

1 VILLAGE OF GREENPORT
 2 COUNTY OF SUFFOLK STATE OF NEW YORK
 3 -----X
 4 ZONING BOARD OF APPEALS
 5 REGULAR MEETING
 6 -----X

7
 8 January 17, 2017
 9 6:00 P.M.
 10
 11 Third Street Fire Station
 12 Greenport, New York.

13
 14
 15 B E F O R E:

- 16
 17 JOHN SALADINO - Chairman
 18 DAVID CORWIN - Member
 19 DINNI GORDON - Member
 20 ELLEN NEFF - Member
 21 ARTHUR TASKER - Member
 22
 23 EILEEN WINGATE - Village Building Inspector
 24 JOSEPH PROKOP - Village Attorney

25

1	INDEX		
2			
3	ITEM	DESCRIPTION	PAGE
4			
5	#1	ACCEPT MINUTES 12/20/16	3
6	#2	APPROVE MINUTES 11/15/16	3-4
7	#3	NEXT MEETING 2/21/17	4
8	#4	ACCEPT FINDINGS & DETERMINATIONS	4-9
9		FOR SAKD HOLDINGS, LLC	
10	#5	NOTICE AND SCHEDULE PUBLIC HEARING	11-43
11		FOR AN INTERPRETATION OF	
12		CHAPTER 150-18	
13		DISCUSSION OF MICHAEL A. KIMASK,	43-46
14		SIXTH STREET, LLC.	
15	#6	MOTION TO ADJOURN	45-46
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 (THE MEETING WAS CALLED TO ORDER AT 6:00 P.M.)

2 CHAIRMAN SALADINO: Okay. This is the January
3 17th, 2017 meeting of the Zoning Board of Appeals,
4 the Village of Greenport Zoning Board of Appeals.

5 I'll call -- oh, do we have name plates? Oh,
6 I'm sorry. I'll call the roll for the stenographer.
7 David Corwin, Dinni Gordon, Ellen Neff, Arthur
8 Tasker and John Saladino.

9 Item #1 is motion to accept the Zoning Board
10 of Appeals minutes for the meeting held on December
11 20th, 2016. So moved.

12 MS. NEFF: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. GORDON: Aye.

16 MS. NEFF: Aye.

17 MR. TASKER: Aye.

18 CHAIRMAN SALADINO: Any opposed?

19 (No Response)

20 Item #2, motion to approve the Zoning Board of
21 Appeals minutes for the meeting held on November
22 15th, 2016. So moved.

23 MS. GORDON: Second.

24 CHAIRMAN SALADINO: All in favor?

25 MR. CORWIN: Aye.

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. TASKER: Aye.

4 CHAIRMAN SALADINO: Opposed?

5 (No Response)

6 Item #3 is motion to -- and, again, I know we
7 have a calendar, but since it's here. Motion to
8 schedule our next Zoning Board of Appeals meeting
9 for February 21st, 2017. So moved.

10 MS. GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MR. CORWIN: Aye.

13 MS. GORDON: Aye.

14 MS. NEFF: Aye.

15 MR. TASKER: Aye.

16 CHAIRMAN SALADINO: Item #4 is to accept the
17 findings and determinations for SAKD Holdings, LLC.
18 I'm sorry. Go ahead, Dinni.

19 MS. GORDON: I just want to be sure I
20 understand. We are simply saying that this document
21 reflects what we did?

22 CHAIRMAN SALADINO: Exactly.

23 MS. GORDON: Okay. I must admit that a few of
24 the details, since it was stretched out over a very
25 long period, I could not independently verify at

1 this moment. But, by and large, it seems to me to
2 reflect what we did.

3 CHAIRMAN SALADINO: Well, everything in this
4 document, like you, I don't remember word for word,
5 but it kind of reflects my -- we have the Attorney's
6 assurance that this is what happened, and the
7 Building Inspector's. I'm willing to accept the
8 document. So I'm going to --

9 MS. NEFF: Since it is a very lengthy document
10 and you raise this issue, is there any -- anything
11 that we need to discuss or review by any -- the
12 Attorney or any other members?

13 (No Response)

14 MS. NEFF: Okay.

15 MR. TASKER: Do we do that before or after we
16 move? There's a motion on the floor to accept it.
17 I have some very minor corrections I need to point
18 out.

19 MR. PROKOP: I think it should be before.

20 MR. TASKER: Okay.

21 MR. PROKOP: Please. Excuse me, Chairman,
22 it's my recommendation. It's up to the --

23 CHAIRMAN SALADINO: I don't -- I don't think
24 it was seconded, so we can do whatever we want.
25 Arthur, you have something?

1 MR. TASKER: Yeah, a couple of minor
2 corrections. On page 14, consideration of the
3 height variance --

4 MS. NEFF: Just one second until I get to Page
5 14, please.

6 MR. TASKER: Item number 4.

7 MS. NEFF: Item number 4, okay.

8 MR. TASKER: Item number 4A, where it
9 indicates the voting was Corwin and Gordon, yes, and
10 Neff and Saladino, no, I, too, voted no. If you'll
11 check the minutes of the December 6th meeting at
12 Page 19, Line 25, you will see my vote.

13 Similarly, on Page 15, Item 6, Parking
14 Variance.

15 MS. NEFF: Just a little slower. On item --

16 MR. TASKER: Fifteen.

17 MS. NEFF: Page what?

18 MR. TASKER: Fifteen.

19 MS. NEFF: Page 15.

20 MR. TASKER: Page 15, Item 6 --

21 MS. NEFF: Thank you.

22 MR. TASKER: -- Parking Variance.

23 MS. NEFF: Thank you.

24 MR. TASKER: The section, Sub A, "Undesirable
25 change in the character," the vote there was also

1 Corwin and Gordon, yes; Neff and Saladino, no. I
2 believe that all members, including myself, voted
3 no, if you will check the minutes at Page 39, Line
4 23.

5 CHAIRMAN SALADINO: Do we have -- do we
6 have --

7 MS. WINGATE: Line 23.

8 CHAIRMAN SALADINO: Do we have the score
9 sheet?

10 MS. WINGATE: Oh, I don't. I did not bring
11 all of these.

12 CHAIRMAN SALADINO: You know, I had it in my
13 hand today, too. I put it with the application.

14 MR. TASKER: It's very clear in the minutes,
15 easy to find.

16 MS. WINGATE: I will work on this tomorrow.

17 CHAIRMAN SALADINO: Okay.

18 MR. PROKOP: Since those are not substantive
19 to the decision, I think we could probably adopt it
20 with those changes.

21 MS. NEFF: Well, actually, we could look at
22 them. We have Wi-Fi here, if we wanted to look at
23 it, the Board.

24 CHAIRMAN SALADINO: Well, I don't doubt that.

25 MS. NEFF: All right.

1 CHAIRMAN SALADINO: I mean, it's here in front
2 of us and I don't doubt that he's correct.

3 MS. NEFF: Okay.

4 CHAIRMAN SALADINO: I just think it was a
5 small sin of omission, perhaps.

6 MS. NEFF: All right.

7 CHAIRMAN SALADINO: And, well, let me ask
8 Arthur. Are you okay accepting this document with
9 those changes?

10 MR. TASKER: With those changes, oh,
11 certainly, yeah, yeah. No.

12 CHAIRMAN SALADINO: All right. So we're going
13 to make those changes.

14 MR. TASKER: I want the record to reflect
15 exactly what you did in case there's any questions
16 later on.

17 CHAIRMAN SALADINO: So we're going to -- we're
18 going to make those changes to the record. And,
19 David, did you say something?

20 MR. CORWIN: No.

21 CHAIRMAN SALADINO: No. We're going to make
22 those changes to the record. And there's a motion
23 on the table to accept the application -- the
24 Findings and Determination of SAKD Holdings by
25 Daniel Pennessi, President, southeast corner of

1 Front and Third Street, Village of Greenport;
2 Suffolk County Tax Map #1001-5-4-5. So moved.

3 MS. WINGATE: Second. Are you --

4 CHAIRMAN SALADINO: Are you seconding?

5 MS. WINGATE: No.

6 MR. PROKOP: No. A Board Member has to
7 second.

8 MS. WINGATE: I know, but --

9 MS. NEFF: Second.

10 MS. WINGATE: Oh, thank you.

11 MS. NEFF: You're welcome.

12 (Laughter)

13 CHAIRMAN SALADINO: I was waiting. All in
14 favor?

15 MS. GORDON: Aye.

16 MS. NEFF: Aye.

17 MR. TASKER: Aye.

18 CHAIRMAN SALADINO: Any opposed?

19 MR. CORWIN: I vote no.

20 CHAIRMAN SALADINO: Is that the same as being
21 opposed?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Okay. So it's four yes
24 and one no.

25 MR. PROKOP: I just wanted to mention that on

1 major applications like this one, what I do -- what
2 I've been doing recently is I go back and actually I
3 print out the portion of the minutes from the month
4 that has to do with this application. So if you go
5 to the file, the ZBA file for this application, you
6 can -- every month that it's been on our agenda from
7 the very beginning, you could see just the minutes
8 from that month that applied to this particular
9 application. So if you -- you know, if you want to
10 spend time one day just to go through and see, check
11 out, you know, a couple of things that we mentioned
12 tonight or anything else of interest to you, you
13 don't have to go through hundreds and hundreds of
14 pages of minutes, it's just the part that's relevant
15 to this application.

16 CHAIRMAN SALADINO: Thank you.

17 MS. WINGATE: You mean, I shouldn't have
18 thrown those away?

19 (Laughter)

20 CHAIRMAN SALADINO: You can forward them to
21 the Planning Board.

22 MR. PROKOP: Well, that's a good idea,
23 actually. It's probably -- the files available for
24 the Planning Board.

25 MS. WINGATE: Okay.

1 MR. PROKOP: Good. Thank you.

2 CHAIRMAN SALADINO: Are you done?

3 Item #5 is a motion to notice and schedule a
4 public hearing for an interpretation of how and
5 where Chapter 150-18 relates to zoning districts in
6 the Village of Greenport.

7 We have a request to the Village of Greenport
8 Zoning Board of Appeals. The Building Inspector is
9 requesting an interpretation of how Chapter 150-18
10 of the Village of Greenport Code relates to Village
11 zoning districts. The requested interpretation
12 should include which zoning districts should use
13 Section 150-18 as a guideline for development. So
14 moved.

15 MS. GORDON: Question.

16 CHAIRMAN SALADINO: Sure.

17 MS. GORDON: Does this have bearing on a
18 particular application or is it a general question?
19 Because --

20 CHAIRMAN SALADINO: Let me -- maybe just let
21 me explain for one second. I was going to wait, but
22 let me explain for one second.

23 Recently, we had an application. There's been
24 discussion between myself and the Building
25 Inspector, minor debate, about where Chapter 150-18,

1 what's a permitted use in the various zoning -- is
2 multi-family housing a permitted use in each and
3 every one of the zoning districts.

4 We've recently had an application for a piece
5 property in the R-1 District that multi-family --
6 for a multi-family house, that multi-family housing
7 is not a permitted use, either a permitted use or a
8 conditional use in the R-1 District.

9 The application was progressed in error,
10 whether it was our mistake or the applicant's
11 mistake. But this has nothing to do with a
12 particular application. It has to do with an
13 interpretation of where multi-family housing is a
14 permitted use. It's not to expand Chapter 150-18,
15 it's not an interpretation to minimize or reduce it.
16 It's just to interpret the code as to what districts
17 multi-family housing is a permitted use. We know
18 R-1 it's not. We know that WC it's not. We know
19 R-2, because it's mentioned for a conversion, that
20 it is.

21 So the question boils down to the CR, to the
22 Commercial Retail Zone. Is multi-family -- and the
23 General Commercial, but I don't believe there's
24 anything there except railroad, right?

25 MS. WINGATE: Right.

1 CHAIRMAN SALADINO: Isn't that the railroad
2 property? The only thing that's --

3 MS. WINGATE: There's very little. There's --

4 CHAIRMAN SALADINO: So it boils down to is
5 multi-family housing a permitted use in the
6 Commercial Retail District?

7 MS. WINGATE: No.

8 MR. TASKER: No.

9 MS. GORDON: So are we being asked --

10 MR. TASKER: Time.

11 MS. WINGATE: Yeah.

12 MR. TASKER: May I?

13 CHAIRMAN SALADINO: Sure.

14 MS. WINGATE: That's not what I asked.

15 MR. TASKER: That's right.

16 MS. GORDON: Are we being asked to decide on
17 something that goes beyond the structure of code?
18 Because, in fact, you know, that article just sort
19 of sits out there.

20 CHAIRMAN SALADINO: I don't believe it has to
21 do with that article. I believe it has to do with
22 where is multi-family housing permitted. The
23 article -- the article says once you decide that
24 multi-family housing is permitted in a specific
25 zoning district, these are the guidelines you have

1 to go by. The zoning district itself decides where
2 multi-family housing is a permitted use.

3 MR. TASKER: Yeah, I'll concur with you with
4 what you just said, John, in this way. We're at --
5 the question that's being asked is being asked of
6 the wrong part of the code. Even if we were to say
7 that 150-18 applied here, there and everywhere, that
8 simply says how you have to build the building, not
9 whether or not it is permitted. And as Chairman
10 indicated, what is permitted, you have to look at
11 the permitted and/or conditional uses district by
12 district.

13 It's perfectly clear that it is not permitted
14 -- it is not permitted in a multi -- in an R-1
15 District. It is a conditional use in an R-2
16 District under very stringent provisions. It only
17 applies to buildings which were converted that had
18 been in existence at the time the code was written,
19 not unlike the question of whether or not parking
20 applies to a building that went through a lot that
21 was developed. If the building was in existence
22 prior to the date that the code was adopted, then it
23 may be considered as a conditional use in an R-2
24 District.

25 CHAIRMAN SALADINO: Arthur, before we --

1 before we get too far into this, I think that's just
2 the exact kind of stuff that we should be having at
3 the public hearing --

4 MS. WINGATE: Yes.

5 CHAIRMAN SALADINO: -- as opposed to before
6 the public hearing.

7 MR. TASKER: Fine.

8 CHAIRMAN SALADINO: So --

9 MR. TASKER: I'd be happy to repeat myself.

10 CHAIRMAN SALADINO: But --

11 MR. TASKER: Never been shy about that.

12 CHAIRMAN SALADINO: But I think, unless
13 somebody else has a question about the intention
14 here, I would --

15 MS. GORDON: Well, I think my question is
16 about the intention, because it seems to me that
17 taking on the task of interpreting this clearly kind
18 of obscure provision, it sounds to me as though we
19 are heading down the path towards something that
20 looks like a Legislative change that the Village
21 Board should be considering, rather than -- or
22 rather than just -- I don't know. I'm a little
23 uncomfortable with the dimension of what we're --

24 CHAIRMAN SALADINO: Well, let me --

25 MS. GORDON: -- assigning ourselves to do.

1 CHAIRMAN SALADINO: Let me say this: I
2 personally don't believe we have the right to feel
3 like that. I think once we're asked for an
4 interpretation, it's kind of our obligation to give
5 it, number one.

6 Number two, I don't think we are legislating.
7 I think all we're doing is clarifying, interpreting
8 the words that are already in the code. As a matter
9 of fact, that's part of our mandate, it's part of
10 every Zoning Board of Appeals in the United States'
11 mandate, is to interpret the code. Sometimes
12 there's a fine line between interpretation and
13 legislation. I don't think so in this case. I
14 think all you have to do is read the code, the 465
15 words that are in that portion of the code, and
16 decide is this a permitted use? I mean, it's a
17 fairly simple question, is this a permitted use in
18 that particular zoning district?

19 MS. GORDON: Suppose we decided that there was
20 no indication, there was no indication either way of
21 where it might apply, other than at -- in that one
22 reference in the R-2 District. Do we then just drop
23 it?

24 CHAIRMAN SALADINO: No, it doesn't -- wait.
25 I'm not sure. I'm not sure what I -- what you're

1 saying. You're saying we can't come to a decision?

2 MS. GORDON: I'm saying suppose it turns out
3 that there is no -- we are not prepared to provide a
4 definitive interpretation, that we don't see
5 something that enables us to say with certainty what
6 is intended.

7 CHAIRMAN SALADINO: Well, I'm confident that
8 there's five members here that are all free
9 thinkers, that I'm sure we can come up with an
10 answer. I'm sorry. Perhaps the Building Inspector
11 wants to say something.

12 MS. WINGATE: No.

13 CHAIRMAN SALADINO: Oh, I saw you --

14 MS. WINGATE: I'm going to bolt.

15 MS. NEFF: Okay. Could -- may I?

16 CHAIRMAN SALADINO: Can I just say this? The
17 Building Inspector has a previous appointment.
18 We've kept her a couple of extra minutes --

19 MS. WINGATE: Well, I'm going to get into it.

20 CHAIRMAN SALADINO: -- that she -- that she
21 asked for. So I'm going to -- I'm going to --
22 Eileen, get out.

23 MS. NEFF: Could I ask --

24 MS. WINGATE: I want the Board --

25 MS. NEFF: -- before you go one question?

1 Exactly what are we being asked to interpret, in
2 your words?

3 MS. WINGATE: Section 150-18 --

4 MS. NEFF: I see, right, right.

5 MS. WINGATE: -- is a guideline for
6 development for multi-family housing. In what -- in
7 what districts? We know about R-1, we know about
8 R-2. We don't know about CR, and we don't know
9 about WC, and we don't know about CG.

10 MS. NEFF: Okay.

11 MS. WINGATE: So that's the discussion.

12 MS. NEFF: And the question -- and may I also
13 ask, is there any other parts of the code that we
14 should look at in reference to the multi-family?

15 CHAIRMAN SALADINO: I think we should look at
16 it all.

17 MS. WINGATE: You should look at it all.

18 CHAIRMAN SALADINO: I think we should.

19 MS. WINGATE: Okay, that's what I thought.

20 CHAIRMAN SALADINO: I think we should look at
21 it all.

22 MS. NEFF: Okay. And is that being asked?

23 CHAIRMAN SALADINO: That's part of our --
24 that's part of -- this request, this request is to
25 notice a public hearing and to have the discussion,

1 to have what we're attempting to have now for the
2 public, and for the public to weigh in. Nobody's --
3 nobody's looking to abolish multi-family housing.
4 Nobody's looking to expand it or make it smaller.
5 All this -- all this interpretation is asking is
6 where is it a permitted use. If it's not a
7 permitted use, it doesn't get abolished. All it
8 does, if somebody wants to build it in that
9 particular area, is instead of asking for an area
10 variance to conform with Chapter 150-18, they have
11 to ask for a use variance first and then ask for an
12 area variance, if the property needs variances.

13 MS. NEFF: May I also ask a question? The
14 definitions at the beginning of the code, where it
15 defines what a multi-family is, that would be
16 relevant to take a look at.

17 CHAIRMAN SALADINO: I think the definition of
18 multi-family is really relevant, yeah.

19 MS. NEFF: Yeah.

20 CHAIRMAN SALADINO: I think --

21 MS. NEFF: Okay.

22 MS. WINGATE: It's in the code. There's a
23 definition.

24 MS. NEFF: Yes, it's a definition.

25 MS. WINGATE: It's right there.

1 MS. NEFF: Yes, it is.

2 CHAIRMAN SALADINO: There's a definition also
3 in Chapter 103 for multi-family under rental?

4 MS. WINGATE: It's a couple of different
5 places.

6 CHAIRMAN SALADINO: So the Building Inspector,
7 the Building Department is making this request, I
8 think in anticipation of future construction, I
9 think, what might happen. So I'm going to -- I'm
10 going to make the motion again, I guess.

11 So I'm going to make a motion to notice and
12 schedule a public hearing for an interpretation of
13 how Chapter 150-18 of the Village of Greenport Code
14 relates to Village zoning districts. The requested
15 interpretation should include which zoning districts
16 should use Section 150-18 as a guideline for
17 development. So moved.

18 Just to remind everybody, we don't -- we don't
19 have the right to deny this application because we
20 don't agree, or perhaps we don't agree with the
21 outcome of it. The Building Department has every
22 right to ask for this.

23 MS. GORDON: Uh-huh.

24 CHAIRMAN SALADINO: So.

25 MR. TASKER: Well, let me interject at this

1 point, since you don't have a second and we can talk
2 about it a little bit.

3 If there is a public hearing to address the
4 interpretation of Chapter 150-18 as to where it
5 applies, it's going to be a pretty short hearing,
6 because there's nothing in 150-18 that says anything
7 at all whatsoever about where 150 -- in what zoning
8 districts 150-18 may or may not apply. And I would
9 submit that the wrong question has been asked, and
10 that that limits us to 150 -- consideration of
11 150-18. As I said, that's going to be a very short
12 hearing.

13 CHAIRMAN SALADINO: Well, how about I make a
14 different request, then? We'll supersede -- we'll
15 put the Building Department's request on the side,
16 and I'll make a different request.

17 MS. WINGATE: I don't think that's permitted.
18 I think it has to come from an official. You're
19 in -- I don't -- I don't know how that works.

20 CHAIRMAN SALADINO: I disagree. I think I
21 have --

22 MS. WINGATE: I think it's very clear.

23 MR. TASKER: Zoning Board of Appeal can't
24 sua sponte raise a question and then answer it.

25 MS. WINGATE: Yeah, I don't -- I think it's

1 the Village Administrator's -- if you'd like me to
2 rethink the question, I can certainly work on that,
3 but --

4 CHAIRMAN SALADINO: I think the question
5 should be where is multi-family housing, in what
6 zoning districts is multi-family housing a permitted
7 use. I mean, I don't know why we're trying to
8 reinvent the wheel here.

9 MS. WINGATE: Well, that's not my -- that's
10 not my question. That could be your question, but
11 it's --

12 CHAIRMAN SALADINO: Well, perhaps you should
13 explain your question. We've given our opinion.

14 MS. WINGATE: You have a section of the code
15 that's unusable, because I don't know where to apply
16 it. Where is -- where is 150-18 the criteria for
17 development? That's what I -- that is the question.
18 I know where multi-family -- I have a sense for
19 myself for the past 12 years where multi-family is
20 permitted and not permitted. I want to know --

21 CHAIRMAN SALADINO: And we'll hear those
22 reasons if and when this Board votes on the public
23 hearing.

24 MS. WINGATE: Right.

25 CHAIRMAN SALADINO: And I'm willing to do it.

1 So, in your mind, Chapter 150-18 would have to be
2 included in this request to see which zoning
3 districts multi-family housing is --

4 MS. WINGATE: Where these guidelines are to be
5 applied, because they don't fit nicely anywhere.

6 MR. PROKOP: Could I offer a suggestion to
7 Eileen to help her to write out and sort of frame
8 it --

9 CHAIRMAN SALADINO: I would like to -- I would
10 like to discuss this a couple of more minutes here,
11 because maybe we could get this done tonight. This
12 is -- this is too easy. This is -- this is too easy
13 a question to put off 30 days and then another 30
14 days.

15 MS. WINGATE: I don't have --

16 CHAIRMAN SALADINO: I mean, we've -- it's two
17 months that we're debating --

18 MS. WINGATE: It's two years, John, that you
19 and I have been, you know, hashing --

20 CHAIRMAN SALADINO: It's been two months.
21 It's been two -- you know, what we talk about is
22 what we talk about, but it's been two months that
23 this has come before the Zoning Board, and --

24 MR. TASKER: It isn't right.

25 CHAIRMAN SALADINO: So, Arthur, your opinion

1 is we should not honor the request? She's making a
2 request. If that's the request, so be it.

3 MR. TASKER: When it's time to vote, you'll
4 see --

5 CHAIRMAN SALADINO: No, no. What I'm saying
6 is --

7 MR. TASKER: Yes.

8 CHAIRMAN SALADINO: You just -- you just --

9 MR. TASKER: This question is not ripe.

10 CHAIRMAN SALADINO: You just said it would be
11 a very short meeting, a very short public hearing.
12 So be it. So be it. The question is -- this is the
13 request that the Building Inspector is making.

14 MR. TASKER: Well, my point of a very short
15 meeting is wheel-spinning.

16 CHAIRMAN SALADINO: Well, most
17 interpretations, most public hearings for
18 interpretations, the public really doesn't have that
19 much to offer. It's a question of how the code is
20 written. I mean, if this is what's being requested
21 of us, I'm just not sure how we can say no, we don't
22 want to take this up, because it might be a short
23 public hearing, or we might be spinning our wheels
24 next time. I think a lot has to do with how the
25 Attorney writes the public -- or the Building

1 Inspector writes the public notice, also.

2 MS. NEFF: Well, maybe we should hear what the
3 Attorney would suggest as a way to frame this. And
4 I think that --

5 CHAIRMAN SALADINO: He didn't say he was going
6 to suggest it to us, he said he was going to help
7 her write it.

8 MS. NEFF: I'm not sure --

9 CHAIRMAN SALADINO: I thought perhaps we
10 could -- we could handle this tonight.

11 MR. PROKOP: Any way that it would be of
12 assistance to you, I'm more than willing to spend my
13 time to do it. I just suggested something, that's
14 all. Whatever you'd like me to do.

15 MS. NEFF: And I also think that our time
16 to -- if we pose what parts of the code, in addition
17 to this, with the definition, if there are, telling
18 the public exactly what it is that we want to look
19 at and making it available at the meeting, and
20 listening to what some of the members of the public
21 have to say, I found helpful at times, lengthy at
22 times.

23 CHAIRMAN SALADINO: I'm not sure what you're
24 suggesting. Of course that would all be --

25 MS. NEFF: I'm saying I don't agree with you to

1 say that often, you know, the public doesn't
2 contribute very much. Is that --

3 CHAIRMAN SALADINO: As far as interpretation,
4 that's been my experience.

5 MS. NEFF: Yes, okay.

6 MS. WINGATE: Folks, I am really ever so
7 sorry.

8 MS. NEFF: Okay.

9 MS. WINGATE: Let me know how you all want --
10 I'll be glad to rewrite the question, if it's -- if
11 I haven't articulated --

12 CHAIRMAN SALADINO: Is that yours? No.

13 MS. WINGATE: That's Joe's.

14 CHAIRMAN SALADINO: Oh, okay.

15 MS. WINGATE: If I haven't articulated my
16 question, but I -- that is my question. You may
17 want to phrase it differently.

18 CHAIRMAN SALADINO: Thank you. Thanks.

19 MS. WINGATE: Have a good night.

20 MS. NEFF: Yes.

21 (Eileen Wingate left the meeting.)

22 CHAIRMAN SALADINO: I would like to resolve
23 this tonight. I would like to get this off our
24 plate tonight. Next month is -- it doesn't seem
25 like, you know, a two-sentence request should -- and

1 as far as what's included in the public notice or
2 what we present to the public, I mean, that's our
3 option. We could do it, as far as -- I'm not
4 sure -- even sure what he's suggested. Repairing
5 every portion of the code that deals with
6 multi-family housing and provide that to the public?
7 The code is online.

8 MS. NEFF: Yeah, but you have to tell people
9 what it is you're looking at. I mean, just to say
10 that it's online is too broad.

11 CHAIRMAN SALADINO: I'm not going to request
12 that the Building Department print out the -- every
13 portion of the code that relates to multi-family
14 housing, 25 or 30 pages, and have it available next
15 month to a packed house because of the anticipated
16 public hearings and stuff. You know, I'm not going
17 to ask her to do that. I'm sure we can articulate
18 it to the public. We seem to get along with the
19 public, you know. We don't deny them any questions.
20 Any question they have we're more than willing to
21 answer.

22 MR. CORWIN: I second the motion on the floor.

23 CHAIRMAN SALADINO: I'll call for a vote.
24 David -- I'll take a roll call vote, since there's
25 some -- David?

1 MR. CORWIN: Yes.

2 CHAIRMAN SALADINO: Dinni?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: Arthur?

7 MR. TASKER: No.

8 CHAIRMAN SALADINO: I'll vote yes. I'm not
9 sure -- I just have to ask the members. I'm not
10 sure how we not vote to accept this, regardless
11 whether we think it's spinning our wheels or not.
12 This is a valid request from the Building
13 Department. I don't know how -- I don't know how we
14 -- because we -- I don't know how we turn it down.
15 I'll ask the Attorney.

16 MR. PROKOP: Well, you know, we have the
17 procedure of accepting -- you know, technically
18 accepting applications that we've given ourselves.
19 I think that we have a request and we should act on
20 the request. We framed the -- I think that we
21 framed the action on the request in the terms of
22 accepting it or not accepting it, but I think that
23 -- I think that that may misconstrue exactly what
24 the action was that just took place.

25 And I think that if the public -- we have in

1 our code that an official can ask for a request for
2 -- can make a request for an interpretation to the
3 Zoning Board of Appeals. It's in the State Law that
4 the Zoning Board of Appeals shall render
5 interpretations, and I think that the Board needs to
6 act on the request, not short-circuit it by whether
7 or not they technically, quote, unquote, accept the
8 application or accept the request.

9 CHAIRMAN SALADINO: Where does it --

10 MR. PROKOP: Action being -- in other words,
11 action being it's not -- you know, it is clear, it's
12 not clear, we're going to -- you know, we're going
13 -- here's our interpretation. I meant action like
14 that, rather than, quote, unquote, we're not going
15 to accept it.

16 CHAIRMAN SALADINO: I'm not even sure. I
17 understand Arthur's concerns. I'm really not sure
18 about Dinni's or Ellen's.

19 MS. GORDON: No, I --

20 CHAIRMAN SALADINO: I just -- I don't
21 understand.

22 MS. GORDON: I agree. I'm with Arthur on
23 this. I think the meaning of any portion of the
24 text, I mean, it's not this -- I think Chapter
25 150-18 is irrelevant for the purpose for which the

1 request has been made, and maybe I would feel
2 differently if the request had been worded to --

3 CHAIRMAN SALADINO: What about the second
4 portion of the request, the requested interpretation
5 should include which zoning districts should use
6 150-18 as a guideline for development?

7 MS. GORDON: Is that an interpretation of the
8 portion of -- any portion of the text? I don't
9 really think so.

10 CHAIRMAN SALADINO: Well, that brings the
11 question, do we have -- do we have the right to say
12 no? The Building Inspector is asking for an
13 interpretation that either you're not sure of or --

14 MS. GORDON: She can ask for some -- she can
15 ask for something else.

16 CHAIRMAN SALADINO: She's asking for this.
17 The Building Department is asking for this. Whether
18 it's --

19 MS. GORDON: Well, is she really -- isn't she
20 asking for an understanding of -- she referred to
21 the fact that there are other mentions of
22 multi-family housing in the chapter. Is she asking
23 for those, too, for the definition, for instance? I
24 don't think it's clear.

25 MR. TASKER: If I may, in support of what

1 Dinni's saying. If we answer this question, we
2 won't have an answer to what the Building Inspector
3 is interested in. If we confine it to the
4 interpretation within the four corners of 150-18,
5 we're going nowhere. It's, therefore, appropriate
6 to have turned down --

7 CHAIRMAN SALADINO: I disagree.

8 MR. TASKER: -- the request.

9 CHAIRMAN SALADINO: I disagree. I think -- I
10 think to this --

11 MR. TASKER: So you would go outside the four
12 corners of 150-18.

13 CHAIRMAN SALADINO: No. I would say the
14 request is where is 150-18, what zoning districts is
15 150-18 used for development. 150-18 is for
16 multi-family housing, development of multi-family
17 housing. We've already decided that it wouldn't be
18 in the R-1 or the WC.

19 MR. CORWIN: Well, can't we just move ahead
20 and schedule it, and if it doesn't work out, we can
21 always have a do-over? And next month we're going
22 to have a whole bunch of stuff on the agenda, so we
23 need to move it back to, hopefully, March.

24 CHAIRMAN SALADINO: David, I agree with you.

25 MR. PROKOP: Can I make a comment?

1 CHAIRMAN SALADINO: Sure.

2 MR. PROKOP: Maybe follow up on the question
3 you asked me before. You know, I don't think that
4 anybody that -- all of you have many years of
5 experience in zoning and planning in the Village,
6 and I don't think that there's any question that
7 this section that we're looking at, 150-18, sort of
8 hangs by itself in the code and it's not clear what
9 it attaches to.

10 There's another part of the discussion which
11 is that we have -- we have uses in the Village which
12 are actually mixed use buildings, which is a
13 building that has a retail first floor, or a
14 nonresidential first floor, and then a second and/or
15 third floor of residential, which may be more than
16 one family, or, you know, more than one apartment.
17 And that's not multi-family, as we understand this,
18 as I've been told by the Building Inspector. That's
19 a mixed use building, which under the State Code is
20 different.

21 And I think that there's -- I think that it's
22 important that this be -- excuse me. I don't want
23 to -- I want to offer you legal advice, not my
24 opinion about whether you should -- you know, I'm
25 sorry, so I back off that a little bit. But I think

1 that -- I have to say that I believe that legally,
2 there is a -- not an inconsistency, but just an
3 opening in the code that's unclear, and as far as
4 how it should be applied, and I think that there's
5 probably general agreement about that. I don't know
6 if that -- if everybody agrees with me or not about
7 that, but I think from my standpoint, that's my
8 feeling.

9 If it's difficult to frame the question, I
10 think that that reflects on the difficulty of the
11 question itself, and that we should not turn down
12 the entree to the -- you know, the request to start
13 this discussion, because it's an important
14 discussion for the Village, merely because the
15 question itself is so difficult that it's hard to
16 put it into a simple question.

17 So I -- there's a threshold that I think that
18 hasn't been met as far as turning this back. You
19 know, I think that the Building Inspector has the
20 right to come to you and ask for an interpretation,
21 and her -- if the question hasn't been -- the
22 question itself needs to be discussed about how it
23 should be framed for us. I think that, as I said,
24 that that's a reflection of the difficulty of the
25 question itself, not that we should not take it.

1 MS. GORDON: Doesn't the -- your
2 identification of this gap in the code suggest then
3 that this is a matter for the Legislative body to be
4 considering and not for us?

5 MR. PROKOP: It could be addressed
6 legislatively, yes. I'm not saying one way or the
7 other, but it could be addressed legislatively, yes.

8 MR. TASKER: There's another perspective in
9 which 150-18 can be viewed and that is this: That
10 when the conditional use, excuse me, of converting
11 an existing dwelling in an R-2 to a one-family
12 dwelling was added to the code, whether it was when
13 the code was first written or when the code may have
14 been subsequently modified, and we'll find that out
15 before we meet next, I assure you, but whether
16 the -- whether the addition of conversion of
17 existing dwelling to a multi-family dwelling, as
18 provided in Article VII, which is, in fact, 150-18.

19 What that means is that we're going to --
20 we're going to let conditionally buildings in R-2 be
21 converted to multi-family, so long as they meet
22 Section 150-18. In other words, let's not get the
23 cart before the horse. 150-18 doesn't say anything
24 about where it may or may not be applied.
25 150-8(B)(2), Converting an Existing Dwelling to a

1 Multi-Family, does say about where a multi-family
2 dwelling can occur and --

3 MS. NEFF: What was the item in the code you
4 just cited, that number?

5 MR. TASKER: 150-8(B)(2), Converting an
6 Existing Dwelling to a Multi-Family Dwelling,
7 following the rules for how the building will be
8 constructed set forth in 150-18. That puts the cart
9 before the horse.

10 So, instead of looking at 150-18 as this
11 hobgoblin out there hanging over potentially every
12 district in the Village, let's look at it as an aid
13 to converting an existing dwelling, as provided in
14 150-8(B)(2).

15 CHAIRMAN SALADINO: No, because that doesn't
16 apply in all the zoning districts. The question
17 here is --

18 MR. TASKER: That's right.

19 CHAIRMAN SALADINO: -- where, in what zoning
20 district will these standards be applied.

21 MR. TASKER: Where multi-family dwellings are
22 permitted district by district. There is only one
23 district in which multi-family dwellings are
24 mentioned in the Village. It doesn't show up in
25 R-1, it doesn't show up in CR, it doesn't show up in

1 WC, it shows up only in R-2, and then in a very
2 constrained manner.

3 CHAIRMAN SALADINO: Well, I believe that's
4 what raises the question with the Building
5 Inspector. The Building Inspector's contention and
6 the reason she's asking for an interpretation is her
7 opinion is it's raised in more than that, and she
8 concedes that it's not in the R-1 or the WC. Her
9 contention is, is that multi-family dwellings would
10 be permitted, is a permitted use in the CR.

11 Arthur, it's not -- this is not the time and
12 the place for you and I, for us, for this Board to
13 argue this. This is -- I mean, we had a request
14 from the Building Department. Whether some of us
15 think it's legitimate or some of us think it's
16 misworded, or at the public hearing we'd be spinning
17 our wheels, I'm not sure we have the right to make
18 that -- we could certainly have that opinion. I
19 don't think we can -- I just don't think we have the
20 right to say no, we're not going to take this up. I
21 mean, it's a legitimate request. Whether we think
22 it's --

23 MR. TASKER: I'm not opposed to taking up the
24 right question.

25 CHAIRMAN SALADINO: But she has the right to

1 ask whatever question she wants. It's not for us to
2 decide if it's the right question. If it's the
3 wrong question, it will take us a few minutes to
4 make an interpretation that, no, this is not it.
5 But we should at least afford the Building
6 Department the right to ask the question and make
7 their case.

8 As with interpretations, we know, for all of
9 us that have been through it, we hear from the
10 person asking for the request, we hear from the
11 public, we hear from the Attorney, we offer our
12 opinion, and then a decision is made. I don't know
13 why -- I just don't understand how we can say no.
14 I'm not -- I mean, it's --

15 MR. PROKOP: Well, maybe the way that -- the
16 way that the Board has the right to modify variances
17 that are requested, I think that you could apply
18 that to this. And if you think that the question
19 should be -- you know, the question has been put to
20 the Board now for an interpretation and it's
21 regarding this particular section. If you think
22 that the -- there's a particular way that this
23 should be framed, then maybe that's what the Board
24 should do, just decide exactly what the question is
25 that you're going to address.

1 CHAIRMAN SALADINO: I think we do that all the
2 time. I think -- I think we do that all the time,
3 and I'm just -- I'm just -- I hear what the Attorney
4 says. I'm just -- I'm just not sure why we can't
5 modify this request to include that. You know, if
6 there's a question about exactly where -- I mean,
7 our conversations travel in a lot of different
8 directions at times.

9 MR. CORWIN: Come on, guys. Half an hour over
10 this? We're getting no place. Let's schedule the
11 public hearing. If it --

12 MS. GORDON: We voted against it.

13 MR. CORWIN: If it works, fine. If it doesn't
14 work, fine. We can always have a do-over.

15 CHAIRMAN SALADINO: David, I -- the members
16 voted against it. I mean, I don't -- this is virgin
17 territory for me. I don't know what happens now.
18 You know, I think -- I, personally, me, personally,
19 I think we're overstepping our bounds by saying no.
20 I haven't heard a legitimate enough reason to -- you
21 know, basically, the people that voted no, Dinni,
22 Ellen and Arthur, they just don't like the question.
23 I don't think we have the right to decide if we like
24 the question or not.

25 MS. GORDON: But if the purpose is to respond

1 to --

2 CHAIRMAN SALADINO: It's not our -- it's not
3 our -- it's not our position, it's not our job to
4 determine what her purpose is. Our job, if it's a
5 legitimate request --

6 MS. GORDON: But we can ask her to reframe her
7 question. We are responding to the question she
8 asked.

9 CHAIRMAN SALADINO: But she doesn't want --
10 but she -- no. You're responding -- she didn't
11 choose to reframe her question. Her question to her
12 seemed clear. If it's not clear to this Board,
13 after we schedule a public hearing, and after we
14 notice and schedule a public hearing, then that
15 opinion shouldn't be reflected -- shouldn't be
16 expressed now, it should be expressed at that time,
17 after, and we'll say, "No, this is not a clear
18 question."

19 I just don't understand how we don't allow her
20 her day in court, because you're not happy with the
21 way the question is phrased. It's her right to
22 phrase the question any way she wants it. I think
23 we're overstepping. I think we're overstepping our
24 bounds by refusing to respond to her.

25 MR. PROKOP: I'm --

1 MS. NEFF: Could I ask a question?

2 MR. PROKOP: Yes.

3 MS. NEFF: Does anyone recollect, when did
4 150-18 enter the Greenport Code? Because if you
5 look at what's -- some of the things that it says,
6 such a description of a building or --

7 CHAIRMAN SALADINO: What year did -- excuse
8 me.

9 MS. NEFF: It doesn't exist.

10 CHAIRMAN SALADINO: David, what year did they
11 build -- what year did they build the --

12 MR. CORWIN: 1970s, I don't know what year.

13 CHAIRMAN SALADINO: That's when it came.

14 MS. NEFF: Okay.

15 CHAIRMAN SALADINO: We all know why it was put
16 in. We all know why it was --

17 MS. NEFF: No, I don't know.

18 CHAIRMAN SALADINO: Well, I'm not about to
19 get -- after they shut these microphones off, I'll
20 explain it to you.

21 MS. NEFF: Okay. But, in fact, the
22 multi-family, as it existed in the Village in very
23 many forms, and this particular 150-18, they're kind
24 of like definitely apples and oranges, they're not
25 -- they're actually -- you know, they're very

1 different. And to look at this question of maybe a
2 question framed, maybe even with a couple of parts
3 where we're talking about multi-family and an
4 interpretation, that would make some sense to me.
5 In the absence of that, when we deal with a
6 particular parcel and a request by someone to do
7 something to it, in other words, we're talking about
8 variations, we're not promulgating an
9 interpretation, but looking at all the factors, that
10 also makes sense to me, that we do that all the
11 time. But I don't understand this question, just
12 look at this, what code -- what districts can we put
13 it in, I don't understand that.

14 CHAIRMAN SALADINO: I think it's a fairly --
15 not to be disrespectful, I think it's a fairly
16 simple question.

17 MS. NEFF: But, again, if you look at the
18 measurements, there are so few parcels that this
19 could remotely have anything to do with.

20 CHAIRMAN SALADINO: It's more about -- Ellen,
21 you're missing the point. It's more about -- it's
22 more about is it a --

23 MS. NEFF: Where might it be?

24 CHAIRMAN SALADINO: No.

25 MS. NEFF: Yeah.

1 CHAIRMAN SALADINO: Is it a permitted -- is it
2 a permitted use? Is it a permitted use? If it is a
3 permitted use, then it has to comply with these
4 dimensions as an area variance. If it's not a
5 permitted use, then whoever would like to build a
6 multi-family unit dwelling in a zoning district
7 that's not a permitted use would have to first apply
8 for a use variance.

9 MS. NEFF: I follow, yes.

10 CHAIRMAN SALADINO: And then apply if the --

11 MS. NEFF: For other -- for other variances.

12 CHAIRMAN SALADINO: I mean, it seems --

13 MS. NEFF: Yeah.

14 MR. PROKOP: Well, I think that if the Board
15 -- again, I'm just offering my assistance, and,
16 please, if it's not being helpful, let me know. But
17 I think the Board is -- it would be helpful to have
18 this discussion in public, but if the Board, several
19 Board Members are adamant that they have a clear
20 view, a clear view of this, and I'm not disagreeing
21 or agreeing, as you heard it, it would be -- that
22 would be the interpretation, basically. You know,
23 that -- I don't know that that's the reason not to
24 accept the question -- not to accept the request for
25 interpretation, but that would be your

1 interpretation.

2 CHAIRMAN SALADINO: I --

3 MR. CORWIN: Well, let's take this up again
4 next month. Put it on the agenda next month. Let's
5 adjourn. We're not getting anyplace. This is
6 pointless.

7 MS. GORDON: And we have voted.

8 I have a question on another matter. What
9 happened to Kimask on Sixth Street? We were going
10 to deal with that this month?

11 CHAIRMAN SALADINO: No.

12 MS. GORDON: Oh. It was tabled until the
13 January meeting.

14 CHAIRMAN SALADINO: What happened was --

15 MS. GORDON: Is it now before the Town?

16 CHAIRMAN SALADINO: What happened was -- what
17 happened was, is that a discussion between the
18 Planning Board, the Planning Board Chairman, the
19 Attorney, the Village Administrator, myself about a
20 process. It was decided by the Village, not by me,
21 not by the Planning Board, it was decided by the
22 Village that whenever there's an application, in the
23 future, whenever there's an application for a
24 subdivision, the applicant will present a sketch
25 plan to the Planning Board, as he does. The

1 Planning Board now will accept that sketch plan.

2 MR. TASKER: Or not.

3 CHAIRMAN SALADINO: The Planning Board will
4 have the option to accept that sketch plan. If they
5 accept it, they'll declare themselves -- most
6 probably, they'll declare themselves Lead Agency, so
7 they can still have some control over SEQRA. And
8 then if there's zoning attached to that application
9 -- that subdivision, what they'll do is they'll
10 refer it to the Zoning Board with opinions, which is
11 State Law.

12 MR. PROKOP: Recommendation.

13 CHAIRMAN SALADINO: Recommendations about the
14 zoning --

15 MR. PROKOP: So when it comes to us from the
16 Planning Board in the future, what will be different
17 is it will come to us with a recommendation as to
18 the variances.

19 CHAIRMAN SALADINO: But only the subdivisions.

20 MR. PROKOP: Only for subdivisions.

21 CHAIRMAN SALADINO: Only for subdivisions.

22 MS. GORDON: And this will apply to Kimask?

23 CHAIRMAN SALADINO: I don't know. This
24 application is not in front of us now.

25 MS. GORDON: Okay.

1 CHAIRMAN SALADINO: This application, I
2 believe it was --

3 MR. TASKER: It's not accepted, correct?

4 CHAIRMAN SALADINO: Well, there's a -- I have
5 a question about that. This application now was
6 supposed to be in front of the Planning Board, I
7 believe. But since the Planning Board's meeting
8 was --

9 MR. PROKOP: It's still in front of the
10 Planning Board. They just have to have a meeting
11 to --

12 CHAIRMAN SALADINO: It was on their last
13 agenda.

14 MR. PROKOP: It will be on their next agenda.

15 CHAIRMAN SALADINO: It will be on their next
16 agenda, the 29th, I believe.

17 MR. PROKOP: Yes.

18 CHAIRMAN SALADINO: And then they'll either
19 accept it or deny it. If they deny it, if they use
20 that word "deny", it doesn't come to us, it goes for
21 judicial review, right, if it's denied?

22 MR. PROKOP: Yes.

23 MR. TASKER: If they choose.

24 CHAIRMAN SALADINO: If it's referred to us, it
25 will be as the Attorney said. We'll get a report

1 from the -- from the Planning Board with
2 recommendations, and that will be part of our
3 discussion. And then we'll rule on any variances.
4 And then whatever decisions this Board makes, that
5 will be sent back to the Planning Board. So that's
6 what's happening with Kimask.

7 MS. GORDON: Thank you.

8 CHAIRMAN SALADINO: Anything else before we --
9 anybody got anything to say? Any members of the
10 public?

11 MS. ALLEN: Just disappointed with number 5.
12 I agree with you wholeheartedly, John.

13 CHAIRMAN SALADINO: Well, that's moot now.

14 MS. ALLEN: Yeah.

15 CHAIRMAN SALADINO: That's moot. All right.
16 I'm going to make a motion to adjourn.

17 MR. TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 MS. NEFF: Aye.

22 MR. TASKER: Aye.

23 (Whereupon, the meeting was adjourned at
24 6:54 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) SS:
COUNTY OF SUFFOLK)

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on January 17, 2017.

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 24th day of January, 2017.

Lucia Braaten
Lucia Braaten

#	3	addressed [2] - 34:5, 34:7	44:8, 44:24, 45:1, 45:5	46:20, 46:21, 46:22
#1001-5-4-5 [1] - 9:2	3 [3] - 2:5, 2:7, 4:6 3-4 [1] - 2:6	ADJOURN [1] - 2:15	applications [2] - 10:1, 28:18	B
1	30 [3] - 23:13, 27:14 39 [1] - 7:3	adjourn [2] - 43:5, 46:16	applied [6] - 10:8, 14:7, 23:5, 33:4, 34:24, 35:20	bearing [1] - 11:17
<p>1 [2] - 2:5, 3:9 103 [1] - 20:3 11-43 [1] - 2:10 11/15/16 [1] - 2:6 12 [1] - 22:19 12/20/16 [1] - 2:5 14 [2] - 6:2, 6:5 15 [3] - 6:13, 6:19, 6:20 150 [2] - 21:7, 21:10 150-18 [33] - 2:12, 11:5, 11:9, 11:13, 11:25, 12:14, 14:7, 18:3, 19:10, 20:13, 20:16, 21:4, 21:6, 21:8, 21:11, 22:16, 23:1, 29:25, 30:6, 31:4, 31:12, 31:14, 31:15, 32:7, 34:9, 34:18, 34:22, 34:23, 35:8, 35:10, 40:4, 40:23 150-8(B)(2) [2] - 34:25, 35:5 150-8(B)(2) [1] - 35:14 15th [1] - 3:22 17 [2] - 1:8, 47:12 17th [1] - 3:3 19 [1] - 6:12 1970s [1] - 40:12</p>	4	Administrator [1] - 43:19	applies [3] - 14:17, 14:20, 21:5	beginning [2] - 10:7, 19:14
	<p>4 [5] - 2:7, 2:8, 4:16, 6:6, 6:7 4-9 [1] - 2:8 43-46 [1] - 2:13 45-46 [1] - 2:15 465 [1] - 16:14 4A [1] - 6:8</p>	Administrator's [1] - 22:1	apply [8] - 16:21, 21:8, 22:15, 35:16, 37:17, 42:7, 42:10, 44:22	between [3] - 11:24, 16:12, 43:17
	5	admit [1] - 4:23	APPROVE [1] - 2:6	beyond [1] - 13:17
	<p>5 [3] - 2:10, 11:3, 46:11</p>	adopt [1] - 7:19	area [4] - 19:9, 19:12, 42:4	bit [2] - 21:2, 32:25
	6	adopted [1] - 14:22	argue [1] - 36:13	blood [1] - 47:15
	<p>6 [3] - 2:15, 6:13, 6:20 6:00 [2] - 1:9, 3:1 6:54 [1] - 46:24 6th [1] - 6:11</p>	advice [1] - 32:23	ARTHUR [1] - 1:21	BOARD [1] - 1:4
	A	afford [1] - 37:5	Arthur [9] - 3:7, 5:25, 8:8, 14:25, 23:25, 28:6, 29:22, 36:11, 38:22	Board [41] - 3:3, 3:4, 3:9, 3:20, 4:8, 7:23, 9:6, 10:21, 10:24, 11:8, 15:21, 16:10, 17:24, 21:23, 22:22, 23:23, 29:3, 29:4, 29:5, 36:12, 37:16, 37:20, 37:23, 39:12, 42:14, 42:17, 42:18, 42:19, 43:18, 43:21, 43:25, 44:1, 44:3, 44:10, 44:16, 45:6, 45:10, 46:1, 46:4, 46:5
		Agency [1] - 44:6	Arthur's [1] - 29:17	Board's [1] - 45:7
		agenda [6] - 10:6, 31:22, 43:4, 45:13, 45:14, 45:16	Article [1] - 34:18	body [1] - 34:3
		agree [6] - 20:20, 25:25, 29:22, 31:24, 46:12	article [4] - 13:18, 13:21, 13:23	boils [2] - 12:21, 13:4
		agreeing [1] - 42:21	articulate [1] - 27:17	bolt [1] - 17:14
		agreement [1] - 33:5	articulated [2] - 26:11, 26:15	bounds [2] - 38:19, 39:24
		agrees [1] - 33:6	assigning [1] - 15:25	BRAATEN [1] - 47:7
		ahead [2] - 4:18, 31:19	assistance [2] - 25:12, 42:15	Braaten [1] - 47:21
		aid [1] - 35:12	assurance [1] - 5:6	bring [1] - 7:10
		ALLEN [2] - 46:11, 46:14	assure [1] - 34:15	brings [1] - 30:10
		allow [1] - 39:19	AT [1] - 3:1	broad [1] - 27:10
		AN [1] - 2:11	attached [1] - 44:8	build [5] - 14:8, 19:8, 40:11, 42:5
		AND [1] - 2:10	attaches [1] - 32:9	Building [23] - 1:23, 5:7, 11:8, 11:24, 17:10, 17:17, 20:6, 20:7, 20:21, 21:15, 24:13, 24:25, 27:12, 28:12, 30:12, 30:17, 31:2, 32:18, 33:19, 36:4, 36:5, 36:14, 37:5
		answer [5] - 17:10, 21:24, 27:21, 31:1, 31:2	attempting [1] - 19:1	building [7] - 14:8, 14:20, 14:21, 32:13, 32:19, 35:7, 40:6
		anticipated [1] - 27:15	Attorney [9] - 1:24, 5:12, 24:25, 25:3, 28:15, 37:11, 38:3, 43:19, 45:25	buildings [3] - 14:17,
		anticipation [1] - 20:8	Attorney's [1] - 5:5	
		anyplace [1] - 43:5	available [3] - 10:23, 25:19, 27:14	
		apartment [1] - 32:16	Aye [19] - 3:14, 3:15, 3:16, 3:17, 3:25, 4:1, 4:2, 4:3, 4:12, 4:13, 4:14, 4:15, 9:15, 9:16, 9:17, 46:19,	
		Appeal [1] - 21:23		
		Appeals [9] - 3:3, 3:4, 3:10, 3:21, 4:8, 11:8, 16:10, 29:3, 29:4		
		APPEALS [1] - 1:4		

<p>32:12, 34:20 bunch [1] - 31:22</p>	<p>42:10, 42:12, 43:2, 43:11, 43:14, 43:16, 44:3, 44:13, 44:19, 44:21, 44:23, 45:1, 45:4, 45:12, 45:15, 45:18, 45:24, 46:8, 46:13, 46:15, 46:18</p>	<p>34:10 conditionally [1] - 34:20</p>	<p>Court [1] - 47:7 CR [4] - 12:21, 18:8, 35:25, 36:10 criteria [1] - 22:16</p>	<p>[1] - 2:8 determinations [1] - 4:17</p>
C				
<p>calendar [1] - 4:7 CALLED [1] - 3:1 cart [2] - 34:23, 35:8 case [3] - 8:15, 16:13, 37:7 certainly [3] - 8:11, 22:2, 36:18 certainty [1] - 17:5 certify [2] - 47:9, 47:13 CG [1] - 18:9 Chairman [4] - 1:17, 5:21, 14:9, 43:18 CHAIRMAN [133] - 3:2, 3:13, 3:18, 3:24, 4:4, 4:11, 4:16, 4:22, 5:3, 5:23, 7:5, 7:8, 7:12, 7:17, 7:24, 8:1, 8:4, 8:7, 8:12, 8:17, 8:21, 9:4, 9:13, 9:18, 9:20, 9:23, 10:16, 10:20, 11:2, 11:16, 11:20, 13:1, 13:4, 13:13, 13:20, 14:25, 15:5, 15:8, 15:10, 15:12, 15:24, 16:1, 16:24, 17:7, 17:13, 17:16, 17:20, 18:15, 18:18, 18:20, 18:23, 19:17, 19:20, 20:2, 20:6, 20:24, 21:13, 21:20, 22:4, 22:12, 22:21, 22:25, 23:9, 23:16, 23:20, 23:25, 24:5, 24:8, 24:10, 24:16, 25:5, 25:9, 25:23, 26:3, 26:12, 26:14, 26:18, 26:22, 27:11, 27:23, 28:2, 28:4, 28:6, 28:8, 29:9, 29:16, 29:20, 30:3, 30:10, 30:16, 31:7, 31:9, 31:13, 31:24, 32:1, 35:15, 35:19, 36:3, 36:25, 38:1, 38:15, 39:2, 39:9, 40:7, 40:10, 40:13, 40:15, 40:18, 41:14, 41:20, 41:24, 42:1,</p>	<p>change [2] - 6:25, 15:20 changes [6] - 7:20, 8:9, 8:10, 8:13, 8:18, 8:22 chapter [1] - 30:22 Chapter [10] - 11:5, 11:9, 11:25, 12:14, 19:10, 20:3, 20:13, 21:4, 23:1, 29:24 CHAPTER [1] - 2:12 character [1] - 6:25 check [3] - 6:11, 7:3, 10:10 choose [2] - 39:11, 45:23 circuit [1] - 29:6 cited [1] - 35:4 clarifying [1] - 16:7 clear [12] - 7:14, 14:13, 21:22, 29:11, 29:12, 30:24, 32:8, 39:12, 39:17, 42:19, 42:20 clearly [1] - 15:17 Code [4] - 11:10, 20:13, 32:19, 40:4 code [27] - 12:16, 13:17, 14:6, 14:18, 14:22, 16:8, 16:11, 16:14, 16:15, 18:13, 19:14, 19:22, 22:14, 24:19, 25:16, 27:5, 27:7, 27:13, 29:1, 32:8, 33:3, 34:2, 34:12, 34:13, 35:3, 41:12 comment [1] - 31:25 Commercial [3] - 12:22, 12:23, 13:6 comply [1] - 42:3 concedes [1] - 36:8 concerns [1] - 29:17 concur [1] - 14:3 conditional [5] - 12:8, 14:11, 14:15, 14:23,</p>	<p>34:10 confident [1] - 17:7 confine [1] - 31:3 conform [1] - 19:10 consideration [2] - 6:2, 21:10 considered [1] - 14:23 considering [2] - 15:21, 34:4 constrained [1] - 36:2 constructed [1] - 35:8 construction [1] - 20:8 contains [1] - 47:10 contention [2] - 36:5, 36:9 contribute [1] - 26:2 control [1] - 44:7 conversations [1] - 38:7 conversion [2] - 12:19, 34:16 converted [2] - 14:17, 34:21 converting [2] - 34:10, 35:13 Converting [2] - 34:25, 35:5 corner [1] - 8:25 corners [2] - 31:4, 31:12 correct [3] - 8:2, 45:3, 47:11 corrections [2] - 5:17, 6:2 Corwin [3] - 3:7, 6:9, 7:1 CORWIN [15] - 1:18, 3:14, 3:25, 4:12, 8:20, 9:19, 9:22, 27:22, 28:1, 31:19, 38:9, 38:13, 40:12, 43:3, 46:19 County [1] - 9:2 COUNTY [2] - 1:2, 47:5 couple [6] - 6:1, 10:11, 17:18, 20:4, 23:10, 41:2 course [1] - 25:24 court [1] - 39:20</p>	<p>D Daniel [1] - 8:25 date [1] - 14:22 DAVID [1] - 1:18 David [7] - 3:7, 8:19, 27:24, 27:25, 31:24, 38:15, 40:10 days [2] - 23:13, 23:14 deal [2] - 41:5, 43:10 deals [1] - 27:5 debate [1] - 11:25 debating [1] - 23:17 December [2] - 3:10, 6:11 decide [6] - 13:16, 13:23, 16:16, 37:2, 37:24, 38:23 decided [4] - 16:19, 31:17, 43:20, 43:21 decides [1] - 14:1 decision [3] - 7:19, 17:1, 37:12 decisions [1] - 46:4 declare [2] - 44:5, 44:6 defines [1] - 19:15 definitely [1] - 40:24 definition [6] - 19:17, 19:23, 19:24, 20:2, 25:17, 30:23 definitions [1] - 19:14 definitive [1] - 17:4 denied [1] - 45:21 deny [5] - 20:19, 27:19, 45:19, 45:20 Department [7] - 20:7, 20:21, 27:12, 28:13, 30:17, 36:14, 37:6 Department's [1] - 21:15 description [1] - 40:6 DESCRIPTION [1] - 2:3 details [1] - 4:24 Determination [1] - 8:24 DETERMINATIONS</p>	<p>determine [1] - 39:4 developed [1] - 14:21 development [7] - 11:13, 18:6, 20:17, 22:17, 30:6, 31:15, 31:16 different [7] - 20:4, 21:14, 21:16, 32:20, 38:7, 41:1, 44:16 differently [2] - 26:17, 30:2 difficult [2] - 33:9, 33:15 difficulty [2] - 33:10, 33:24 dimension [1] - 15:23 dimensions [1] - 42:4 Dinni [4] - 3:7, 4:18, 28:2, 38:21 DINNI [1] - 1:19 Dinni's [2] - 29:18, 31:1 directions [1] - 38:8 disagree [3] - 21:20, 31:7, 31:9 disagreeing [1] - 42:20 disappointed [1] - 46:11 discuss [2] - 5:11, 23:10 discussed [1] - 33:22 discussion [9] - 11:24, 18:11, 18:25, 32:10, 33:13, 33:14, 42:18, 43:17, 46:3 DISCUSSION [1] - 2:13 disrespectful [1] - 41:15 District [7] - 12:5, 12:8, 13:6, 14:15, 14:16, 14:24, 16:22 district [11] - 13:25, 14:1, 14:11, 14:12, 16:18, 35:12, 35:20, 35:22, 35:23, 42:6 districts [15] - 11:5, 11:11, 11:12, 12:3, 12:16, 18:7, 20:14,</p>

<p>20:15, 21:8, 22:6, 23:3, 30:5, 31:14, 35:16, 41:12 do-over [2] - 31:21, 38:14 document [5] - 4:20, 5:4, 5:8, 5:9, 8:8 done [2] - 11:2, 23:11 doubt [2] - 7:24, 8:2 down [6] - 12:21, 13:4, 15:19, 28:14, 31:6, 33:11 drop [1] - 16:22 dwelling [7] - 34:11, 34:12, 34:17, 35:2, 35:13, 42:6 Dwelling [3] - 34:25, 35:6 dwelling [3] - 35:21, 35:23, 36:9</p>	<p>35:6 expand [2] - 12:14, 19:4 experience [2] - 26:4, 32:5 explain [4] - 11:21, 11:22, 22:13, 40:20 expressed [2] - 39:16 extra [1] - 17:18</p>	<p>floor [5] - 5:16, 27:22, 32:13, 32:14, 32:15 folks [1] - 26:6 follow [2] - 32:2, 42:9 following [1] - 35:7 FOR [2] - 2:9, 2:11 foregoing [1] - 47:10 forms [1] - 40:23 forth [1] - 35:8 forward [1] - 10:20 four [3] - 9:23, 31:4, 31:11 frame [3] - 23:7, 25:3, 33:9 framed [5] - 28:20, 28:21, 33:23, 37:23, 41:2 free [1] - 17:8 Front [1] - 9:1 front [4] - 8:1, 44:24, 45:6, 45:9 future [3] - 20:8, 43:23, 44:16</p>	<p>18:5, 20:16, 30:6 guidelines [2] - 13:25, 23:4 guys [1] - 38:9</p>	<p>31:16, 31:17 hundreds [2] - 10:13</p>
<p style="text-align: center;">E</p>	<p style="text-align: center;">F</p>	<p style="text-align: center;">G</p>	<p style="text-align: center;">H</p>	<p style="text-align: center;">I</p>
<p>easy [3] - 7:15, 23:12 elLEEN [1] - 1:23 Eileen [3] - 17:22, 23:7, 26:21 either [4] - 12:7, 16:20, 30:13, 45:18 Ellen [3] - 3:7, 38:22, 41:20 ellen [1] - 28:4 ELLEN [1] - 1:20 Ellen's [1] - 29:18 enables [1] - 17:5 enter [1] - 40:4 entree [1] - 33:12 error [1] - 12:9 everywhere [1] - 14:7 exact [1] - 15:2 exactly [7] - 4:22, 8:15, 18:1, 25:18, 28:23, 37:24, 38:6 except [1] - 12:24 excuse [4] - 5:21, 32:22, 34:10, 40:7 exist [1] - 40:9 existed [1] - 40:22 existence [2] - 14:18, 14:21 existing [3] - 34:11, 34:17, 35:13 Existing [2] - 34:25,</p>	<p>fact [5] - 13:18, 16:9, 30:21, 34:18, 40:21 factors [1] - 41:9 fairly [3] - 16:17, 41:14, 41:15 family [39] - 12:2, 12:5, 12:6, 12:13, 12:17, 12:22, 13:5, 13:22, 13:24, 14:2, 18:6, 18:14, 19:3, 19:15, 19:18, 20:3, 22:5, 22:6, 22:18, 22:19, 23:3, 27:6, 27:13, 30:22, 31:16, 32:16, 32:17, 34:11, 34:17, 34:21, 35:1, 35:21, 35:23, 36:9, 40:22, 41:3, 42:6 Family [2] - 35:1, 35:6 far [6] - 15:1, 26:3, 27:1, 27:3, 33:3, 33:18 favor [5] - 3:13, 3:24, 4:11, 9:14, 46:18 February [1] - 4:9 few [3] - 4:23, 37:3, 41:18 Fi [1] - 7:22 fifteen [2] - 6:16, 6:18 file [2] - 10:5 files [1] - 10:23 findings [1] - 4:17 FINDINGS [1] - 2:8 Findings [1] - 8:24 fine [4] - 15:7, 16:12, 38:13, 38:14 Fire [1] - 1:11 first [5] - 19:11, 32:13, 32:14, 34:13, 42:7 fit [1] - 23:5 five [1] - 17:8</p>	<p>gap [1] - 34:2 General [1] - 12:23 general [2] - 11:18, 33:5 given [2] - 22:13, 28:18 glad [1] - 26:10 GORDON [35] - 1:19, 3:15, 3:23, 4:1, 4:10, 4:13, 4:19, 4:23, 9:15, 11:15, 11:17, 13:9, 13:16, 15:15, 15:25, 16:19, 17:2, 20:23, 28:3, 29:19, 29:22, 30:7, 30:14, 30:19, 34:1, 38:12, 38:25, 39:6, 43:7, 43:12, 43:15, 44:22, 44:25, 46:7, 46:20 Gordon [3] - 3:7, 6:9, 7:1 GREENPORT [1] - 1:1 Greenport [8] - 1:12, 3:4, 9:1, 11:6, 11:7, 11:10, 20:13, 40:4 guess [1] - 20:10 guideline [4] - 11:13,</p>	<p>half [1] - 38:9 hand [2] - 7:13, 47:18 handle [1] - 25:10 hanging [1] - 35:11 hangs [1] - 32:8 happy [2] - 15:9, 39:20 hard [1] - 33:15 hashing [1] - 23:19 heading [1] - 15:19 hear [6] - 22:21, 25:2, 37:9, 37:10, 37:11, 38:3 heard [2] - 38:20, 42:21 HEARING [1] - 2:10 hearing [15] - 11:4, 15:3, 15:6, 18:25, 20:12, 21:3, 21:5, 21:12, 22:23, 24:11, 24:23, 36:16, 38:11, 39:13, 39:14 hearings [2] - 24:17, 27:16 height [1] - 6:3 held [2] - 3:10, 3:21 help [2] - 23:7, 25:6 helpful [3] - 25:21, 42:16, 42:17 hereby [1] - 47:9 hereunto [1] - 47:17 hobgoblin [1] - 35:11 HOLDINGS [1] - 2:9 Holdings [2] - 4:17, 8:24 honor [1] - 24:1 hopefully [1] - 31:23 horse [2] - 34:23, 35:9 hour [1] - 38:9 house [2] - 12:6, 27:15 housing [18] - 12:2, 12:6, 12:13, 12:17, 13:5, 13:22, 13:24, 14:2, 18:6, 19:3, 22:5, 22:6, 23:3, 27:6, 27:14, 30:22,</p>	<p>idea [1] - 10:22 identification [1] - 34:2 important [2] - 32:22, 33:13 IN [1] - 47:17 include [4] - 11:12, 20:15, 30:5, 38:5 included [2] - 23:2, 27:1 including [1] - 7:2 inconsistency [1] - 33:2 independently [1] - 4:25 INDEX [1] - 2:1 indicated [1] - 14:10 indicates [1] - 6:9 indication [2] - 16:20 Inspector [13] - 1:23, 11:8, 11:25, 17:10, 17:17, 20:6, 24:13, 25:1, 30:12, 31:2, 32:18, 33:19, 36:5 Inspector's [2] - 5:7, 36:5 instance [1] - 30:23 instead [2] - 19:9, 35:10 intended [1] - 17:6 intention [2] - 15:13, 15:16 interest [1] - 10:12 interested [2] - 31:3, 47:16 interject [1] - 20:25 interpret [3] - 12:16, 16:11, 18:1 interpretation [28] - 11:4, 11:9, 11:11, 12:13, 12:15, 16:4, 16:12, 17:4, 19:5, 20:12, 20:15, 21:4, 26:3, 29:2, 29:13, 30:4, 30:7, 30:13, 31:4, 33:20, 36:6, 37:4, 37:20, 41:4, 41:9, 42:22, 42:25,</p>

<p>43:1 INTERPRETATION [1] - 2:11 interpretations [4] - 24:17, 24:18, 29:5, 37:8 interpreting [2] - 15:17, 16:7 irrelevant [1] - 29:25 issue [1] - 5:10 ITEM [1] - 2:3 item [9] - 3:20, 4:6, 4:16, 6:6, 6:7, 6:8, 6:15, 11:3, 35:3 Item [3] - 3:9, 6:13, 6:20 itself [6] - 14:1, 32:8, 33:11, 33:15, 33:22, 33:25</p>	<p>legally [1] - 33:1 legislating [1] - 16:6 legislation [1] - 16:13 Legislative [2] - 15:20, 34:3 legislatively [2] - 34:6, 34:7 legitimate [4] - 36:15, 36:21, 38:20, 39:5 lengthy [2] - 5:9, 25:21 limits [1] - 21:10 Line [2] - 6:12, 7:3 line [2] - 7:7, 16:12 listening [1] - 25:20 LLC [3] - 2:9, 2:14, 4:17 look [14] - 7:21, 7:22, 14:10, 18:14, 18:15, 18:17, 18:20, 19:16, 25:18, 35:12, 40:5, 41:1, 41:12, 41:17 looking [6] - 19:3, 19:4, 27:9, 32:7, 35:10, 41:9 looks [1] - 15:20 LUCIA [1] - 47:7 Lucia [1] - 47:21</p>	<p>3:10, 3:21, 4:8, 6:11, 24:11, 24:15, 25:19, 26:21, 43:13, 45:7, 45:10, 46:23 MEETING [3] - 1:5, 2:7, 3:1 Member [5] - 1:18, 1:19, 1:20, 1:21, 9:6 members [7] - 5:12, 7:2, 17:8, 25:20, 28:9, 38:15, 46:9 Members [1] - 42:19 mention [1] - 9:25 mentioned [3] - 10:11, 12:19, 35:24 mentions [1] - 30:21 merely [1] - 33:14 met [1] - 33:18 MICHAEL [1] - 2:13 microphones [1] - 40:19 might [5] - 16:21, 20:9, 24:22, 24:23, 41:23 mind [1] - 23:1 minimize [1] - 12:15 minor [3] - 5:17, 6:1, 11:25 minutes [11] - 3:10, 3:21, 6:11, 7:3, 7:14, 10:3, 10:7, 10:14, 17:18, 23:10, 37:3 MINUTES [2] - 2:5, 2:6 misconstrue [1] - 28:23 missing [1] - 41:21 mistake [2] - 12:10, 12:11 misworded [1] - 36:16 mixed [2] - 32:12, 32:19 modified [1] - 34:14 modify [2] - 37:16, 38:5 moment [1] - 5:1 month [9] - 10:3, 10:6, 10:8, 26:24, 27:15, 31:21, 43:4, 43:10 months [3] - 23:17, 23:20, 23:22 moot [2] - 46:13, 46:15 most [3] - 24:16,</p>	<p>24:17, 44:5 MOTION [1] - 2:15 motion [11] - 3:9, 3:20, 4:6, 4:7, 5:16, 8:22, 11:3, 20:10, 20:11, 27:22, 46:16 move [3] - 5:16, 31:19, 31:23 moved [6] - 3:11, 3:22, 4:9, 9:2, 11:14, 20:17 MR [85] - 3:14, 3:17, 3:25, 4:3, 4:12, 4:15, 5:15, 5:19, 5:20, 5:21, 6:1, 6:6, 6:8, 6:16, 6:18, 6:20, 6:22, 6:24, 7:14, 7:18, 8:10, 8:14, 8:20, 9:6, 9:17, 9:19, 9:22, 9:25, 10:22, 11:1, 13:8, 13:10, 13:12, 13:15, 14:3, 15:7, 15:9, 15:11, 20:25, 21:23, 23:6, 23:24, 24:3, 24:7, 24:9, 24:14, 25:11, 27:22, 28:1, 28:7, 28:16, 29:10, 30:25, 31:8, 31:11, 31:19, 31:25, 32:2, 34:5, 34:8, 35:5, 35:18, 35:21, 36:23, 37:15, 38:9, 38:13, 39:25, 40:2, 40:12, 42:14, 43:3, 44:2, 44:12, 44:15, 44:20, 45:3, 45:9, 45:14, 45:17, 45:22, 45:23, 46:17, 46:19, 46:22 MS [131] - 3:12, 3:15, 3:16, 4:1, 4:2, 4:10, 4:13, 4:14, 4:19, 4:23, 5:9, 5:14, 6:4, 6:7, 6:15, 6:17, 6:19, 6:21, 6:23, 7:7, 7:10, 7:16, 7:21, 7:25, 8:3, 8:6, 9:3, 9:5, 9:8, 9:9, 9:10, 9:11, 9:15, 9:16, 10:17, 10:25, 11:15, 11:17, 12:25, 13:3, 13:7, 13:9, 13:11, 13:14, 13:16, 15:4, 15:15, 15:25, 16:19, 17:2, 17:12,</p>	<p>17:14, 17:15, 17:19, 17:23, 17:24, 17:25, 18:3, 18:4, 18:5, 18:10, 18:11, 18:12, 18:17, 18:19, 18:22, 19:13, 19:19, 19:21, 19:22, 19:24, 19:25, 20:1, 20:4, 20:23, 21:17, 21:22, 21:25, 22:9, 22:14, 22:24, 23:4, 23:15, 23:18, 25:2, 25:8, 25:15, 25:25, 26:5, 26:6, 26:8, 26:9, 26:13, 26:15, 26:19, 26:20, 27:8, 28:3, 28:5, 29:19, 29:22, 30:7, 30:14, 30:19, 34:1, 35:3, 38:12, 38:25, 39:6, 40:1, 40:3, 40:9, 40:14, 40:17, 40:21, 41:17, 41:23, 41:25, 42:9, 42:11, 42:13, 43:7, 43:12, 43:15, 44:22, 44:25, 46:7, 46:11, 46:14, 46:20, 46:21 Multi [2] - 35:1, 35:6 multi [38] - 12:2, 12:5, 12:6, 12:13, 12:17, 12:22, 13:5, 13:22, 13:24, 14:2, 14:14, 18:6, 18:14, 19:3, 19:15, 19:18, 20:3, 22:5, 22:6, 22:18, 22:19, 23:3, 27:6, 27:13, 30:22, 31:16, 32:17, 34:17, 34:21, 35:1, 35:21, 35:23, 36:9, 40:22, 41:3, 42:6 Multi-Family [2] - 35:1, 35:6 multi-family [37] - 12:2, 12:5, 12:6, 12:13, 12:17, 12:22, 13:5, 13:22, 13:24, 14:2, 18:6, 18:14, 19:3, 19:15, 19:18, 20:3, 22:5, 22:6, 22:18, 22:19, 23:3, 27:6, 27:13, 30:22, 31:16, 32:17, 34:17, 34:21, 35:1, 35:21,</p>
J				
<p>january [1] - 1:8 January [4] - 3:2, 43:13, 47:12, 47:18 job [2] - 39:3, 39:4 Joe's [1] - 26:13 JOHN [1] - 1:17 John [4] - 3:8, 14:4, 23:18, 46:12 JOSEPH [1] - 1:24 judicial [1] - 45:21</p>				
K				
<p>kept [1] - 17:18 KIMASK [1] - 2:13 Kimask [3] - 43:9, 44:22, 46:6 kind [5] - 5:5, 15:2, 15:17, 16:4, 40:23</p>				
L				
<p>large [1] - 5:1 last [1] - 45:12 Laughter [1] - 9:12 laughter [1] - 10:19 Law [2] - 29:3, 44:11 Lead [1] - 44:6 least [1] - 37:5 left [1] - 26:21 legal [1] - 32:23</p>	<p>major [1] - 10:1 mandate [2] - 16:9, 16:11 manner [1] - 36:2 Map [1] - 9:2 March [1] - 31:23 marriage [1] - 47:15 matter [4] - 16:8, 34:3, 43:8, 47:16 mean [15] - 8:1, 10:17, 16:16, 22:7, 23:16, 24:20, 27:2, 27:9, 29:24, 36:13, 36:21, 37:14, 38:6, 38:16, 42:12 meaning [1] - 29:23 means [1] - 34:19 meant [1] - 29:13 measurements [1] - 41:18 meet [2] - 34:15, 34:21 meeting [13] - 3:3,</p>	<p style="text-align: center;">M</p>		

35:23, 36:9, 40:22, 41:3, 42:6 must [1] - 4:23	number [7] - 6:6, 6:7, 6:8, 16:5, 16:6, 35:4, 46:11	page [4] - 6:2, 6:17, 6:19, 6:20 Page [4] - 6:4, 6:12, 6:13, 7:3 pages [2] - 10:14, 27:14 parcel [1] - 41:6 parcels [1] - 41:18 Parking [2] - 6:13, 6:22 parking [1] - 14:19 part [8] - 10:14, 14:6, 16:9, 18:23, 18:24, 32:10, 46:2 particular [9] - 10:8, 11:18, 12:12, 16:18, 19:9, 37:21, 37:22, 40:23, 41:6 parties [1] - 47:14 parts [3] - 18:13, 25:16, 41:2 past [1] - 22:19 path [1] - 15:19 Pennessi [1] - 8:25 people [2] - 27:8, 38:21 perfectly [1] - 14:13 perhaps [5] - 8:5, 17:10, 20:20, 22:12, 25:9 period [1] - 4:25 permitted [32] - 12:1, 12:2, 12:7, 12:14, 12:17, 13:5, 13:22, 13:24, 14:2, 14:9, 14:10, 14:11, 14:13, 14:14, 16:16, 16:17, 19:6, 19:7, 21:17, 22:6, 22:20, 35:22, 36:10, 42:1, 42:2, 42:3, 42:5, 42:7 person [1] - 37:10 personally [3] - 16:2, 38:18 perspective [1] - 34:8 phrase [2] - 26:17, 39:22 phrased [1] - 39:21 piece [1] - 12:4 place [3] - 28:24, 36:12, 38:10 places [1] - 20:5 plan [3] - 43:25, 44:1,	44:4 Planning [14] - 10:21, 10:24, 43:18, 43:21, 43:25, 44:1, 44:3, 44:16, 45:6, 45:7, 45:10, 46:1, 46:5 planning [1] - 32:5 plate [1] - 26:24 plates [1] - 3:5 point [4] - 5:17, 21:1, 24:14, 41:21 pointless [1] - 43:6 portion [8] - 10:3, 16:15, 27:5, 27:13, 29:23, 30:4, 30:8 pose [1] - 25:16 position [1] - 39:3 potentially [1] - 35:11 prepared [1] - 17:3 present [2] - 27:2, 43:24 President [1] - 8:25 pretty [1] - 21:5 previous [1] - 17:17 print [2] - 10:3, 27:12 procedure [1] - 28:17 proceedings [1] - 47:11 process [1] - 43:20 progressed [1] - 12:9 PROKOP [26] - 1:24, 5:19, 5:21, 7:18, 9:6, 9:25, 10:22, 11:1, 23:6, 25:11, 28:16, 29:10, 31:25, 32:2, 34:5, 37:15, 39:25, 40:2, 42:14, 44:12, 44:15, 44:20, 45:9, 45:14, 45:17, 45:22 promulgating [1] - 41:8 property [3] - 12:5, 13:2, 19:12 provide [2] - 17:3, 27:6 provided [2] - 34:18, 35:13 provision [1] - 15:18 provisions [1] - 14:16 PUBLIC [1] - 2:10 public [32] - 11:4, 15:3, 15:6, 18:25, 19:2, 20:12, 21:3,	22:22, 24:11, 24:17, 24:18, 24:23, 24:25, 25:1, 25:18, 25:20, 26:1, 27:1, 27:2, 27:6, 27:16, 27:18, 27:19, 28:25, 36:16, 37:11, 38:11, 39:13, 39:14, 42:18, 46:10 Public [1] - 47:8 purpose [3] - 29:25, 38:25, 39:4 put [8] - 7:13, 21:15, 23:13, 33:16, 37:19, 40:15, 41:12, 43:4 puts [1] - 35:8
N	O			
name [1] - 3:5 need [3] - 5:11, 5:17, 31:23 needs [3] - 19:12, 29:5, 33:22 NEFF [56] - 1:20, 3:12, 3:16, 4:2, 4:14, 5:9, 5:14, 6:4, 6:7, 6:15, 6:17, 6:19, 6:21, 6:23, 7:21, 7:25, 8:3, 8:6, 9:9, 9:11, 9:16, 17:15, 17:23, 17:25, 18:4, 18:10, 18:12, 18:22, 19:13, 19:19, 19:21, 19:24, 20:1, 25:2, 25:8, 25:15, 25:25, 26:5, 26:8, 26:20, 27:8, 28:5, 35:3, 40:1, 40:3, 40:9, 40:14, 40:17, 40:21, 41:17, 41:23, 41:25, 42:9, 42:11, 42:13, 46:21 Neff [3] - 3:7, 6:10, 7:1 never [1] - 15:11 NEW [2] - 1:2, 47:3 New [2] - 1:12, 47:8 next [10] - 4:8, 24:24, 26:24, 27:14, 31:21, 34:15, 43:4, 45:14, 45:15 NEXT [1] - 2:7 nicely [1] - 23:5 night [1] - 26:19 nobody's [3] - 19:2, 19:3, 19:4 nonresidential [1] - 32:14 Notary [1] - 47:7 nothing [2] - 12:11, 21:6 notice [6] - 11:3, 18:25, 20:11, 25:1, 27:1, 39:14 NOTICE [1] - 2:10 November [1] - 3:21 nowhere [1] - 31:5	obligation [1] - 16:4 obscure [1] - 15:18 occur [1] - 35:2 OF [8] - 1:1, 1:2, 1:4, 2:11, 2:13, 47:3, 47:5 offer [4] - 23:6, 24:19, 32:23, 37:11 offering [1] - 42:15 official [2] - 21:18, 29:1 often [1] - 26:1 omission [1] - 8:5 once [2] - 13:23, 16:3 one [15] - 6:4, 9:24, 10:1, 10:10, 11:21, 11:22, 12:3, 16:5, 16:21, 17:25, 32:16, 34:6, 34:11, 35:22 one-family [1] - 34:11 online [2] - 27:7, 27:10 opening [1] - 33:3 opinion [7] - 22:13, 23:25, 32:24, 36:7, 36:18, 37:12, 39:15 opinions [1] - 44:10 opposed [6] - 3:18, 4:4, 9:18, 9:21, 15:5, 36:23 option [2] - 27:3, 44:4 oranges [1] - 40:24 ORDER [1] - 3:1 ourselves [2] - 15:25, 28:18 outcome [2] - 20:21, 47:16 outside [1] - 31:11 overstepping [3] - 38:19, 39:23			
	P			
	P.M [2] - 1:9, 3:1 p.m [1] - 46:24 packed [1] - 27:15 PAGE [1] - 2:3			
			Q	
			questions [2] - 8:15, 27:19 quote [2] - 29:7, 29:14	
			R	
			R-1 [8] - 12:5, 12:8, 12:18, 14:14, 18:7, 31:18, 35:25, 36:8 R-2 [8] - 12:19, 14:15, 14:23, 16:22, 18:8, 34:11, 34:20, 36:1 railroad [2] - 12:24, 13:1 raise [2] - 5:10, 21:24 raised [1] - 36:7 raises [1] - 36:4 rather [3] - 15:21, 15:22, 29:14 read [1] - 16:14 really [6] - 19:18, 24:18, 26:6, 29:17, 30:9, 30:19 reason [3] - 36:6, 38:20, 42:23 reasons [1] - 22:22 recently [3] - 10:2, 11:23, 12:4 recollect [1] - 40:3 recommendation [3] - 5:22, 44:12, 44:17 recommendations [2] - 44:13, 46:2 record [3] - 8:14, 8:18, 8:22	

<p>reduce [1] - 12:15 refer [1] - 44:10 reference [2] - 16:22, 18:14 referred [2] - 30:20, 45:24 reflect [2] - 5:2, 8:14 reflected [1] - 39:15 reflection [1] - 33:24 reflects [3] - 4:21, 5:5, 33:10 reframe [2] - 39:6, 39:11 refusing [1] - 39:24 regarding [1] - 37:21 regardless [1] - 28:10 REGULAR [1] - 1:5 reinvent [1] - 22:8 related [1] - 47:14 relates [4] - 11:5, 11:10, 20:14, 27:13 relevant [3] - 10:14, 19:16, 19:18 remember [1] - 5:4 remind [1] - 20:18 remotely [1] - 41:19 render [1] - 29:4 rental [1] - 20:3 repairing [1] - 27:4 repeat [1] - 15:9 report [1] - 45:25 Reporter [1] - 47:7 request [35] - 11:7, 18:24, 20:7, 21:14, 21:15, 21:16, 23:2, 24:1, 24:2, 24:13, 26:25, 27:11, 28:12, 28:19, 28:20, 28:21, 29:1, 29:2, 29:6, 29:8, 30:1, 30:2, 30:4, 31:8, 31:14, 33:12, 36:13, 36:21, 37:10, 38:5, 39:5, 41:6, 42:24 requested [5] - 11:11, 20:14, 24:20, 30:4, 37:17 requesting [1] - 11:9 residential [1] - 32:15 resolve [1] - 26:22 respond [2] - 38:25, 39:24 responding [2] - 39:7,</p>	<p>39:10 Response [3] - 3:19, 4:5, 5:13 retail [1] - 32:13 Retail [2] - 12:22, 13:6 rethink [1] - 22:2 review [2] - 5:11, 45:21 rewrite [1] - 26:10 ripe [1] - 24:9 roll [2] - 3:6, 27:24 rule [1] - 46:3 rules [1] - 35:7</p>	<p>41:24, 42:1, 42:10, 42:12, 43:2, 43:11, 43:14, 43:16, 44:3, 44:13, 44:19, 44:21, 44:23, 45:1, 45:4, 45:12, 45:15, 45:18, 45:24, 46:8, 46:13, 46:15, 46:18 Saladino [3] - 3:8, 6:10, 7:1 saw [1] - 17:13 SCHEDULE [1] - 2:10 schedule [7] - 4:8, 11:3, 20:12, 31:20, 38:10, 39:13, 39:14 score [1] - 7:8 second [14] - 3:12, 3:23, 4:10, 6:4, 9:3, 9:7, 9:9, 11:21, 11:22, 21:1, 27:22, 30:3, 32:14, 46:17 seconded [1] - 5:24 seconding [1] - 9:4 section [4] - 6:24, 22:14, 32:7, 37:21 Section [4] - 11:13, 18:3, 20:16, 34:22 see [7] - 6:12, 10:7, 10:10, 17:4, 18:4, 23:2, 24:4 seem [2] - 26:24, 27:18 sense [3] - 22:18, 41:4, 41:10 sent [1] - 46:5 sentence [1] - 26:25 SEQRA [1] - 44:7 set [2] - 35:8, 47:18 several [1] - 42:18 shall [1] - 29:4 sheet [1] - 7:9 short [7] - 21:5, 21:11, 24:11, 24:14, 24:22, 29:6 short-circuit [1] - 29:6 show [3] - 35:24, 35:25 shows [1] - 36:1 shut [1] - 40:19 shy [1] - 15:11 side [1] - 21:15 similarly [1] - 6:13 simple [3] - 16:17,</p>	<p>33:16, 41:16 simply [2] - 4:20, 14:8 sin [1] - 8:5 sits [1] - 13:19 Sixth [1] - 43:9 SIXTH [1] - 2:14 sketch [3] - 43:24, 44:1, 44:4 slower [1] - 6:15 small [1] - 8:5 smaller [1] - 19:4 someone [1] - 41:6 sometimes [1] - 16:11 sorry [5] - 3:6, 4:18, 17:10, 26:7, 32:25 sort [3] - 13:18, 23:7, 32:7 sounds [1] - 15:18 southeast [1] - 8:25 specific [1] - 13:24 spend [2] - 10:10, 25:12 spinning [4] - 24:15, 24:23, 28:11, 36:16 sponte [1] - 21:24 SS [1] - 47:4 standards [1] - 35:20 standpoint [1] - 33:7 start [1] - 33:12 State [4] - 29:3, 32:19, 44:11, 47:8 STATE [2] - 1:2, 47:3 States' [1] - 16:10 Station [1] - 1:11 stenographer [1] - 3:6 still [2] - 44:7, 45:9 Street [3] - 1:11, 9:1, 43:9 STREET [1] - 2:14 stretched [1] - 4:24 stringent [1] - 14:16 structure [1] - 13:17 stuff [3] - 15:2, 27:16, 31:22 sua [1] - 21:24 Sub [1] - 6:24 subdivision [2] - 43:24, 44:9 subdivisions [3] - 44:19, 44:20, 44:21 submit [1] - 21:9 subsequently [1] - 34:14</p>	<p>substantive [1] - 7:18 Suffolk [1] - 9:2 SUFFOLK [2] - 1:2, 47:5 suggest [3] - 25:3, 25:6, 34:2 suggested [2] - 25:13, 27:4 suggesting [1] - 25:24 suggestion [1] - 23:6 supersede [1] - 21:14 support [1] - 30:25 suppose [2] - 16:19, 17:2 supposed [1] - 45:6</p>
<p>S</p>		<p>T</p>		
<p>SAKD [3] - 2:9, 4:17, 8:24 SALADINO [134] - 1:17, 3:2, 3:13, 3:18, 3:24, 4:4, 4:11, 4:16, 4:22, 5:3, 5:23, 7:5, 7:8, 7:12, 7:17, 7:24, 8:1, 8:4, 8:7, 8:12, 8:17, 8:21, 9:4, 9:13, 9:18, 9:20, 9:23, 10:16, 10:20, 11:2, 11:16, 11:20, 13:1, 13:4, 13:13, 13:20, 14:25, 15:5, 15:8, 15:10, 15:12, 15:24, 16:1, 16:24, 17:7, 17:13, 17:16, 17:20, 18:15, 18:18, 18:20, 18:23, 19:17, 19:20, 20:2, 20:6, 20:24, 21:13, 21:20, 22:4, 22:12, 22:21, 22:25, 23:9, 23:16, 23:20, 23:25, 24:5, 24:8, 24:10, 24:16, 25:5, 25:9, 25:23, 26:3, 26:12, 26:14, 26:18, 26:22, 27:11, 27:23, 28:2, 28:4, 28:6, 28:8, 29:9, 29:16, 29:20, 30:3, 30:10, 30:16, 31:7, 31:9, 31:13, 31:24, 32:1, 35:15, 35:19, 36:3, 36:25, 38:1, 38:15, 39:2, 39:9, 40:7, 40:10, 40:13, 40:15, 40:18, 41:14, 41:20,</p>	<p>table [1] - 8:23 tabled [1] - 43:12 task [1] - 15:17 Tasker [1] - 3:8 TASKER [47] - 1:21, 3:17, 4:3, 4:15, 5:15, 5:20, 6:1, 6:6, 6:8, 6:16, 6:18, 6:20, 6:22, 6:24, 7:14, 8:10, 8:14, 9:17, 13:8, 13:10, 13:12, 13:15, 14:3, 15:7, 15:9, 15:11, 20:25, 21:23, 23:24, 24:3, 24:7, 24:9, 24:14, 28:7, 30:25, 31:8, 31:11, 34:8, 35:5, 35:18, 35:21, 36:23, 44:2, 45:3, 45:23, 46:17, 46:22 Tax [1] - 9:2 technically [2] - 28:17, 29:7 terms [1] - 28:21 territory [1] - 38:17 text [2] - 29:24, 30:8 THAT [1] - 47:10 themselves [2] - 44:5, 44:6 therefore [1] - 31:5 thinkers [1] - 17:9 third [2] - 1:11, 32:15 Third [1] - 9:1 threshold [1] - 33:17 thrown [1] - 10:18</p>			

<p>TO [2] - 2:15, 3:1 today [1] - 7:13 tomorrow [1] - 7:16 tonight [5] - 10:12, 23:11, 25:10, 26:23, 26:24 took [1] - 28:24 towards [1] - 15:19 Town [1] - 43:15 transcription [1] - 47:11 travel [1] - 38:7 true [1] - 47:10 trying [1] - 22:7 turn [2] - 28:14, 33:11 turned [1] - 31:6 turning [1] - 33:18 turns [1] - 17:2 two [7] - 16:6, 23:16, 23:18, 23:20, 23:21, 23:22, 26:25 two-sentence [1] - 26:25</p>	<p>variances [5] - 19:12, 37:16, 42:11, 44:18, 46:3 variations [1] - 41:8 various [1] - 12:1 verify [1] - 4:25 view [2] - 42:20 viewed [1] - 34:9 VII [1] - 34:18 VILLAGE [1] - 1:1 Village [21] - 1:23, 1:24, 3:4, 9:1, 11:6, 11:7, 11:10, 15:20, 20:13, 20:14, 22:1, 32:5, 32:11, 33:14, 35:12, 35:24, 40:22, 43:19, 43:20, 43:22 virgin [1] - 38:16 vote [8] - 6:12, 6:25, 9:19, 24:3, 27:23, 27:24, 28:8, 28:10 voted [6] - 6:10, 7:2, 38:12, 38:16, 38:21, 43:7 votes [1] - 22:22 voting [1] - 6:9</p>	<p>7:7, 7:10, 7:16, 9:3, 9:5, 9:8, 9:10, 10:17, 10:25, 12:25, 13:3, 13:7, 13:11, 13:14, 15:4, 17:12, 17:14, 17:19, 17:24, 18:3, 18:5, 18:11, 18:17, 18:19, 19:22, 19:25, 20:4, 21:17, 21:22, 21:25, 22:9, 22:14, 22:24, 23:4, 23:15, 23:18, 26:6, 26:9, 26:13, 26:15, 26:19 Wingate [1] - 26:21 WITNESS [1] - 47:17 word [3] - 5:4, 45:20 worded [1] - 30:2 words [6] - 16:8, 16:15, 18:2, 29:10, 34:22, 41:7 works [2] - 21:19, 38:13 write [2] - 23:7, 25:7 writes [2] - 24:25, 25:1 written [3] - 14:18, 24:20, 34:13</p>
<p>U</p>	<p>W</p>	<p>Y</p>
<p>unclear [1] - 33:3 uncomfortable [1] - 15:23 under [3] - 14:16, 20:3, 32:19 Undesirable [1] - 6:24 unit [1] - 42:6 United [1] - 16:10 unless [1] - 15:12 unlike [1] - 14:19 unquote [2] - 29:7, 29:14 unusable [1] - 22:15 up [11] - 5:22, 17:9, 24:22, 32:2, 35:24, 35:25, 36:1, 36:20, 36:23, 43:3 uses [2] - 14:11, 32:11</p>	<p>wait [2] - 11:21, 16:24 waiting [1] - 9:13 wants [4] - 17:11, 19:8, 37:1, 39:22 WAS [1] - 3:1 WC [5] - 12:18, 18:9, 31:18, 36:1, 36:8 weigh [1] - 19:2 welcome [1] - 9:11 whatsoever [1] - 21:7 wheel [2] - 22:8, 24:15 wheel-spinning [1] - 24:15 wheels [3] - 24:23, 28:11, 36:17 WHEREOF [1] - 47:17 whole [1] - 31:22 wholeheartedly [1] - 46:12 Wi [1] - 7:22 Wi-Fi [1] - 7:22 willing [4] - 5:7, 22:25, 25:12, 27:20 WINGATE [42] - 1:23,</p>	<p>year [4] - 40:7, 40:10, 40:11, 40:12 years [3] - 22:19, 23:18, 32:4 YORK [2] - 1:2, 47:3 York [2] - 1:12, 47:8</p>
<p>V</p>	<p>Z</p>	<p>Z</p>
<p>valid [1] - 28:12 Variance [2] - 6:14, 6:22 variance [6] - 6:3, 19:10, 19:11, 19:12, 42:4, 42:8</p>	<p>ZBA [1] - 10:5 Zone [1] - 12:22 ZONING [1] - 1:4 zoning [21] - 11:5, 11:11, 11:12, 12:1, 12:3, 13:25, 14:1, 16:18, 20:14, 20:15, 21:7, 22:6, 23:2, 30:5, 31:14, 32:5, 35:16, 35:19, 42:6, 44:8, 44:14 Zoning [12] - 3:3, 3:4, 3:9, 3:20, 4:8, 11:8, 16:10, 21:23, 23:23, 29:3, 29:4, 44:10</p>	