15 subdivisions come back, if we have the 126
16 South Street, those could be -- it can be a
17 long meeting.

18 MR. JAUQUET: It could be too long. It
19 could be a lot, so I would suggest that we,
20 if it's workable for everyone, we have the
21 work session on the 19th of November and the
22 regular meeting on the 3rd of December.

23 Is there any objection to that,
24 any issues with that?

25 MR. PALLAS: On the calendar, the 19th

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2 is the same as the Village Board work
3 session, just so you're aware.

4 CHAIRMAN McMAHON: Do you know what
5 time that is?

6 MR. PALLAS: It's at 7:00.

7 CHAIRMAN McMAHON: We should be able
8 to.

9 MR. PALLAS: We've done it before.

10 CHAIRMAN McMAHON: That should be fine.

11 I'm going to make a motion that we
12 schedule the next work session for November
13 19th at 5:00 p.m. and the next regular
14 meeting for December 3rd at 5:00 p.m., both
15 to be held here.

16 Do I have a second for that?

17 MR. JAUQUET: Second.

18 CHAIRMAN McMAHON: All in favor?

19 MR. DOWLING: Aye.

20 MS. MUNDUS: Aye.

21 MR. JAUQUET: Aye.

22 MR. BURNS: Aye.

23 CHAIRMAN McMAHON: Aye.

24 Motion carries.

25 MR. DOWLING: The next work session is

1
2 scheduled for Christmas Eve.

3 CHAIRMAN McMAHON: We'll schedule that
4 the next time.

5 MR. DOWLING: Do you want to do it now
6 while we're here?

7 CHAIRMAN McMAHON: I mean, the next one
8 would be December 31st, the next work
9 session, the next regular meeting -- I don't
10 want to have a meeting on, I work, but no, I
11 --

12 MR. JAUQUET: Do you want to do like
13 19th, the 17th?

14 CHAIRMAN McMAHON: The 17th and then
15 the 7th, yes, I guess that is probably the
16 best because we don't want to have it, you
17 know, move it to a Wednesday or something
18 like that and people are traveling for the
19 holidays. I think we'd be better off
20 bookending the holidays.

21 So I make a motion that we
22 schedule the next work session, excuse me,
23 after we schedule the December work session
24 for December 17th at 5:00 p.m. and the
25 subsequent regular meeting for January 7th

at 5:00 p.m. and both will be held here.

Do I have a second for that?

MR. DOWLING: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. DOWLING: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 5, motion to approve
Planning Board minutes for August 27, 2015.

All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. DOWLING: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 6, motion to accept
the minutes of September 3, 2015; September
24, 2015; and October 1, 2015 meetings.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

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MR. DOWLING: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 7, motion to adjourn.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. DOWLING: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Meeting adjourned.

Thank you very much.

(Time noted: 6:25 p.m.)

C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a 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 October 29, 2015.

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 October, 2015.

Stephanie O'Keeffe

STEPHANIE O'KEEFFE

\$	85/7	allowed [15] 37/7 41/20 41/22 42/3 46/18 51/25 54/12 61/15 62/11 63/14 65/14 66/7 66/10 73/2 77/23
\$300 [1] 31/7	about [27] 7/14 8/2 10/15 12/19 13/12 14/4 14/12 16/22 18/10 23/9 25/2 36/11 37/10 44/12 45/21 45/24 46/6 47/11 52/7 58/25 64/13 65/10 66/3 66/17 70/20 77/6 81/16	allows [1] 59/19
-	above [5] 4/6 24/6 67/12 67/14 78/5	along [3] 41/11 48/21 64/8
-----x [2]	absolutely [9] 5/24 6/14 9/3 9/9 18/21 19/22 20/6 56/10 76/9	already [5] 34/6 41/18 60/19 63/15 72/19
1/3 1/6	accept [11] 25/18 26/9 26/13 27/9 28/2 32/10 33/24 36/15 37/24 75/17 87/20	also [21] 4/11 4/14 5/4 17/25 19/13 22/14 23/15 23/16 26/10 51/8 51/10 52/22 55/23 58/25 62/21 64/19 65/23 69/7 70/23 71/9 80/24
1	acceptable [2] 55/25 74/4	alternatives [1] 14/7
1001-5-4-5 [1] 3/12	accepted [1] 32/7	altogether [1] 58/4
115 [1] 80/16	access [1] 5/18	always [2] 10/15 17/18
118 [2] 79/16 80/18	accessing [1] 5/22	am [5] 8/20 28/24 46/10 89/8 89/10
126 [6] 25/20 77/2 77/14 77/23 78/2 84/15	accessories [4] 55/24 56/8 57/4 58/17	amenable [2] 8/20 74/4
1300-foot [1] 13/13	accessory [9] 56/13 56/13 56/25 57/5 57/18 57/23 57/23 71/7 71/8	amenity [3] 13/22 23/22 24/4
15 [6] 39/3 43/21 58/19 59/17 67/3 70/21	accommodate [5] 9/17 9/25 14/15 24/18 24/24	American [1] 22/17
150 [3] 52/15 57/16 79/14	accommodating [1] 8/14	announce [1] 45/12
150-15 [5] 39/3 58/19 59/17 67/3 70/21	according [1] 74/24	announcing [1] 51/12
150-16 [1] 58/19	accurate [1] 89/6	another [12] 19/13 21/3 35/8 35/9 46/12 51/20 52/6 52/25 65/3 66/5 74/11 84/7
150-59 [1] 71/6	acknowledge [1] 6/3	answer [4] 5/6 22/15 32/23 79/19
150-9 [2] 55/23 57/15	acknowledging [2] 60/22 60/23	answers [1] 32/25
150-9A [2] 52/2 52/13	across [3] 10/16 40/25 64/11	any [35] 5/6 7/21 7/22 8/6 8/9 8/16 22/24 24/8 24/10 29/13 36/13 39/12 39/20 40/24 45/8 45/14 46/15 50/17 51/14 59/25 60/13 61/14 61/24 64/22 65/24 71/2 71/23 72/15 73/10 74/9 76/21 78/4 84/23 84/24 89/8
157-15 [1] 43/21	action [2] 26/11 89/9	anybody [2] 11/15 60/9
16 [1] 58/19	actual [3] 34/17 43/4 82/11	anyone [7] 16/9 25/4 41/2 42/9 61/20 67/16 69/21
17th [3] 86/13 86/14 86/24	actually [14] 2/8 11/2 17/9 18/14 26/4 26/8 41/18 42/3 44/15 58/15 62/23 78/13 82/16 83/2	anything [12] 7/23 26/12 33/6 36/18 45/21 46/25 47/7 47/11 47/16 67/7 67/8 71/2
19th [5] 84/4 84/21 84/25 85/13 86/13	add [5] 51/19 56/17 67/7 70/18 73/12	Anytime [1] 62/14
1A [1] 70/22	added [1] 68/18	anyway [2] 47/16 68/5
2	additional [5] 2/15 67/9 73/9 74/9 76/23	anywhere [1] 69/8
2013 [1] 81/20	address [14] 19/18 39/20 41/5 44/13 46/12 73/4 77/19 77/22 80/11 80/25 81/6 81/7 82/10 82/15	apartment [1] 78/5
2015 [8] 1/8 2/6 87/13 87/21 87/22 87/22 89/7 89/13	addressed [13] 40/3 40/17 42/7 44/5 47/22 61/7 61/16 64/5 65/11 65/13 65/23 66/15 69/9	apologize [4] 33/20 36/7 36/8 36/13
221 [4] 77/5 79/6 81/4 81/20	adjacent [1] 21/22	apparently [1] 45/24
237 [2] 81/5 82/4	adjourn [1] 88/8	applicant [6] 3/13 27/5 27/14 46/15 67/18 82/25
238 [2] 77/5 78/20	adjourned [1] 88/16	applicants [1] 26/16
24 [1] 87/22	ADMINISTRATORCHAIRMAN [1] 1/20	application [36] 2/12 4/2 22/15 25/19 26/4 26/9 26/19 27/3 28/3 28/7 28/11 28/14 30/6 31/12 32/5 32/6 35/17 36/15 36/21 36/25 37/24 40/8 42/16 43/24 50/13 54/2 60/15 60/20 60/23 67/24 72/9 76/19 77/14 82/11 82/16 82/25
242 [3] 76/10 81/8 81/14	advertise [2] 45/14 66/23	applications [8] 2/14 18/2 32/7 32/9 59/23 78/21 79/13 82/19
25th [1] 31/25	advertisements [1] 43/7	applied [2] 40/14 81/18
26th [1] 83/23	advertising [2] 45/8 61/24	apply [5] 32/19 33/4 33/11 33/15 82/22
27 [1] 87/13	affix [1] 64/21	appreciate [1] 83/12
29 [3] 1/8 2/5 89/7	affixed [5] 40/2 53/13 53/19 67/13 69/15	approach [1] 59/6
29th [3] 83/20 83/21 89/13	after [4] 30/4 37/15 49/4 86/23	appropriate [2] 69/22 71/17
3	afternoon [1] 3/20	appropriateness [1] 60/7
31st [1] 86/8	again [13] 9/14 24/12 24/24 46/8 46/9 48/14 59/12 65/17 72/23 81/20 81/22 82/9 83/21	approve [5] 26/14 27/10 30/17 39/14 87/12
3rd [4] 83/25 84/6 84/22 85/14	against [1] 79/23	approved [14] 3/8 28/6 28/19 30/5 30/11 31/17 31/22 31/23 35/18 36/4 36/5 37/18 48/22 67/20
4	agencies [2] 40/15 41/9	April [1] 6/18
45 [1] 28/5	agency's [1] 41/5	apron [1] 11/23
5	agenda [13] 2/9 2/13 73/16 73/17 73/20 74/24 75/9 76/12 77/3 78/10 78/14 79/19 80/8	architect [1] 5/5
500 [1] 14/4	ago [5] 6/18 31/24 34/6 81/2 81/7	are [106]
59 [1] 71/6	agree [1] 59/4	area [3] 21/6 58/14 70/8
5:00 [4] 85/13 85/14 86/24 87/2	agreement [1] 73/6	areas [1] 6/7
5:05 [1] 1/9	ahead [1] 82/23	aren't [1] 27/10
5th [1] 83/21	Akçay [1] 25/19	around [1] 47/13
6	alive [1] 9/22	articulate [1] 55/2
6:25 [1] 88/18	all [36] 2/2 11/25 16/8 22/9 25/11 27/19 32/9 33/15 34/6 36/22 37/15 37/21 38/3 39/13 41/25 49/7 49/15 52/9 55/19 59/7 59/9 59/14 69/23 72/14 73/6 74/3 74/4 75/21 77/11 80/19 82/10 85/18 87/5 87/14 87/25 88/11	as [60] 3/6 3/9 4/23 5/8 6/10 8/23 10/7 10/7 11/6 16/9 16/9 18/22 19/18 19/19 20/3 20/3 20/4 20/4 26/5 26/9 29/17 31/11 31/11 37/18 40/3 40/3 40/4 40/6 42/11 42/12 43/4 43/19
7	alley [1] 63/5	
7:00 [1] 85/6	allotted [1] 5/12	
7th [2] 86/15 86/25	allow [6] 40/15 42/4 53/20 61/17 67/4 73/3	
8	allowance [1] 65/24	
8th [1] 30/8		
9		
9A [2] 52/2 52/13		
9C [1] 70/21		
9th [3] 74/24 74/25 75/4		
A		
ability [1] 12/10		
able [7] 16/8 24/4 24/23 26/14 31/18 46/16		

<p>A</p> <p>as... [28] 43/19 44/25 45/8 47/16 50/9 50/17 51/13 51/19 55/6 57/23 60/10 60/15 61/15 61/24 62/22 64/23 65/9 68/6 69/15 70/13 71/8 72/4 75/17 78/7 78/7 79/14 81/5 85/2</p> <p>Asian [4] 28/25 29/6 29/17 30/14</p> <p>ask [5] 13/21 37/17 48/15 74/11 78/2</p> <p>asked [6] 33/23 38/24 51/4 54/5 65/10 70/3</p> <p>asking [1] 76/23</p> <p>aspects [1] 8/2</p> <p>assessor's [1] 82/4</p> <p>assume [1] 79/25</p> <p>attached [1] 69/10</p> <p>attempt [1] 4/17</p> <p>attend [1] 80/9</p> <p>attendant [1] 19/15</p> <p>attention [1] 45/14</p> <p>ATTORNEY [1] 1/18</p> <p>attract [1] 45/14</p> <p>attraction [1] 63/9</p> <p>August [1] 87/13</p> <p>authorization [1] 3/24</p> <p>available [2] 48/3 48/5</p> <p>Avenue [8] 2/11 76/10 77/5 79/6 81/5 81/8 81/14 81/21</p> <p>aware [6] 6/2 18/13 18/20 22/19 23/5 85/3</p> <p>away [3] 8/10 63/8 63/12</p> <p>awning [8] 28/8 28/17 32/4 34/16 34/18 54/8 54/10 70/25</p> <p>Aye [43] 25/12 25/13 25/14 25/15 25/16 27/20 27/21 27/22 27/23 27/24 38/4 38/5 38/6 38/7 38/8 75/22 75/23 75/24 75/25 76/2 85/19 85/20 85/21 85/22 85/23 87/6 87/7 87/8 87/9 87/10 87/15 87/16 87/17 87/18 88/2 88/3 88/4 88/5 88/6 88/12 88/13 88/14 88/15</p>	<p>43/25 44/3 44/7 48/16 48/16 50/10 51/21 60/25 67/19 76/6 77/10 78/11 80/4 82/11 82/16 82/17 85/9</p> <p>begin [1] 2/3</p> <p>beginning [1] 64/19</p> <p>behalf [1] 3/22</p> <p>behind [4] 10/4 40/2 53/14 53/15</p> <p>being [10] 9/6 19/20 20/2 31/13 40/18 50/20 57/19 57/20 79/15 82/25</p> <p>believe [10] 6/25 28/19 36/21 40/10 68/9 73/15 76/22 81/3 81/19 83/17</p> <p>believed [1] 32/2</p> <p>beneficial [1] 26/18</p> <p>benefit [1] 64/16</p> <p>BERRY [1] 1/19</p> <p>best [4] 80/10 82/9 82/15 86/16</p> <p>better [2] 34/14 86/19</p> <p>between [7] 12/8 41/15 42/22 51/16 53/12 68/24 71/7</p> <p>big [2] 14/3 41/14</p> <p>biggest [2] 63/2 63/6</p> <p>bill [1] 45/10</p> <p>billboard [1] 47/2</p> <p>bit [8] 6/16 10/3 13/11 21/12 23/20 24/6 77/6 79/18</p> <p>block [1] 10/15</p> <p>blood [1] 89/9</p> <p>board [38] 1/4 1/19 2/5 2/23 3/21 4/19 6/9 6/20 6/23 7/13 7/22 18/16 24/13 29/14 33/10 38/24 44/2 44/3 44/5 45/9 50/10 61/12 61/23 61/24 61/25 67/19 67/20 69/13 71/19 74/12 79/24 80/2 80/4 82/12 82/17 82/18 85/2 87/13</p> <p>Board's [1] 75/17</p> <p>boards [4] 6/17 44/22 63/21 72/22</p> <p>bookending [1] 86/20</p> <p>books [1] 55/14</p> <p>both [5] 6/17 10/7 79/8 85/14 87/2</p> <p>BRADLEY [1] 1/13</p> <p>Brew [1] 30/22</p> <p>briefly [1] 39/10</p> <p>bring [2] 18/13 24/18</p> <p>broken [1] 23/20</p> <p>brought [1] 65/22</p> <p>brow [1] 43/13</p> <p>Bryan [1] 29/23</p> <p>building [27] 3/5 4/14 8/11 8/16 8/17 21/24 23/6 28/15 33/9 33/14 37/6 43/24 44/8 50/12 50/19 50/24 51/12 52/23 54/5 58/24 59/20 60/6 60/12 60/17 69/11 71/20 71/24</p> <p>bulk [1] 42/12</p> <p>bullet [2] 39/6 65/7</p> <p>bulletin [1] 45/11</p> <p>bump [2] 68/22 68/24</p> <p>bump-out [1] 68/22</p> <p>bump-outs [1] 68/24</p> <p>burden [1] 34/13</p> <p>BURNS [1] 1/13</p> <p>business [8] 30/23 31/20 46/16 47/11 59/24 66/13 66/23 69/6</p> <p>businesses [1] 52/17</p> <p>busy [3] 11/7 11/7 31/3</p>	<p>9/13 12/4 12/5 12/8 14/3 14/18 16/16 18/5 20/15 21/11 21/13 21/15 23/25 24/17 27/6 31/4 31/11 31/19 32/10 33/15 33/21 33/24 33/25 34/10 36/15 37/9 37/17 37/19 39/11 39/15 40/3 42/12 43/19 43/23 44/2 45/22 47/10 47/21 49/8 54/14 55/21 56/17 58/14 58/22 66/9 74/2 74/7 74/10 74/11 74/21 76/7 76/12 76/21 79/20 84/16</p> <p>can't [20] 8/8 8/8 8/8 19/3 26/8 26/13 26/17 30/17 31/3 31/10 31/14 42/6 45/23 46/4 47/21 50/4 54/21 54/25 63/20 73/24</p> <p>cancellation [1] 31/7</p> <p>car [1] 11/16</p> <p>cardboard [1] 48/11</p> <p>carries [8] 25/17 27/25 38/9 76/3 85/24 87/11 87/19 88/7</p> <p>cars [6] 12/10 12/11 12/11 16/4 16/8 20/11</p> <p>case [1] 67/22</p> <p>catching [1] 79/17</p> <p>certain [2] 8/2 9/18</p> <p>certainly [11] 4/20 4/25 6/22 8/20 12/4 12/8 18/5 24/17 68/11 74/10 82/7</p> <p>certified [2] 80/21 81/13</p> <p>certify [2] 89/5 89/8</p> <p>CHAIRMAN [3] 1/12 3/20 74/21</p> <p>change [9] 28/4 31/9 40/22 42/5 50/14 55/12 71/25 80/25 84/9</p> <p>changed [8] 35/22 42/14 48/21 81/10 81/11 81/25 82/5 82/6</p> <p>changes [7] 22/8 39/12 59/25 72/15 73/11 74/5 74/16</p> <p>changing [2] 29/6 42/13</p> <p>chapter [5] 39/2 43/20 59/17 64/24 70/21</p> <p>character [1] 72/3</p> <p>charitable [1] 64/17</p> <p>charming [1] 63/16</p> <p>check [1] 60/19</p> <p>checkbox [1] 72/9</p> <p>choose [1] 80/7</p> <p>choosing [1] 55/11</p> <p>CHRIS [2] 1/16 44/25</p> <p>Christmas [1] 86/2</p> <p>Christmastime [1] 49/23</p> <p>circulation [1] 20/23</p> <p>clarification [11] 51/7 56/16 56/19 56/23 57/14 65/5 67/9 68/13 70/19 71/4 73/10</p> <p>clarified [1] 59/13</p> <p>clarify [2] 51/24 58/4</p> <p>classic [1] 11/16</p> <p>classifications [1] 53/17</p> <p>Clauses [1] 49/22</p> <p>cleaning [1] 36/11</p> <p>clear [9] 21/14 36/9 46/14 51/21 54/12 55/18 59/4 68/6 69/21</p> <p>cleared [1] 16/9</p> <p>close [1] 10/8</p> <p>cloth [2] 44/14 45/10</p> <p>code [47] 28/9 38/23 38/25 39/3 39/7 39/15 40/11 40/14 40/15 40/17 40/23 42/2 42/5 42/5 42/10 43/2 43/21 46/11 50/8 51/4 51/23 55/6 55/8 55/13 55/13 59/17 59/19 61/7 61/15 65/12 65/24 68/14 72/7 73/2 73/4 73/5 73/14 74/8 74/12 74/23 75/5 75/13 75/18 79/14 79/16 79/16 80/18</p> <p>collected [1] 39/5</p> <p>collectively [1] 51/6</p> <p>colors [1] 45/15</p> <p>combine [1] 84/12</p> <p>come [21] 5/15 5/22 10/17 13/10 19/24 24/5 31/8 35/16 40/24 43/25 44/7 48/18 48/21 50/10 50/25 51/3 61/23 67/19 70/4 76/7 84/15</p> <p>comes [3] 45/7 46/15 60/15</p>
<p>B</p> <p>back [25] 6/18 11/10 11/17 11/23 12/12 15/5 16/4 16/12 21/10 21/20 22/3 22/4 23/23 31/25 33/10 33/18 58/13 58/23 70/4 70/18 78/22 80/8 81/19 84/7 84/15</p> <p>background [1] 47/5</p> <p>backing [1] 20/11</p> <p>bakery [2] 25/22 54/2</p> <p>balloon [1] 45/11</p> <p>banner [1] 45/10</p> <p>banners [3] 44/15 44/16 44/17</p> <p>bar [1] 14/19</p> <p>bare [1] 8/3</p> <p>Baron's [2] 17/8 17/12</p> <p>Barons's [1] 17/13</p> <p>based [2] 13/8 55/8</p> <p>basically [6] 22/23 51/10 58/21 58/23 66/18 72/23</p> <p>be [134]</p> <p>became [1] 68/4</p> <p>because [53] 4/20 6/6 8/7 10/20 14/13 15/2 15/24 18/21 19/9 19/23 20/12 21/3 23/6 24/2 28/16 31/6 31/15 32/16 34/4 35/16 35/23 36/4 36/25 38/14 42/7 45/5 47/23 51/20 53/5 53/20 53/24 54/24 56/10 57/3 62/3 62/11 63/11 65/12 66/8 68/10 68/18 69/24 71/21 73/24 76/18 77/20 77/22 78/3 78/5 79/18 79/22 80/14 86/16</p> <p>become [3] 16/14 19/10 49/11</p> <p>been [26] 8/3 13/25 16/20 22/6 22/10 24/23 26/21 28/8 30/7 31/5 32/21 34/4 35/19 36/10 36/22 37/2 52/16 60/16 64/25 76/12 76/13 76/22 78/10 78/11 82/6 83/2</p> <p>beer [2] 43/12 49/16</p> <p>before [22] 2/23 5/15 10/17 26/12 37/13</p>	<p>C</p> <p>C1A [2] 57/17 71/6</p> <p>calculated [1] 14/23</p> <p>calculating [1] 7/10</p> <p>calculations [1] 6/23</p> <p>calendar [1] 84/25</p> <p>call [2] 34/24 45/7</p> <p>called [1] 31/10</p> <p>came [2] 67/25 69/24</p> <p>can [62] 2/15 2/16 4/24 7/15 7/24 8/19 8/21</p>	

<p>C</p> <p>coming [5] 20/12 44/3 47/4 59/23 68/10 comment [1] 12/5 commenting [1] 65/9 comments [7] 3/17 24/18 24/20 25/4 28/22 65/12 75/17 commercial [8] 3/9 25/25 56/4 66/18 66/18 66/21 66/21 66/22 Commission [5] 59/16 60/8 61/2 71/15 71/22 committee [16] 38/23 39/7 39/14 39/16 40/23 51/4 61/7 65/12 72/7 73/14 74/8 74/12 74/23 75/5 75/13 75/18 community [3] 9/5 9/19 20/4 compact [1] 12/11 companion [1] 66/13 complaining [1] 11/8 complete [3] 2/14 10/6 36/21 completed [3] 31/12 32/4 32/5 completely [1] 78/15 complicated [1] 10/4 complied [2] 7/2 82/15 compliment [1] 22/5 comply [1] 13/3 concern [1] 15/21 concerns [7] 7/23 18/10 24/9 29/13 39/9 74/10 80/10 concierge [1] 17/21 concierge-in-the-parking-lot [1] 17/21 condensers [1] 13/19 conditional [2] 3/10 31/19 conditions [1] 58/20 conducted [1] 66/23 conference [2] 2/21 9/7 conflict [1] 10/24 confused [1] 77/6 confusion [11] 28/12 30/10 30/14 31/6 33/11 33/13 33/19 33/21 36/9 36/13 37/16 connect [1] 20/23 connection [2] 20/21 21/25 consensus [1] 61/6 consider [2] 39/8 42/12 consideration [1] 15/18 considered [2] 51/13 53/9 considering [2] 5/19 13/12 consistency [1] 40/13 consistent [1] 55/18 constraints [1] 24/22 consultant [2] 1/19 6/24 contains [1] 3/4 continuation [1] 23/18 continue [1] 40/16 continued [2] 38/20 61/18 continuous [1] 49/9 contract [1] 3/22 conversation [3] 18/18 18/20 65/7 conversations [1] 19/21 copy [1] 30/3 corner [3] 2/25 4/10 63/7 corporation [1] 64/21 correct [13] 6/11 29/8 29/11 35/13 42/8 62/19 71/8 79/7 79/9 79/11 80/20 83/4 83/18 correction [1] 74/21 correctly [1] 79/4 could [15] 16/14 16/16 19/4 19/10 20/10 20/22 24/2 31/13 44/13 68/11 77/21 84/13 84/16 84/18 84/19 COUNTY [2] 1/2 3/11 couple [3] 15/18 53/21 74/5 course [1] 24/22 Cove [3] 17/8 17/12 17/13 coverage [2] 7/2 13/3 covered [1] 54/14</p>	<p>CR [1] 25/24 create [4] 21/6 21/7 21/23 23/17 criticism [1] 69/24 cross [1] 16/12 crux [1] 68/19 cumbersome [1] 54/25 curious [2] 80/14 80/17 current [5] 13/8 38/20 39/19 42/2 78/20 currently [3] 7/10 14/11 14/16 customary [2] 55/25 57/5 customer [1] 58/17 customers [1] 14/15 cycle [2] 38/13 41/24</p>	<p>dimensions [2] 30/20 51/14 dining [1] 23/15 directing [1] 19/16 direction [2] 22/10 66/4 directional [1] 39/24 directly [1] 39/25 disappointing [1] 34/9 discretion [2] 44/8 44/9 discuss [3] 2/24 27/14 39/11 discussed [6] 18/9 38/23 39/4 54/3 57/19 57/20 discussing [1] 7/12 discussion [4] 2/10 38/20 65/19 72/22 discussions [1] 36/10 display [7] 41/24 42/2 45/9 45/13 49/19 61/24 61/25 displayed [2] 39/25 40/5 displays [1] 49/6 distention [1] 57/24 distinction [1] 53/12 district [7] 3/9 25/25 49/12 60/24 71/18 71/23 72/3 districts [1] 66/20 do [60] 7/17 8/16 12/3 13/7 15/7 15/9 15/16 17/5 18/4 20/6 21/2 22/24 22/25 24/10 25/9 27/6 27/17 29/20 30/2 30/7 32/19 32/21 33/23 35/8 35/8 37/25 39/19 40/16 46/18 48/24 49/2 49/2 60/2 62/24 63/10 63/10 63/11 67/6 67/12 67/14 68/4 71/15 71/16 71/16 72/6 75/19 78/19 79/19 83/15 84/14 85/4 85/16 86/5 86/5 86/12 86/12 87/3 87/23 88/9 89/4 documents [1] 2/15 does [13] 9/24 14/13 15/4 40/11 41/2 43/2 44/20 56/24 56/25 59/12 68/12 74/18 78/24 doesn't [11] 32/22 43/25 45/21 50/9 56/6 60/20 60/21 61/23 68/14 72/2 74/13 doing [2] 8/21 17/7 dollar [3] 42/17 43/23 48/9 dollars [1] 48/8 don't [58] 8/6 10/23 11/4 11/10 12/12 14/17 19/2 19/23 20/20 21/13 26/2 26/2 26/17 27/5 29/2 33/6 33/8 33/11 33/14 34/10 36/6 36/24 37/10 40/10 40/20 43/15 46/24 47/3 47/7 47/10 49/13 49/24 50/25 51/2 51/2 52/15 56/5 60/9 60/13 61/20 63/3 65/17 65/23 66/12 66/14 67/4 69/8 71/20 72/8 76/15 76/16 76/20 76/22 77/8 78/4 82/4 86/9 86/16 done [7] 6/15 18/25 26/21 31/10 43/23 66/11 85/9 door [11] 21/10 21/20 22/17 23/6 47/7 49/15 49/17 49/21 58/13 58/15 58/23 doors [3] 21/18 31/20 49/23 double [1] 62/3 DOWLING [1] 1/16 down [6] 15/5 32/23 54/6 57/10 63/4 75/3 downtown [1] 24/16 draft [1] 74/17 drafted [2] 39/5 39/8 drawing [2] 30/20 83/6 drawings [3] 26/6 28/20 78/4 driveway [2] 11/18 17/17 dropping [1] 17/18 dry [2] 48/3 48/5 during [3] 22/18 49/23 62/16</p>
	<p>D</p> <p>Dan [4] 2/21 2/22 3/14 3/19 dangerous [1] 20/10 data [1] 23/4 date [1] 84/8 Dave [1] 26/2 David [2] 25/19 25/21 day [5] 32/13 32/24 37/20 84/12 89/13 days [2] 32/24 33/17 deal [1] 13/25 dealing [1] 51/21 deals [1] 38/25 decal [4] 43/22 49/21 50/15 51/11 decals [5] 40/2 43/9 43/16 45/2 50/18 December [5] 84/22 85/14 86/8 86/23 86/24 December 31st [1] 86/8 decided [1] 13/4 decision [2] 55/17 77/19 deck [4] 13/13 14/3 14/8 15/14 declare [1] 45/13 decorate [1] 49/6 deficiencies [1] 27/3 deficient [1] 26/19 definitely [3] 31/5 33/18 76/13 delayed [1] 35/19 delivered [1] 74/8 demonstrate [1] 45/13 denied [1] 6/3 DePaola [3] 28/3 28/6 29/10 Department [4] 28/15 37/7 44/8 50/12 design [2] 9/24 13/8 designed [2] 12/6 14/9 detail [2] 5/2 12/9 detailed [1] 26/7 details [1] 49/13 determination [5] 28/17 65/18 70/9 70/13 77/14 develop [2] 4/25 10/2 developing [2] 5/23 9/19 development [1] 2/24 develops [1] 4/23 device [1] 45/11 DEVIN [1] 1/12 diagram [2] 23/11 70/4 DICIOCCIO [1] 1/18 did [14] 3/16 4/13 17/12 24/19 26/10 35/25 36/3 36/3 36/25 80/15 80/15 80/16 81/22 82/3 didn't [11] 21/23 30/10 33/4 35/17 35/23 37/3 52/8 58/8 78/2 79/2 79/9 difference [3] 41/15 42/22 56/15 different [13] 9/11 32/25 34/8 41/2 42/9 53/17 56/21 57/13 60/3 71/7 77/25 83/2 83/9 differential [1] 51/16 differently [1] 51/23 difficult [4] 15/23 16/16 21/2 22/8 difficulties [1] 8/17 difficulty [1] 5/18 diligence [1] 6/16</p>	<p>E</p> <p>each [7] 4/7 40/4 42/10 42/19 52/4 52/5 58/25 earlier [3] 76/17 76/19 78/3 early [1] 20/3 east [3] 14/24 25/22 49/5 easy [1] 22/12</p>

E	explicitly [1] 41/18 expressly [1] 61/14 extreme [1] 49/8	forth [3] 18/13 23/23 33/18 forty [3] 7/3 15/3 15/3 forty-five [1] 15/3 forty-three [1] 15/3 forward [6] 4/18 9/14 24/13 24/16 24/25 55/21 found [4] 8/12 33/3 51/6 76/19 four [3] 7/14 16/13 19/11 four-way [2] 16/13 19/11 frame [1] 42/20 framed [2] 41/9 46/2 free [2] 32/3 80/9 Friday [1] 17/22 friend [1] 66/14 front [14] 2/25 4/10 10/8 21/17 23/16 28/5 35/16 41/24 50/16 54/3 54/9 62/7 63/7 64/9 frontage [1] 63/3 fronting [2] 52/5 59/2 frustrating [2] 32/25 37/9 full [2] 49/21 50/15 full-size [1] 50/15 furniture [1] 42/23 further [1] 89/8 Fusion [3] 29/2 29/7 29/18 future [3] 2/17 2/18 80/6
economic [1] 7/20 Ed [1] 48/18 education [1] 81/15 educational [1] 64/16 effort [1] 24/19 egress [3] 5/18 14/4 14/6 eight [1] 4/7 Eileen [5] 31/2 32/17 37/5 51/22 81/8 either [2] 26/3 65/13 elevation [4] 15/5 22/24 22/25 23/2 elevations [1] 3/5 elevator [2] 13/9 22/3 else [7] 25/4 36/18 41/2 57/2 61/18 64/2 67/8 end [1] 53/4 energized [1] 23/19 enforce [5] 42/5 47/13 55/11 55/13 55/16 enforceable [1] 47/12 enforced [4] 40/20 61/19 65/17 73/5 enforces [1] 47/16 enforcing [1] 63/24 engaging [1] 23/19 engineer [1] 70/12 ensure [1] 69/13 enter [1] 16/10 entertain [1] 7/14 entertainment [1] 49/12 entire [1] 8/15 entirely [1] 15/22 entirety [1] 70/17 entities [1] 7/20 entrance [3] 15/25 21/23 21/24 entrances [1] 21/7 entranceway [2] 67/14 68/4 entry [1] 20/25 environment [1] 6/7 erect [1] 64/21 Erling [1] 81/18 especially [2] 63/22 81/4 essentially [2] 36/14 55/10 estate [8] 40/6 40/15 41/5 41/9 46/2 46/11 46/18 55/7 evaluation [1] 25/19 Eve [1] 86/2 even [16] 14/14 15/22 16/23 21/18 21/24 22/8 26/9 26/13 26/18 31/3 44/9 49/7 54/7 55/2 58/6 58/8 evening [4] 29/25 31/14 32/11 77/22 ever [1] 47/15 every [11] 5/16 24/19 31/7 38/12 38/14 42/14 47/14 48/7 54/19 55/6 60/15 everybody [2] 21/14 21/14 everyone [5] 55/20 55/20 74/15 84/5 84/20 everything [10] 11/24 11/25 28/20 30/4 30/11 44/10 45/19 45/20 48/10 78/14 everywhere [1] 63/22 exact [2] 34/18 47/24 exactly [4] 13/20 29/4 29/16 29/19 example [1] 11/16 except [5] 31/13 31/13 38/14 45/20 64/23 excited [1] 25/2 excuse [3] 74/20 76/4 86/22 exemption [1] 65/3 exemptions [1] 64/4 existence [1] 72/24 existing [2] 59/19 61/18 exists [1] 68/16 exit [1] 16/8 expect [3] 6/9 78/9 81/13 experience [1] 49/10 experts [1] 70/8 explained [1] 76/18	F facade [1] 23/19 face [1] 52/23 facility [1] 58/18 facing [2] 53/25 66/19 fact [1] 15/11 fade [1] 43/10 faded [2] 49/16 49/21 fall [2] 56/6 68/12 falls [1] 67/23 far [5] 31/11 40/3 43/19 63/12 72/16 favor [10] 25/11 27/19 37/21 38/3 75/21 85/18 87/5 87/14 87/25 88/11 fee [6] 36/22 36/25 37/4 40/8 42/17 43/23 feel [2] 18/17 71/17 feeling [1] 79/22 fees [1] 31/7 feet [7] 7/5 12/7 14/5 15/3 15/3 23/9 54/20 felt [1] 10/15 FEMA [3] 22/21 22/25 23/2 fenced [1] 13/18 ferry [5] 16/3 18/7 19/13 19/16 20/13 Festival [1] 62/16 few [2] 64/10 81/19 fifteen [1] 12/7 Fifth [8] 2/11 76/10 77/5 79/6 81/5 81/8 81/14 81/20 figure [2] 6/19 9/16 figures [1] 45/15 file [3] 30/5 35/23 36/3 filled [1] 12/2 financial [1] 34/13 find [1] 82/21 finding [1] 8/22 fine [5] 39/13 47/21 59/8 80/13 85/10 Fireboat [3] 63/6 63/11 63/25 Firehouse [1] 1/7 firm [1] 64/20 first [14] 5/10 6/11 7/21 21/8 22/9 24/14 28/9 35/18 74/6 75/7 79/25 80/2 83/5 83/7 fit [3] 24/21 51/13 72/2 five [7] 7/5 15/3 42/17 43/23 48/8 48/9 54/20 five-and-a-half [1] 54/20 five-dollar [3] 42/17 43/23 48/9 fix [1] 51/2 flag [1] 62/14 flags [4] 44/12 44/13 44/14 64/11 flashing [1] 41/13 flexible [1] 14/18 flood [1] 22/16 floor [8] 4/7 15/11 15/12 15/14 21/8 23/7 23/8 26/6 floors [2] 4/6 7/6 flow [1] 21/19 focus [1] 13/11 focused [1] 4/9 FOIL [1] 80/15 FOILed [1] 18/2 follow [1] 84/2 follow-up [1] 84/2 followed [2] 79/4 80/23 following [2] 37/20 58/20 foot [3] 13/13 23/13 54/21 footage [1] 54/14 for perimeters [1] 54/16 forbidden [1] 66/8 form [1] 54/19 formal [2] 51/18 83/8 formula [1] 54/16	
		G gap [1] 10/8 gave [1] 32/17 general [2] 66/21 67/22 generally [1] 7/18 get [21] 14/13 16/4 20/15 23/20 30/6 30/12 31/10 31/10 31/18 32/19 32/24 33/8 42/15 44/21 44/23 48/9 53/4 63/4 63/13 69/25 80/15 gets [2] 17/23 47/6 getting [8] 11/20 17/17 17/20 20/4 32/22 34/14 34/14 57/12 give [2] 31/4 63/24 GLYNIS [2] 1/19 55/22 go [24] 6/4 6/22 8/8 14/5 20/22 20/25 21/10 30/5 31/4 32/23 36/23 39/18 42/15 48/8 48/24 50/11 64/11 73/24 79/9 79/25 82/19 82/20 82/23 83/10 goes [5] 22/2 33/9 42/11 67/17 81/13 going [54] 2/3 8/24 9/5 9/10 10/17 10/18 10/24 11/5 11/17 13/21 16/15 18/14 18/15 18/19 18/21 19/12 19/19 21/15 23/23 23/24 25/7 27/15 29/16 30/17 30/24 32/4 33/18 37/23 39/10 39/17 40/12 40/19 43/22 44/21 47/8 47/13 48/12 48/20 50/20 55/5 60/25 65/10 69/11 70/14 70/18 70/18 72/13 75/16 77/19 78/7 80/7 81/12 81/21 85/11 gonna [4] 14/17 31/8 34/7 34/19 good [4] 3/19 4/23 29/25 65/22 got [8] 10/4 14/5 20/20 21/3 35/18 38/13 48/19 76/6 grade [1] 4/5 granted [1] 64/25 granting [1] 7/7 Great [1] 10/13 GREENPORT [6] 1/2 1/7 2/4 12/14 39/3 64/23 guard [4] 23/7 23/7 23/8 23/9 guard [1] 79/18 guess [5] 19/4 44/20 45/25 67/4 86/15 guy [1] 31/8 guys [5] 24/25 71/15 72/15 73/11 73/15
		H had [21] 10/2 17/16 18/2 18/10 35/15 38/23 41/24 53/23 53/25 54/3 54/4 65/8 67/24 68/21 76/11 77/2 80/25 81/2 81/9 81/17

H	I	J
<p>had... [1] 83/24 half [1] 54/20 Hall [1] 48/9 hallway [1] 22/4 Hampton [1] 49/5 hand [2] 63/21 89/12 hand-painted [1] 63/21 handicapped [3] 20/20 20/24 21/9 handle [1] 8/7 hands [1] 36/14 hang [4] 37/9 37/19 41/10 67/12 hanging [2] 67/17 68/23 happen [1] 60/14 happens [1] 15/24 harbor [3] 15/13 17/14 17/15 Harborfront [1] 11/6 hard [3] 47/4 47/9 47/19 has [22] 8/3 10/23 10/23 25/21 28/7 31/5 36/10 36/22 37/2 42/9 48/21 49/11 61/20 64/25 67/16 76/11 78/14 80/25 81/8 82/5 82/6 82/24 hasn't [1] 76/13 have [155] haven't [2] 24/23 37/11 having [9] 4/7 16/22 18/4 32/4 34/11 56/11 65/25 69/12 81/21 he [5] 53/25 71/9 76/17 81/6 81/22 he's [1] 81/20 hear [1] 21/15 heard [1] 8/25 hearing [5] 6/8 30/9 33/3 33/4 83/8 heated [1] 17/24 height [2] 7/3 7/4 held [2] 85/15 87/2 help [1] 49/3 helvetica [2] 34/20 34/22 her [3] 28/7 29/7 70/3 here [32] 2/7 3/22 5/4 10/11 12/16 26/2 26/16 26/22 26/24 27/5 27/14 28/12 28/19 32/7 32/17 33/23 39/9 39/18 45/7 46/3 48/20 59/15 60/15 60/16 65/14 69/8 77/20 79/24 82/5 85/15 86/6 87/2 Here's [1] 50/7 hereby [1] 89/5 hereunto [1] 89/12 hers [1] 29/2 Hi [1] 29/24 highlight [1] 26/18 him [1] 53/24 hinges [1] 70/5 his [4] 53/24 81/6 81/7 81/23 historic [13] 50/21 50/23 59/16 60/8 60/18 60/24 60/25 71/14 71/18 71/19 71/22 71/23 72/3 hodgepodge [1] 26/21 hold [1] 70/3 Holdings [1] 3/24 holidays [2] 86/19 86/20 hooks [1] 70/6 hope [1] 7/24 horizontal [1] 54/21 hotel [5] 4/7 4/8 11/6 15/12 17/8 hours [1] 49/4 house [1] 46/4 how [13] 9/16 10/14 13/25 14/2 14/17 32/9 44/12 46/6 48/20 51/24 54/12 69/10 69/15 HPC [2] 59/19 60/11 hum [4] 16/2 73/7 73/8 74/19 hundred [2] 10/9 22/16 hundred-year [1] 22/16 Hurricane [1] 22/18</p>	<p>I</p> <p>I'd [1] 84/8 I'll [5] 2/20 48/18 74/5 74/6 75/12 I'm [37] 3/22 8/19 21/11 21/12 22/3 22/19 23/4 23/13 25/7 27/6 27/14 29/10 31/3 33/23 34/3 34/21 36/7 37/16 37/23 39/9 39/17 46/9 46/18 46/18 47/17 54/11 64/5 69/3 70/18 72/13 75/16 76/25 77/6 80/17 81/10 82/21 85/11 I've [3] 5/15 10/14 60/16 idea [1] 58/2 identical [1] 35/7 identified [1] 6/15 identify [2] 6/25 45/13 illuminated [3] 41/25 42/20 53/14 illumination [1] 45/16 imagine [3] 2/7 6/5 73/16 immediately [1] 23/6 impact [3] 6/6 18/6 18/22 important [4] 6/20 9/18 9/22 24/15 impressions [1] 7/22 improvement [1] 65/21 inaudible [2] 10/10 76/24 inches [1] 23/14 include [2] 56/18 58/17 included [1] 65/6 including [2] 57/5 70/24 incomplete [6] 2/12 26/5 26/10 36/19 76/20 77/15 incorrect [1] 36/7 individual [1] 40/4 industry [2] 28/25 30/24 informed [1] 78/16 initial [2] 24/20 37/6 initially [1] 6/4 injured [1] 67/23 input [5] 4/24 9/14 24/16 38/24 74/14 inside [7] 22/18 23/5 41/12 49/14 49/22 58/15 58/23 insistent [1] 34/4 inspector [3] 33/9 33/15 43/25 installation [1] 25/21 instances [1] 59/20 instead [4] 7/6 21/18 49/18 67/13 insurance [5] 53/5 67/15 67/22 68/7 69/12 intends [1] 51/11 intensive [1] 10/21 intention [2] 12/22 40/11 interest [1] 64/5 interested [1] 89/10 interpretation [2] 41/3 42/9 interpreted [1] 51/22 intersection [2] 16/13 19/11 involved [3] 6/13 20/2 55/19 involvement [1] 20/4 iridescence [1] 45/16 is [225] isn't [4] 26/25 27/5 47/24 65/25 issuance [3] 40/8 50/24 60/12 issue [9] 5/16 16/14 19/13 30/12 44/11 53/5 62/6 66/16 81/2 issued [3] 50/20 60/7 71/24 issues [14] 5/21 16/20 22/7 26/8 27/4 27/14 40/24 51/6 73/17 74/4 77/21 78/20 82/10 84/24 it [217] it's [104] item [18] 2/20 25/8 25/18 27/16 28/2 38/19 39/18 39/18 50/21 59/15 61/11 64/14 72/14 72/16 74/6 87/12 87/20 88/8 items [9] 2/8 18/12 18/17 26/18 39/4 39/6</p>	<p>39/9 50/17 71/20 its [1] 24/22</p> <p>J</p> <p>January [1] 86/25 JAUQUET [1] 1/14 Jeanmarie [1] 74/7 jellyfish [1] 54/25 JoAnne [1] 76/10 Joe [1] 76/17 JOHN [1] 1/18 Julie [1] 26/3 July [1] 28/7 June [1] 31/25 just [56] 5/17 7/24 8/14 9/6 10/4 10/14 12/23 12/24 15/20 17/19 20/7 21/18 21/20 21/22 23/4 24/12 27/7 27/15 29/6 30/5 30/11 30/18 31/15 32/3 32/9 33/8 33/11 34/19 35/16 38/13 39/17 41/23 42/17 43/19 43/23 48/18 49/17 50/11 54/2 54/24 58/3 59/11 65/4 65/9 65/16 71/10 71/25 74/5 75/9 76/11 76/23 78/12 80/14 80/17 83/5 85/3</p> <p>K</p> <p>keep [4] 7/18 9/22 59/9 84/8 keeps [1] 33/17 kick [1] 18/18 kick-start [1] 18/18 Kiel [3] 80/24 81/4 81/14 kind [7] 17/9 19/6 26/20 43/13 47/19 70/5 77/6 knew [1] 78/6 know [112]</p> <p>L</p> <p>L9 [1] 52/14 lack [2] 5/11 5/17 landing [1] 69/5 language [2] 43/6 68/18 large [3] 11/16 19/10 54/21 last [11] 18/9 30/5 31/9 33/2 38/22 39/5 53/21 65/8 73/17 74/13 83/16 later [1] 33/17 Laughter [2] 30/15 37/22 law [1] 14/2 least [6] 6/19 9/15 9/24 12/10 18/17 33/2 leaving [1] 7/14 left [3] 16/11 54/23 55/2 left-turn [1] 16/11 leftover [1] 13/6 legal [1] 26/11 Legion [1] 22/17 legislate [2] 50/4 63/20 length [1] 49/22 lets [1] 16/4 letter [2] 18/15 82/7 lettering [3] 29/6 43/4 70/25 letters [2] 29/17 45/15 level [2] 23/7 23/21 liability [2] 67/22 70/2 Liam [1] 53/23 lieu [1] 7/12 light [2] 76/21 79/21 like [38] 6/24 7/16 7/17 7/17 7/19 8/4 14/19 17/9 23/25 24/12 32/6 32/22 36/20 39/12 39/14 41/5 43/12 45/25 47/2 47/24 48/16 49/13 49/19 49/23 52/21 53/10 56/3 56/12 58/12 58/22 63/11 63/16 63/19 63/25 66/9 82/8 86/12 86/18 likely [1] 6/3 limitations [2] 39/20 39/25 limited [1] 52/6 limiting [1] 52/17</p>

<p>L</p> <p>line [2] 16/4 47/22</p> <p>list [3] 18/12 18/17 56/18</p> <p>listed [3] 3/9 57/3 81/5</p> <p>listening [1] 83/13</p> <p>listing [3] 40/5 42/10 42/19</p> <p>listings [3] 41/10 41/25 55/7</p> <p>litigation [2] 77/24 78/7</p> <p>little [19] 10/3 12/24 13/11 21/12 23/20 24/6 28/12 31/3 32/25 34/4 37/8 41/6 48/4 48/7 48/10 48/17 49/3 63/16 79/18</p> <p>live [1] 81/6</p> <p>LLC [3] 2/23 3/24 3/25</p> <p>loading [2] 56/2 58/18</p> <p>lobby [1] 21/25</p> <p>located [3] 2/25 25/24 28/5</p> <p>location [4] 8/18 15/22 15/24 29/4</p> <p>long [6] 24/15 48/20 49/7 60/16 84/17 84/18</p> <p>longer [1] 78/17</p> <p>look [10] 4/18 12/4 12/8 24/12 24/16 46/17 47/2 51/5 71/23 72/7</p> <p>looked [3] 10/2 58/8 77/15</p> <p>looking [12] 7/18 9/14 13/25 14/6 24/24 40/24 45/4 49/4 49/18 55/5 74/14 81/10</p> <p>looks [6] 32/6 36/20 50/2 50/3 58/22 62/22</p> <p>lot [22] 8/3 8/15 8/24 9/4 9/11 9/16 11/5 11/21 13/3 15/23 15/25 16/10 16/15 17/16 17/21 20/12 43/15 48/23 48/24 62/25 71/13 84/19</p> <p>lot's [1] 43/11</p> <p>lots [3] 17/5 81/3 81/4</p> <p>lower [2] 15/5 43/13</p> <p>luggage [1] 17/20</p>	<p>mechanism [1] 13/4</p> <p>mechanism [4] 59/18 60/13 71/19 72/4</p> <p>meet [2] 38/12 38/14</p> <p>meeting [33] 2/3 2/17 2/19 18/9 31/17 32/8 32/12 34/2 36/16 37/13 38/11 38/22 39/5 39/16 73/14 75/5 75/13 75/14 80/9 83/16 83/20 83/24 84/2 84/7 84/8 84/10 84/17 84/22 85/14 86/9 86/10 86/25 88/16</p> <p>meetings [1] 87/22</p> <p>MEMBER [4] 1/13 1/14 1/15 1/16</p> <p>members [4] 3/20 7/22 9/4 9/18</p> <p>mention [4] 18/8 43/6 51/5 70/19</p> <p>mentioned [5] 6/8 55/22 59/17 72/19 74/17</p> <p>menu [2] 46/7 46/10</p> <p>merchandise [1] 62/15</p> <p>middle [1] 49/18</p> <p>might [1] 16/21</p> <p>mile [1] 63/8</p> <p>mind [1] 21/13</p> <p>mine [1] 52/21</p> <p>minimum [2] 69/9 69/14</p> <p>minor [1] 20/19</p> <p>minute [2] 31/9 33/2</p> <p>minutes [8] 6/16 6/19 9/15 30/4 32/17 32/18 87/13 87/21</p> <p>misconception [1] 56/11</p> <p>missing [1] 28/24</p> <p>modify [1] 56/18</p> <p>moment [1] 24/11</p> <p>Monday [4] 39/17 73/15 73/22 75/7</p> <p>Mondays [1] 75/2</p> <p>month [4] 83/17 83/22 83/23 84/7</p> <p>more [10] 4/25 10/3 10/4 11/7 12/9 13/11 26/7 36/12 37/17 52/3</p> <p>mornings [1] 19/17</p> <p>most [6] 8/13 12/10 12/11 50/9 50/11 68/21</p> <p>motion [19] 25/8 25/17 25/18 27/15 27/25 28/2 37/24 38/9 75/16 76/3 85/11 85/24 86/21 87/11 87/12 87/19 87/20 88/7 88/8</p> <p>move [6] 25/8 27/7 27/15 55/21 74/17 86/17</p> <p>Moved [1] 21/16</p> <p>moving [2] 71/10 71/11</p> <p>Mr [3] 74/20 75/9 81/18</p> <p>much [9] 8/10 10/7 20/3 20/4 20/17 45/18 60/14 84/11 88/17</p> <p>multiple [3] 5/13 52/7 52/8</p> <p>MUNDUS [1] 1/15</p> <p>municipality [1] 4/24</p> <p>my [17] 3/19 10/11 21/17 29/3 29/22 33/22 33/23 36/13 42/8 42/10 77/15 77/18 78/13 79/12 79/22 81/15 89/12</p> <p>myself [1] 8/20</p>	<p>86/7 86/8 86/9 86/22</p> <p>nice [6] 22/2 23/22 24/2 24/4 47/25 48/4</p> <p>night [1] 48/25</p> <p>nine [1] 23/13</p> <p>no [30] 8/15 11/8 22/15 23/2 23/3 23/8 26/6 32/14 35/2 36/20 37/5 41/7 47/8 47/15 50/19 50/21 50/22 56/9 57/3 59/18 60/6 64/20 70/2 72/4 72/10 72/20 78/17 80/3 86/10 89/10</p> <p>nobody [1] 40/18</p> <p>Nope [1] 72/17</p> <p>normally [3] 83/16 83/19 83/24</p> <p>Northfork [1] 30/22</p> <p>not [102]</p> <p>Notary [1] 89/3</p> <p>note [1] 26/11</p> <p>noted [2] 5/8 88/18</p> <p>nothing [2] 80/4 82/17</p> <p>notice [7] 79/3 82/13 82/14 82/24 83/6 83/7 83/8</p> <p>notices [3] 82/20 83/3 83/9</p> <p>notified [1] 80/20</p> <p>November [3] 75/4 84/21 85/12</p> <p>now [23] 11/8 14/9 19/14 19/25 36/14 37/16 41/13 50/8 55/5 55/6 55/9 55/10 58/5 60/11 67/16 71/21 72/4 72/24 73/2 78/19 80/3 80/11 86/5</p> <p>number [39] 2/21 3/11 5/9 5/20 5/21 6/12 15/20 16/20 18/10 25/18 26/7 27/4 28/2 38/19 39/19 39/21 44/2 44/19 50/21 51/8 53/6 53/17 56/19 56/21 59/15 60/2 65/8 67/7 67/9 70/20 70/24 72/14 72/16 72/21 73/12 77/21 87/12 87/20 88/8</p>
<p>M</p> <p>made [6] 4/16 22/9 28/17 41/23 77/13 82/24</p> <p>mail [3] 80/21 81/12 81/23</p> <p>mailing [2] 81/6 81/7</p> <p>main [2] 20/25 21/23</p> <p>maintain [1] 64/22</p> <p>maintained [1] 66/25</p> <p>make [27] 7/19 10/9 12/9 12/11 20/22 21/14 21/17 24/19 24/25 25/7 27/11 27/15 31/8 37/12 37/23 39/12 65/17 72/15 73/11 73/25 74/2 74/5 74/21 75/16 82/6 85/11 86/21</p> <p>makes [4] 43/3 49/6 49/9 71/13</p> <p>making [5] 17/9 36/11 59/24 70/9 70/13</p> <p>manage [3] 16/23 16/25 17/3</p> <p>manner [1] 45/14</p> <p>many [6] 36/10 37/2 41/23 51/24 54/12 81/7</p> <p>Map [1] 3/11</p> <p>Maritime [1] 62/16</p> <p>marquees [1] 53/16</p> <p>marriage [1] 89/9</p> <p>material [1] 78/3</p> <p>matter [5] 32/3 63/23 69/20 78/12 89/11</p> <p>maximum [1] 56/21</p> <p>may [3] 5/6 9/23 55/17</p> <p>maybe [12] 10/3 12/10 16/24 23/10 46/20 46/21 47/23 51/15 54/13 56/15 56/23 58/2</p> <p>Mayland [2] 2/23 3/25</p> <p>mayor [1] 65/2</p> <p>McEntee [1] 76/10</p> <p>McMAHON [1] 1/12</p> <p>me [15] 5/4 5/11 36/21 42/8 48/19 52/5 54/11 56/12 57/12 74/20 76/4 76/13 79/17 79/19 86/22</p> <p>mean [18] 10/5 11/4 11/19 12/2 44/18 46/8 49/8 49/25 50/8 53/11 54/16 54/20 56/24 56/25 58/16 78/25 82/12 86/7</p> <p>means [4] 14/3 14/6 18/6 22/23</p> <p>meantime [1] 41/16</p>	<p>N</p> <p>name [12] 3/19 15/16 29/15 29/23 30/21 30/24 30/24 34/11 45/6 51/18 52/23 54/8</p> <p>neat [1] 43/10</p> <p>necessarily [1] 44/9</p> <p>need [16] 14/15 16/21 30/16 32/19 33/16 42/15 49/3 50/25 51/2 51/3 51/23 56/15 59/12 67/21 68/13 83/15</p> <p>needed [4] 28/18 28/19 51/7 67/10</p> <p>needs [10] 8/4 19/17 26/6 42/7 51/13 55/7 57/13 65/4 67/19 67/20</p> <p>neighbors [1] 80/19</p> <p>neon [1] 41/14</p> <p>never [1] 60/25</p> <p>new [9] 1/2 1/7 14/2 42/15 42/24 59/24 60/2 61/4 89/4</p> <p>next [31] 2/16 2/17 22/17 23/6 27/16 30/8 31/15 31/17 32/12 32/13 32/14 32/14 34/2 36/16 37/13 37/18 38/10 38/16 39/16 75/13 75/14 83/15 83/23 85/12 85/13 85/25 86/4</p>	<p>O</p> <p>o'clock [1] 73/24</p> <p>O'KEEFFE [2] 89/3 89/16</p> <p>object [1] 45/12</p> <p>objection [1] 84/23</p> <p>obviously [2] 5/11 19/19</p> <p>October [6] 1/8 2/5 30/8 87/22 89/7 89/13</p> <p>off [20] 2/8 2/13 7/25 13/18 15/5 17/18 23/9 56/2 58/18 62/17 68/11 76/12 76/18 77/4 77/6 77/9 77/12 79/18 79/19 86/19</p> <p>off-street [2] 56/2 58/18</p> <p>office [4] 40/6 46/2 46/18 46/22</p> <p>Oh [3] 15/15 23/10 74/25</p> <p>okay [20] 5/3 16/6 20/14 20/18 29/12 30/13 32/16 36/17 37/17 46/17 50/2 59/10 70/16 73/13 73/21 74/15 75/11 77/17 79/5 83/11</p> <p>once [3] 13/22 62/9 62/16</p> <p>one [48] 5/10 10/16 10/22 11/8 12/17 12/18 12/24 14/3 15/19 16/19 17/25 19/5 20/9 21/18 21/23 22/8 23/13 31/2 34/18 37/17 39/9 39/19 41/23 42/13 43/8 46/12 47/8 47/15 52/3 52/6 52/17 53/20 53/24 54/7 54/11 54/20 55/6 55/24 56/2 57/4 68/21 69/16 70/4 70/18 71/3 71/4 84/12 86/7</p> <p>one-way [1] 20/9</p> <p>onerous [3] 40/12 40/21 42/18</p> <p>ones [3] 44/4 63/2 64/7</p> <p>only [21] 8/19 14/3 14/4 32/18 33/21 34/3 34/13 38/12 38/14 46/22 48/19 50/23 55/24 56/2 66/9 66/19 66/20 66/23 68/16 71/3 71/21</p> <p>open [7] 7/11 14/12 14/13 31/19 32/3 34/10 49/2</p> <p>opened [2] 35/15 35/20</p> <p>opening [2] 46/16 59/24</p> <p>operation [1] 20/9</p> <p>opinion [3] 10/12 80/15 80/16</p> <p>opposed [3] 43/4 46/9 46/11</p> <p>optimal [1] 9/24</p> <p>option [1] 7/13</p>

<p>O</p> <p>order [2] 13/2 44/10 ordered [1] 34/15 other [20] 6/12 8/6 8/9 24/8 29/5 39/23 41/12 43/8 45/11 51/15 51/19 54/9 54/19 60/13 71/4 72/18 73/17 77/4 77/9 77/21 otherwise [2] 44/7 84/6 ought [1] 68/17 our [9] 18/9 23/8 34/2 38/22 38/24 54/2 65/7 65/11 74/13 ourselves [1] 70/9 out [31] 5/10 6/19 9/16 11/5 11/11 11/17 11/20 12/12 16/4 16/15 17/20 19/16 24/3 24/5 27/2 33/3 48/25 49/17 58/5 59/3 63/4 63/7 64/7 68/22 71/11 75/10 81/12 82/20 82/20 82/21 83/10 outcome [1] 89/10 outright [1] 39/13 outs [1] 68/24 outside [1] 49/3 outstanding [1] 28/8 over [16] 14/5 14/24 14/24 14/25 15/7 17/7 20/11 20/13 39/15 54/21 67/17 68/2 68/3 68/15 68/25 74/6 overarching [1] 10/6 overhands [1] 53/2 overhanging [3] 52/19 52/20 52/24 overhead [13] 39/24 44/4 52/22 53/15 56/20 60/5 67/10 67/12 67/17 68/2 68/23 70/25 73/10 own [1] 62/24 owner [3] 2/22 3/25 25/20 ownership [1] 28/4</p>	<p>perhaps [2] 36/12 42/12 perimeters [1] 54/16 permanent [1] 51/12 permissible [1] 39/23 permission [1] 48/15 permit [29] 30/6 30/12 31/4 31/19 32/5 32/20 33/8 33/16 33/25 35/24 36/4 37/8 37/12 40/9 42/16 43/24 44/11 48/6 48/10 50/20 50/24 59/21 60/6 60/12 63/13 63/25 64/24 71/21 71/24 permits [3] 26/22 50/10 64/20 permitted [11] 39/21 41/19 52/4 55/23 56/5 57/9 61/14 64/23 66/20 71/3 72/25 perpendicular [1] 20/16 perpetrators [1] 63/2 person [4] 17/19 17/21 64/20 70/4 pertinent [1] 34/12 PETER [1] 1/14 petty [1] 22/14 phonetic [2] 53/23 80/25 physically [1] 69/10 pickup [1] 11/15 picture [1] 46/2 pictures [1] 41/9 piece [2] 24/15 48/10 place [2] 73/4 80/11 placed [2] 66/24 80/8 places [1] 17/6 plan [13] 3/4 4/15 4/16 4/23 11/14 18/4 28/16 28/18 31/21 31/22 44/6 50/13 59/22 plane [1] 22/16 planning [16] 1/4 1/19 2/5 3/21 4/19 6/20 7/13 20/22 24/13 33/10 38/24 67/19 67/20 69/13 79/24 87/13 plans [2] 4/25 26/7 play [1] 19/19 please [3] 42/8 74/22 76/8 Plus [1] 47/12 podium [3] 21/13 21/16 76/8 point [8] 10/16 31/2 32/19 36/19 51/20 56/10 65/22 69/19 pointed [1] 27/2 points [2] 39/6 65/7 police [1] 16/24 portion [1] 52/7 poses [1] 68/9 position [1] 8/9 possible [4] 10/7 20/3 20/5 39/13 post [1] 64/21 poster [1] 45/10 potential [1] 6/6 pre [3] 2/21 3/3 9/7 pre-submission [3] 2/21 3/3 9/7 precedence [2] 10/24 73/18 precedent [1] 7/7 preference [1] 61/21 preliminary [2] 3/4 4/3 premises [2] 52/4 66/24 prepared [1] 9/7 present [1] 4/2 presentation [1] 51/18 preservation [7] 50/22 59/16 60/8 60/18 60/25 71/15 71/22 pretty [4] 34/9 45/18 60/14 63/21 prevalent [1] 61/12 previous [1] 54/2 primarily [1] 44/5 prime [1] 21/6 print [3] 35/3 35/4 35/7 printing [1] 45/11 prior [2] 6/18 18/2 private [1] 66/4 probably [7] 10/17 23/3 27/7 33/10 51/20</p>	<p>80/10 86/15 problem [3] 10/20 19/10 68/19 problematic [1] 16/17 problems [3] 17/16 68/22 82/13 procedural [2] 78/23 78/24 proceedings [1] 89/6 process [9] 24/15 33/7 34/5 34/7 35/15 35/20 36/11 79/10 80/22 processed [1] 32/10 product [8] 42/21 43/13 45/6 45/21 45/22 45/22 45/24 46/4 products [3] 42/22 43/5 45/5 professional [1] 19/5 prohibited [2] 44/15 44/18 project [5] 3/6 5/8 17/13 20/2 24/21 Prokop [1] 76/17 proof [1] 67/21 properties [2] 62/22 77/5 property [31] 3/23 3/25 4/4 5/13 6/17 8/14 18/6 18/23 24/21 25/20 25/23 25/24 26/8 40/5 59/25 62/7 62/8 62/10 62/12 62/17 62/18 64/8 65/24 66/2 66/4 66/5 68/3 68/15 68/17 68/24 76/11 proposal [1] 4/4 proposed [9] 2/11 2/24 3/5 3/6 3/7 4/11 8/4 15/25 25/21 proposing [1] 4/5 provided [1] 7/11 provision [1] 79/3 public [10] 6/8 14/13 64/4 65/9 66/19 69/20 69/24 79/3 82/14 89/4 pull [2] 7/25 24/3 pulled [3] 75/10 78/22 79/18 pulls [1] 11/15 purpose [3] 40/23 69/12 72/10 pushing [1] 84/7 put [20] 8/8 10/3 13/4 18/12 31/5 41/11 43/22 44/3 46/4 47/10 48/7 48/11 48/16 49/20 49/21 50/15 60/2 63/3 72/2 79/15 puts [1] 46/7 putting [5] 29/4 41/13 46/10 62/12 69/16</p>
<p>P</p> <p>P-E-N-N-E-S-S-I [1] 3/15 p.m [6] 1/9 85/13 85/14 86/24 87/2 88/18 package [2] 3/3 4/13 page [2] 28/24 55/20 paid [4] 31/6 36/22 37/11 37/16 painted [1] 63/21 PALLAS [1] 1/20 Paragraph [1] 57/17 parking [27] 4/12 5/11 5/17 7/9 8/7 8/14 9/17 9/25 10/3 11/13 11/21 12/2 12/7 12/14 14/16 14/18 15/21 15/23 15/25 16/10 17/21 18/11 20/8 20/16 21/25 58/14 58/18 part [17] 18/19 19/20 28/16 28/18 44/6 45/12 50/12 51/15 51/17 51/22 56/10 56/14 56/24 57/8 57/10 59/3 62/23 particular [1] 55/12 particularly [2] 19/12 60/3 parties [2] 55/19 89/9 party [1] 13/23 pass [1] 74/11 past [4] 8/13 19/14 22/2 52/16 PAT [2] 1/15 20/8 PAUL [1] 1/20 pay [4] 36/25 37/3 37/12 48/8 payment [1] 7/12 pedestrian [2] 21/19 49/10 pedestrians [1] 17/18 Pedrazzi [1] 5/5 pending [1] 26/11 pennant [1] 45/10 Pennessi [4] 2/22 2/22 3/14 3/19 people [13] 6/12 8/25 17/9 21/9 47/6 48/24 49/6 49/21 62/25 63/4 65/8 70/3 86/18 per [2] 52/4 54/20 percent [3] 7/3 10/10 46/23 performed [1] 18/3 pergola [1] 12/24</p>	<p>pointed [1] 27/2 points [2] 39/6 65/7 police [1] 16/24 portion [1] 52/7 poses [1] 68/9 position [1] 8/9 possible [4] 10/7 20/3 20/5 39/13 post [1] 64/21 poster [1] 45/10 potential [1] 6/6 pre [3] 2/21 3/3 9/7 pre-submission [3] 2/21 3/3 9/7 precedence [2] 10/24 73/18 precedent [1] 7/7 preference [1] 61/21 preliminary [2] 3/4 4/3 premises [2] 52/4 66/24 prepared [1] 9/7 present [1] 4/2 presentation [1] 51/18 preservation [7] 50/22 59/16 60/8 60/18 60/25 71/15 71/22 pretty [4] 34/9 45/18 60/14 63/21 prevalent [1] 61/12 previous [1] 54/2 primarily [1] 44/5 prime [1] 21/6 print [3] 35/3 35/4 35/7 printing [1] 45/11 prior [2] 6/18 18/2 private [1] 66/4 probably [7] 10/17 23/3 27/7 33/10 51/20</p>	<p>Q</p> <p>qualified [1] 70/12 qualify [2] 40/6 42/11 quantity [1] 39/23 quarter [1] 63/8 question [5] 12/19 14/17 29/13 37/18 68/4 questions [7] 5/6 7/23 8/2 24/8 24/10 25/4 28/23 quite [2] 6/15 31/23</p> <p>R</p> <p>raised [2] 16/20 23/16 ramp [4] 20/20 20/24 21/20 21/22 rather [3] 55/12 84/8 84/9 ratio [1] 7/2 read [9] 23/10 32/17 39/10 50/17 57/10 58/11 58/16 58/21 60/10 reading [4] 42/8 43/20 52/2 66/8 readings [1] 57/13 reads [1] 56/12 real [10] 7/25 10/20 40/6 40/15 41/5 41/8 45/25 46/11 46/17 55/7 really [23] 7/19 8/20 11/14 16/14 17/23 19/9 21/5 21/6 21/7 23/17 23/24 24/2 26/17 26/25 27/6 27/7 42/17 42/19 58/11 58/11 58/16 64/10 68/19 realty [1] 46/21 reason [6] 21/8 28/11 34/3 54/24 65/6 77/25 reasonable [1] 74/18 reasons [1] 78/21 receive [2] 33/12 81/23</p>

<p>R</p> <p>received [2] 3/24 24/20 recently [1] 67/24 recessed [3] 62/21 67/14 68/3 recognize [1] 8/17 recommendation [1] 19/5 recommendations [3] 18/16 65/16 75/18 recommended [1] 60/17 record [4] 5/5 81/16 81/25 82/2 records [1] 81/10 redoing [1] 81/20 reference [1] 43/3 referring [1] 69/4 regards [2] 26/12 31/6 regular [10] 2/19 32/8 34/2 84/5 84/8 84/10 84/22 85/13 86/9 86/25 regularly [1] 60/14 regulation [2] 22/22 40/21 regulations [12] 28/10 38/21 39/19 39/22 40/13 40/19 43/21 47/24 58/9 59/18 61/18 67/11 reject [1] 39/12 related [2] 69/7 89/8 relative [2] 57/19 57/20 relettered [1] 34/19 religious [1] 64/16 remember [5] 35/11 36/6 53/23 54/22 70/3 remove [2] 53/24 58/3 remove one [1] 53/24 removed [3] 59/8 78/2 78/11 rendering [2] 29/7 29/20 renderings [1] 4/14 renovation [1] 17/13 Reporter [1] 89/3 representing [1] 28/4 represents [1] 2/22 request [3] 19/4 46/20 46/21 require [6] 3/7 5/9 40/7 60/4 60/6 67/18 required [9] 2/16 4/21 18/25 22/24 22/25 28/21 44/6 59/21 68/7 requirement [1] 19/8 requirements [4] 53/6 67/15 68/8 82/14 requires [1] 13/11 requiring [1] 69/12 requisite [1] 7/4 rescinded [1] 37/2 resolution [1] 74/11 resolved [1] 26/15 respect [1] 6/17 responsibilities [1] 33/22 responsive [2] 22/6 24/19 rest [1] 8/10 restaurant [11] 4/6 14/14 24/3 28/5 29/16 30/22 31/23 34/11 35/9 46/6 46/10 restaurants [1] 41/13 restriction [1] 71/2 restrictions [3] 50/17 51/14 65/15 result [1] 61/15 retail [5] 4/5 25/25 47/5 56/4 66/20 retailer [1] 45/2 retained [1] 67/22 review [10] 50/22 50/23 59/19 60/11 60/22 61/4 69/13 71/20 72/4 83/6 reviewing [2] 9/15 78/3 rhyme [1] 21/8 right [40] 2/2 14/9 15/6 15/15 17/11 22/10 22/17 24/7 34/7 35/5 35/12 36/14 38/17 46/13 47/17 48/3 48/14 53/8 55/4 55/6 55/9 55/10 55/15 56/10 57/7 57/25 58/5 59/14 62/13 66/6 67/16 70/10 70/15 71/21 72/4 72/14 73/2 78/7 80/3 80/5 rips [1] 68/11</p>	<p>risk [1] 68/9 Riverhead [1] 31/8 road [2] 5/20 75/3 Robert [3] 80/24 81/4 81/14 roof [9] 12/20 12/23 12/23 13/2 13/5 13/13 14/3 14/8 15/14 roofs [1] 14/24 room [1] 8/16 rooms [3] 4/7 4/8 15/12 rotating [1] 41/24 round [1] 22/9 route [1] 80/7 ruled [2] 52/18 53/21 run [1] 5/16</p>	<p>several [2] 6/18 53/22 shadowbox [1] 45/9 shaft [1] 13/9 shall [5] 52/3 64/21 66/19 66/22 66/24 Shannon [2] 2/23 3/25 she [3] 70/5 74/7 81/9 she's [2] 29/3 29/5 shed [2] 76/21 79/20 sheet [1] 42/11 shelf [1] 49/19 shielded [1] 13/5 shop [1] 49/2 shopping [3] 48/25 49/10 49/20 should [39] 6/2 10/11 15/14 18/8 18/17 27/7 28/13 40/14 40/16 40/20 40/22 42/4 42/5 46/12 46/14 46/16 47/22 59/3 59/8 61/6 61/9 61/10 61/16 61/19 63/13 64/2 65/11 65/13 65/15 69/14 69/20 70/11 70/13 71/18 72/7 73/4 73/5 85/7 85/10 shouldn't [4] 21/9 70/8 79/23 79/24 show [1] 67/21 side [1] 54/4 sided [1] 62/4 sidewalk [16] 20/11 20/21 24/5 24/6 53/2 62/8 62/10 62/23 62/24 63/3 64/12 67/18 68/12 68/15 68/16 69/2 sidewalks [1] 67/13 sign [81] 28/3 28/8 28/11 28/14 30/6 30/12 31/4 31/7 31/12 32/5 32/20 33/8 33/16 33/25 35/17 35/24 36/4 37/10 37/12 37/19 37/24 38/20 40/7 40/7 40/8 40/8 42/11 42/13 42/16 43/21 45/8 45/23 46/3 48/5 48/7 48/9 48/17 48/22 50/9 51/12 51/13 52/3 52/6 52/17 52/19 52/25 53/15 53/20 54/9 54/19 55/24 56/3 56/12 56/13 56/24 57/21 57/22 57/23 58/4 58/6 58/8 58/14 58/19 58/22 59/3 59/18 61/4 61/24 64/22 65/25 66/4 67/17 67/23 68/2 68/11 68/20 68/23 68/23 71/7 71/8 72/2 signage [6] 28/7 39/2 59/20 60/11 65/11 71/23 signal [1] 16/11 signed [1] 64/25 significant [1] 59/25 signs [47] 39/21 39/24 39/25 41/14 44/2 44/4 50/14 51/9 51/22 51/24 52/7 52/8 52/9 52/20 52/22 52/24 53/12 53/16 53/18 53/24 54/3 54/5 54/12 54/19 56/19 56/21 59/9 60/2 60/3 60/4 60/5 61/12 61/16 63/16 64/15 64/20 66/9 66/18 66/19 67/10 67/12 69/10 70/20 70/24 70/25 70/25 73/10 simple [2] 5/17 28/13 simpler [1] 36/12 simplest [1] 59/6 simply [2] 19/9 69/16 since [3] 22/9 30/8 35/23 single [1] 47/14 sir [1] 21/11 site [15] 2/25 3/4 4/14 4/16 5/15 8/9 11/14 22/7 28/16 28/18 31/21 31/22 44/6 50/13 59/22 sitting [1] 8/3 situation [6] 14/20 16/24 20/10 20/17 21/2 77/25 six [1] 7/10 sixteen [1] 4/8 size [7] 7/19 12/14 39/21 39/23 50/15 50/16 50/17 slapped [1] 43/9 slightly [2] 62/21 77/25 small [3] 11/14 14/19 43/16 so [112] solution [4] 8/22 19/6 19/24 51/3 some [34] 2/7 3/17 4/13 4/20 7/6 7/25 9/25</p>
	<p>S</p> <p>safe [1] 69/25 safer [1] 20/17 safety [4] 69/9 69/13 69/19 69/20 Sag [2] 17/14 17/15 said [10] 20/8 30/4 31/3 34/6 63/19 76/17 77/9 77/16 80/16 81/8 SAKD [1] 3/23 Saldino [1] 75/9 same [28] 5/16 9/19 10/18 10/19 29/4 29/17 29/17 34/18 34/18 34/20 35/4 35/14 35/20 41/22 52/9 55/20 55/21 66/24 67/15 68/7 68/9 79/5 79/9 81/2 81/3 81/3 81/22 85/2 sandwich [5] 44/21 61/12 61/23 63/21 72/21 Sandy [1] 22/19 Santa [1] 49/22 Saturdays [1] 17/23 saw [1] 54/7 say [17] 6/5 9/6 9/6 9/12 15/20 24/12 33/2 43/2 45/21 46/17 47/20 48/18 48/21 58/13 61/6 68/14 72/23 saying [10] 22/4 23/4 42/6 43/16 47/18 48/5 58/12 63/17 72/23 81/25 says [7] 32/18 37/9 52/2 53/10 58/17 62/3 68/15 scape [1] 9/20 schedule [5] 83/15 85/12 86/3 86/22 86/23 scheduled [2] 83/19 86/2 screen [2] 45/9 61/25 screw [1] 69/16 script [1] 34/25 seasonal [1] 23/25 seating [1] 12/25 second [24] 5/14 5/14 10/9 13/25 15/12 25/8 25/9 25/10 26/6 27/17 27/18 37/25 38/2 75/19 75/20 83/8 85/16 85/17 87/3 87/4 87/23 87/24 88/9 88/10 section [21] 19/11 38/25 39/2 52/11 55/12 57/10 57/11 58/3 58/5 58/6 59/9 61/14 61/23 62/24 64/6 64/19 67/2 70/21 70/21 72/25 80/18 see [15] 8/5 8/6 15/7 18/5 22/15 26/2 26/3 41/23 46/24 58/8 60/13 69/8 78/4 80/16 82/3 seeking [1] 7/5 seem [6] 5/25 32/22 39/20 40/11 50/9 74/18 seems [2] 9/21 42/17 seen [3] 5/15 18/22 60/16 sell [1] 42/21 send [4] 39/15 74/6 74/11 82/7 sending [1] 18/15 sense [1] 71/13 separate [4] 30/12 53/4 55/7 57/9 September [2] 87/21 87/21 service [1] 68/6 session [20] 1/5 2/5 2/18 4/4 4/18 31/14 31/15 32/8 33/5 33/6 84/4 84/5 84/9 84/21 85/3 85/12 85/25 86/9 86/22 86/23 set [2] 36/22 89/12</p>	

<p>S</p> <p>some... [27] 10/16 12/10 13/6 16/22 24/23 27/2 28/22 31/23 39/4 39/6 39/6 39/8 50/2 50/3 51/5 51/7 61/6 64/4 65/4 65/21 68/13 68/20 69/14 70/19 71/4 71/18 79/20</p> <p>somebody [4] 16/23 37/9 47/9 47/20</p> <p>someone [12] 48/18 48/20 49/20 50/13 50/15 59/23 62/21 63/10 63/25 64/2 67/23 71/25</p> <p>something [21] 7/16 8/4 21/4 28/16 30/16 33/17 34/8 40/21 42/7 43/17 47/3 48/2 51/16 56/25 63/4 65/19 69/25 70/12 72/6 81/12 86/17</p> <p>sometimes [1] 41/10</p> <p>Somewhat [1] 34/25</p> <p>sorry [6] 21/11 21/12 23/13 23/14 34/21 83/22</p> <p>sort [10] 16/22 16/23 16/23 17/16 17/20 23/18 24/5 43/13 44/10 49/17</p> <p>sounds [1] 66/8</p> <p>south [4] 4/12 25/20 77/2 84/16</p> <p>southern [1] 14/7</p> <p>space [5] 12/14 13/6 13/14 13/16 14/16</p> <p>spaces [5] 4/12 7/10 7/14 12/2 15/21</p> <p>speak [3] 8/19 19/3 21/12</p> <p>speaking [1] 14/12</p> <p>special [1] 63/25</p> <p>specific [4] 39/22 40/14 43/5 65/14</p> <p>specifically [7] 40/17 43/2 61/16 64/23 65/13 66/15 70/20</p> <p>specifics [1] 76/16</p> <p>speculate [1] 72/13</p> <p>spent [1] 9/15</p> <p>spoke [1] 76/16</p> <p>spots [1] 5/12</p> <p>square [1] 54/13</p> <p>staff [1] 17/19</p> <p>staircase [3] 14/2 14/7 21/21</p> <p>stairs [1] 21/19</p> <p>stairwells [1] 13/10</p> <p>stalls [1] 12/7</p> <p>standard [4] 12/6 12/13 30/25 35/2</p> <p>standards [4] 28/25 69/9 69/15 70/2</p> <p>stands [2] 5/10 40/4</p> <p>start [6] 2/20 3/17 4/23 18/18 34/7 39/17</p> <p>started [1] 18/12</p> <p>STATE [4] 1/2 5/20 14/2 89/4</p> <p>stated [1] 81/9</p> <p>stating [2] 58/11 58/15</p> <p>stay [1] 73/3</p> <p>step [1] 24/14</p> <p>STEPHANIE [2] 89/3 89/16</p> <p>steps [1] 23/12</p> <p>still [6] 15/23 24/23 73/19 78/14 81/10 81/11</p> <p>stop [1] 6/11</p> <p>stoplight [1] 16/5</p> <p>store [5] 45/2 47/14 48/25 49/19 56/5</p> <p>storefront [3] 21/3 25/22 56/4</p> <p>stores [1] 43/16</p> <p>straight [1] 32/23</p> <p>street [25] 1/7 5/19 9/20 10/2 10/7 10/16 10/20 13/6 17/2 17/4 23/16 23/19 23/21 25/21 28/5 49/9 52/5 53/25 56/2 58/18 59/2 63/8 64/9 77/3 84/16</p> <p>streets [3] 3/2 4/10 66/19</p> <p>strip [1] 20/23</p> <p>striping [2] 16/25 17/3</p> <p>strong [1] 61/21</p> <p>structure [5] 4/9 45/8 45/9 51/17 61/25</p> <p>stuck [1] 43/14</p> <p>study [4] 18/3 18/5 18/24 19/5</p> <p>stuff [2] 43/12 49/23</p> <p>style [1] 29/17</p>	<p>subdivision [4] 79/16 81/18 81/19 83/9</p> <p>subdivisions [4] 2/11 78/17 79/15 84/15</p> <p>subject [2] 58/19 58/19</p> <p>submission [3] 2/21 3/3 9/7</p> <p>submit [3] 2/15 4/13 42/15</p> <p>submitted [6] 4/3 26/5 28/9 29/22 79/13 83/2</p> <p>subsection [2] 57/16 70/22</p> <p>subsequent [1] 86/25</p> <p>subset [2] 57/4 57/6</p> <p>such [2] 52/3 54/25</p> <p>sufficient [1] 70/14</p> <p>SUFFOLK [2] 1/2 3/11</p> <p>suggest [4] 19/20 20/2 84/3 84/19</p> <p>suggested [1] 71/10</p> <p>suggestion [1] 59/11</p> <p>suits [2] 48/3 48/5</p> <p>summer [1] 19/14</p> <p>summons [1] 48/19</p> <p>Sundays [1] 17/23</p> <p>support [1] 20/7</p> <p>supposed [2] 20/25 80/23</p> <p>sure [11] 3/18 12/9 16/18 17/9 20/22 27/6 37/12 37/16 61/22 64/5 82/6</p> <p>surface [2] 4/12 9/25</p> <p>surprised [1] 19/8</p> <p>surrounding [1] 6/7</p> <p>survey [1] 83/6</p> <p>Susan [4] 28/3 28/6 29/9 29/10</p> <p>symbolically [1] 43/17</p> <p>system [1] 31/16</p> <p>T</p> <p>tables [1] 62/15</p> <p>take [9] 8/9 8/10 8/15 44/25 49/8 49/14 51/5 54/5 74/15</p> <p>taken [10] 2/8 2/13 59/3 76/12 76/18 77/4 77/6 77/9 77/12 89/6</p> <p>takes [1] 46/22</p> <p>taking [1] 21/13</p> <p>talk [2] 16/21 65/10</p> <p>talking [4] 64/13 66/3 70/20 81/16</p> <p>talks [2] 52/7 58/25</p> <p>taste [2] 50/5 63/20</p> <p>Tax [1] 3/11</p> <p>technically [2] 62/11 68/25</p> <p>tell [7] 9/13 31/12 40/3 43/19 47/9 47/20 76/13</p> <p>telling [1] 45/23</p> <p>tells [1] 33/15</p> <p>temporary [2] 39/24 64/15</p> <p>tenant [5] 14/14 51/25 52/4 52/9 65/25</p> <p>tenants [2] 57/19 66/10</p> <p>tend [2] 43/9 43/12</p> <p>terminology [1] 54/22</p> <p>than [5] 52/3 55/13 72/18 77/9 84/9</p> <p>Thank [10] 5/7 22/11 22/13 25/3 25/5 25/6 75/14 83/12 83/14 88/17</p> <p>Thanks [1] 75/11</p> <p>Thanksgiving [2] 83/18 83/25</p> <p>that [294]</p> <p>that's [66] 3/14 7/12 7/16 10/14 10/19 11/6 11/12 12/15 16/19 16/20 17/22 19/18 21/22 22/21 23/24 26/21 29/2 29/11 30/23 31/15 33/10 33/18 34/9 34/12 35/6 35/18 39/13 40/10 40/22 41/17 45/18 46/9 47/17 48/2 49/10 51/15 51/16 51/24 52/14 52/19 53/4 54/15 55/2 55/8 56/4 56/14 58/5 58/5 59/8 62/13 66/15 68/19 69/3 69/23 71/9 72/6 75/2 75/8 78/9 80/10 80/13 80/22 82/20 83/7 83/21 84/4</p> <p>theater [4] 14/24 14/25 15/2 23/21</p> <p>their [20] 6/5 8/25 9/6 9/12 14/14 39/16 41/10 44/9 46/7 47/11 49/6 49/22 50/14</p>	<p>61/17 62/6 62/7 62/10 62/18 63/9 78/20</p> <p>them [21] 7/19 13/5 19/24 24/18 27/9 39/10 39/11 41/10 41/11 42/12 43/4 50/11 54/5 54/6 62/16 64/11 73/3 77/20 79/8 80/11 84/12</p> <p>theme [1] 10/6</p> <p>then [35] 4/6 6/4 7/9 16/7 16/10 16/11 16/16 18/3 19/25 31/9 32/11 33/16 34/5 34/8 35/17 35/23 36/5 37/7 37/8 42/13 44/6 46/7 49/15 53/25 54/9 59/4 60/24 62/20 80/10 82/20 82/23 83/20 83/25 84/5 86/14</p> <p>there [132]</p> <p>there's [8] 50/20 50/21 50/22 53/6 53/15 62/15 65/19 80/4</p> <p>therefore [3] 40/7 64/24 80/19</p> <p>thereof [1] 45/12</p> <p>these [16] 32/17 39/15 61/16 62/2 68/20 69/10 74/3 74/5 74/6 74/7 75/12 75/17 79/13 81/3 82/10 84/14</p> <p>they [61] 2/14 2/15 6/5 6/24 7/16 11/10 12/12 17/5 17/8 22/18 32/8 40/16 40/20 41/4 41/10 41/11 42/4 42/4 42/20 42/21 43/10 43/12 44/10 45/7 46/16 47/21 49/2 49/2 49/16 49/20 50/14 51/23 52/6 54/3 54/4 57/20 59/24 60/2 61/13 62/22 62/23 63/3 63/12 63/13 67/4 67/14 67/21 67/21 68/4 68/6 69/15 72/23 72/25 73/4 74/14 75/14 77/20 79/2 79/14 79/15 80/7</p> <p>they're [16] 7/18 11/7 40/23 41/20 41/23 43/10 43/11 43/14 43/14 49/7 49/15 53/9 61/8 63/7 63/12 73/2</p> <p>thick [1] 64/9</p> <p>thing [16] 10/18 10/22 15/19 19/6 30/8 32/18 48/15 50/7 50/23 51/19 52/10 54/15 55/4 59/4 66/17 81/22</p> <p>things [8] 26/22 26/23 36/12 43/3 44/19 60/3 64/4 64/9</p> <p>think [57] 5/14 5/25 6/2 8/19 10/5 12/6 14/4 15/2 20/9 20/16 22/6 30/16 34/10 34/12 35/22 36/22 36/24 38/22 40/12 40/22 41/7 42/4 42/6 44/4 44/14 47/21 47/22 47/25 51/11 51/15 51/23 52/10 54/23 55/10 55/22 56/9 56/14 57/13 58/10 58/12 59/2 59/6 61/3 61/5 62/9 63/23 65/4 65/19 65/23 66/16 68/12 69/14 72/6 72/12 73/23 79/2 86/19</p> <p>third [10] 1/7 3/2 4/10 5/15 10/2 10/8 15/11 15/14 61/11 63/7</p> <p>thirty [3] 7/5 7/10 46/23</p> <p>thirty-five [1] 7/5</p> <p>thirty-six [1] 7/10</p> <p>this [93]</p> <p>those [18] 12/2 16/8 19/20 20/3 39/8 41/15 41/18 41/21 42/22 42/22 44/12 44/13 47/23 53/3 55/7 63/15 77/9 84/16</p> <p>though [1] 31/3</p> <p>thought [4] 4/22 21/17 23/22 75/6</p> <p>thoughts [2] 71/16 74/9</p> <p>three [8] 7/5 15/3 23/12 32/24 33/17 34/6 54/4 77/11</p> <p>through [16] 6/23 9/21 20/22 28/14 33/9 35/14 35/20 39/10 43/20 50/11 58/11 58/21 79/8 79/9 79/16 81/22</p> <p>throughout [3] 18/11 61/13 72/24</p> <p>throughways [1] 5/21</p> <p>Thursday [4] 32/15 36/16 37/19 83/16</p> <p>tied [1] 36/14</p> <p>tight [1] 17/17</p> <p>time [26] 5/15 5/16 9/16 9/19 10/19 26/9 26/13 27/6 30/5 31/7 31/23 35/18 37/6 38/15 41/22 42/14 48/3 48/7 60/15 65/8 73/17 82/9 82/15 85/5 86/4 88/18</p> <p>timeline [1] 27/10</p> <p>times [5] 16/20 32/24 37/2 43/11 53/22</p>
---	--	---

<p>T</p> <p>today [4] 31/4 54/8 78/4 78/16 together [4] 7/24 18/12 41/11 59/9 told [5] 2/12 33/17 34/5 34/8 37/5 Tom [2] 5/5 12/5 tonight [12] 30/9 33/25 34/9 36/15 51/2 65/18 76/12 77/3 80/4 80/12 82/12 82/18 Tony's [4] 28/25 29/6 29/17 30/14 too [7] 10/17 18/9 37/14 56/15 59/2 84/11 84/18 took [3] 22/18 23/5 73/18 top [1] 54/10 total [5] 4/8 56/19 57/9 70/19 70/24 town [2] 35/9 82/3 trade [1] 30/24 traffic [13] 10/25 11/5 11/11 16/12 16/15 18/3 18/4 18/10 18/24 19/12 19/15 19/17 20/12 transcript [1] 89/6 transparent [1] 36/12 trashy [1] 63/22 traveling [1] 86/18 trellis [1] 23/23 trigger [4] 60/7 60/11 60/22 71/21 triggers [1] 50/23 truck [1] 11/16 true [2] 11/12 89/5 truly [1] 21/24 Trustees [3] 6/9 18/16 74/12 try [2] 10/2 20/15 trying [9] 9/16 21/5 23/17 24/21 30/7 32/21 41/4 69/25 82/21 turn [2] 12/12 16/11 twelve [3] 4/11 5/12 7/11 twenty [1] 32/24 two [25] 2/8 2/10 4/6 7/6 14/6 20/9 21/7 21/17 21/24 23/9 32/23 38/12 38/14 39/9 41/15 48/13 48/14 53/25 75/2 77/4 81/2 81/3 81/3 83/2 83/9 two-entrance [1] 21/24 two-way [1] 20/9 type [3] 7/8 52/10 70/5 typeface [1] 34/23 types [2] 39/23 50/18 Typically [1] 82/22</p>	<p>28/6 48/12 51/17 56/5 56/13 56/14 56/25 57/20 57/23 57/23 61/18 71/7 71/8 71/25 77/23 used [4] 23/4 42/23 45/12 81/6 uses [14] 2/24 3/7 3/10 5/13 7/18 8/13 56/2 57/5 57/9 57/18 58/17 64/17 66/22 68/20 using [2] 12/16 70/5 usually [3] 20/8 20/24 43/11</p> <p>V</p> <p>vacant [1] 49/7 variance [2] 7/8 7/15 variances [3] 3/7 4/20 5/9 varieties [1] 56/22 vendee [1] 3/23 very [14] 10/20 16/16 16/17 19/10 22/2 22/2 22/6 23/25 24/4 24/14 24/15 25/2 43/5 88/17 VFW [1] 15/7 via [1] 80/20 viable [4] 7/19 8/11 8/22 18/23 view [5] 13/5 13/22 14/22 14/23 15/13 VILLAGE [35] 1/2 1/18 1/20 2/4 6/9 7/7 8/23 9/22 10/10 18/11 19/17 28/9 36/10 38/25 39/3 42/3 43/21 48/9 49/11 59/17 61/13 61/17 62/12 62/17 64/8 64/22 67/13 68/2 68/15 68/17 72/24 73/3 79/14 82/5 85/2 Villanti [1] 29/23 Vino [2] 35/11 35/21 violation [1] 40/18 Vittles [2] 35/12 35/21 voices [2] 8/25 9/11 vote [7] 31/14 32/10 33/6 33/25 36/16 38/10 74/16 voted [2] 32/8 32/11</p>	<p>we'll [9] 6/22 8/5 24/17 39/17 44/23 53/3 74/15 82/7 86/3 we're [34] 2/2 4/5 7/2 7/4 7/9 12/15 13/11 17/7 18/15 21/5 22/22 22/23 22/24 23/17 24/24 25/2 27/9 30/9 30/17 32/22 34/7 40/12 40/19 55/11 56/11 57/12 65/10 72/23 76/23 81/21 83/19 84/6 84/6 86/6 we've [5] 4/16 7/11 12/6 52/18 85/9 wedding [1] 13/23 Wednesday [1] 86/17 week [4] 32/14 34/2 38/16 48/22 weekends [1] 17/22 weeks [5] 34/6 38/13 38/14 48/13 48/15 weigh [1] 6/10 well [21] 6/10 13/24 16/9 19/18 19/19 26/20 31/21 36/2 36/6 41/8 41/17 42/25 43/8 47/15 62/5 65/9 72/12 75/8 78/7 78/7 81/17 went [6] 28/14 29/25 35/14 35/19 37/6 79/8 were [21] 2/8 15/22 19/8 20/11 23/23 33/3 44/21 51/4 51/21 52/6 54/11 64/4 69/24 70/2 77/5 77/9 77/20 78/17 78/21 79/13 82/14 weren't [1] 37/7 what [50] 4/5 6/19 7/18 8/4 8/12 10/11 12/6 12/15 12/22 15/24 18/5 20/8 22/3 23/24 27/5 33/22 33/23 41/22 42/13 42/21 43/19 47/6 47/9 47/17 47/21 49/11 52/11 58/12 63/10 64/6 67/11 68/19 69/3 69/21 69/22 70/5 71/9 72/18 75/8 76/18 76/25 77/9 78/19 78/20 78/24 81/15 82/2 82/21 83/7 85/4 what's [4] 18/20 21/15 44/25 70/14 whatever [4] 8/21 55/17 59/7 80/7 when [25] 16/3 16/13 17/23 23/20 32/16 32/23 33/14 35/15 35/18 35/20 37/9 43/14 48/25 49/3 51/21 52/2 53/25 58/8 59/22 61/7 70/2 73/22 82/10 82/16 83/23 whenever [1] 75/14 where [22] 5/17 13/9 13/9 15/24 16/14 17/8 17/11 21/2 24/17 56/7 56/9 58/13 59/20 62/22 65/25 67/25 67/25 68/16 68/22 69/8 69/23 82/2 WHEREOF [1] 89/12 whether [10] 14/23 18/22 28/13 28/15 60/9 62/6 62/7 68/6 69/16 82/13 which [12] 3/23 10/9 19/13 23/19 32/6 39/16 58/7 63/8 63/19 66/24 67/2 71/13 while [2] 9/23 86/6 white [2] 13/14 13/16 who [13] 6/12 10/23 10/23 10/23 11/15 16/9 17/19 19/16 46/7 47/13 58/15 58/23 63/2 whole [7] 8/23 12/23 19/11 20/23 46/21 49/14 59/4 why [11] 35/19 55/2 58/7 72/9 77/4 77/8 77/11 78/9 78/21 79/15 80/17 wide [1] 22/2 will [17] 3/6 4/9 4/18 6/8 13/16 15/12 18/21 20/6 38/10 38/16 44/10 48/17 62/21 80/20 82/19 83/10 87/2 wind [1] 68/10 window [32] 40/2 40/5 43/14 43/22 45/2 45/6 45/23 46/5 46/21 46/23 47/6 47/8 47/10 47/14 48/6 48/8 48/17 48/21 49/2 49/6 49/15 50/16 51/11 53/14 53/15 54/14 54/18 56/20 60/4 68/22 68/25 70/24 windows [4] 39/22 40/2 49/14 53/13 windowsill [1] 41/12 Wingate [1] 81/8 winter [1] 49/7 withdrawn [2] 76/14 76/23 within [6] 7/3 7/4 28/9 60/17 89/4 89/5 without [6] 26/16 26/22 27/13 34/11 44/3 48/6 WITNESS [1] 89/12 wondering [1] 22/19</p>
<p>U</p> <p>ugly [3] 43/9 43/14 50/3 Um [4] 16/2 73/7 73/8 74/19 Um-hum [4] 16/2 73/7 73/8 74/19 under [7] 15/18 42/2 56/6 57/4 61/23 79/13 80/17 understand [7] 30/10 33/14 72/5 72/8 76/11 78/15 81/24 understanding [9] 4/17 6/15 9/17 29/3 33/24 42/10 55/19 77/2 79/12 understood [1] 43/20 undescribed [1] 54/24 unless [4] 12/3 28/22 50/12 64/24 unrestricted [1] 15/13 until [2] 16/8 26/14 up [35] 8/15 12/24 13/4 13/10 13/13 13/14 13/22 14/20 16/5 16/12 19/24 21/12 23/16 31/5 32/4 34/10 35/20 36/11 37/10 39/5 39/8 42/11 44/3 46/7 46/10 46/22 48/11 49/14 51/3 60/2 63/16 65/22 67/25 72/2 84/2 updated [1] 18/4 upended [1] 19/25 upon [1] 66/24 us [10] 5/16 6/4 10/17 24/10 32/17 35/16 44/7 61/6 68/5 81/9 use [21] 4/6 10/21 14/9 18/23 25/19 26/12</p>	<p>W</p> <p>wait [1] 48/18 waiting [1] 16/10 walk [3] 47/8 47/13 63/4 walking [1] 9/21 wall [12] 10/7 49/9 49/18 51/25 52/5 52/10 53/10 53/10 53/13 53/20 56/20 59/2 want [31] 3/16 8/25 9/5 9/11 18/13 18/19 19/24 21/7 21/23 26/10 34/24 40/20 48/7 59/7 60/2 61/4 63/24 67/7 71/6 71/16 72/15 72/22 73/11 73/12 73/24 79/19 82/5 86/5 86/10 86/12 86/16 wanted [4] 20/7 39/7 51/19 70/23 wants [10] 16/9 40/15 42/4 50/13 50/15 60/10 61/17 63/11 72/2 73/3 was [74] 2/11 2/12 2/13 6/20 9/18 12/22 13/21 17/25 18/3 19/15 19/15 19/16 21/17 23/22 26/5 26/15 28/6 28/8 28/12 28/15 28/18 28/20 30/4 30/11 30/11 31/22 31/23 32/3 38/13 38/23 45/4 51/8 52/2 52/11 57/15 59/15 61/11 65/9 67/2 67/6 67/25 68/2 68/3 68/5 68/5 68/22 68/23 68/23 69/5 69/25 70/5 71/6 73/16 75/6 76/17 76/19 77/3 77/15 77/15 77/18 77/19 77/23 77/23 78/3 78/6 78/12 78/13 78/16 78/23 79/3 79/18 80/14 81/20 82/4 wasn't [7] 36/9 48/22 51/20 77/4 79/3 80/17 81/25 watching [1] 17/19 water [2] 22/18 23/5 waterfront [2] 3/8 66/22 way [22] 8/6 16/13 16/22 19/11 20/9 20/9 31/16 36/7 40/13 40/16 46/3 46/12 50/8 52/18 53/21 55/3 55/8 55/21 59/6 64/10 84/6 89/10 WC [1] 3/8 we [171] we'd [2] 7/17 86/19</p>	

W

word [1] 74/13
wording [2] 43/3 47/23
words [2] 29/5 45/15
work [24] 1/5 2/5 2/18 4/4 4/18 7/15 8/21
25/2 26/21 31/13 32/7 33/5 33/6 33/21 84/3
84/9 84/21 85/2 85/12 85/25 86/8 86/10
86/22 86/23
workable [2] 84/4 84/20
working [3] 4/19 24/13 24/25
works [3] 8/22 19/25 31/16
worry [1] 37/10
worse [1] 34/14
would [75] 2/18 4/22 5/8 6/3 6/4 6/5 6/9 6/10
6/12 6/12 6/24 7/11 7/13 7/16 7/17 8/14 8/15
9/6 13/10 13/12 14/12 14/15 15/19 15/23
16/7 16/10 16/11 19/7 19/20 19/25 20/2
20/16 24/12 27/2 31/16 31/17 32/11 34/8
37/12 37/14 39/11 39/14 40/6 40/7 42/11
42/15 47/25 48/4 50/10 50/11 54/11 55/12
58/2 59/5 60/4 60/5 61/3 65/16 67/3 68/7
70/23 74/17 78/9 79/25 79/25 81/9 81/13
82/7 83/20 83/24 83/25 84/3 84/9 84/19 86/8
wouldn't [5] 2/17 8/11 11/22 26/14 77/11
write [1] 48/19
writing [1] 64/25
written [3] 46/3 50/8 55/9
wrong [1] 23/11

Y

yadda [6] 45/16 45/16 45/17 56/3 56/3 56/3
Yeah [1] 35/6
year [2] 22/16 48/4
years [5] 6/18 53/21 81/2 81/7 81/19
yes [42] 8/12 10/22 11/2 11/20 12/18 12/21
13/20 14/21 15/8 15/10 19/7 27/11 27/12
29/10 29/11 29/19 31/25 32/2 33/15 34/17
35/10 35/25 38/18 44/16 44/23 46/24 49/25
53/11 62/20 63/18 64/18 69/18 71/9 72/8
72/11 73/19 73/20 74/22 76/5 78/8 80/23
86/15
yet [3] 15/17 15/18 36/25
YORK [4] 1/2 1/7 14/2 89/4
you [241]
you're [22] 13/22 18/19 20/10 22/16 22/19
29/15 33/16 36/22 42/13 43/22 48/12 49/3
60/22 61/22 62/11 64/13 66/3 69/11 71/3
79/17 80/8 85/3
you've [1] 21/3
your [17] 11/14 12/22 13/23 20/22 22/15
23/6 23/10 29/16 33/24 44/25 45/22 45/23
47/6 47/8 47/10 56/10 58/23

Z

ZBA [5] 4/20 6/5 6/21 7/16 14/12
ziggurat [1] 15/4
zone [1] 22/22
zoned [1] 66/20
Zoning [1] 80/2