

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 September 19, 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 JOSEPH PROKOP - Village Attorney  
 24 PAUL PALLAS - Village Administrator  
 25 EILEEN WINGATE - Village Building Inspector

## 1 INDEX

2

| 3  | ITEM | DESCRIPTION                              | PAGE    |
|----|------|--|---------|
| 4  |      |  |         |
| 5  | #1   | ACCEPT MINUTES 8/16/17                   | 3       |
| 6  | #2   | APPROVE MINUTES 7/18/17                  | 3       |
| 7  | #3   | NEXT MEETING 10/17/17                    | 4       |
| 8  | #4   | DISCUSSION AND POSSIBLE ACTION ON        | 4-38    |
| 9  |      | THE AREA VARIANCE APPLICATION            |         |
| 10 |      | OF SIXTH STREET, LLC, FOR THE PROPERTY   |         |
| 11 |      | LOCATED AT 429 SIXTH STREET,             |         |
| 12 |      | GREENPORT, NY.                           |         |
| 13 | #5   | MOTION TO ACCEPT THE APPLICATION OF THE  | 38-60   |
| 14 |      | MILLER FAMILY 2012 IRREVOCABLE TRUST FOR |         |
| 15 |      | A PROPERTY LOCATED AT 424 FOURTH STREET, |         |
| 16 |      | GREENPORT, NEW YORK, 11944               |         |
| 17 | #6   | A PUBLIC HEARING FOR LANMARK GROUP,      | 60-171  |
| 18 |      | 222 MANOR PLACE, GREENPORT, NEW YORK     |         |
| 19 |      | 11944                                    |         |
| 20 | #7   | MOTION TO ADJOURN                        | 171-172 |

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22

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1 (The meeting was called to order at 6:08 p.m.)

2 CHAIRMAN SALADINO: This is the September  
3 19th, 2017 regular meeting of the Zoning Board of  
4 Appeals.

5 Item No. 1 is a motion to accept the minutes  
6 of the August 15, 2017 ZBA meeting. So moved.

7 MS. NEFF: Second.

8 MR. TASKER: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MR. CORWIN: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 MR. TASKER: Aye.

14 CHAIRMAN SALADINO: Aye.

15 Item No. 2 is a motion to approve the minutes  
16 of the July 18th, 2017 ZBA meeting. So moved.

17 MR. TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MS. GORDON: Aye.

20 MS. NEFF: Aye.

21 MR. TASKER: Aye.

22 CHAIRMAN SALADINO: Aye.

23 Any abstentions?

24 MR. CORWIN: Abstain.

25 CHAIRMAN SALADINO: And I'll vote aye.

1           Item No. 3 is a motion to schedule the next  
2 ZBA meeting for October 17th, 2017, at 6 p.m., at  
3 the Third Street Fire Station, Greenport, New York.  
4 So moved.

5           MS. GORDON: Second.

6           CHAIRMAN SALADINO: All in favor?

7           MR. CORWIN: Aye.

8           MS. GORDON: Aye.

9           MS. NEFF: Aye.

10          MR. TASKER: Aye.

11          CHAIRMAN SALADINO: Aye.

12           And Item #4 is the discussion and possible  
13 action on the area variance application of Sixth  
14 Street, LLC for the property located at 429 Sixth  
15 Street, Greenport, New York 11944; Suffolk County  
16 Tax Map #1001-6-3-5.

17           Normally, this would be our discussion, but  
18 we'll be --

19           MR. KIMACK: I wasn't quite sure if you had  
20 -- I wasn't going to speak. If you had any  
21 questions of me.

22           CHAIRMAN SALADINO: We're going to let you --  
23 we're going to let you --

24           MR. KIMACK: This property, we've talked  
25 about this enough, everybody. As a matter of fact,

1 we probably --

2 CHAIRMAN SALADINO: I think --

3 MR. KIMACK: I wasn't quite sure. I'll sit  
4 back. If you have any questions, then I'll take  
5 them.

6 CHAIRMAN SALADINO: Okay.

7 MR. KIMACK: Okay.

8 CHAIRMAN SALADINO: Does the Board -- my  
9 recommendation is, is that as part of our  
10 discussion, we, as usual, go through the five  
11 questions and discuss each question, and then we'll  
12 have a formal vote, if the Board chooses, after  
13 that. Is that agreeable?

14 MS. GORDON: Yes.

15 MS. NEFF: Yes.

16 MR. TASKER: John, are you going to go  
17 directly into the questions?

18 CHAIRMAN SALADINO: I'm going to use the  
19 questions that I'd like for discussion. This way,  
20 they could be used -- our discussion could be used  
21 as part of the findings and determinations, and  
22 then we'll vote formally on the five questions at  
23 the end of the discussion.

24 MR. TASKER: Oh, okay, because I have the  
25 sense that there are a couple of issues that we

1 haven't completely explored, at least to my  
2 satisfaction, and perhaps to others, too, and we --

3 CHAIRMAN SALADINO: Okay. We could --

4 MR. TASKER: We might want to take a look  
5 at --

6 CHAIRMAN SALADINO: We could do that first,  
7 sure.

8 MR. TASKER: -- before we go into this  
9 process. Is that -- is that agreeable?

10 CHAIRMAN SALADINO: That's fine. That's fine  
11 with me. How about the rest of the members?

12 MR. CORWIN: Yes.

13 MS. GORDON: Sure.

14 MS. NEFF: Uh-huh.

15 MR. TASKER: The one in particular that comes  
16 to my mind is the question of the permissibility or  
17 not of a one or a two-family house on a substandard  
18 lot.

19 The question has been raised with regard to  
20 Section -- what is it -- 150-13(E) regarding a  
21 preexisting undersized lot and the limitation there  
22 of a one-family building only. And there's been  
23 discussion about that amongst us and by members of  
24 the public, and I'm sure, I believe, the applicant,  
25 too, as to what that means in this situation where

1 we're not dealing with a preexisting substandard  
2 lot, but a newly created substandard lot.

3 And the question I'm raising is what -- if it  
4 is not permissible to create a two-family building  
5 on a preexisting lot, just by force of logic, is it  
6 not -- is it not permissible to restrain it to a  
7 one-family in a newly created lot? In other words,  
8 you've created something that is substandard, and  
9 now you're looking what -- might be looking for  
10 more than would be permitted if it had already  
11 existed. So that's a question I think we should  
12 explore a little bit before we go on with our  
13 determination.

14 CHAIRMAN SALADINO: I personally had thought  
15 we resolved that issue. I thought -- I thought the  
16 Attorney's opinion, if I recollect, was that that  
17 was for established undersized lots, but --

18 MR. TASKER: Oh, excuse me. There's no  
19 question that that's what it applies to, already  
20 existing, but my point is this: In terms of the  
21 creation of an undersized lot sort of begs the  
22 question that that might be even more stringent  
23 with respect to what is permitted, as opposed to  
24 the creation of a full -- a conforming lot.

25 CHAIRMAN SALADINO: The problem that I see,

1 Arthur, is that we're asked to address all the  
2 aspects -- because of the new subdivision law,  
3 we're asked to address all the aspects surrounding  
4 a subdivision, but not take up the issue of a  
5 subdivision. So we're asked to create by variance  
6 what will or will not be a separate lot, but we  
7 can't because of it's not our role, it's the  
8 Planning Board's role to talk about that, that  
9 extra lot, if and when it becomes subdivided.

10 You know, I think it puts the Zoning Board in  
11 an uncomfortable -- it puts me in an uncomfortable  
12 position. We constantly remind the public that we  
13 don't deal in subdivisions, we deal in variances,  
14 you know, what ultimately happens with those  
15 variances, so.

16 And as far as a one or a two-family house, if  
17 it progresses to the -- if this application  
18 progresses to the Planning Board, perhaps it will  
19 be in their power to decide, you know, how many  
20 people live in that house. I honestly don't know.

21 MR. CORWIN: But, Mr. Chairman.

22 CHAIRMAN SALADINO: Sure.

23 MR. CORWIN: A variance, when you grant a  
24 variance, it can have restrictions, if I'm correct.

25 CHAIRMAN SALADINO: Well, it could have

1 reasonable conditions, but, again, I would defer to  
2 the Attorney. I don't know if limiting the amount  
3 of people that live in the house is --

4 MS. NEFF: Mr. Chairman, it's different to  
5 say it's a one-family house or if it's a two-family  
6 house as the one facing Sixth Street presently is.

7 CHAIRMAN SALADINO: We could only go by --

8 MS. NEFF: Then how many people live in it?

9 CHAIRMAN SALADINO: Okay. You know, I don't  
10 want to get into semantics. When we say how many  
11 people live in a house, for future conversation, it  
12 means families, how I'm addressing it.

13 MS. GORDON: Whether we -- whether we grant  
14 the variance or not, the building is still in an  
15 R-2 District, and it seems to me that that does not  
16 change the designation of what -- it doesn't change  
17 the fact that an R-2 District permits a two-family  
18 house.

19 CHAIRMAN SALADINO: I agree with you, but I  
20 think the question that Arthur is raising is in an  
21 R-2 District, you're allowed to have a two-family  
22 house --

23 MR. TASKER: On a conforming lot.

24 CHAIRMAN SALADINO: -- on a conforming lot.  
25 This would -- this would become, if the variances

1 are granted, this would become a nonconforming lot.

2 Well, it would be a conforming lot because --

3 MR. TASKER: No.

4 CHAIRMAN SALADINO: -- we say it is, but.

5 MR. TASKER: No, it doesn't get re-baptized  
6 as a conforming lot, it's simply a lot that has a  
7 variance in terms of its area. It doesn't become  
8 nonconforming. It doesn't get re-baptized.

9 MS. NEFF: It's an existing lot --

10 MR. TASKER: No, it's not.

11 MS. NEFF: -- that's nonconforming, if it  
12 was subdivided --

13 CHAIRMAN SALADINO: It's not.

14 MR. TASKER: If it were existing, it would be  
15 nonconforming.

16 MS. NEFF: -- and has a two-family house on  
17 it currently. That's right.

18 MR. TASKER: Well, if that were the case, we  
19 wouldn't be here.

20 MR. PROKOP: Did you want comment or are you  
21 asking me?

22 CHAIRMAN SALADINO: I would welcome a  
23 comment, sure.

24 MR. PROKOP: I think that, if you're asking  
25 me a question, I think that that is a condition

1 that the Board could impose, as long as it's  
2 reasonably connected to the relief that's  
3 requested, or it has a -- if the condition is  
4 reasonable or reasonably related to a concern of  
5 the Board, or one of the impacts that you might  
6 find, if there is one, in your -- when you review  
7 the criteria.

8 And as far as the Planning Board, it  
9 wouldn't -- the application wouldn't make it to the  
10 Planning Board, as I understand it, unless you  
11 grant relief as far as a variance. So you have the --

12 CHAIRMAN SALADINO: Well, we said that if it  
13 progresses to the Planning Board. Well, let me ask  
14 you this, then: Is it within the purview -- is it  
15 within the authority of the Planning Board to put  
16 that restriction on that house, that it be a  
17 one-family house?

18 MR. PROKOP: I think if it's reasonably  
19 related to other findings that they have -- excuse  
20 me. If it's related to other findings that they  
21 have, that the Planning Board might make, so if  
22 it's a -- you know, a finding that they have that  
23 there might -- a two-family house might have an  
24 impact that a one-family house wouldn't have, then  
25 I think that it's possible. But I'm not the

1 Planning Board Attorney, so I'm not -- I would not  
2 give an opinion about what the Planning Board could  
3 do. I would only give -- my opinion is only as to  
4 conditions that might be imposed by this Board.

5 CHAIRMAN SALADINO: Could you reach back into  
6 your recent memory when you were the Planning  
7 Board's Attorney and perhaps comment from your  
8 experience as the Planning Board's Attorney, if  
9 this is possible or not?

10 MR. PROKOP: I think that --

11 CHAIRMAN SALADINO: All we're asking you is,  
12 is does the Planning Board have the authority to  
13 limit the amount of families in that house? That's  
14 the question I'm asking

15 MR. PROKOP: That's not the -- not the  
16 question. The question isn't how many people can  
17 live in the house or how many families, it's the  
18 number of dwelling units in the house. The number  
19 of people in the house is regulated by New York  
20 State Law, unless Eileen Wingate, the Building  
21 Inspector, disagrees with me.

22 MS. WINGATE: That's correct.

23 CHAIRMAN SALADINO: All right. Let me --  
24 then let me rephrase it for the public once again.  
25 When I say "families", instead of -- I thought by

1 saying "families", instead of "folks", I was kind  
2 of being clear. But now instead of saying  
3 "family", let me say "dwelling unit". And when I  
4 say "family", I really am referring to the amount  
5 of dwelling units in the building. So is it  
6 possible for someone -- for the Planning Board to  
7 regulate the amount of dwelling units in the house  
8 on Sixth Street on Lot No. 1?

9 MR. PROKOP: I won't -- I can't give an  
10 opinion about what the Planning Board --

11 CHAIRMAN SALADINO: Okay.

12 MR. PROKOP: Sorry.

13 CHAIRMAN SALADINO: Okay. Arthur, what do  
14 you want to do?

15 MR. TASKER: Well, my question, I think, is a  
16 little narrower than a subdivision question. My  
17 question is this: If it's inappropriate -- if the  
18 code makes it quite clear that it's inappropriate  
19 to put a two-family house on an existing  
20 substandard lot, is it not even more inappropriate  
21 to allow a two-family house on a newly created  
22 substandard lot? That's my question. And that's,  
23 I think, worthy of deliberation as we go through  
24 the course. Maybe it's -- maybe it's tied to one  
25 of the particular questions, if you want to save it

1 for then, but that's my question.

2 CHAIRMAN SALADINO: Does anybody have a  
3 comment about it? We can -- we can certainly -- if  
4 the Board doesn't think and the Attorney doesn't  
5 think we're overstepping, if and when we get to  
6 that portion of the discussion, we could certainly  
7 make that a condition.

8 MR. TASKER: Because where that question  
9 leads, if the answer is it is even more  
10 inappropriate to permit a two-family house on a  
11 newly created substandard lot, then we shouldn't  
12 grant the variance.

13 MS. GORDON: Are we -- this is sort of  
14 related. I'm not sure it's -- how related it is.  
15 But are we -- are we venturing into the  
16 interpretive role of the Board, in which case we  
17 would need to have a hearing on that question.

18 MR. TASKER: No.

19 MS. GORDON: Which I doubt anyone really  
20 wants to do.

21 MR. TASKER: No. This is, I think, part of  
22 our decision-making, and how we weigh --

23 MS. GORDON: Right.

24 MR. TASKER: -- what it is that's being asked for.

25 MS. GORDON: Well, if it's how we weigh it,

1 then it seems to me it can be considered within the  
2 context of the -- one of the questions that we ask.

3 MR. TASKER: I'm fine with that.

4 CHAIRMAN SALADINO: Okay. Then we'll do  
5 that. Is there -- are there any other concerns  
6 that anyone might have that aren't related to these  
7 questions that are outside the dynamic envelope of  
8 these questions? David, no?

9 MR. CORWIN: No.

10 CHAIRMAN SALADINO: So is it okay with the  
11 Board that I read these questions and we limit our  
12 discussion to each question?

13 MR. CORWIN: Yes.

14 MS. NEFF: And I just want to make sure that  
15 we all understand, including the public, that we're  
16 raising the questions that we will later vote on;  
17 is that correct?

18 CHAIRMAN SALADINO: I thought I mentioned  
19 that, yes.

20 MS. NEFF: Yeah, you did. I'm just  
21 underlining it.

22 CHAIRMAN SALADINO: Okay.

23 MS. NEFF: Okay.

24 CHAIRMAN SALADINO: Just to repeat --

25 MR. PALLAS: Mr. Chairman, before you --

1 Mr. Chairman, excuse me, before you do that, I  
2 think you need to do a SEQRA determination. Yes.

3 CHAIRMAN SALADINO: I think we did SEQRA. I  
4 think we did SEQRA at the public hearing.

5 MR. PALLAS: Okay.

6 CHAIRMAN SALADINO: All right?

7 MS. NEFF: Probably not.

8 MS. WINGATE: I don't recall.

9 MR. CORWIN: Let's do it again.

10 MS. NEFF: Probably not.

11 CHAIRMAN SALADINO: I think we did it twice,  
12 actually, because nobody was sure that we did it  
13 the first time, but we can certainly do it  
14 again. And I don't think there's any penalty for  
15 doing it five or six times.

16 So I'll make a motion that this is -- this  
17 was a --

18 MR. PROKOP: The Board -- the motion is that  
19 the Board adopts Lead Agency status and then -- and  
20 determines that this is an unlisted action for  
21 purposes of SEQRA.

22 CHAIRMAN SALADINO: So moved.

23 MR. CORWIN: 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: And I'll vote aye.

5 MR. PROKOP: The next is the Board should  
6 consider whether they believe that the granting of  
7 this application would have any negative impact on  
8 any aspect of the environment.

9 CHAIRMAN SALADINO: Well, I thought -- oh,  
10 because it's unlisted. I would have made that part  
11 of the motion, but I think -- I think we can -- I  
12 think that we can have that discussion after this.  
13 But if the Board wants, we can have the --

14 MR. CORWIN: Let's have the discussion after.  
15 Let's go down the questions and discuss them.

16 CHAIRMAN SALADINO: The first question is  
17 whether an undesirable change will be produced in  
18 the character of the neighborhood or a detriment to  
19 nearby properties will be created by the granting  
20 of an area variance.

21 MS. GORDON: I walked over to the Seventh  
22 Street side between last meeting and this meeting  
23 to look at the placement of the -- what would be  
24 the new driveway and the placement of the  
25 neighbor's driveway, which is perpendicular to the

1 planned new driveway, and it looks to me as though  
2 it would be very complicated and very crowded.  
3 And one of the comments during the hearing last  
4 time was what happens when the snow plow is coming  
5 into that corner, and it seems to me it would be  
6 very difficult. I would like to know how other  
7 people feel about it.

8 But it doesn't -- it doesn't seem to me it  
9 changes the character of the neighborhood, but it  
10 does provide a detriment. It would provide a  
11 detriment to the nearest property that has this  
12 perpendicular driveway.

13 CHAIRMAN SALADINO: Well --

14 MR. CORWIN: I think it will work. It's  
15 certainly a concern, but I don't -- I don't think  
16 that -- I think it can work.

17 MS. NEFF: And I think that it also -- it's  
18 going to depend on who's plowing the streets, and  
19 the most likely place for the snow to get put is on  
20 the vacant lot opposite the house on Corwin Street.

21 CHAIRMAN SALADINO: What vacant lot?

22 MS. NEFF: Here.

23 MR. CORWIN: Well, really, they would -- I  
24 don't think the Town would do that, because it  
25 would fill up and the vacant lot would come out.

1 MS. NEFF: Well, the Village does it to  
2 people all the time.

3 MR. CORWIN: Well, the Village versus Town,  
4 who moves?

5 CHAIRMAN SALADINO: What vacant lot?

6 MS. NEFF: In other -- this property here.  
7 In other words, the houses further down. If it  
8 looks like people go in and out of here and in and  
9 out of here, it's going to get caught here.

10 CHAIRMAN SALADINO: Well, I don't have the  
11 drawing in front of me. Perhaps Mr. Kimack could  
12 answer. How wide is the driveway? This is the old  
13 driveway. I personally don't have a concern about  
14 the snow piling up, because, if anything, when they  
15 plow the street and if they push the -- in my mind,  
16 if they push the snow ahead, it will either wind up  
17 in the applicant's driveway, which it would be up  
18 to him to voice a concern about. I don't see it  
19 winding up in a neighbor's driveway, or it would  
20 accumulate to the south of their driveway between  
21 -- between the new building on Corwin Street and  
22 property on Lot No. 2's front yard. The snow for  
23 me is not a -- is not a concern.

24 But, on the other side of the coin, I  
25 personally do think that the character of the

1 neighborhood, creating a smaller lot, I think is  
2 affected. I think it could be, at least in the  
3 neighbors' minds, a detriment to the -- to the  
4 neighbors because of additional density created by  
5 the second house. So that would be my comment  
6 about that.

7 MR. CORWIN: I'll make a comment on that. My  
8 concern of the subdivision and all these  
9 subdivisions is it seems to be quite popular to set  
10 them up as short-term rentals or what I call Airbnb  
11 type rentals, and my concern is that's the way both  
12 these buildings would go. And that's having a  
13 profound effect on the Village as a whole and on  
14 the neighborhoods in the Village, because the whole  
15 Village is being changed from what was a community  
16 where we watched out for the guy next door to a  
17 community where who's that spending the weekend  
18 there next door? So that's my big concern on that,  
19 and then question number four, too.

20 CHAIRMAN SALADINO: Well, okay.

21 MR. TASKER: John, may I?

22 CHAIRMAN SALADINO: Sure.

23 MR. TASKER: I share David's concern, but  
24 that's a little bit more abstract in terms of who  
25 the occupants are at any given time. But more

1 particularly, I want to echo your concern, John,  
2 that the character of the neighborhood with respect  
3 to subdividing and putting second houses, whether  
4 they're used for owner rental or Airbnb rental, to  
5 look at the extremes of how it might be used, that  
6 that's not the way that neighborhood runs.

7 I'm looking at a Google map right here that  
8 shows just that immediate block, and none of the --  
9 none of those lots have been divided to put a house  
10 in the back. And I think someone from the public  
11 commented during the hearing that that was pretty  
12 much the case the entire length of Sixth Street,  
13 and I don't remember exactly. And I think to start  
14 to permit change like that, to put, particularly on  
15 substandard lots size-wise, is the creation -- is  
16 going to create an undesirable change in the  
17 neighborhood.

18 CHAIRMAN SALADINO: Okay. Ellen?

19 MS. NEFF: I think the presence of -- we're  
20 not talking about numerous other lots on Sixth  
21 Street, we're talking about this one, and that the  
22 lots are longer. They tend to be 175 feet, or  
23 something like that. And that --

24 CHAIRMAN SALADINO: I live on Sixth Street.  
25 Most of them -- close, yeah, 160 feet.

1 MS. NEFF: Okay. Even now like where in many  
2 places they're 150 or less. And the presence of  
3 Corwin Street being there is the only reason we're  
4 talking about this particular proposed subdivision.  
5 So I think it is -- it's a unique set of  
6 conditions, and it's -- I would consider it not a  
7 substantial change, because without that street, of  
8 course it would be a flag lot and it would -- we  
9 would never be talking about it.

10 CHAIRMAN SALADINO: Okay. But the question  
11 doesn't deal with a substantial change, it deals  
12 with an undesirable change.

13 MS. NEFF: Undesirable. I would add that. I  
14 went on to another question, excuse me.

15 CHAIRMAN SALADINO: Don't jump the gun.

16 MS. NEFF: All right.

17 CHAIRMAN SALADINO: Can we move on?

18 MS. GORDON: Uh-huh.

19 CHAIRMAN SALADINO: Question No. 2 is whether  
20 the benefit sought by the applicant can be achieved  
21 by some method feasible for the applicant to pursue  
22 other than an area variance.

23 MS. NEFF: I think that is easy to say, no,  
24 it wouldn't be, for most people.

25 CHAIRMAN SALADINO: Well --

1 MS. NEFF: Go ahead, John.

2 CHAIRMAN SALADINO: I'm going to have to  
3 disagree, because I see what was presented to us  
4 was a limited partnership between two individuals.  
5 The testimony was that one partner would take one  
6 house and the second house would be built for the  
7 second partner. Another method feasible for the  
8 applicant is to just enlarge the first house big  
9 enough that -- it's a two-family house now.  
10 Enlarge it enough that both partners can be  
11 comfortable in that home.

12 MS. NEFF: Uh-huh.

13 CHAIRMAN SALADINO: If that, in fact, is the  
14 -- if there's a financial consideration that we  
15 weren't told or a different plan we weren't told,  
16 then perhaps I would answer this question  
17 differently. But what we were told was there's a  
18 guy that travels that's going to live in the rear  
19 lot, there's a guy that doesn't travel that's going  
20 to live on the Sixth Street lot. And so I see -- I  
21 see, you know, it's a 14,000 square foot lot.

22 MS. NEFF: Right.

23 CHAIRMAN SALADINO: Or thereabouts. They  
24 certainly have enough room to expand to make the  
25 house comfortable enough for two partners to live

1 in. They would perhaps lose a rental income. But,  
2 in my mind, I would be forced to answer yes for  
3 this question.

4 MR. TASKER: And I agree with you, with your  
5 reasoning, John. They can certainly build  
6 something that's more than adequate. I suspect  
7 they have -- excuse me. I suspect they have  
8 adequate resources to build a house that would be  
9 more than adequate for their two families, the two  
10 partners, if you will.

11 We don't know. By the way, are the partners  
12 related, the intended partners?

13 MR. PFLANZL: No, we're not related,

14 MR. TASKER: I'm sorry.

15 MR. PFLANZL: We're not related.

16 MR. TASKER: Okay.

17 CHAIRMAN SALADINO: Diana, anything to add,  
18 perhaps, on question two?

19 MS. GORDON: No. I mean, I guess I agree  
20 with you, although, you know, living cheek by jowl  
21 is different from living at two ends of a piece of  
22 property. So I -- it's not quite -- it wouldn't  
23 get quite the same benefit.

24 MR. TASKER: Well, you're going get cheek by  
25 jowl in the two-family house with a tenant.

1           CHAIRMAN SALADINO: That's true. That's  
2 true.

3           MS. GORDON: You might. Sometimes you'd  
4 rather be cheek by jowl with somebody you don't  
5 know than with somebody you're close to.

6           MR. TASKER: That's quite so.

7           CHAIRMAN SALADINO: David?

8           MR. CORWIN: No comment.

9           CHAIRMAN SALADINO: Question No. 3 is whether  
10 the requested area variance is substantial.

11           MR. CORWIN: I'll say about that, that the  
12 code used to say 10,000 square feet for -- was the  
13 required size for a lot. And some years ago, Mayor  
14 Kapell changed it to 7500 square feet, I guess on  
15 the theory there are a lot of 15,000 square feet  
16 lots and they can be divided in half. So, in light  
17 of that, currently the code is slowly making  
18 smaller and smaller lots, I'm going to say yes,  
19 it's substantial, primarily because of the square  
20 footage of both lots.

21           CHAIRMAN SALADINO: I think that if each  
22 individual variance was taken on its own, perhaps  
23 there would be no problem voting no. But when you  
24 -- you know, we have to be aware of more than a  
25 couple smaller variances that might not be an issue

1 becoming an issue when you -- in totality.

2 I don't have a fixed number in my mind where  
3 something becomes substantial. I'm sure there's a  
4 formula someplace, somewhere. I'm sure there's  
5 case law somewhere. I don't have it. A thousand  
6 square feet on a 7500 square foot lot might in my  
7 mind, or an 18.4% variance might in my mind cross  
8 over the line between okay, or minimally tailored  
9 relief, or moderate relief and substantial. So, in  
10 my mind, I would think -- I would think perhaps yes.

11 MR. TASKER: I agree, John. The compounding  
12 effect of the numbers of variances in Lot 1 as two  
13 variances, the area variance is roughly 15%, the  
14 lot depth variance is 10%. That compound -- the  
15 two of those compound each other to make it -- to  
16 add to the substantiality. And then when you add  
17 in Lot 2 is roughly a -- nearly a 20% variance on  
18 the lot depth. The total compounding of that has  
19 got to be considered to be substantial.

20 MS. GORDON: I agree. I think the lot depth  
21 variances are substantial. And I also think -- I  
22 mean, these are friends, and maybe the issue of  
23 privacy is not terribly important. But one purpose  
24 of the -- stated purpose of the Zoning Code is to  
25 provide privacy for families, and they might not be

1 the same people all the time. And I also think  
2 when you're adding a substantial size building,  
3 that would be for me one of the indicators that  
4 it's a substantial change.

5 CHAIRMAN SALADINO: Ellen.

6 MS. NEFF: I think I've said what --

7 CHAIRMAN SALADINO: Okay. Question No. 4 is  
8 whether the proposed variance will have an adverse  
9 effect or impact on the physical or environmental  
10 conditions in the neighborhood or district.

11 We've been asking the applicant -- I  
12 personally am not sure. We've been asking the  
13 applicant exactly what the plan was about water --  
14 he was a little more sure of himself as far as  
15 septic. The response -- the response was, "We're  
16 going to work with the Village." I don't have  
17 anything from the Village to what exactly that  
18 means, or from the Town, so that's a question that  
19 lingers in my mind.

20 The physical conditions in the neighborhood,  
21 I think when you add a 2000 square foot house  
22 within a few feet of a neighbor is -- has an impact  
23 on that neighbor, has an impact on the surrounding  
24 properties, so.

25 MS. NEFF: I just -- if I could mention, that

1 much of the surrounding property is not like the  
2 rest of the street. There's the railroad, there's  
3 the presence of the street behind. In other words,  
4 it's not one among a mix, or five, or six, or  
5 seven, or eight houses that more or less have the  
6 same configuration relative to the street. And  
7 what would be seen from Sixth Street is a larger  
8 building on the one that's close to the property  
9 line that's existing and a garage, a movement of a  
10 garage.

11 CHAIRMAN SALADINO: At what number, what  
12 number do you put the amount of neighbors to -- I'm  
13 not sure. You know, you say there's not five or  
14 six.

15 MS. NEFF: Several, several

16 CHAIRMAN SALADINO: Well, there's two, you  
17 know.

18 MS. NEFF: Yes, that's two.

19 CHAIRMAN SALADINO: Okay. Arthur? David?

20 MR. TASKER: I'm prepared to let the sewer  
21 engineers deal with the sewer.

22 MS. NEFF: Right, because -- Engineering  
23 Solutions.

24 CHAIRMAN SALADINO: Yeah.

25 MR. TASKER: So I don't -- so I don't see an

1 environmental consideration that we need to be  
2 concerned about. That's -- I'm sorry, I'm being  
3 flip, John. But I can see concerns about too many  
4 buildings, too much proximity, being very different  
5 than the state of the neighborhood, which is  
6 essentially one residence, one residence building,  
7 whether it's a one-family or a two-family, on all  
8 of the adjoin -- most of the adjoining lots or  
9 adjacent lots.

10 MR. CORWIN: I'll just note that what does it  
11 means when you say environmental conditions,  
12 because that can take just about anything into  
13 consideration. And, once again, I have a concern  
14 about so many of these people coming in and  
15 requesting subdivisions or variances for small lots  
16 and the units ending up as Airbnb type of rentals,  
17 and the effect that it's having on the district,  
18 which I can see the whole Village of Greenport as a  
19 whole, as less and less -- as you know less and  
20 less of your neighbors for anything but a month or  
21 two, or usually a weekend now.

22 CHAIRMAN SALADINO: Good? And lastly,  
23 whether the alleged difficulty was self-created,  
24 which consideration shall be relevant to the  
25 decision of the Board of Appeals, but not

1 necessarily preclude the granting of the area  
2 variance. Anyone?

3 MR. TASKER: Certainly, it was.

4 MS. NEFF: Yes.

5 MS. GORDON: Sure. They bought with the  
6 knowledge that there was a space back there that  
7 was part of the existing property, and that in  
8 order to create a -- that there would have to be a  
9 subdivision if they want -- were going to be able  
10 to do what they wanted to do, so it is  
11 self-created.

12 CHAIRMAN SALADINO: I tend to agree with  
13 that. There is -- there is one thing that I would  
14 like to add to the discussion. I got the big book  
15 here, and it's -- I can give you the code. It's  
16 150-6. I'm not sure of the paragraph, but I'll  
17 just -- I'll just read it. And the reason I'm  
18 reading it is, is because one of my concerns --  
19 150-6, Paragraph C says, "No lot shall be formed  
20 from part of a lot already occupied by a building,  
21 unless such building and all yards, open spaces  
22 connected therewith and the remaining lot comply  
23 with all the requirements prescribed by this  
24 chapter for the district in which said lot is  
25 located."

1           The reason this gives me concern is, is  
2           because, this application as it relates to this  
3           gives me concern is because, in my mind, the Zoning  
4           Board kind of becomes the de facto Legislators. I  
5           understand it's our job to grant reasonable  
6           variances, but in my mind, this can't be plainer.  
7           And it's almost like we're the Legislators, and I'm  
8           kind of uncomfortable with that. So I have no idea  
9           if my colleagues agree with me or not, that's just  
10          something that came to my mind. But I just thought  
11          I would mention that, so.

12           MR. TASKER: Well, in fact, John, this is not  
13          far from my question that I brought up at the  
14          beginning as to if it's inappropriate for an  
15          existing undersized lot. It is -- this paragraph  
16          suggests the same thing. I appreciate you bringing  
17          that to my attention, because I was unaware of that  
18          provision in the code, but I think it -- I think it  
19          answers my question --

20           CHAIRMAN SALADINO: Well --

21           MR. TASKER: -- in the affirmative.

22           CHAIRMAN SALADINO: The argument that  
23          obviously can be made is, is that, well, that's why  
24          we're here, to give a variance. You know, we --

25           MR. TASKER: Or not.

1 CHAIRMAN SALADINO: Or not.

2 MS. NEFF: Right, consider.

3 CHAIRMAN SALADINO: Or to consider a  
4 variance. So is there any -- any other discussion  
5 on any other issue that -- I have a question for  
6 the Attorney. Would it be appropriate if we  
7 address the application as a whole, or each  
8 individual variance?

9 MR. PROKOP: It's up to you, it's either way.  
10 It's up to the Board. What I would do is I would  
11 have a vote from a member to do it one way or the  
12 other.

13 MR. CORWIN: I would move that we address  
14 each question, just answer yes or no.

15 CHAIRMAN SALADINO: Well, the last question,  
16 the last question, David, will be to either approve  
17 or deny the variance. Are we going to address the  
18 application as a whole, all three variances with  
19 all the questions? I believe we did that a number  
20 of times before. Or are we going to address each  
21 variance individually with each of the five  
22 questions?

23 MR. TASKER: Well, I think we might consider  
24 all of them together, because of the  
25 interrelationship that arises when you're creating

1 a subdivision with substandard lots --  
2 nonconforming lots, excuse me.

3 CHAIRMAN SALADINO: Is the Board ready to  
4 vote?

5 MR. CORWIN: Yes.

6 MR. TASKER: Yes.

7 MS. NEFF: Yes.

8 MR. PROKOP: You just need to have that last  
9 part of SEQRA. We determined that we have an  
10 unlisted action, but the next consideration would  
11 be whether or not there would be an impact on the  
12 environment and -- the environment, being that the  
13 full list of all the different potential impacts,  
14 including utilities. All the utilities have to be  
15 provided to the lot. The impacts on light,  
16 traffic, noise, any aspects of the natural  
17 environment, habitats, flora, you know, the  
18 vegetation, and so the full consideration of any  
19 potential impact on the environment. And, again,  
20 environment not being just the natural environment,  
21 but including traffic, light, noise, utility  
22 services provided, things like that.

23 CHAIRMAN SALADINO: Okay. So the ZBA has  
24 declared itself Lead Agency. We decided this is an  
25 unlisted action. And now the vote will be will

1 this have an adverse effect on the environment as  
2 it was listed by the Attorney, all the aspects of  
3 the environment as it was listed by the Attorney.  
4 I'll take a roll call vote.

5 (Roll Call Vote By Chairman Saladino)

6 MR. CORWIN: Yes.

7 MS. GORDON: No.

8 MS. NEFF: No

9 MR. TASKER: No.

10 CHAIRMAN SALADINO: And I'm going to vote no.

11 MR. PROKOP: So, then, if the Board's -- if  
12 the cumulative vote is no, then the motion would be  
13 to determine that the application will not have a  
14 significant negative impact on the environment, and  
15 that, therefore, a negative declaration is adopted.

16 CHAIRMAN SALADINO: So moved.

17 MR. TASKER: Second.

18 MS. GORDON: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MR. CORWIN: Aye.

21 MS. GORDON: Aye.

22 MS. NEFF: Aye.

23 MR. TASKER: Aye.

24 CHAIRMAN SALADINO: Aye.

25 David, did you vote no?

1 MR. CORWIN: I voted yes.

2 CHAIRMAN SALADINO: Okay. So it's five yes.

3 Can we move to the questions and the vote on  
4 the variance?

5 Whether an undesirable change will be  
6 produced in the character of the neighborhood or a  
7 detriment to the nearby properties will be created  
8 by the granting of the area variance.

9 (Roll Call Vote By Chairman Saladino)

10 MR. CORWIN: Yes.

11 MS. GORDON: Yes.

12 MS. NEFF: No.

13 MR. TASKER: Yes.

14 CHAIRMAN SALADINO: And I'm going to vote yes.

15 Whether the benefit sought by the applicant  
16 can be achieved by some method feasible for the  
17 applicant to pursue other than an area variance.

18 (Roll Call Vote By Chairman Saladino)

19 MR. CORWIN: Yes.

20 MS. GORDON: No.

21 MS. NEFF: No.

22 MR. TASKER: Yes.

23 CHAIRMAN SALADINO: And I'll vote yes.

24 Whether the requested area variance is  
25 substantial.

1 (Roll Call Vote By Chairman Saladino)

2 MR. CORWIN: Yes.

3 MS. GORDON: Yes.

4 MS. NEFF: No.

5 MR. TASKER: Yes.

6 CHAIRMAN SALADINO: And I'll vote yes.

7 Whether the proposed variance will have an  
8 adverse effect or impact on the physical or  
9 environmental conditions in the neighborhood or  
10 district.

11 (Roll Call Vote By Chairman Saladino)

12 MR. CORWIN: Yes.

13 MS. GORDON: No.

14 MS. NEFF: No.

15 MR. TASKER: Yes.

16 CHAIRMAN SALADINO: And I'll vote no.

17 Whether the alleged difficulty was self-created,  
18 which consideration shall be relevant to the  
19 decision of the Board of Appeals, but not  
20 necessarily preclude the granting of the area  
21 variance.

22 (Roll Call Vote By Chairman Saladino)

23 MR. CORWIN: Yes.

24 MS. GORDON: Yes.

25 MS. NEFF: No.

1 MR. TASKER: Yes.

2 CHAIRMAN SALADINO: And I'll vote yes.

3 I'm going to make a motion to approve the  
4 requested variance.

5 MR. TASKER: Second.

6 CHAIRMAN SALADINO: Well, we're going to take  
7 a --

8 MR. TASKER: We can do it variance by  
9 variance at his point, John?

10 CHAIRMAN SALADINO: No, we're going to -- I  
11 thought we -- I apologize.

12 MR. TASKER: No, the questions were  
13 collective.

14 MS. GORDON: Yea.

15 CHAIRMAN SALADINO: No. I think -- I  
16 think -- I thought we decided to take the  
17 application as a whole to vote on.

18 MR. TASKER: Oh, okay.

19 MS. GORDON: Yes.

20 MR. TASKER: So you're -- all or nothing is  
21 essentially what you're saying.

22 CHAIRMAN SALADINO: Yeah.

23 MR. TASKER: Okay.

24 CHAIRMAN SALADINO: All right. Motion to  
25 approve the requested variance.

1 (Roll Call Vote By Chairman Saladino)

2 MR. CORWIN: No.

3 MS. GORDON: No.

4 MS. NEFF: Yes.

5 MR. TASKER: No.

6 CHAIRMAN SALADINO: And I'll vote no.

7 The findings will be available --

8 MR. PROKOP: I'll have them in by this  
9 weekend, by the end of the weekend coming up.

10 MS. GORDON: Now does this go to the Planning  
11 Board?

12 CHAIRMAN SALADINO: No.

13 MS. GORDON: Okay.

14 CHAIRMAN SALADINO: Item No. -- Item No. 5 is  
15 a motion to accept the application of the Miller  
16 Family 2012 Irrevocable Trust for a property  
17 located at 424 Fourth Street, Greenport, New York,  
18 11944. The application is to continue to use their  
19 property as a B&B. The Miller Family 2012  
20 Irrevocable Trust is represented by Attorney  
21 Patricia Moore. Suffolk County Tax Map  
22 1001-6.-8-18.1. Ms. Moore.

23 MS. MOORE: Hi. We're actually asking  
24 that -- oh, sorry. Good evening. We were asking  
25 that when you do accept it, my client's away on

1 the -- actually next meeting day of the 17th, so we  
2 would ask that it be put on the November calendar.  
3 So just as a matter of scheduling, if that's all  
4 right with the Board. But did you want me to go  
5 over the details?

6 CHAIRMAN SALADINO: Before you did --

7 MS. MOORE: Yeah, sure.

8 CHAIRMAN SALADINO: Before you did, just so  
9 it's clear in my mind, I would ask the Building  
10 Inspector just to refresh our memory, and perhaps  
11 let the public know exactly what's being requested  
12 here. We haven't accepted the application yet, but  
13 if we could just from Eileen.

14 MS. MOORE: Would it be helpful from me,  
15 because --

16 CHAIRMAN SALADINO: Well, we're going to get  
17 the Village's point of view first

18 MS. MOORE: Okay, sure, no problem.

19 CHAIRMAN SALADINO: And then -- and then,  
20 obviously, you can respond. Can you just wait one  
21 second, Eileen? Let me get the application. Just  
22 to let us in on the -- like the nuance of it, so.

23 MR. TASKER: I thought nuance was our charge.

24 (Laughter)

25 MS. WINGATE: 424 Fourth Street is a very

1 large house that was permitted to be used as a bed  
2 and breakfast many moons ago. Our code is set up  
3 so that B&Bs can only have three rooms. Attached  
4 as part of the footprint of the original house is a  
5 cottage, but it is attached. It's got a fire rated  
6 wall, has a small kitchen, a bedroom. And they  
7 applied for a building permit -- I'd have to start  
8 shuffling papers. They applied for a building  
9 permit to increase the square footage of this  
10 little cottage.

11 Upon inspection, and trying to close out the  
12 building permit, I asked the owner if this was part  
13 of the B&B, and she said it was a separate unit.  
14 New York State Code says a B&B must be in a  
15 one-family house. So then we got into this is a  
16 two -- now a one-family house with an accessory  
17 apartment. So I couldn't really write a  
18 Certificate of Occupancy for the construction,  
19 because it didn't feel appropriate.

20 So she had some options, all of which  
21 involved coming to the Zoning Board of Appeals.  
22 One would be to ask for the fourth room. The  
23 fourth room for the B&B would eliminate the use as  
24 it stands, because she can't have a kitchen. The  
25 client came up with a different proposal to

1 separate the cottage from the rest of the house.  
2 So, therefore, it can be a one-family house and she  
3 could have --

4 CHAIRMAN SALADINO: But create -- but then it  
5 would create a separate --

6 MS. WINGATE: But what happens then is it  
7 creates a second dwelling unit on the property,  
8 which is not permitted by code.

9 So, having said that, I'm going to kind of  
10 read the Notice of Disapproval. I think it makes  
11 it clear.

12 The proposed changes to the existing house  
13 separating the principal building from the attached  
14 accessory apartment will have an end product of two  
15 separate residential units on the property, which  
16 is not a permitted use.

17 Then it goes on to accessory buildings. An  
18 accessory building may be in any required rear  
19 yard, provided that the building doesn't exceed 15  
20 feet in height, and that such building shall be set  
21 back 5 feet from any lot line and not less than 10  
22 feet from the principal building. This proposed  
23 change and separation of the principal building  
24 from the accessory apartment creates an accessory  
25 building located in the --

1 MS. GORDON: Not located.

2 MR. TASKER: Not located.

3 MS. WINGATE: Not located in the rear yard.

4 The proposed changes and separation of the  
5 principal building from the accessory building will  
6 not provide 10 feet in separation.

7 Furthermore, Section 150-7(B) talks about B&B  
8 facilities. "The rental of rooms is limited to  
9 three rooms for lodging and serving of breakfast.  
10 Not more than two individuals shall occupy a room  
11 for a maximum of six casual transient roomers.

12 The proposed changes to the existing house  
13 create a condition where the attached accessory  
14 apartment is no longer subject to limiting the  
15 occupancy regulations of the Village Code, creating  
16 more rental rooms than allowed by code. That also  
17 the changes to the existing house create a  
18 condition where the detached accessory apartment is  
19 no longer limiting the occupancy, creating more  
20 transient roomers than allowed by code. So you  
21 have more rooms and more roomers.

22 And that's where we are.

23 CHAIRMAN SALADINO: Thank you. We don't --  
24 we don't normally ask the Building Inspector to  
25 make her explanations or reasoning now, but I just

1 thought since the public usually doesn't get a copy  
2 of the Notice of Disapproval, and I kind of wanted  
3 everybody, the Board and the public, to be on --  
4 obviously, the Attorney is on the same page -- to  
5 be on the same page as what's going on, I asked her  
6 to do that.

7 MS. MOORE: That's fine.

8 CHAIRMAN SALADINO: Ms. Moore.

9 MS. MOORE: Well, we'll have a chance to  
10 explain everything during the public hearing, but  
11 some kind of fairness, justice issues here.

12 The B&B was granted back in 2001, so she's  
13 been operating for 17 years with a B&B, three  
14 bedroom B&B. The cottage, or she describes it --  
15 or she -- excuse me -- Eileen describes it as an  
16 accessory apartment. It was always a separate  
17 living space that had been rented. And that's why  
18 I want her present, because it's been a preexisting  
19 rental space that has been actually rented for  
20 year-round use for many residents of the Village,  
21 including at least one Village Mayor. It was  
22 previously owned by, I believe, somebody who had  
23 been in Village government. So the cottage has  
24 been in place always.

25 And when the -- in 2001, the approval of the

1 B&B was granted, everything was exactly, as far as  
2 use goes, as it is today. What happened is that no  
3 one realized, and the Building Inspector says she  
4 wasn't comfortable. It wasn't clear from the code,  
5 and we consulted with the State, because it just  
6 didn't make sense. The State says you have to have  
7 -- you can't have a B&B in a two-family. And the  
8 way that this ended up getting, just by virtue of  
9 the fact that you have two living -- it's called a  
10 two-family, even though you have a 17,000 square  
11 foot house with a 500 square foot cottage, it's  
12 considered a two-family. So we're --

13 CHAIRMAN SALADINO: We just went through  
14 that, didn't we?

15 MS. MOORE: Yeah, yeah, but it's a State --  
16 it's a code issue. So we're trying to preserve  
17 what they've -- she's always had. And worse is  
18 that she spent close to, well, several thousands of  
19 dollars, over 50,000, renovating the cottage. Got  
20 a building permit from the Building Inspector, and  
21 that building permit has been left open for almost  
22 eight years trying to resolve this, to try to  
23 figure out what could be done. Finally, I think we  
24 all came to the conclusion, either we had to go to  
25 the State, or we had to come to you.

1           The State actually came up with the idea of  
2 physically separating the building. We'd prefer  
3 not to, but the State said to us, "You know, if you  
4 could just cut the roof, cut the building." I only  
5 need one inch. It just has to be physically cut.  
6 We came up with a foot. It seems a little more  
7 logical, but --

8           CHAIRMAN SALADINO: I thought -- I thought we  
9 read that it was -- it was 10 feet.

10          MS. MOORE: No.

11          MS. GORDON: No.

12          MS. MOORE: One foot.

13          MS. WINGATE: That's local code.

14          MS. MOORE: That's the local code requires it  
15 to be 10 feet, we can't.

16          MS. WINGATE: State Code --

17          MS. MOORE: Yeah.

18          MS. WINGATE: State Code allows for you to  
19 have a principal building and an accessory  
20 apartment, Local Code does not. So State folks  
21 recommended separate the units, but that doesn't  
22 work for Greenport.

23          MS. MOORE: Right. We're -- it's a catch 22,  
24 that's why we're here. We're damned if we do and  
25 we're damned if we don't. And the only way to

1 solve this and close out a building permit, and  
2 continue her B&B that she's been now operating for  
3 many years and has -- you know, has a very good  
4 business going there, this is our solution.

5 I've tried the State and the State said we --  
6 "We just need you" -- "We just need you to cut it."  
7 That's the best that they can do. They -- and so  
8 we're back, you know, here we are. So you'll get  
9 all of that during the hearing and I'll -- but  
10 that's pretty much -- we're trying to keep  
11 everything the way it is, and we're kind of running  
12 against whether it's a combination of the State  
13 Code and your own Village Code that creates the  
14 issue. We'd like to keep everything exactly like  
15 it is, but that seems to be impossible, so.

16 MR. CORWIN: Question.

17 MR. TASKER: Remind me if you will, when was  
18 the work started on the so-called cottage?

19 MS. MOORE: It was with a building permit, a  
20 full --

21 MR. TASKER: When?

22 MS. MOORE: Eight years ago.

23 MR. TASKER: Eight years ago.

24 MS. MOORE: At least.

25 MR. TASKER: After the B&B operation had

1 commenced.

2 MS. MOORE: Oh, yeah, the B&B operations --

3 MR. TASKER: Long after the B&B.

4 MS. MOORE: Long after.

5 MR. TASKER: Okay.

6 MS. MOORE: Two -- the B&B has been since  
7 2001. The building permit came in later, and we've  
8 been trying to resolve it, and just kind of racking  
9 our heads trying to figure out how to resolve it,  
10 and here we are.

11 MR. TASKER: That sounds like a question of  
12 an improperly issued building permit, perhaps,  
13 which conveys no rights.

14 CHAIRMAN SALADINO: Let's -- maybe we'll  
15 leave that for the public hearing.

16 MS. MOORE: That will be the public hearing,  
17 yeah.

18 CHAIRMAN SALADINO: Were the two buildings  
19 ever connected?

20 MS. MOORE: Yes, they both were.

21 CHAIRMAN SALADINO: No, not connected  
22 physically, connected commonly. Was there ever a  
23 doorway between the accessory building?

24 MS. MOORE: No, no.

25 CHAIRMAN SALADINO: There was never a

1 doorway?

2 MS. MOORE: Not in the time that my client  
3 has owned the property, no.

4 CHAIRMAN SALADINO: And that's been since?

5 MS. MOORE: '70s.

6 CHAIRMAN SALADINO: Okay. David, you had a  
7 questions?

8 MR. TASKER: But were the buildings ever  
9 separated?

10 MS. MOORE: Not to --

11 MR. TASKER: Was the cottage ever separated  
12 from the main building?

13 MS. MOORE: No, not to our knowledge.

14 MR. TASKER: Okay. So it's always been  
15 contiguous.

16 MS. MOORE: Yes.

17 MR. TASKER: Like a barn kind of garage  
18 and --

19 MS. MOORE: Like the typical connected, you  
20 know --

21 MR. TASKER: Like your typical New England  
22 building to stay out of the snow.

23 MS. MOORE: New England, with an apartment --  
24 you know, truly, it's like an apartment, because  
25 it's a one-bedroom, but stand-alone living space.

1 So, you know, there it is.

2 CHAIRMAN SALADINO: David, did you have a  
3 question?

4 MR. CORWIN: Did you explore a variance from  
5 the New York State Building?

6 MS. MOORE: In fact, I did more than explore  
7 it, I filed one, I submitted it. It's there in the  
8 ether. The -- Richard Smith, who is the Architect,  
9 the Regional Architect was -- his reaction was it's  
10 a definition, "We can't give you a variance on the  
11 definition." I don't read it that way, but I had  
12 to get past their interpretation. And they gave me  
13 what I thought was a solution, being as impractical  
14 as it is, to cut the building apart. It will be up  
15 to you to determine how much. As long as the State  
16 is satisfied that it's a minimal amount, the rest  
17 is up to you on whether or not -- you know, we'd  
18 like to not cut it. It's an expense that is  
19 completely a wasteful expense, but she's already  
20 spent a tremendous amount on the renovation on the  
21 cottage. It's beautiful. When you come and see,  
22 you'll see for yourself. It is what it is, you  
23 know.

24 MR. CORWIN: On --

25 MR. PROKOP: When you say that -- I'm sorry.

1 MR. CORWIN: On the survey, entitled 1974  
2 survey --

3 MS. MOORE: Right.

4 MR. CORWIN: -- doesn't show a swimming pool.

5 MS. MOORE: No. That was added later, yeah.

6 MR. CORWIN: Was there a variance for the  
7 swimming pool?

8 MS. MOORE: I was issued a building permit.  
9 Not to my knowledge. I don't think that a  
10 variance --

11 MS. WINGATE: Yes, there was a variance for  
12 the swimming pool

13 MS. MOORE: Oh, there was? Thank you. Okay.  
14 Good. She knows the file better.

15 CHAIRMAN SALADINO: Well, she's had eight  
16 years to look at it.

17 MS. MOORE: It's true, she's been -- she's  
18 lived this.

19 CHAIRMAN SALADINO: Joe, did you have a  
20 question?

21 MR. PROKOP: When you say the State suggested  
22 that you separate, you do a separation of one inch,  
23 was it New York State or was it Richard Smith?

24 MS. MOORE: Well, it was Richard Smith.

25 MR. PROKOP: Okay.

1 MS. MOORE: I don't -- it hasn't gone to a  
2 Board. It's in there. I haven't been told that  
3 it's even going to be submitted or accepted by the  
4 Board. Richard was willing -- and I'm hoping he'll  
5 provide a letter that clarifies for the -- you  
6 know, gives us some guidance. But from everything  
7 I've heard, as long as the physical separation  
8 exists, then the State would be satisfied and the  
9 B&B can continue as it has all along. It would be  
10 considered a B&B in a single family dwelling. So  
11 we'd meet their definition, and, consequently, your  
12 own definition, because you adopt the State's  
13 definition.

14 MR. PROKOP: Do you have an application  
15 pending now to the State Appeal Board in Albany?

16 MS. MOORE: Yeah. I filed it, yeah. I filed  
17 it, but I didn't get anything other than a call  
18 back from Richard. The attorney called me and we  
19 played telephone, and I kept trying to reach him  
20 and he hasn't responded back. I think he deferred  
21 it to Richard Smith, ultimately.

22 CHAIRMAN SALADINO: But you expect -- did I  
23 hear right, that you're going to ask us to make the  
24 public hearing --

25 MS. MOORE: In November, yes.

1 CHAIRMAN SALADINO: So we can expect perhaps  
2 an answer?

3 MS. MOORE: Well, I don't know that a State  
4 -- the State might take the application or not  
5 take it.

6 CHAIRMAN SALADINO: Okay.

7 MS. MOORE: I don't know. I don't know. I  
8 filed it. I can only do my end of filing it, so.

9 CHAIRMAN SALADINO: Okay.

10 MS. MOORE: I just don't want to leave my  
11 client in limbo indefinitely, because that's pretty  
12 much where --

13 CHAIRMAN SALADINO: I'm reasonably certain  
14 we're going to accept the application.

15 MS. MOORE: Okay, great.

16 CHAIRMAN SALADINO: I believe. I'm  
17 overstepping.

18 MS. MOORE: I will wait to hear what you have  
19 to say.

20 CHAIRMAN SALADINO: I'm overstepping.

21 MR. PROKOP: I just -- I'm sorry, because,  
22 you know, we had this discussion in another Justice  
23 Court.

24 MS. MOORE: Yes.

25 MR. PROKOP: So I just need to pin this down.

1 I'm sorry.

2 MS. MOORE: That's all right.

3 MR. PROKOP: Is the application in Albany,  
4 the 12 copies and everything?

5 MS. MOORE: It has been -- I can swear that I  
6 sent it to Albany. The full number of prints that  
7 are required, the full application packet has been  
8 filed with Albany.

9 MR. PROKOP: Okay. Thank you.

10 MS. MOORE: Yes. In fact, I filed it before  
11 I came to you, so.

12 MR. PROKOP: Thanks.

13 MR. TASKER: John.

14 CHAIRMAN SALADINO: Yes.

15 MR. TASKER: I went through the package.  
16 Very impressive package, by the way.

17 MS. MOORE: Thank you.

18 MR. TASKER: Great photographs.

19 CHAIRMAN SALADINO: Way too many photographs.

20 MR. TASKER: A couple of things that I saw  
21 that --

22 MS. MOORE: Good. I like photographs, I  
23 think they're helpful.

24 MR. TASKER: -- that I'm not sure are correct  
25 in the application. I'm looking first at the short

1 form environmental assessment form that I believe  
2 you completed --

3 MS. MOORE: Yes.

4 MR. TASKER: -- not the applicant. And I see  
5 what I think may be a number of errors in there.  
6 The total error -- total acreage of the site of the  
7 proposed action, and it's indicated as half an  
8 acre. In fact, it's pretty near a full acre. And  
9 the total acreage only controlled by the applicant  
10 is the same, I believe, also nearly a full acre.  
11 It's 40-some thousand square feet, nearly an acre.

12 MS. MOORE: Okay.

13 MR. TASKER: You've indicated that --

14 MS. WINGATE: Arthur, there are two pieces of  
15 property, so I don't know. I have to research.

16 MR. TASKER: Oh, well, now you --

17 MS. WINGATE: There are two --

18 MR. TASKER: You've anticipated my next  
19 question.

20 MS. MOORE: Yeah. I think I was working off  
21 the survey with the structures. There's a separate  
22 attached -- there's a separate lot.

23 MS. WINGATE: There's an adjoining lot --

24 MS. MOORE: Yes.

25 MS. WINGATE: -- that is currently parking,

1 so --

2 MS. MOORE: Yes.

3 MS. WINGATE: -- there's a difference.

4 MR. TASKER: Yeah? Okay.

5 MS. MOORE: Now let's look at the survey.

6 MR. TASKER: An earlier -- an earlier survey,  
7 I think it's the 1974 survey, indicates that there  
8 are two lots. This, this survey here that I'm  
9 looking at, it's --

10 MS. MOORE: I'm sorry, I don't have my  
11 glasses.

12 MR. TASKER: Oh, well, it's Exhibit C, it's  
13 your Exhibit C.

14 MS. MOORE: Oh, okay. Oh, that one, yes,  
15 yes, yes.

16 MR. TASKER: Your Exhibit C, which shows what  
17 appears to be the principal lot with a  
18 two-and-a-half story house, 228 feet deep. And  
19 then it shows a second lot behind it with the name  
20 "L. Miller" overwritten as the apparent owner --

21 MS. MOORE: Right.

22 MR. TASKER: -- that is 64 feet deep. The  
23 two together are 292 feet deep.

24 MS. MOORE: Right.

25 MR. TASKER: And in looking at this survey,

1 the lot --

2 MS. MOORE: The new one.

3 MR. TASKER: The lot is shown as 292 feet.

4 MS. MOORE: Correct.

5 MR. TASKER: So it includes, apparently, both  
6 of those lots. How did they get merged?

7 MS. MOORE: They're --

8 MS. WINGATE: They're not.

9 MS. MOORE: They're not merged.

10 MR. TASKER: They're not merged?

11 MS. MOORE: I just felt -- pardon me. The  
12 only survey my client had at the time I started  
13 with her was the original Van Tuyl survey that I  
14 gave you, the old one. I think that's when she  
15 purchased in the '70s, so that's -- that's a  
16 vintage map.

17 Given the number of structures there,  
18 everything being new and having -- never having had  
19 an updated survey, I just felt it was appropriate  
20 to have the updated survey done. That's this  
21 survey. You can see it includes two separate tax  
22 lot numbers, 18.1 and 19. So it incorporates all  
23 the land she owns, just so that, one, it shows you  
24 the entire structure, plus it shows you the parking  
25 area. It didn't seem to me wise to -- if I'm

1 ordering a new survey, to just do half the job. I  
2 just felt it should include both parcels. See the  
3 line where the tax map --

4 MS. NEFF: Yeah.

5 MR. TASKER: I now see it.

6 MS. MOORE: Okay.

7 MR. TASKER: You've got awful fine print on  
8 that map.

9 MS. MOORE: Hey, I don't -- I don't prepare  
10 the survey, I just read it.

11 MR. PROKOP: Is the -- but they're different  
12 owners, right?

13 MS. MOORE: Yeah. I believe they have them  
14 in separate name, yeah.

15 MR. TASKER: I'm sorry, forgive me. I think  
16 I had one or two other questions with regard to the  
17 application itself, but perhaps not. No. Yeah,  
18 the question that I had, that has already been  
19 asked, was there ever access between -- straight  
20 through, in other words, from the principal house  
21 and the so-called cottage, but the so-called  
22 cottage was always attached; is that correct?

23 MS. MOORE: It was always attached --

24 MR. TASKER: Okay.

25 MS. MOORE: -- but it did not -- it was --

1 there was no doorway between the two, they were  
2 always separated.

3 MR. TASKER: Okay.

4 MS. MOORE: Yeah.

5 MR. TASKER: Thank you.

6 MS. MOORE: Uh-huh.

7 CHAIRMAN SALADINO: The only question I have  
8 about the EAF is, is the typical habitat likely to  
9 be found on the project site, and you have  
10 wetlands, as opposed to --

11 MR. TASKER: Waterfront.

12 MS. MOORE: Well --

13 CHAIRMAN SALADINO: Or -- and a wetlands --

14 MS. MOORE: Yeah, it's a beach. I mean,  
15 it's --

16 MR. TASKER: It's waterfront.

17 MS. MOORE: Yeah, it's waterfront.

18 CHAIRMAN SALADINO: So we might want to think  
19 about that.

20 Anyone else have any questions for Attorney  
21 Moore? No?

22 (No Response)

23 CHAIRMAN SALADINO: Then I'll make a motion  
24 that we accept this application.

25 MR. CORWIN: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MR. CORWIN: Aye.

3 MS. GORDON: Aye.

4 MS. NEFF: Aye.

5 MR. TASKER: Aye.

6 CHAIRMAN SALADINO: I'll vote aye.

7 We're going to schedule a public hearing.

8 MS. MOORE: November, please. Yeah, the  
9 meeting of November.

10 MS. WINGATE: The 21st.

11 CHAIRMAN SALADINO: So we're going to  
12 schedule a public hearing for November 21st, and  
13 site inspection -- at 6 o'clock. And the site  
14 inspection will be at 5:30.

15 MR. CORWIN: That's a big house.

16 MS. MOORE: Give yourself plenty of time,  
17 it's a big house, it's a big property.

18 MR. TASKER: It's -- is that after daylight  
19 saving?

20 CHAIRMAN SALADINO: Every time -- every time  
21 I suggest an extra 15 minutes, they yell at me, so  
22 I thought I would be conservative.

23 MS. NEFF: It will be dark.

24 MR. TASKER: It will be dark.

25 MS. GORDON: It's dark by then.

1 MS. MOORE: That's true, it will be dark.  
2 Although most of this is inside, so you shouldn't  
3 have a problem.

4 CHAIRMAN SALADINO: Well, what's the pleasure  
5 of the Board? Would youse like to go earlier, or  
6 would you like to go at 2 o'clock?

7 MS. NEFF: Four o'clock?

8 CHAIRMAN SALADINO: I'm going to leave it at  
9 5:30 if nobody says anything.

10 MR. TASKER: Earlier, so we can see it.

11 MS. NEFF: Four o'clock.

12 CHAIRMAN SALADINO: Four o'clock? We'll do  
13 the site inspection at 4 p.m.

14 MS. MOORE: Okay. We'll be sure to have  
15 everything available.

16 CHAIRMAN SALADINO: Okay.

17 MS. MOORE: Thank you.

18 CHAIRMAN SALADINO: See youse then.

19 MS. MOORE: Okay. Thank you.

20 CHAIRMAN SALADINO: Item No. 6 is -- before  
21 we get into Item No. 6, I believe one of the  
22 members has a comment to make.

23 MR. TASKER: Well, it relates to Item No. 6,  
24 in fact, the public hearing with regard to the  
25 Monsell Place application.

1           I am going to have to recuse myself from  
2           consideration of that application as a member of  
3           the Zoning Board. I do this because there is the  
4           possibility of the appearance of impropriety or  
5           perhaps a conflict of interest because of a  
6           relationship that I have. Specifically, that is  
7           the attorney for the applicant for the Monsell  
8           Place project, Mr. Solomon, represents me in  
9           another completely unrelated lawsuit. So, because  
10          of that, I am concerned that I have not only the  
11          ethical responsibilities that are part of the  
12          Village Code, but also the ethical responsibilities  
13          that constrain me as an attorney in New York State.  
14          Because of those concerns about the possible  
15          appearance of impropriety, I'm going to recuse  
16          myself from consideration of that application. So  
17          I will join the audience.

18           CHAIRMAN SALADINO: Okay. Also, before we  
19          address the public hearing, before we open the  
20          public hearing, there were some comments last month  
21          about additional information that would be  
22          provided. The Building Inspector said she would  
23          kind of look for stuff, and I believe the applicant  
24          mentioned that, the applicant's attorney mentioned  
25          that he had some FOILs pending that weren't

1 returned yet.

2 I think, before we open the public hearing,  
3 we resolve -- we resolve exactly what should happen  
4 with this application. I think what has to be  
5 done, and if the Board agrees, or if the attorney  
6 agrees, I think what has to be done is since the  
7 Village can't provide any further information, and  
8 there's still a question about use, that we ask the  
9 applicant to make his case to this Board before we  
10 open the public hearing about either an issued use  
11 variance or a preexisting nonconforming use prior  
12 to zoning. Am I -- am I making any sense with  
13 that? Am I --

14 MR. PROKOP: I just have -- I have one  
15 comment about the FOILs, the FOIL situation, if  
16 you'd like to make it -- me to make it now.

17 CHAIRMAN SALADINO: Sure.

18 MR. PROKOP: So, if you're correct, then  
19 wasn't -- based on your comment about the FOILs, I  
20 looked in -- I checked with the Records Access  
21 Officer of the Village, which is the Village Clerk,  
22 and there was only one -- there was only one FOIL  
23 request filed with the Village. It was filed on --  
24 regarding this application, filed by Mr. Solomon on  
25 July 14th of 2017, and it was access to review the

1 file, was the FOIL request.

2 The file was reviewed on July 22nd, and there  
3 was no further FOIL request for any specific  
4 documents or anything else other than that July  
5 14th FOIL request, that the Village is aware of.

6 CHAIRMAN SALADINO: Okay.

7 MR. SOLOMON: What's the question now?

8 MR. PROKOP: I basically just -- according to  
9 the Village, that there's no outstanding FOIL  
10 request.

11 CHAIRMAN SALADINO: The question --

12 MR. SOLOMON: Then no. Whatever records I  
13 have were either FOILED or records that my clients  
14 had. That's -- there's no more FOIL requests out  
15 there.

16 MR. PROKOP: Okay. Thank you.

17 CHAIRMAN SALADINO: So I would ask, I would  
18 ask, and if the members concur, that we resolve --  
19 the question came up last month, and in my mind it  
20 was never resolved. We moved the application  
21 further on the condition that we get additional  
22 information from the Planner, from -- from the  
23 Village, as far as the minutes of the 1967 -- 1969  
24 Zoning Board. But the question of use was never --  
25 was never resolved, I don't think. The Village has

1 no record of a use variance being -- ever being  
2 issued.

3 MR. SOLOMON: I'll welcome this opportunity,  
4 because I really believe --

5 CHAIRMAN SALADINO: Okay.

6 MR. SOLOMON: -- historically I have what's  
7 here. And one thing that we have to do, and I'd  
8 recommend to the Board, is we now have to apply our  
9 common sense to what documents I am now going to be  
10 able to produce. And I'll do in a sequence of  
11 order, and I'll actually hand them out to make sure  
12 everybody actually has them.

13 This is the only records that were available  
14 with respect to the variance granted in 1969.  
15 Apparently, what was only records that were  
16 available in 1969 dealt with notices, a notice of a  
17 hearing, and there are minutes from the -- from the  
18 procedure.

19 Now what you -- one thing that we have to  
20 bear in mind is the current building code and the  
21 issuance of certificates of occupancy did not come  
22 into effect until October 1971. That's -- as a  
23 matter of fact, in -- that's the Village change  
24 where COs were required to be produced. So  
25 anything before 19 -- October 1971, there was no

1 CO. And our Village -- and, by the way, I live in  
2 the Village, and I think a lot of you know that I  
3 live here, so I understand that.

4 CHAIRMAN SALADINO: But there was a Zoning  
5 Board.

6 MR. SOLOMON: Yeah, absolutely, but they  
7 didn't issue COs, and that existed in a lot of the  
8 small municipalities. So, apparently, in 1969, as  
9 we know the history -- everybody I think  
10 understands the history of this property. It  
11 basically consists of three lots. There was a  
12 house on one lot, there was a vacant lot in  
13 between, and there was a house in the -- we'll say,  
14 the third lot.

15 So in 1969, a variance application was made.  
16 And I would almost submit to the Board that in  
17 1969, that in the old code, there was no difference  
18 between an area variance and use variance, it was  
19 called a variance. And later, as the law got more  
20 defined, the use of the word use variance and area  
21 variance started to come into play.

22 But when I say we have to beg to common  
23 sense, in the variance grant that was granted, it  
24 actually says, "After the public hearing held, and  
25 you have it in front of you, June 16th, 1969, the

1 Zoning Board of Appeals of the Village, upon  
2 application of Eastern Long Island Medical  
3 Building, Inc.," and this is where I talk common  
4 sense. If the applicant is Eastern Long Island  
5 Medical Building, Inc., it's very hard for anybody  
6 with a -- using common sense, and says, "No, that  
7 wasn't a medical building." You just can't say it.  
8 There's no way, rational way to say it was a  
9 medical arts building or medical building, but it  
10 wasn't a medical building.

11 So they came in, and what did they ask for?  
12 They asked for a setback to be allowed, because  
13 there was -- it violated at that point under the  
14 old law the requirement for setback. So when you  
15 see the resolution, what does it say? That the  
16 setback is allowed, and significantly the average  
17 setback on Manor Lane, exclusive of porches or  
18 existing buildings, is considerably less than 19  
19 feet.

20 The variance does observe, and this is --  
21 this relates, you know -- and I've met with all the  
22 neighbors, and I want the Board to be aware of  
23 this. We held a -- we held a meeting, we  
24 entertained the neighbors a week ago, we listened  
25 to all of their issues, all their complaints, which

1 I'll address as we go forward.

2 But in 1969, when this was issued, the Board  
3 actually said the variances does observe the spirit  
4 of ordinances, and the public convenience and  
5 welfare will be substantially served, and the  
6 appropriate use of the neighboring properties will  
7 not be substantially or permanently injured by this  
8 variance.

9 So in 1969, the sitting Board, as you're  
10 sitting here today, made the determination that  
11 this fit into the neighborhood. And it was an  
12 application for a medical -- a medical building.  
13 So that's document number one. And you'll see, you  
14 have some minutes also to adjoin, that I've  
15 submitted with that submission.

16 And it's interesting. Actually, no one  
17 appeared in opposition to the variance, if you read  
18 what the minutes were. So that's 1969.

19 Now we fast forward to 2001. In 2001, an  
20 application is made for a building permit to  
21 construct a handicapped access ramp to the  
22 building, and that was November 16th, 2001. The  
23 permit was paid for. We all know the ramps are  
24 there, because they're still physically there.  
25 We've all visited the property, saw it today. And

1 the Building Department, at that point in 2001,  
2 granted the permit. The records within the  
3 Village, from what I was able to find, never show  
4 the final documentation on the -- on the ramp. But  
5 here's a recognition of the use of the property  
6 through 2001, another building permit. It's almost  
7 a ratification of what happened in 1969.

8 The Building Department didn't reject the  
9 permit, which they could have under the statute at  
10 that time, the Village ordinance, saying it was  
11 some sort of alteration or addition to a  
12 nonconforming use, but they issued the permit. So  
13 to me, the Building Department, Village recognized  
14 the validity of the building, the use. The use  
15 continued. Now we move on. It gets even -- it  
16 gets even a little bit more interesting.

17 MR. PROKOP: Is there -- in the file, is  
18 there a plan that goes with this that refers to the  
19 Fairweather-Brown --

20 MR. SOLOMON: Excuse me? Yeah.

21 MR. PROKOP: It refers to a drawing. Is the  
22 drawing available?

23 MS. WINGATE: Yes.

24 MR. SOLOMON: What? Maybe.

25 MS. WINGATE: For the ramps, yes.

1           MR. SOLOMON: Yeah, the drawing for the ramp  
2 is available.

3           Then in February 2002, and really, as it  
4 relates to this document, I don't -- my client  
5 actually obtained this document through their  
6 closing process. Can I just take this back for a  
7 minute? You'll see the Village issued a  
8 pre-Certificate of Occupancy, saying that we issue  
9 COs now, but because this was built before we  
10 issued COs, we're entitling the document  
11 pre-Certificate of Occupancy. And right there on  
12 the fourth line, use and occupancy, business  
13 office. So here's official recognition by the  
14 Village that this is a business office, and it  
15 actually says this building came into existence in  
16 1969 by merging two single-family houses into one,  
17 into one structure. So with that document is  
18 almost definitive. I should say it is definitive  
19 proof of there's your use, there's your approved  
20 use, it being confirmed by the Village in 2002.

21           Now we move a little bit further ahead. In  
22 -- this is interesting, too. In 2003, which I was  
23 able to obtain -- I don't know if I have copies for  
24 everybody, but I'll go as far as I can.

25           MS. NEFF: I can use John's.

1 MR. SOLOMON: I have one, I have one.

2 MS. NEFF: Okay.

3 MR. SOLOMON: Apparently, on a Board of  
4 Zoning Appeals calendar, there's now a general  
5 discussion held. And this application, as I  
6 recall, was brought by Joe Townsend to put an  
7 apartment in the building, which is currently  
8 there, and it's been there since 2001, and that  
9 came before discussion in some proceeding before  
10 the Zoning Appeals. I can't find anything. All my  
11 requests for information, beyond that minutes,  
12 there's nothing else that I was able to obtain,  
13 other than knowing there was a discussion.

14 That then gets followed by the Building  
15 Department issuing in October of 2004 a Certificate  
16 of Occupancy with -- Certificate of Occupancy. But  
17 I want to call your attention to the top of the  
18 document first, because, again, here we go with the  
19 use and occupancy. Business office preexisting  
20 nonconforming use with single apartment. And this  
21 CO says this CO is for the second floor apartment  
22 conversion only.

23 But the net effect of this, when I was  
24 actually here last time, and I said this is not a  
25 question of use anymore, this is -- whatever we're

1 doing now is an approval, because there's  
2 restrictions within the code that if you're going  
3 to alter a nonconforming building, which this was,  
4 that you have to come and get a building permit.  
5 Eileen's -- Eileen's review indicated, okay, she's  
6 not able to approve it, because it says any  
7 alteration requires approval. Bingo. That's why  
8 we're here, for that approval.

9 But as it relates to any argument or any  
10 dispute as to it being an office building, or  
11 theoretically a medical office building, the  
12 proof's in the pudding, it's there, and it's been  
13 used for -- when my clients bought the building, we  
14 already had -- five doctors were operating the  
15 building when we bought it, and that's effectively  
16 the application that's in here. We want to make  
17 improvements to the building, and I -- you may want  
18 to hold my other comment back. You just said you  
19 wanted to address this issue, Mr. Saladino, first.  
20 So if you want me -- if you want me to go right  
21 into the meat of the rest of it, I will, but you  
22 said let's discuss this use thing first, so --

23 CHAIRMAN SALADINO: Well --

24 MR. SOLOMON: Because our position, being  
25 here, is we're here on an area -- area variance

1 application. Whether it's appropriately area  
2 variance or not, there was a parking issue and we  
3 had a nonconforming alteration to the building, and  
4 those are the two items that we're here, has  
5 nothing to do with the use of building. So if we  
6 can clarify that issue, it makes the rest of the  
7 movement substantially simple to move forward.

8 CHAIRMAN SALADINO: Well, the question -- the  
9 question was, originally, was to -- for you to make  
10 an argument to legitimize the building, a  
11 commercial building in that district. And in 1967,  
12 when the building was -- the properties were  
13 originally purchased in 1967.

14 MR. SOLOMON: No. Look, it wasn't -- I don't  
15 know when the exact purchase date. There were  
16 medical offices, I believe, being in one of these  
17 two buildings even before they -- anything was  
18 joined. One of these houses was already a doctor's  
19 office.

20 CHAIRMAN SALADINO: Do we have -- do we know  
21 that?

22 MS. WINGATE: I do not --

23 MS. ALLEN: I went there. Doctor Campbell  
24 was in there.

25 CHAIRMAN SALADINO: Well, a -- if you would.

1 A doctor's office in the R-1 Zone for one doctor is  
2 actually a permitted accessory use.

3 MR. SOLOMON: Correct. I don't understand  
4 the materiality of the question, you know, with all  
5 due respect.

6 MR. SOLOMON: It doesn't -- if I could  
7 respond, it doesn't say if it's a primary  
8 residence, it doesn't say that. It says a doctor's  
9 office, a professional office. It doesn't  
10 necessarily have to be the doctor's residence. But  
11 we digress. But in '67 the properties were  
12 purchased.

13 MS. NEFF: We don't know that that's when  
14 they were purchased. That's not what he's saying.  
15 He says that's what --

16 CHAIRMAN SALADINO: Yeah, but I'm getting my  
17 in information from the Building Department.

18 MS. NEFF: Okay.

19 MS. WINGATE: The property card lists a sale  
20 in '67.

21 MS. NEFF: Do we have a copy of the property  
22 card?

23 MS. WINGATE: Uh-huh.

24 MS. NEFF: Can I see that?

25 CHAIRMAN SALADINO: So the properties were

1 purchased in 1967 to become -- to become -- and the  
2 first document you gave us that we had was that in  
3 1969 they made no different -- they didn't  
4 differentiate between area variance and use  
5 variance. I got to be honest with you, I wasn't  
6 around. I was out of the country in '69, so I  
7 don't really --

8 MR. SOLOMON: Hopefully not in Vietnam.

9 CHAIRMAN SALADINO: I don't really know what  
10 went on, but we know -- we know zoning -- we know  
11 we had zoning, because zoning was revised in 1971.  
12 Doesn't mean we didn't have zoning prior to that.  
13 We have zoning minutes going back to 1966. We have  
14 a building that was purchased in 1967. And we have  
15 an area -- we have a variance for -- to build a  
16 rotunda in 1969. But we have nothing that shows us  
17 where the use is legitimized in that -- in that  
18 district, unless I just don't understand a lot of  
19 this stuff here. I don't see anything that --

20 MR. SOLOMON: You have a series --

21 CHAIRMAN SALADINO: And we have your --

22 MR. SOLOMON: You have the series of -- yeah.

23 CHAIRMAN SALADINO: And just if I could  
24 finish. And we have your word, which, unless  
25 there's somebody opposite, that's -- that tells me

1 that there's no difference, in 1969 there was no  
2 difference between area and use. We know there was  
3 zoning districts and we know that certain things  
4 were allowed in zoning districts in 1969. I just  
5 -- I don't -- I don't have enough for me to be  
6 thoroughly convinced that this application doesn't  
7 need a use variance as opposed to an area variance.  
8 I might be alone in my thinking, but --

9 MR. SOLOMON: Well, let's work on these  
10 assumptions, right, because, you know, quite  
11 honestly, the last thing that I want to do, as an  
12 attorney on behalf of a client who's very anxious  
13 and spent a lot of money to open a facility, and as  
14 a Village resident to watch my Village spend money  
15 unnecessarily, is -- the Village is sitting on a  
16 pile of documents that for 50 years say this is  
17 office space, and I -- and, listen, you have to  
18 defer a lot to Mr. Prokop, who I have high -- very  
19 high regard. We may not agree all the time, I have  
20 tremendous high regard for him.

21 If this was ever going to walk into a court  
22 of law, which I don't want to do, and I'm going to  
23 submit to some Supreme Court Judge document after  
24 document, after document, after document, after  
25 document that says office space, office space,

1 office space, office space, office space, take  
2 yourself out of the Board of Zoning Appeals and  
3 make yourselves a juror in a case, and then sit  
4 there and say, "No, it wasn't, it's not office  
5 space, I don't see what I want to see."

6 If it's missing, Mr. Saladino, I get that,  
7 but the Village ratified it. It ratified it every  
8 move that it made, and you have probably four or  
9 five moves that the Village made -- and listen,  
10 let's talk significantly about the Townsend  
11 application. That's only 2004. In 2004, there  
12 were inspections. You just don't get -- as you --  
13 we were there today. You don't get a building  
14 permit because you want one. People were in that  
15 building, people inspected it, they knew at that  
16 point in time it was a medical building with an  
17 apartment.

18 CHAIRMAN SALADINO: Well, in 2004 -- in 2004,  
19 chances were -- back in 2004, chances are you could  
20 have gotten exactly what you wanted.

21 MR. SOLOMON: Now we're getting into Village  
22 politics.

23 CHAIRMAN SALADINO: No, no, no, no, no.

24 MS. NEFF: Yes, I think you are.

25 MR. SOLOMON: No, no, we are. Now we're

1 getting into Village politics, and not being into  
2 the law, I get it, I get it.

3 CHAIRMAN SALADINO: I'm just responding to  
4 what -- I'm just responding to what you said.

5 MR. SOLOMON: You may be talking Village  
6 politics, but listen, but you can't penalize --  
7 understand, my clients went ahead in due diligence  
8 to get all the documents they need to show office  
9 space, office space, office space, office space.  
10 They invested a tremendous amount of money, and in  
11 a building that's been used that way for probably  
12 50 years are now going to confront -- and I'm not  
13 saying -- none of this, by the way, is addressed to  
14 anybody sitting here as an individual. But as a  
15 Village unit or a Village government telling, "Nah,  
16 we don't know if it's office space," this where I  
17 said we got to go back to common sense, because I  
18 think that, you know, everybody -- common sense,  
19 this is an office building. You can't get away  
20 from it unless you you're going to take an eraser  
21 and wipe everything you want off those -- all the  
22 Village documents. And how they got there,  
23 Mr. Saladino, that can be a discussion we could  
24 have one day over a beer somewhere unrelated to  
25 this, that's another story. But as a legal

1 proposition, as a Village resident, for my Village  
2 to sit here and try to adopt a theory that the  
3 Village acted in a certain way for 50 years and,  
4 you know, on backsies, we're taking backsies on it.

5 CHAIRMAN SALADINO: Well, all they had to  
6 do -- well, if we're talking seriously, all they  
7 had to do was make one mistake and then it's  
8 compounded yearly after that, if you go on the  
9 assumption that something is legitimate and it just  
10 becomes like a game of telephone, it just keeps  
11 getting passed on and passed on and passed on.  
12 If --

13 MR. SOLOMON: You know, with the exception of  
14 -- you know, if I was -- found that 1969 variance  
15 application and it said John Doe looking to do  
16 something, but when somebody came in and it says  
17 Eastern Arts Medical Building, we know. I mean, to  
18 try to assume that somehow it wasn't a medical  
19 office building is really just like really picking  
20 straws out of the sky. And we know it was used.

21 And, listen, we've got people in this room --  
22 look, I'm in the Village for 14 or 15 years. Trust  
23 me, I've got people who make me look like I just  
24 moved on to the block. You know, I'll never be a  
25 'Porter because I wasn't born here. We've got

1 'Porters sitting out here. The 'Porters will tell  
2 you what that building's been, how it's been used  
3 without ever looking in a record. But now I'm  
4 giving you enough in the record to have to  
5 really -- you know, to beat -- to beat this issue  
6 over and over and over again, it's really  
7 penalizing these poor people trying to move forward  
8 with a project.

9 CHAIRMAN SALADINO: Last --

10 MS. NEFF: Mr. Chairman.

11 CHAIRMAN SALADINO: Last month, if I could  
12 just finish the thought --

13 MS. NEFF: If I --

14 CHAIRMAN SALADINO: And then we're going  
15 to -- if -- I'm going to let you talk as much as  
16 you want, I just wanted to get -- last month you  
17 mentioned that you see what we're trying to do here  
18 is cross the T's and dot the I's. That's our role  
19 here, that's what we do. It has absolutely -- I  
20 personally -- I can't say that right now. But  
21 nobody's -- I don't believe anybody's opposed to  
22 something that's been there for that long providing  
23 that kind of service. In my mind, nobody would be  
24 opposed to something like that. But I believe it's  
25 the job of this Board to do exactly what you

1 suggested we were trying to do, dot the I and cross  
2 the T. So if I'm being perhaps too -- is officious  
3 the wrong word? To try to do that --

4 MS. NEFF: Perhaps.

5 CHAIRMAN SALADINO: I apologize, but I feel  
6 that's my role here.

7 MR. SOLOMON: No apologies are required. But  
8 what the --

9 CHAIRMAN SALADINO: I think I -- I think I'm  
10 just kind of throwing that out there, you know.

11 MR. SOLOMON: But what the Board has to --  
12 you see, what the Board has to understand is that  
13 assuming for the moment I maybe start saying, "You  
14 know, maybe you're right and maybe I should go file  
15 for a use variance," and I have other lawyers  
16 sitting there, but that lawyer would jump out of  
17 the seat and say privately, "Michael, what are you  
18 doing? You can't" -- that would be somehow my  
19 conceding to you that the argument that is being  
20 placed out of here, unfortunately, to me,  
21 improperly -- I understand what you're trying to  
22 do, and I get crossing I's and crossing the T's,  
23 but when this application is done, and if this  
24 application is granted, if Eileen Wingate, in the  
25 final issuance of the Declaration of Independence

1 says that she's issuing a CO for a medical  
2 building, a medical office building with no more  
3 than five doctors, well, bingo, guess what, it's  
4 done, and that's what you're looking for.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: My point was I was glad I looked  
7 at the property card, what happens to be in the  
8 file. And I think that in a lot of ways what you  
9 are thinking and looking at more papers than we had  
10 before, that they were distributed, correct, there  
11 were more pieces of paper that left some things  
12 vague, but did clarify some things. When I look at  
13 the property card and I realize, yes, and the thing  
14 you had, the Eastern Long Island Medical Group, and  
15 see that from the property card that the previous  
16 owner was Dr. Hansen, I mean, you could also go  
17 back and look at property cards when those were  
18 three different distinct properties. And the idea  
19 that they were used as medical offices, and that  
20 the hospital -- and he was the Chair of the board  
21 of the hospital, I do believe, he certainly was a  
22 doctor in the community a long time, that they were  
23 trying to create something for the use of the  
24 community and expand something that was there and  
25 expand it.

1 I'm satisfied with these various pieces of  
2 paper show that there was the use, medical office,  
3 for more than 50 years. And what we are being  
4 asked to do, I believe, is that because there's an  
5 alteration to this, it needs us to take a look at  
6 it, for no other reason, not about the use. That  
7 is my opinion.

8 CHAIRMAN SALADINO: Well, as always, your  
9 vote -- your opinion will be expressed in your  
10 vote. So I -- we all want to get a vote.

11 MS. NEFF: I would say.

12 CHAIRMAN SALADINO: We'll put it to the rest  
13 of the Board, and perhaps the Attorney.

14 MS. GORDON: I'm struck by the consistency of  
15 the documents from 1969. You have the memo about  
16 the variance, which refers to the Eastern Long  
17 Island Medical Building, Incorporated, and then you  
18 have the minutes in which Mr. George Ehlers  
19 appeared for the Eastern Long Island Medical  
20 Building, and then you have the legal notice in  
21 which the meeting is referred to as the matter of  
22 the application of the Eastern Long Island Medical  
23 Building, signed by the Chairman and the Secretary  
24 and another member of the Board of Appeals, of the  
25 Zoning Board of Appeals. It's very, very

1 consistent. And, I mean, to me, that creates a  
2 presumption that we don't have any evidence to  
3 rebut. So I am afraid I disagree.

4 (Laughter)

5 CHAIRMAN SALADINO: David? Hello.

6 MR. CORWIN: In 1949, it says Article --

7 CHAIRMAN SALADINO: What year?

8 MR. CORWIN: 1949, when the Village adopted a  
9 Zoning Code, it says Article 10, Section 1000,  
10 Administration, 4, Paragraph 4(C), Certificate of  
11 Occupancy. "No building hereafter erected,  
12 enlarged, extended or so altered in whole or in  
13 part has to change classification of occupancy, and  
14 no building hereafter altered where a Certificate  
15 of Occupancy has not been heretofore issued shall  
16 be occupied and used whole or in part until a  
17 Certificate of Occupancy shall have been issued,"  
18 and it goes on. I don't think you want to listen  
19 to me read, but it seems to me there must -- should  
20 have been a Certificate of Occupancy. Somewhere  
21 along the line authorized the use as a  
22 nonconforming use, because it has a section in here  
23 on nonconforming, Article 9, Section 900,  
24 Nonconforming Uses. So --

25 MR. SOLOMON: Well, according --

1           MR. CORWIN: -- maybe you can make a  
2 statement that, gee, because somebody did an area  
3 variance after they became a fact. From my  
4 perspective, where was the Certificate of Occupancy  
5 when this went into effect in 1949 or some time  
6 thereafter?

7           MR. SOLOMON: Well, considering I wasn't even  
8 a thought in my parents' mind in 1949, this is  
9 going to be a tough one for me. But all I can rely  
10 upon is the pre-Certificate of Occupancy that  
11 everybody has. Here's what it says. The Village  
12 of Greenport established the authority for the  
13 issuance for a Certificate of Occupancy in October  
14 1971. So I have -- I would have no cause to go  
15 back to 1949 to look for anything. And this is on  
16 an official stamp, sealed Greenport document.

17           I mean, this is, you know, part of, I guess,  
18 the frustrations that I feel that Mr. Saladino may  
19 have as far as we talked about dotting I's and  
20 crossing T's. But if you're reading from something  
21 that you believe COs were required after '49, and  
22 I'm reading something from the Village that was  
23 signed in 2002 that says it's after 1971, you can't  
24 have innocent people relying upon Village  
25 documents, official documents and saying, "Oh, no,

1 maybe you should have gone back and looked to  
2 1949." I mean, that would be like every time I  
3 have a case, I've got to go back to, you know, 1620  
4 to go look to see what every case was. I mean,  
5 we've come forward to a certain point. If there  
6 was some highlight in that document, then okay, go  
7 back.

8 But I'll be honest with you. I don't know of  
9 any lawyer -- I've been doing this for 42 years --  
10 that would I be thinking to look about a CO  
11 regulation from a village from 1949. And if it  
12 said that, maybe it was changed in 1951, I don't  
13 know. And we're assuming '49 controlled it. I  
14 would think they changed something between '49,  
15 '59, '69. That would be 22 years with no change in  
16 the code. You know, I can't answer. With all due  
17 respect, Mr. Corwin, I can't answer that. I don't  
18 have an answer, other than saying my client, in  
19 their due diligence, relied upon a Village  
20 statement from 1971.

21 MR. CORWIN: That's the problem, we don't  
22 have an answer either. And I think what  
23 Mr. Saladino is saying is ask for a use variance to  
24 legitimize the idea of the use.

25 MR. SOLOMON: But, unfortunately, if I'm

1 really asked to do that, I'm going to have to turn  
2 to my clients and say we're going to have to file  
3 an Article 78 and go to court. I can't do it.  
4 Legally, I cannot -- I will not subject my client  
5 to that. I could run into some court that I  
6 acquiesced, I conceded my position, and you have --  
7 listen, make believe I'm your attorney. I'm not  
8 going to concede something that I know I may be  
9 waiving rights, and that's a fair observation, and  
10 it's a -- listen, that's a discussion you could  
11 have with your own Counsel, because I'm sure if I  
12 spoke to Mr. Prokop on a matter unrelated to it,  
13 he'd say, "Well, yeah, Mike, I get it, I get it."  
14 As lawyers, there are certain things we need to do  
15 to protect our client, and I'd be -- on a certain  
16 level, I'd almost go that my colleague, who's  
17 sitting in the room, who I have another high regard  
18 for, saying, "Michael, it's a malpractice to do  
19 it."

20 CHAIRMAN SALADINO: I don't think she would  
21 say that.

22 MR. CORWIN: Well, what you're saying --

23 (Laughter)

24 CHAIRMAN SALADINO: Can we hear from the  
25 Attorney, perhaps?

1 MR. SOLOMON: Yes.

2 MR. PROKOP: Just I have a couple of  
3 comments. I think that -- you know, I don't know  
4 when these documents came into your possession or  
5 the client's possession, but I think they would --  
6 if they -- they would have been helpful as part of  
7 the application if she had them or you had them.

8 But I have a different -- I have a different  
9 -- I have the same concerns as the Board does, but  
10 I have also additional concerns. My additional  
11 concerns were -- are that I think that, at best,  
12 you could -- and I don't know that you could expect  
13 this, but at best you could expect that the Board  
14 would determine that this is -- this was at one  
15 time a -- it is a preexisting nonconforming use.  
16 Whether it's the medical use or the combined use,  
17 I'm not sure that it's the combined use, but maybe  
18 the medical use was that there is a preexisting  
19 nonconforming use. However, I think the use today  
20 is one doctor, basically. And I think that if at  
21 one time it was five doctors, I don't think that  
22 that's relevant to the fact that today it's one  
23 doctor.

24 MR. SOLOMON: There was five doctors when  
25 they bought the building. The only reason the

1 doctors aren't there is they're gone for  
2 renovations.

3 MR. PROKOP: But they were going to buy the  
4 building -- it wasn't five doctors. I'm sorry, but  
5 I think we need -- excuse me, then. I think we  
6 need factual background as to when it went from --  
7 the fact is that it went from five doctors to one  
8 doctor, we agree about that. We need -- the Board  
9 needs factual background as to when that took  
10 place, because I think that you'll agree that a  
11 preexisting nonconforming use has to be maintained,  
12 and it would have to be maintained at the same  
13 level. So if -- the other thing is that --

14 MR. SOLOMON: Unless if construction is  
15 ongoing. If there's construction ongoing --

16 MR. PROKOP: I have a real concern that  
17 the --

18 MR. SOLOMON: Joe, with all due respect,  
19 listen --

20 MR. PROKOP: I have a real concern that  
21 your --

22 MR. SOLOMON: Listen, I don't want to belabor  
23 the point. We are not submitting an application  
24 for a use variance, done deal. If that is being  
25 requested --

1           MR. PROKOP: I have a real concern that -- so  
2 my first concern is the -- whether the preexisting  
3 nonconforming use that should be recognized is five  
4 doctors or one doctor. And I think that -- I think  
5 that -- and I'm not saying which it is, because I  
6 don't know. I think it -- but I think that you  
7 have to develop -- you should develop that,  
8 however --

9           MR. SOLOMON: The CO is for an office  
10 building, you'll give me an office building.

11           MR. PROKOP: Could I just say something  
12 without you interrupting me, fighting with me?

13           The -- so I have a concern about the level of  
14 preexisting nonconforming use that's protected. I  
15 also have a concern that we're quantifying the  
16 preexisting nonconforming use, if it's recognized  
17 that we're quantifying it by the number of doctors.  
18 I don't think that necessarily the intensity of a  
19 medical use these days is quantified by solely the  
20 number of doctors that are practicing. I think  
21 that you could have one doctor and the use could be  
22 enormous, because of PA's and everybody else that  
23 could possibly be involved.

24           And I think that the Board, if it is  
25 determined that this is a preexisting nonconforming

1 use and recognized as such, I think the Board has  
2 to make a determination as to the intensity that is  
3 protected as a preexisting nonconforming use, and I  
4 think that that needs to be developed.

5 And, also, I think that the impacts on the  
6 neighborhood, including the requirement for  
7 parking, and the develop -- the inclusion of onsite  
8 parking, as compared to just using the street for  
9 the business parking, needs to be reviewed by this  
10 Board in its considerations, and that the -- to the  
11 extent that that was discussed by the Planning  
12 Board, I think that -- and input was taken from the  
13 public and also the Planning Board members and  
14 professional, I think that the Planning Board  
15 minutes should be incorporated in the record of  
16 this Board for -- so that it's part of the  
17 considerations that -- the input for the  
18 considerations that are made by this Board.

19 So just to sum up, it's not enough to just  
20 say that it's a preexisting nonconforming use so we  
21 can go forward. The intensity level of the  
22 preexisting nonconforming use has to be determined,  
23 especially in this case, where it's acknowledged  
24 that it went from five doctors to one doctor. And,  
25 basically, we're now -- we're being asked to reopen

1 it into a larger -- a larger use. So some kind of  
2 a timeline has to be established as to -- so we can  
3 determine what level of preexisting nonconforming  
4 use is protected.

5 Thank you for letting me finish.

6 MR. SOLOMON: Okay. But we're not filing an  
7 application for a use. I don't know how this gets  
8 done. We have an area variance.

9 MR. PROKOP: There's nothing that I said --

10 MR. CORWIN: Why are you saying, "We're not  
11 filing an application for use," when --

12 MR. SOLOMON: My clients will not --

13 MR. CORWIN: -- when you don't know what the  
14 outcome of that will be?

15 MR. PROKOP: There's nothing that I just said  
16 that has anything to do with a use variance. I  
17 spoke only about a preexisting nonconforming use.  
18 Your -- the documents that you've given us tonight  
19 say throughout them preexisting nonconforming use.  
20 I merely said that if your argument to this Board  
21 is that you have a -- you're protected as a  
22 preexisting nonconforming use, there is an  
23 acknowledgment that, by you, that the level of use  
24 has changed, and you need to give some kind of  
25 factual background to the Board if this is -- if

1 this is your argument, your -- the basis for your  
2 application.

3 MR. SOLOMON: Okay. Now let's go right back  
4 to 2004, because I'm going to nip it right in the  
5 bud. You issued a CO in the Village for office  
6 preexisting nonconforming use with a single  
7 apartment. A single apartment was not a  
8 preexisting use. So the -- so that ratif --  
9 listen, I don't really want to belabor the point.  
10 I've got clients who have a lot of money invested  
11 who need to move forward. If this is going to  
12 become an issue, we have no intention of coming in  
13 here proving five doctors, four doctors, three  
14 doctors, two doctors.

15 We're coming in here, we have -- we're  
16 approved for office use, it's what it says. The  
17 Village approved it. If you want to go in front of  
18 a Supreme Court Judge, we could do that. We're  
19 going to be wasting a lot of Village money doing  
20 that, because I want to see it justified in front  
21 of a Supreme Court Judge that I've got four or five  
22 documents where I am permitted to have office use  
23 and now I'm being told I can't.

24 And so I was conceding, we would say we'll  
25 put five doctors in there in order to put some

1       restraint on what's happening. I could literally  
2       just build an office building, we'll put as many --  
3       do you understand? If we would just make this an  
4       office building, period, we could have 40 some-odd  
5       people occupying that building as tenants and  
6       workers. We're trying to restrict the use here,  
7       we're trying to cooperate.

8               The building code. Where does this five  
9       doctors come from? It comes from your building  
10      code, because your building code, parking, whatever  
11      reason, and I may not disagree with you, Joe,  
12      that -- or maybe medical practices are different,  
13      but -- well, maybe the Village Code should be  
14      updated not to say for every doctor you need five  
15      spaces, but that's what the code says. How am I  
16      going to work around that? That's what -- so I  
17      have to now tell you how many doctors.

18             CHAIRMAN SALADINO: If I -- if I could.  
19      If -- we didn't have these documents last month, I  
20      didn't have them. You had them, I didn't have  
21      them, they weren't part of the application. I'm --  
22      if I would have had what I have in front of me now,  
23      and, like you say, to use my own common sense and  
24      say that -- and we take somebody in 1969 overlooked  
25      something out of the equation, I would have to

1 agree with the Attorney, that this is a preexisting  
2 nonconforming use.

3 I'm not -- I'm not sure about the intensity  
4 of use. The Planner gave us a report that, in her  
5 opinion, this was a use variance because of the  
6 intensity of use.

7 Joe mentioned parking. I might be out of the  
8 loop. I thought parking was -- I thought parking  
9 was off our agenda. I don't know. Did that  
10 happen?

11 MS. WINGATE: The Planning Board agreed to  
12 take payment in lieu. Lucy Clark, who chaired that  
13 night, has not come in to sign the document, but it  
14 was voted on and approved.

15 CHAIRMAN SALADINO: Did the applicant know  
16 that? Does the --

17 MR. SOLOMON: Well, I don't think -- I'm  
18 aware of something happened at Planning, we're  
19 aware of it. I don't think the final decision, as  
20 far as I know, has actually been issued and  
21 rendered. I think what the most -- and if you hear  
22 frustration in my voice, the frustration is you  
23 have people invested money to take a medical  
24 building to make it ADA compliant, to put  
25 elevators, to make it look better, to clean up this

1 whole, what people want to refer to as being a  
2 blight, if that's how you want to refer to it.  
3 Listen, I ride -- I bike, I bike by there every  
4 weekend, and to really turn it into a really nice  
5 facility.

6 We have a representative of the hospital  
7 wanting to take over part of the space. It's  
8 across the street from the hospital. And to run  
9 into this -- the other obstacles I'm okay with, we  
10 can discuss those, whatever neighbors' issues have.  
11 But to run into an obstacle that for some way that  
12 this is being determined that it was never legally  
13 approved --

14 CHAIRMAN SALADINO: Mike, before you go --  
15 before you go any further, I mean, obviously,  
16 you're here to represent your client. And to keep  
17 telling us about the money they invested and the  
18 desire to move forward and stuff, we -- you have to  
19 admit, we certainly understand that, we certainly  
20 understand that.

21 MR. SOLOMON: Okay.

22 CHAIRMAN SALADINO: But you also have to  
23 understand that we're here to not advocate for the  
24 Village, I mean, that's Eileen's job, but we're  
25 here to apply the code as we see it as it relates

1 to the Village. And if that's -- and if that --  
2 I'm not saying it is, but if that should come  
3 between your goal and our goal, or the Village's  
4 goal, I mean, so be it. So to keep telling us  
5 about the amount of money that your clients  
6 invested and to -- and your frustration and stuff,  
7 I'm sure in our voices at times you can hear a  
8 little bit of frustration. So --

9 MR. SOLOMON: But I would be with the whole  
10 program. I would be with the whole program if I  
11 didn't have this documentation. If we were just  
12 dealing with maybe this 1969 thing --

13 CHAIRMAN SALADINO: Look, we're not -- what  
14 we're going to do is, we're going to do -- I just  
15 admitted that if I take the fact that -- excuse  
16 me -- somebody in 1969 left something out of an  
17 application or if it was overlooked, and that  
18 mistake was compounded through the years, I'm  
19 willing to abandon that train of thought.

20 And me, personally, if I had the rest of this  
21 documentation and didn't just receive it this  
22 evening, you know, perhaps this discussion never  
23 would have come up. But what's going happen here  
24 is, is that the Board will vote if you, in fact,  
25 made your case for an area -- that this building is

1 preexisting nonconforming, and then we're going  
2 to -- then we're going to have to address Joe's  
3 concern about intensity of --

4 MR. PROKOP: It's not -- there's a mistake.  
5 There's a mistake in what is being said, and I  
6 encourage you to please take notice of this. A  
7 building isn't blessed as a preexisting  
8 nonconforming use. A preexisting nonconforming use  
9 can exist in that building and is protected, as  
10 long as it's maintained, but it's protected at the  
11 level that it's maintained at.

12 CHAIRMAN SALADINO: So it's clear, just so  
13 it's clear in my mind, not being an attorney, or  
14 not even pretending to play one on television, are  
15 you saying because of the fact there is no longer  
16 five doctors in that building, or haven't been for  
17 the last year, it's only been occupied by one  
18 doctor, it lost its nonconformity? It's lost --

19 MR. PROKOP: I think that the applicant -- I  
20 don't think that we have enough information that we  
21 can make that decision one way or the other. It is  
22 possible. That's why I was encouraging Mr. Solomon  
23 to address that in his presentation. That's -- I  
24 didn't say that it needs a use variance, I didn't  
25 say that the use expired or terminated, I just

1 encouraged you, so to -- so to help the Board make  
2 their decision, to please address that.

3 CHAIRMAN SALADINO: Can you make that  
4 argument for us, please?

5 MS. NEFF: Could I say something?

6 CHAIRMAN SALADINO: Sure.

7 MS. NEFF: I appreciate our Counsel's  
8 reminding us maintaining the level of intensity or  
9 -- and what exactly that means, but I also -- I  
10 don't hear anybody saying anything about the other  
11 medical providers who do -- have used that  
12 building, and more recently, not just -- it appears  
13 to be doctors. I'm a social worker myself.

14 But the other thing is the ADA compliance  
15 issue, given what -- how that has changed, how  
16 medical offices are constructed and regulated, for  
17 want of a better term, think that in the back of  
18 your mind. Think of this building that came to be  
19 as the way it did because it's opposite from the  
20 hospital, and that you can still see the features  
21 of two very typical Greenport houses of 1900 or  
22 1905 there, with modifications from whatever they  
23 happened.

24 No one's coming to us and asking to tear them  
25 down and building a three story brick building, or

1        what -- some other material. We're not being asked  
2        that. We're being asked that this proposal seeks  
3        to improve the building. And think of all the  
4        things that would go away, the vinyl siding, the  
5        poorly constructed, not very beautiful access from  
6        the front. I mean, there's a lot of things that  
7        would go away, okay? And the kinds of things that  
8        we have seen in these plans are sort of meeting the  
9        Village and its residents way more than halfway to  
10       still be what it is. Excuse me, I'm not finished.  
11       To still be what it is, a medical office with an  
12       apartment in a Village.

13                And the zone, we're aware that it's R-1, and  
14       we're aware that there have been many changes to  
15       our Village, but that it still looks like a  
16       Village. So, in other words, the intensity of use  
17       is partly because you cannot -- my doctor left that  
18       building, okay, and is in a medically compliant new  
19       building on the Main Road, all right? But the time  
20       it takes today to make a building ADA compliant,  
21       for another contract to be signed, it's  
22       considerable.

23                So I think, you know, we could see some more  
24       evidence about the tenants, you know, what are  
25       expected to be the tenants. You know, I'm

1 interested in all those things, but I also see that  
2 a preexisting nonconforming use is what we're being  
3 asked about, and that that, because of all these  
4 documents, is what it's been for more than 50  
5 years. I'm finished.

6 MS. GORDON: I think the fact that you have  
7 -- whether you have five doctors, or three doctors  
8 and a bunch of physicians assistants, and some  
9 nurse practitioners, and some technicians for  
10 dealing with people's different drug problems, it's  
11 really irrelevant. It isn't irrelevant once we  
12 start to look at these smaller issues of the  
13 variances, of the -- of the area variances, it may  
14 not be irrelevant. But in terms of the use  
15 variance, it seems to me -- or the preexisting  
16 nonconforming use issue, it's not relevant, because  
17 what really is relevant is whether this use, as it  
18 has evolved, as it has changed, and as new  
19 requirements from the Federal Government in part  
20 are made, whether this changes its function. And  
21 it seems to me its function is still what it was  
22 before, and that that's much more important than  
23 the intensity of use issue in terms of deciding on  
24 a use variance. Now it may be relevant for talking  
25 about parking and things like that, but really what

1 matters is consistency of function, and I think we  
2 have that here.

3 CHAIRMAN SALADINO: I think -- I think Ellen  
4 made a great case to approve the variance, if we  
5 get to that point. I don't think she addressed  
6 Joe's concern. I thought you made -- I thought you  
7 made a great case when it comes time --

8 MS. NEFF: I don't agree with that.

9 CHAIRMAN SALADINO: -- it comes time to vote  
10 for the variance, but as far as Joe's concern, I  
11 don't think so. But, obviously, that it was your  
12 statement, you do --

13 MR. SOLOMON: The apartment --

14 CHAIRMAN SALADINO: I'm okay. I'm kind of  
15 agreeing with my colleagues, that we -- this was  
16 preexisting nonconforming. What we started to do  
17 before we just made these comments, we were going  
18 to hear from Mr. Solomon to maybe enlighten us  
19 about what -- your opinion about what Joe just said  
20 about the intensity of use.

21 MR. SOLOMON: The building -- listen, when we  
22 came --

23 CHAIRMAN SALADINO: If you don't want to  
24 respond, that's fine, yeah.

25 MR. SOLOMON: No, there's no secrets here. I

1 mean, I'm not talking to hold secrets.

2 MR. PROKOP: I think you might consider --  
3 excuse me. I think you might consider opening the  
4 public hearing, if that's going to be --

5 CHAIRMAN SALADINO: We're going to go --

6 MS. NEFF: Could you consider a break?

7 CHAIRMAN SALADINO: One thing at a time.

8 MS. NEFF: Okay.

9 CHAIRMAN SALADINO: We're going to vote --  
10 we're going to vote -- actually, we kind of get to  
11 vote on that. We're looking out for the  
12 stenographer a little bit, too. But what's going  
13 to happen is we're going to vote, as was decided  
14 previously, to accept Mr. Solomon's explanation  
15 about preexisting nonconformity.

16 We're going to take a five-minute break to  
17 let the stenographer do her finger thing, and then  
18 we're going to, assuming the vote goes -- people --  
19 before people vote to accept your explanation,  
20 we'll open the public -- well, we'll read the stuff  
21 and open the public hearing.

22 MR. SOLOMON: Thank you.

23 CHAIRMAN SALADINO: So we're going to --

24 AUDIENCE MEMBER: I got a question. Do we  
25 get to speak?

1 MS. ALLEN: Yes, after the five-minute break.

2 CHAIRMAN SALADINO: We're going to take a  
3 vote first. We're going to take a five-minute  
4 break, and then we're going to open the public  
5 hearing. But in deference to the public, the  
6 applicant gets to speak first. So he might want to  
7 -- but as soon as Ellen comes back, we're going to  
8 vote just to get it on the record about accepting  
9 Mr. Solomon's statement and -- unless we want to  
10 take this five-minute break now, while --

11 MR. CORWIN: Take the break now.

12 CHAIRMAN SALADINO: All right. Can I -- but  
13 we don't have her to vote. Well, there are three  
14 of us.

15 MS. GORDON: I don't think -- you don't need  
16 a vote to take a break.

17 CHAIRMAN SALADINO: We're going to take a  
18 five-minute break, folks, let the stenographer  
19 stretch her fingers.

20 (The meeting was recessed at 8:17 p.m. and  
21 resumed at 8:29 p.m.)

22 CHAIRMAN SALADINO: We're going to -- we're  
23 going to resume, folks. The first thing we're  
24 going to do is we're going to make a motion to --  
25 of the Board. I'll wait. We'll wait. We're going

1 to make a motion to accept the applicant -- I'm  
2 going to make a motion to accept the applicant's  
3 explanation that this was, in fact, a preexisting  
4 nonconforming use in this building, and put that to  
5 the members. So moved.

6 MS. NEFF: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MS. GORDON: Aye.

9 MS. NEFF: Aye.

10 MR. TASKER: Aye.

11 CHAIRMAN SALADINO: I'm going to vote aye.

12 David?

13 MR. CORWIN: I'm going to abstain. This  
14 stuff was just brought in tonight. I don't think  
15 the applicant made a complete application, and did  
16 all his homework a month ago, and this should have  
17 been included a month ago.

18 CHAIRMAN SALADINO: Okay. We're going to --

19 MS. GORDON: So the motion passes.

20 CHAIRMAN SALADINO: Three votes aye, yes, the  
21 motion passes.

22 We're going to open the public hearing. We  
23 have the public notices. I'm not going to read it.  
24 It's on the back of the agenda for the folks in the  
25 audience. I have my list here. We're going to

1 confirm the status. Eileen has the status that  
2 Mr. Solomon is the --

3 MR. PALLAS: Ratifying the document now?

4 MS. WINGATE: I have them here.

5 CHAIRMAN SALADINO: The document, okay.

6 MS. WINGATE: There were two of them.

7 CHAIRMAN SALADINO: And we're going to  
8 confirm with the Clerk that the public notice was  
9 sent to the newspaper.

10 MR. PALLAS: It was.

11 CHAIRMAN SALADINO: I have the proof of  
12 mailings here. If I'm going to fast, it's  
13 because --

14 MS. NEFF: It's late.

15 CHAIRMAN SALADINO: It's late. We have the  
16 proof of mailings. It's Eastern Long Island  
17 Hospital Associates, 201 Manor Place, Greenport,  
18 New York; Jesse Browner, 161 West 15th Street,  
19 Apartment 4J, New York, New York; George Hubbard,  
20 208 Manor Place; Royal Tuthill, III, 18 Marden  
21 Avenue, Sea Cliff, New York; Daniel Mazzarini,  
22 8 West 13th Street, New York, New York; 222 Manor  
23 Place, LLC, 2412 National Drive, Brooklyn, New  
24 York; Thomas Knowlton, 12 Lincoln Place, Brooklyn,  
25 New York; Gregory Nissen, 4 Rocky Road, Shelter

1 Heights, New York; John Quinlan, 232 Manor Place;  
2 Karen Franck, 295 Saint Johns Place, Brooklyn, New  
3 York. And those are the mailings that we have.

4 We're going to open up this public hearing.  
5 We have some -- well, we'll let the applicant  
6 speak. We have some letters. If the public that  
7 wrote the letters are here, would like to read  
8 them, or we could just enter them into the record.  
9 Mr. Solomon.

10 MR. SOLOMON: Thank you. I'll try to make  
11 this as brief as I can, because I know everybody's  
12 probably exhausted from this evening.

13 But as I indicated to the Board before, I  
14 want the Board to know that on behalf of my  
15 clients, we did reach out to all the neighbors. We  
16 met a week ago on Friday.

17 MR. CORWIN: Excuse me.

18 CHAIRMAN SALADINO: Turn that mic on.

19 MR. CORWIN: Can you hear that back there?

20 MR. SOLOMON: Okay? It --

21 MR. CORWIN: You were talking loud before.

22 MR. SOLOMON: That we reached out to all the  
23 neighbors. We had a meeting with them, to at least  
24 consider their concerns and give them the  
25 opportunity to express their concerns. I will try

1 to address those concerns before I'm done. I'm  
2 sure there may be some other issues that may be  
3 raised by the neighbors, but I just thought that  
4 was the proper way to proceed in this application.

5 In dealing with the area variance, we're  
6 really effectively talking about two issues. We're  
7 talking about the fact that the building's a  
8 nonconforming use building, and the fact that, the  
9 mere fact that an alteration is being made requires  
10 us to come before the Board to get an approval, and  
11 that's why Eileen issued her denial.

12 The second part of the application was on the  
13 fact that the applicant -- the plans don't provide  
14 the amount of parking required for the five doctors  
15 that had already always occupied the building and  
16 with the apartment. The computation was five spots  
17 per doctor, as per the Village Code, two spots for  
18 the apartment, would be a total of 27. We were  
19 presenting 15 in our plans, and we actually have an  
20 application here in for a variance.

21 As with respect to -- as in regards to the  
22 application for the parking variance, and what's  
23 problematic to -- I guess to me a little bit and to  
24 my client, I know there's been some prior history  
25 with the Board in which some substantial variances

1 in parking have been recently granted, one with  
2 regard to the hotel on Front and Third, with no  
3 money being contributed at all into the Village.

4 In light of our resolution of the use issue,  
5 my clients authorized me to withdraw his  
6 application with respect to the parking variance,  
7 and we will join in with the Planning Department  
8 and pay them the \$30,000 for the 12 missing spots.  
9 So that just leaves --

10 MR. CORWIN: Three thousand dollars?

11 MR. SOLOMON: Twenty-five hundred per spot.

12 MR. CORWIN: You said \$3,000.

13 MR. SOLOMON: Thirty thousand.

14 MR. CORWIN: Thank you.

15 MR. SOLOMON: Oh, so my math is weak, it's  
16 late. It would be \$30,000, which I understand the  
17 Village is planning on the use to either acquire  
18 property or ultimately to build some parking  
19 structures in town. And as a resident, permanent  
20 resident now for a decade-and-a-half, I understand  
21 that.

22 As it relates to the building per se, and we  
23 did the walk-through, everybody walked around the  
24 building, my client is really undertaking really a  
25 nice project for the Village. Basically, this is

1 just an entire redo. But the nicer thing, even  
2 beyond the visual, which is important, I believe,  
3 to the neighbors, because the neighbors see it from  
4 the outside, and I bike around the outside, around  
5 the outside, is the fact that we're taking a, in my  
6 opinion, and I believe in the opinion of the  
7 community, a medical arts building that needs work,  
8 it needs to be ADA compliant. There's nothing more  
9 frustrating in today's era to try to take somebody  
10 to the doctor, whether it's a broken leg, or pulled  
11 muscles, somebody in wheelchair, and you can't get  
12 to the elevator on the second floor and you can't  
13 get up.

14 So my client's intentions here, effectively  
15 in the most salient part, is to make the building  
16 ADA compliant. And what will that require, which  
17 is shown on the interior alteration plans? A  
18 handicapped elevator, handicapped toilets, wider  
19 corridors for handicapped accessibility, wider  
20 doorways to allow handicapped access, and  
21 reconfiguration of the suites to permit wheelchairs  
22 to maneuver through medical suites.

23 Also, aesthetically improving the building  
24 would be the removal of all of the ramps in the  
25 front of the building, which, you know, quite

1       apparently are not that attractive from street  
2       view, and they will all be resolved by moving them  
3       into the back of the property.

4               Also, there's going to be new roofing, new  
5       windows, new doors, new siding. The building's  
6       going to be energy efficient. And from a  
7       beautification point of view, it's really going to  
8       be nice.

9               And as far as the size of the building, which  
10       is interesting, we're actually reducing the size of  
11       the building by the elimination of a bump-out on  
12       the easterly side of the building. By removing the  
13       bump-out will permit the installation of a 10-foot  
14       driveway to the rear of the building. It's  
15       sufficient space to put up a fence and some  
16       screening for the next door neighbor to the east.  
17       The driveway -- the driveway will provide for  
18       adequate drainage for water flow of any rainwater,  
19       everything will stay on the site.

20               The driveway will then be, effectively be --  
21       I'll call it a "U" driveway. You'd be able to come  
22       in one side, go out the other side, so the flow of  
23       traffic will be easy. There'll be several  
24       handicapped spots adjacent to the building in the  
25       back.

1           To protect the neighbors, the plans provide  
2           for fencing, and the plans provide for arborvitaes  
3           or some sort of tree that will be sound buffering.  
4           I will tell you very openly, at the meeting that we  
5           held with neighbors, one of their issues was sound  
6           in the back, and it was actually a suggestion by  
7           one of the neighbors about what he referred to as a  
8           soundproof fence, and there was also discussion  
9           about can we erect a wall. You should only know  
10          that my client, he said, "You want a wall, I'll  
11          give you a wall." But, you know, I don't think  
12          walls are the answer. I don't think we need walls  
13          in Greenport. There's enough craziness about walls  
14          in the United States. So I don't think anybody  
15          really wants to hear a wall.

16          We actually thought by putting up a wall,  
17          sound may even become worse from the bounce-off of  
18          that hard structure, even if you buffered it with a  
19          tree. But my client is amenable. If somebody  
20          theoretically had, quote, a soundproof fence, we  
21          would try to accommodate them by putting in a  
22          better fence. Personally, I believe a regular  
23          stockade fence, with whatever appropriate plantings  
24          that the Board wants, they're on our plan, is  
25          something my client would be more than happy to

1 live with.

2 We had the issue also about trees. And I  
3 think when we did our walk-around, there was issues  
4 about trees. I mean, technically, the trees  
5 probably don't even fit into this application,  
6 other than my client's going to need to correct the  
7 sidewalk, because the sidewalk technically is a  
8 Village sidewalk. The trees probably are Village  
9 trees. But my clients position is if the neighbors  
10 want a tree to remain, he'll work around trying to  
11 have a tree remain. If the neighbors wanted a tree  
12 removed, they would accommodate the removal of a  
13 tree.

14 On other issues, as we were trying to  
15 accommodate the neighbors, we were getting  
16 questions about, well, what if the hospital wants  
17 to put, you know, a Methadone office,  
18 hypothetically, in the building? And I looked at  
19 my client, well, we don't want to -- we're not  
20 looking for a Methadone clinic in the building.  
21 And if there was an effective way, quite honestly,  
22 to even covenant that we're not going to put a  
23 Methadone in the building, we'd covenant. We're  
24 not looking to -- we want this to be a first class  
25 five-doctor medical arts building. That's what we

1 want to be, with the hospital being a primary user.  
2 We have a rep from the hospital, I believe, is  
3 going to give you his opinion about this project  
4 after I'm done.

5 If we run through your five factors in an  
6 area variance, you know, number one, whether an  
7 undesirable change will be produced in the  
8 character of the neighborhood, or a detriment to  
9 nearby properties will be created by granting an  
10 area variance, I mean, effectively we're improving  
11 what is there. Existing building, existing uses,  
12 no change in the size of the building, as a matter  
13 of fact, a reduction in the size of the building.  
14 So we firmly believe that would not be a change to  
15 the character of the neighborhood, nor be a  
16 detriment to the neighborhood.

17 Question two, whether the benefit sought by  
18 the applicant be achieved by some method feasible  
19 for the applicant to pursue other than an area  
20 variance, the alterations or renovations are for  
21 handicapped accessibility. The roofing, siding and  
22 window replacement upgrades of the building comply  
23 with current New York State building codes and  
24 cannot be achieved in any other manner. So there  
25 we don't believe there's any issue with Item No. 2.

1           Item 3, whether the requested area variance  
2           is substantial, the request is not substantial,  
3           since it is not a change of size or use, but a --  
4           but just a renovation and alteration of an existing  
5           building to bring it in conformity with current  
6           codes, and especially the American Disabilities  
7           Act.

8           No. 4, whether the requested variance will  
9           have an adverse effect or impact on the physical or  
10          environmental conditions in the neighborhood or  
11          district, the existing use will not be changed,  
12          enlarged, or intensified, but merely brought into  
13          compliance with existing conditions or  
14          requirements.

15          The facility will not alter the character of  
16          the neighborhood, since it has been this way at  
17          least we know since 1969, and has been a part of  
18          the neighborhood since 1969.

19          As far as the last item, whether the alleged  
20          difficulty was self-created, the owners purchased  
21          the building as an existing medical office  
22          apartment building. And, by the way, by virtue of  
23          a renovation of a medical building, even these  
24          questions raised about potential lack of a  
25          conforming use, as long as you're in the middle of

1       doing renovations, that one-year statute or rule  
2       that's being relied on doesn't apply, because  
3       you're in the middle of making improvements, and  
4       we're making improvements right now under an open  
5       building permit that's been issued by the Building  
6       Department for the apartment.

7               So we're wishing to improve the appearance  
8       and the use -- and the use to maintain the  
9       facility, and it should not create any hardships,  
10      as I indicated in the hour-and-a-half before. This  
11      use has been approved since, back since 1969.

12              I know some of the neighbors have some  
13      concerns about the intensity of use, but the effect  
14      is when we talk about up to five medical doctors,  
15      and this is what I was trying to explain to the  
16      neighbors when I met with them, the current plan is  
17      for the hospital to take the lower part. We have  
18      two doctors returning upstairs, and technically  
19      we'd have spots for two more doctors. But I was  
20      trying to have the neighborhood understand that the  
21      mere fact that I get an approval with a -- and  
22      theoretically for the use of a building, not the  
23      use, the area variance for the building, well, the  
24      hospital is the tenant now. I mean, I can't  
25      guarantee you that the hospital is going to be the

1       tenant 30 years from now. So it's the building  
2       that's going to get the approval. The tenants, you  
3       know, potentially come and go. We could have a  
4       psychiatrist, a psychologist and a social worker,  
5       and then we could end up with some some -- three  
6       other kinds of doctors. And all of these doctors  
7       run different types of operations, we all know. If  
8       you go see a psychiatrist, you're not sitting there  
9       with nurses, and technicians, and EKG machines, or  
10      whatever they may do. If you see a psychologist or  
11      a clinical social worker, it's basically going to  
12      be a relatively small, quiet operation.

13             I mean, anybody coming in, the suites  
14      provided are not that large where they're going to  
15      be able to come in with these big substantial  
16      staff, but I can't guarantee that. All I can tell  
17      you is whatever the use was, if there's an  
18      evolution of use, well, we have the building, this  
19      has been the approval, and subject to whatever  
20      enforcement, if something -- hey, let's assume  
21      we -- you approve us, but it's a medical art  
22      building not to exceed five doctors. Okay. So we  
23      had 10 doctors. Well, guess what, the Code  
24      Enforcement will be down. It would be Code Enforce  
25      Department now. I see them all the time with the

1 chalk, so, you know, they'll be down to look at.

2 CHAIRMAN SALADINO: It isn't this building.

3 MR. SOLOMON: But my point is, if this  
4 building theoretically doesn't get an approval, I  
5 mean, on a certain level, and we all understand,  
6 all my client would have to really do is go paint,  
7 go change some sheetrock inside, have no  
8 applications here, and put five doctors in. I  
9 mean, it makes no logic, but that's the way the  
10 building is permitted right now.

11 So I will -- and I -- just so -- I passed up  
12 to all the Board members, and at the walk-through I  
13 handed it to Mr. Prokop, you have the -- you have  
14 the schematic of what the building is going to look  
15 like. I think when we -- when we did the  
16 walk-through, really visually understanding these  
17 stairs are coming down, these ugly components of  
18 the building that are there are coming down. That  
19 when it's all said and done, if you take a look at  
20 this, the potential schematic of the back, where,  
21 you know, gardening around where the walkways are,  
22 my client's intention is to make this property as  
23 attractive as they can. The last thing they really  
24 want to do is to offend the neighbors. And I just  
25 would ask that the Board see it's way to grant

1 the -- to grant the variance so these improvements  
2 can be made. Thank you.

3 CHAIRMAN SALADINO: Is there anyone from the  
4 public that would like to speak?

5 MS. DERR: Thank you for listening, and thank  
6 you for explaining all of that.

7 CHAIRMAN SALADINO: Could we get your name  
8 and record for the --

9 MR. CORWIN: Please state your name.

10 MS. DERR: Sorry. Sonja Reinholt Derr

11 MR. CORWIN: Could you spell that for the  
12 record?

13 MS. DERR: Sure. Sonja, S-O-N-J-A, Reinholt,  
14 R-E-I-N-H-O-L-T, Derr, D-E-R-R. Thanks.

15 Obviously, you guys have figured out the use  
16 issue, or you're going to. That seems to be a  
17 nonissue. I do think that some of the letters that  
18 you will hear from are in response to that, kind of  
19 saying this should not be a commercial property.  
20 So I think you're going to have to read those with  
21 that in mind, because some of us really felt that  
22 that was, you know, one of the issues we were  
23 coming here to discuss. So I think you have to --  
24 I think you have to keep that in mind.

25 In hearing everything, and, you know,

1 listening to, you know, your thoughts, I don't  
2 think anyone has any question that if you make the  
3 building better, you know, no one in the  
4 neighborhood's going to have a problem with that.  
5 If it looks better, and I don't think it's a  
6 blight, but, you know, it's -- that's all great.  
7 And it's -- it is a medical building, so we would  
8 assume that some sort of medical offices would be  
9 in there.

10 I think neighbors are just a little bit  
11 concerned, because it has really had -- it's been  
12 very low intensity, this building, incredibly low  
13 intensity. I hardly know that building's there. I  
14 never see people going in and out. Maybe that's  
15 the previous owner's fault, maybe they didn't have  
16 a lot of occupants in there.

17 But I will say that, you know, we have a lot  
18 of traffic on our road already because of the  
19 hospital. It's weird to have a hospital on a  
20 residential street. Not only do we have traffic,  
21 but, you know, we have a rehab center there. I  
22 have people coming to my back door trespassing like  
23 every month. You know, we have a lot of stuff  
24 going on on this residential street, and, hey, I  
25 bought a house there, I knew it was happening. I'm

1 not going to say that I didn't know that I was  
2 buying a house near a hospital. But I do think  
3 that this specific building has not really been a  
4 problem for anyone in the neighborhood for as long  
5 as they can remember, and it really hasn't been an  
6 intense building.

7 And I don't know the laws and anything, I'm  
8 not going to pretend I do. So making it a better  
9 building and a nicer building is great. But I see  
10 the plans and I see a full-fledged medical office  
11 building that, you know, I feel should be in a  
12 different place. But it's not my -- it's not my  
13 ability to say what the use is, you know. I don't  
14 think it's the right place. I don't think the  
15 hospital really should be there. It's just all  
16 like a weird residential neighborhood.

17 But I do think that if the traffic increases  
18 a lot more than it already is, it's -- it is going  
19 to change the quality of life on that street. And  
20 there are a lot of children in the neighborhood  
21 now, which is what we wanted. We wanted to have  
22 children in the neighborhood so they go to our  
23 local schools, and that's happening now.

24 So, you know, I'm just -- literally, I  
25 believe in growth, I believe in improving

1 buildings. I'm not saying that like I don't want  
2 you guys in the neighborhood. I support, you know,  
3 having a medical building that -- I'm just  
4 concerned about the use. I'm concerned that, you  
5 know, without any sort of restrictions on the types  
6 of medical use for those offices, which is like --  
7 you know, there is a very big difference between a  
8 fully fledged, you know, GP and a therapist. And  
9 you have five therapists in there, you got nobody.  
10 But you have five fully fledged GPs working in  
11 there, you've got maybe 600 cars a week coming  
12 through in and out of there, and for the neighbors  
13 coming in and out of a parking lot behind, you  
14 know, where they have their back deck.

15 I mean, I just -- I just think there's got to  
16 be something that is in between, you know. I don't  
17 know. I don't know how you figure out these  
18 situations. You guys have a really tough job.  
19 I've never been to one of these meetings, and this  
20 is really, really hard.

21 (Laughter)

22 MS. DERR: So all I can say is I wish there  
23 was a happy medium in there where the use was not  
24 as intense. And I don't know how you go about  
25 structuring that, but, you know, that's my few

1 words.

2 CHAIRMAN SALADINO: Did you -- I'm sorry.  
3 Did you give your address to the stenographer?

4 MS. DERR: I'm at 301 Manor Place.

5 CHAIRMAN SALADINO: Thank you.

6 MS. DERR: Yeah. And the letter, I'm just  
7 going to have them -- did you want to read it from  
8 our other neighbors? I have a letter from another  
9 neighbor that I can read, if you would like to read it.

10 CHAIRMAN SALADINO: Okay.

11 MS. DERR: Okay. This is from Royal and Ali  
12 Tuthill, and they are -- where are they? They're  
13 on Monseil and Sterling.

14 "Our community has raised multiple valid  
15 concerns about the proposal; noise, traffic,  
16 environmental impact, types of medical uses. The  
17 core problem causing all of these is the increased  
18 volume of people coming to visit five physician  
19 practices. I think it is critical that we unite on  
20 this one topic, not allowing the building to be  
21 licensed for use as a professional medical office.

22 I would be 100% fine with the hospital  
23 renting space for non-medical staff, marketing,  
24 finance, administrative and executive functions,  
25 where employees come and park and remain in the

1 building for the majority of the day. But a  
2 professional medical office is a commercial use.  
3 The customers are patients and they travel to and  
4 from to receive services. Allowing the designation  
5 as a professional medical office would dramatically  
6 increase the volume of cars coming in and out of  
7 the neighborhood.

8 In today's medical industry, physicians'  
9 margins are lower than ever, and doctors are forced  
10 to make up their incomes by seeing more customers  
11 each day. The average physician spends 15 minutes  
12 with each patient. The average primary care  
13 physician sees 25 patients per day. 222 Manor  
14 Place is proposing five separate medical practices.  
15 Twenty five patients times five days, five  
16 physicians equals 625 patients' cars per week.

17 222 Manor Place is only proposing 16 parking  
18 spots. That can't even meet the 23 parking space  
19 requirement set by the Town. Not only can they not  
20 contain the parked cars which will flow out onto  
21 our streets and in front of our houses, but the  
22 sheer volume of cars driving through is dangerous,  
23 especially for young families where kids ride  
24 bikes, walk to school, or get picked up/dropped off  
25 by school buses.

1           We have three children, ages 6, 4 and 2 in  
2 the Greenport School District that use these  
3 streets, and there are a number of other young  
4 families that do as well, and more moving into  
5 Greenport every year.

6           I sincerely fear for the safety of our  
7 children if this appeals is approved.

8           If you don't have kids, I can assure you,  
9 this will have an impact on all of our home  
10 valuations, as young families looking to move in  
11 will be discouraged from the neighborhood, given  
12 the cars, the noise, the parking, etcetera, if  
13 there are 625 cars driving through every week.

14           Thank you for all of your support. Royal,  
15 Ali, Henley, Brooks and Wyatt Tuthill." Thank you.

16           CHAIRMAN SALADINO: Is there anyone else that  
17 would like to address the Board?

18           MR. HOLMES: My name is Tony Holmes. My  
19 wife, Karen Franck, and I own a building on 216  
20 Manor Place, which is adjacent to the property.  
21 You have a letter from my wife, so I'm only going  
22 to read part of it, which is -- relates to building  
23 use.

24           The argument was made at the September 8  
25 meeting that the renovation is not a change in the

1 use of the building. There is widespread concern  
2 among the neighbors that this point overlooks what  
3 will be, in fact, a significant change in use. It  
4 is an increase in the intensity of use. It is  
5 true, and indicated on the latest floor plans, that  
6 four doctors are anticipated. However, there are  
7 five additional office type spaces that would house  
8 staff. Two are marked "office", one is marked  
9 "Linda", one is marked "reception/nurse", and one  
10 is marked "reception". It is also possible that  
11 the conference room will bring in additional people  
12 from the hospital or elsewhere. These rooms, as  
13 named on the plan, along with a significant number  
14 of patients, as indicated by eight exam rooms,  
15 definite -- demonstrates that any reference to four  
16 doctors does not accurately capture how many  
17 occupants of the building there will be. And that  
18 was a question when we had the meeting that nobody  
19 would ever answer. We never got an answer of  
20 during the day how many people would be in the  
21 building when it was in full use. So five doctors  
22 doesn't cover it. It looks like 15 or more people.  
23 Where's the parking for the patients?

24 And that's all I have to say.

25 MR. COLLINS: Hello. I'm sorry it's so late.

1 I do -- I warn you, my --

2 MR. CORWIN: Give your name, please.

3 MR. COLLINS: I'm sorry. My name is Michael  
4 Collins. I live at 232 Manor Place in Greenport.  
5 I share a home with my partner, John Quinlan. We  
6 have lived at this location for the past 25-plus  
7 years.

8 So, initially, I would like to speak to the  
9 previous use in this building for the past 25  
10 years. It has been very low-key from the very  
11 beginning, the entire time we've lived there. I  
12 would say maximum, and this was recently, there  
13 were two doctors in there, one a primary care  
14 doctor, and the other, I believe she is a  
15 urologist.

16 The other doctors are not really -- I don't  
17 know that you could call them doctors, they are  
18 counselors. There were shingles on the outside for  
19 possibly three counselors providing services in the  
20 building. I don't -- I don't know if they were  
21 doctors, but at one point many years ago there was  
22 one psychiatrist in the building, as well as  
23 Dr. Walser, a pulmonologist. So this has never  
24 ever been a heavy use building.

25 And the parking at the time on -- the street

1 parking was adequate for that building. So just to  
2 start from there before I go into my points.

3 I would like to make one point about the  
4 permits that have already been issued, and this is  
5 just -- I'm not sure if I can ask a question, but  
6 permits have already been issued to begin the  
7 demolition on the project, and I really feel that  
8 this is unfair to the neighbors. I thought we were  
9 at the beginning of this approval process, but  
10 we're already in the demolition phase on this, so.

11 CHAIRMAN SALADINO: We can ask the Building  
12 Inspector what permits were issued.

13 MR. PALLAS: The only permit that I'm aware  
14 of is just the one, correct?

15 MS. WINGATE: (Nodded yes.)

16 MR. PALLAS: The one permit was for the  
17 apartment to do demolition work, interior, with no  
18 structural changes.

19 MR. COLLINS: Okay.

20 CHAIRMAN SALADINO: Thank you.

21 MR. COLLINS: Anyway, I just feel that that  
22 was really -- if this is all an approval process  
23 for this project to go ahead and approve permits  
24 for demolition, as far as I know, the upstairs and  
25 the downstairs have experienced demolition.

1           Again, I won't belabor this, but I had on my  
2 list, too, about the question earlier about the --  
3 the legality of this property. That was on my  
4 list, but I won't go there again.

5           My concern or our concern is the increased  
6 density and intensity of use and overdevelopment  
7 for this very small property. It's located on  
8 three residential lots and in the -- a residential  
9 neighborhood. The increase in usage from eight --  
10 with eight exam rooms -- I'm sorry, the lighting is  
11 bad here. Increase in usage with eight exam rooms,  
12 four doctors offices, three offices, two reception  
13 area and nurse areas, a large break room, a large  
14 conference room, this is really -- this is really  
15 intensifying the use of the building.

16           Previously, there were two doctors in private  
17 practice and approximately three counselors, very  
18 different from what is proposed. This is major  
19 increase in the use of this building. There  
20 appears to be no occupancy limit on the building.  
21 The owner occupancy may change over time, according  
22 to the owner's development team.

23           The parking shift to the rear of the building  
24 and the increase in parking spaces will impact five  
25 neighbors with properties adjoining the back

1 parking area. This will -- noise levels created by  
2 the traffic and congestion in and out. There's no  
3 way to adequately -- to provide adequate parking on  
4 this small property with this intense use. This  
5 creates an additional burden for parking on the  
6 street and the neighborhood. Currently, there are  
7 no major -- currently, there is a major issue with  
8 parking on Manor Place as it is with the hospital.

9 There are proposed changes to the driveways  
10 with the new entrance and exit. Our home is  
11 located eight inches from the property line. It's  
12 a very difficult situation, but it's one of those  
13 really Greenport things you can't -- you can't get  
14 past. I can't do anything about it. My house is  
15 eight inches from my property line.

16 MR. PROKOP: Can I ask you a question?

17 MR. COLLINS: Yes.

18 MR. PROKOP: And just for the Board's  
19 edification, the rendering that we have, where  
20 would your house be?

21 MR. COLLINS: I'm on the west side.

22 MR. PROKOP: So where --

23 MS. NEFF: In that driveway.

24 MR. PROKOP: Where these trees and mounds are  
25 indicated?

1 MR. COLLINS: Yes, yes.

2 MR. PROKOP: Where those trees are.

3 MS. NEFF: This is it. In other words --

4 MR. PROKOP: Okay, so that's where it is.

5 MS. NEFF: It's right here.

6 MR. PROKOP: Thank you.

7 MR. COLLINS: Okay. The increased traffic  
8 from the exit driveway along our property will have  
9 a very negative impact on our quality of life and  
10 the property value. We will have people, cars,  
11 vans, trucks, ambulances driving within two feet of  
12 our living room. This area is zoned residential, I  
13 would like for you to keep that in mind.

14 This concern with accessibility for  
15 ambulance, the Peconic Landing vans, the Suffolk  
16 County vans, ambulettes, snow plows, dumpsters  
17 picking up -- the dumpsters pickup, having access  
18 to the back with such small driveways in close  
19 proximity to buildings and homes.

20 This plan will greatly increase the traffic  
21 on Manor Place, which is the main access for the  
22 hospital, as well as the ambulance corridor for the  
23 emergency room.

24 There's also an issue with the density of the  
25 apartment on the second floor. It's an 890 square

1 feet apartment on the second floor. The layout was  
2 originally --

3 MS. NEFF: Excuse me. Did you say 809 or 890  
4 square feet?

5 MR. COLLINS: Eight hundred and ninety --

6 MS. NEFF: Thank you.

7 MR. COLLINS: -- I believe, if I have that  
8 correct from the plans. The layout was originally  
9 a two bedroom, living room, dining room, kitchen.  
10 It appears that in the new plan it's now a three  
11 bedroom, living room, kitchen. Is there an  
12 occupancy limit on this apartment? At one point,  
13 with the previous owner, there were four adults and  
14 two children living in that apartment.

15 Also, with this ADA upgrade, which I think is  
16 wonderful, I don't know that it has to be full  
17 scale throughout the whole building to be  
18 effective, but will the ADA upgrades affect the  
19 apartment as well? I would think as a Village you  
20 would want the apartment upgraded as well. There's  
21 no notation on the plans about the ADA upgrade for  
22 an apartment.

23 And, again, the apartment occupancy has a  
24 direct impact on the parking. There will be  
25 tenants. The tenants will be parking on the street

1 or taking up patient parking in the back. You can  
2 say you have two spaces for the apartment, that  
3 doesn't mean it's going to function that way.

4 The removal, I think it was mentioned about  
5 the street trees. I won't go there in detail, but  
6 I would -- there is -- there must be a way to save  
7 very mature beautiful trees on the street. I think  
8 removing, it will just change the streetscape on  
9 the street.

10 I have -- on a more personal level, I have  
11 concerns about basement flooding with the  
12 additional asphalt. What happens if the stormwater  
13 design plan is not adequate? I do not have a  
14 basement that floods, even in Sandy. Perhaps  
15 environmental friendly material could be used  
16 instead of asphalt.

17 We are also concerned about the foundation of  
18 our home with a new driveway construction, since  
19 our home is, you know, right on the property line.

20 I would also ask -- request International  
21 Dark Sky Association low light lighting for the  
22 property. It is noted on the plans that the  
23 lighting will be fully shielded, pointing downward,  
24 but there's no notation of the light intensity or  
25 of the confirmation of following the Dark Sky

1 Regulations.

2 There will also be directional signs needed.  
3 I don't see those on the plans. Again, this --  
4 these signs, the signage on the property will  
5 impact the neighbors.

6 Also, I don't see -- I have questions about  
7 the AC and heating units. There's no notation on  
8 the plans regarding the location. We are  
9 requesting that all AC and heating equipment be  
10 located away from the east and west sides of the  
11 property, away from our homes, because the noise  
12 level will impact our quality of life.

13 So this proposed plan affects the quality of  
14 life and the character of the neighborhood and  
15 degrades property values. I understand the new  
16 owner's need to maximize their investment, but they  
17 have to be aware of the -- but they had to be aware  
18 of the zoning when they purchased this property.

19 I also understand that the Village would like  
20 to protect and maintain a viable beautiful  
21 property. I certainly understand that, and I will  
22 be living next to this property. We are requesting  
23 the project be deeply scaled back in order to  
24 coexist with the residential zoning. The most  
25 important factor here is for the Village to

1 maintain the integrity and power of its zoning  
2 laws. This is zoned residential.

3 The neighbors on Manor Place deserve and need  
4 your support and protection as well. Thank you.

5 CHAIRMAN SALADINO: Thank you.

6 MR. CORWIN: Excuse me, Mr. Chairman. Will  
7 you please ask the Building Inspector and the  
8 Village Administrator, if they're going to chat, to  
9 take it outside? I find it annoying.

10 CHAIRMAN SALADINO: Do I have to repeat that?

11 MS. WINGATE: I didn't hear it.

12 MS. NEFF: Could I just mention the last two,  
13 I can't remember your name, but, Michael, you could  
14 give the letters to --

15 MR. COLLINS: The letters, too?

16 MS. NEFF: Yes.

17 MR. COLLINS: Okay.

18 MS. NEFF: And we have copies of some of the  
19 things read, but --

20 CHAIRMAN SALADINO: What letters were --

21 MR. PROKOP: The stenographer needs to get a  
22 copy. Everybody's letter needs to go to the  
23 stenographer.

24 CHAIRMAN SALADINO: I have them set aside for  
25 her.

1 MR. PROKOP: Okay.

2 CHAIRMAN SALADINO: Mr. Quinlan.

3 MR. QUINLAN: Okay. Good evening.

4 CHAIRMAN SALADINO: Give the address for the  
5 stenographer.

6 MR. QUINLAN: Yes. So John Quinlan, 232  
7 Manor Place. I have lived there next to the  
8 building for 30 years. It is, of course, an area  
9 of single family residences.

10 I think it's very interesting as we try to  
11 pin down the origin of the building and how it came  
12 to be a medical facility. We have a friend who  
13 grew up in the next door building. We live at 232,  
14 she grew up in the next building. At one point,  
15 there was a Dr. Hansen, who said, "You need to get  
16 out of here, this is my building now." He took  
17 that building --

18 MS. NEFF: My what?

19 MR. QUINLAN: Pardon me?

20 MS. NEFF: I didn't hear what you said about  
21 what the doctor said.

22 MR. QUINLAN: The doctor said to Linda, "Your  
23 family has to leave." I don't know if they were  
24 renting. I suppose they were renting. He wanted  
25 that building for himself, plus he wanted the

1 adjacent building a little past the lawn. So  
2 that's her recollection. She is 50 years old,  
3 maybe. So if that is one more piece, that's the  
4 piece I have.

5 MR. CORWIN: Do you have an approximate idea  
6 when that was?

7 MR. QUINLAN: When?

8 MR. CORWIN: The date, the year?

9 MR. QUINLAN: No. I could talk to her  
10 further about it, though, because she said her  
11 grandmother lived in our house, which is 232. So  
12 there was a family there, and then Dr. Hansen  
13 wanted it, so, you know how the family spreads and  
14 contracts, goes back.

15 Let's see. Oh, I remember hearing that when  
16 Mrs. Hansen tried to sell the building, it was  
17 difficult, because what is it, is it a medical  
18 facility, is it a home? It was neither fish nor  
19 fowl. Eventually, she did sell it and it was a  
20 medical use implied.

21 The most recent owners have held it since the  
22 '90s until this year. A variance was granted  
23 allowing the creation of a two to three bedroom  
24 apartment in the former offices of Charles  
25 Zeilenfeld (phonetic).

1           Back -- let's see. To gain this privilege,  
2 they had to add two parking spaces; we know they  
3 did that. That was the beginning of the wreck of  
4 the garden that was in the back, where Glynis, your  
5 person, Glynis Berry, called it a beautiful, lovely  
6 garden and it would be a shame for the community to  
7 lose it. Well, that was the first blow, the two  
8 spaces.

9           It was suggested, too, that the garden is --  
10 the rest of the garden is waiting blacktop death,  
11 also. It's their property, they can do that for  
12 parking. It seems like a very bad reason.

13           The place had been -- there were, as Michael  
14 said, sometimes four adults, two kids, four kids,  
15 five kids. There were always wonderful families up  
16 there in that apartment, so this is not a complaint  
17 about the quality of the people living in these  
18 accessory apartments by far, wonderful people.

19           Let's see. There's a story that I think you  
20 should read in your Planning work session minutes  
21 from August 17th -- no, July 27th, and it's about  
22 the provision and how we are hustling to sell space  
23 to people that don't have enough space for cars. I  
24 think you'll find it informative. I'm very  
25 disappointed in the people that are having the

1           conversations. It clearly is a time they don't  
2           want to repeat of a mistake that was made regarding  
3           the hotel. That's all I'll say. If you're  
4           interested, that you should look that up.

5           I -- last October we got a notice that our  
6           mortgage was finally paid off.

7           CHAIRMAN SALADINO: Mazel tov.

8           MR. QUINLAN: Amen. You know, and you have  
9           home improvement, you have this, this, this.  
10          Finally, the house is looking good, we're feeling  
11          great, and then this happens. This has greatly  
12          affected us, so much to the point that we'd  
13          consider leaving. So I hope -- I hope you take  
14          everything into consideration. I mean, there are  
15          kids in the neighborhood, which there haven't been  
16          for a while. There's a lot.

17          And I give these people credit for taking on  
18          this project. The lady is up there taking out  
19          stuff herself, carrying it down to the dumpster.  
20          She's not a prima donna giving commands, she's in  
21          there working, but the project is misguided. If it  
22          can be scaled back, or made reasonable, or made on  
23          a human scale, which maybe that doesn't happen  
24          anymore. This is the healthcare system we're  
25          talking about, folks. We may not have one in a

1 year or two. So, please, don't forever alter. You  
2 put pavement down, you don't ever grow in it again.  
3 Once it's down, it's down.

4 So thank you for listening. You have a  
5 letter from Jesse that needs to be read.

6 CHAIRMAN SALADINO: Jesse Browner? I do.

7 Just one question, I heard, in addition to  
8 you, a couple of other people say scale the project  
9 back. Not -- just could you explain your idea of  
10 scaling back the project?

11 MR. QUINLAN: Well, you know, we don't know  
12 what the real numbers are, but when you really  
13 study the scaled drawings on the plans, you see  
14 that this tiny thing is a changing room or an exam  
15 room, and yet that's multiplied, and you have so  
16 many rooms, you think, oh, there has to be 15 or --  
17 12 or 15 people there at any one time. Are they  
18 filled every moment? Are they really rooms? Are  
19 they just the architect's idea of filling in space,  
20 because you don't really know.

21 I don't know if you can limit it, if you  
22 could say we can only fit the first floor doctors  
23 that apply, you can take people from a certain  
24 practice, the hospital will say you can have our  
25 staff that is clerical, or payroll, or something

1 like that. I mean, there are ways that it can be  
2 way more human. So that's what I thought. Maybe  
3 others have different ideas.

4 But, I mean, I have nothing against the  
5 people that are doing it. I don't want to lose  
6 this part of my life.

7 CHAIRMAN SALADINO: Thank you.

8 MR. COLLINS: If I could just --

9 CHAIRMAN SALADINO: Could you just let  
10 somebody else speak first?

11 MR. COLLINS: I was just going to quickly  
12 comment about, you know, when you have eight exam  
13 rooms in a building, those doctors are going to  
14 be -- they're going to be required. If they're  
15 Stony Brook or if they're in -- if they're in a  
16 group practice -- there's no more private  
17 physicians anymore in private practice, they're all  
18 in a group practice. You are going to crank those  
19 patients through, because you have to financially.  
20 If you -- it's like they were -- the person --  
21 Sonja said earlier, you're going to have all this  
22 huge number of people cranking through the  
23 building. It's just -- it's just inevitable.

24 MR. PROKOP: Can I just -- did he hand this  
25 out to everybody, Mr. Quinlan? The last speaker,

1 did he pass this out?

2 MS. NEFF: No, no.

3 MR. PROKOP: Where did this come from?

4 MR. QUINLAN: Is that our survey?

5 MS. NEFF: Survey, your survey.

6 MR. QUINLAN: Yeah. You wanted to see where  
7 we were located.

8 MR. PROKOP: Okay. Thank you.

9 MS. NEFF: You could pass that down for the  
10 rest of us.

11 MR. PROKOP: So we could put this in the  
12 record, then. Thank you.

13 CHAIRMAN SALADINO: Name and address for the  
14 stenographer.

15 MR. HARTE: Hi. My name is Gary Harte, and I  
16 live at 299 Sterling Place; H-A-R-T-E, Harte.

17 So not to repeat everything that's already  
18 been said, but I think all of our concerns is more  
19 about the intensity of the use of the new property.

20 I've been living there 17 years. When I  
21 first came here, I thought the building was  
22 abandoned, honestly. I mean, you hardly ever saw  
23 anybody come in or out of the building. And,  
24 certainly, I don't object to the building being  
25 improved, and it will look a lot better with the

1 new plan than it does now, but, again, how many  
2 people are going to be coming in and out of that  
3 building?

4 It's definitely a change of use of the  
5 building, because, obviously, they can't use the  
6 building for the purpose they want to do now if it  
7 was left the same. I mean, if you leave the  
8 building the way it is, you're not going to get  
9 five doctors in there, there's just no -- not  
10 enough space or -- you know, just doctors,  
11 operations are so much different today. You know,  
12 every doctor has like seven or eight people, you  
13 know, billing people, nurses. So the way the  
14 building is today, it could never be used for five  
15 doctors. Maybe one doctor. So it definitely is a  
16 change in the use of the building.

17 And I guess that's what we're all asking  
18 today, is that you keep that in mind when you  
19 consider how this building is going to be used.  
20 That's all I have to say.

21 MR. CORWIN: Mr. Harte, the recording  
22 secretary didn't get your address.

23 MR. HARTE: I'm sorry?

24 MS. BRAATEN: Your address.

25 MR. HARTE: My address? I'm sorry. 299

1 Sterling Place. Thank you.

2 CHAIRMAN SALADINO: Thank you.

3 AUDIENCE MEMBER: Will you address his  
4 letter?

5 CHAIRMAN SALADINO: I will. I'm going to  
6 read -- I'm sorry.

7 MS. GORDON: You're going to put it in the  
8 record.

9 CHAIRMAN SALADINO: I'm going to -- I have  
10 some -- I have some letters for the record. I also  
11 have the Planner's statement that I'm going to ask  
12 be included in the record. The attorney made the  
13 request that the Planning minutes be included in  
14 the record. The other two letters were read by  
15 either the person that wrote them or their  
16 representative.

17 I have a letter here from Jessie Browner and  
18 Judith Clain?

19 AUDIENCE MEMBER: Yes.

20 CHAIRMAN SALADINO: Judith Clain, and it's  
21 dated September 17th, 2017.

22 "Attention Greenport Zoning Board of Appeals:  
23 For the application for variances at 222 Manor  
24 Place," with the tax map number.

25 "To the Greenport ZBA: Our property at 225

1        Monsell Place shares an 80-foot boundary with  
2        222 Manor Place, and, therefore, any variance  
3        granted to the applicant will affect us directly,  
4        and potentially have a severe impact on our quality  
5        of life and the value of my property.

6                We have several serious concerns that I wish  
7        to bring to the ZBA's attention. First, the  
8        property at 222 Manor Place should never have been  
9        approved for commercial use in the first place,  
10       given that the neighborhood and every surrounding  
11       property is exclusively residential. While the low  
12       intensity commercial activity there has not had  
13       much effect on the neighbors to date, the requested  
14       variance would completely change the nature of its  
15       use and create a busy traffic-intensive commercial  
16       hub in the heart of a quiet, family-friendly  
17       residential neighborhood. We believe that it would  
18       have a strong negative impact on the quality of our  
19       lives that would betray the spirit and intent of  
20       the current residential zoning.

21                Secondly, the math used to justify the  
22       requested increase in parking spaces is faulty and  
23       spacious."

24                MS. GORDON: Specious.

25                CHAIRMAN SALADINO: Specious. I have to

1 admit, I don't know what that means. "Given the  
2 number of staff anticipated to be working in the  
3 building, the 13 requested spaces. Fifteen minus  
4 two handicapped spaces would be insufficient, even  
5 if it were reserved for staff alone. It is clear,  
6 if there are to be enough spaces for patients, the  
7 staff will have to park in the hospital parking lot  
8 directly across the street, just as every other  
9 person working at the hospital is required to do.  
10 The parking should be reserved for patients alone,  
11 in which case 15 is excessive, given that only four  
12 doctors will be in the building. A more  
13 appropriate number would be the current eight.

14 The ZBA should invoke Article 150-16(G) of  
15 the Village Code and require the applicant to make  
16 cash payment in lieu of any parking requirements,  
17 which would spare the five neighbors whose property  
18 abut the rear and sides of 222 Manor Place from  
19 effectively having active busy parking lot in their  
20 backyards.

21 Thirdly, the applicant insists that the  
22 building will be in use only from 9 a.m. to 5 p.m.,  
23 Monday through Friday, and that, therefore, the  
24 neighbors will not be affected during their leisure  
25 hours by the noise and pollution produced by the

1 intensive activity next door. However, the  
2 applicant has no way of enforcing these hours. It  
3 is very likely, essentially inevitable, in fact,  
4 that doctors will be seeing patients after hours,  
5 on the weekends, and that the neighbors will no  
6 longer be able to enjoy the peace and quiet in  
7 their own homes at any time of the day or day of  
8 the week.

9 We urge you to take these concerns and those  
10 of our neighbors very serious when consider  
11 these" -- "when considering these variances. We  
12 should not be compelled to endure intense  
13 commercial activity in an R-1 Family Resident  
14 District. If we are, Greenport Zoning Code will be  
15 effectively meaningless, unenforced and  
16 unenforceable, and none of the residents can hope  
17 to be protected from intrusive nonconforming  
18 activities.

19 Sincerely, Jesse Browner and Julie Clain."

20 This was received September 18th.

21 Is there anyone else that would like to  
22 speak?

23 MR. EBLE: Good evening. I'm Ray Eble. I'm  
24 Vice President of Eastern Long Island Hospital,  
25 located at 201 Manor Place.

1 I'm here today to speak in support of the  
2 project, because we all know in this volatile  
3 healthcare business that there's a need for  
4 expansion, and we have that need at Eastern Long  
5 Island Hospital as well, although I respectfully  
6 understand all the concerns that the neighbors  
7 have, and was unaware that there was such  
8 opposition to this project.

9 We were approached by the applicants to  
10 expand into the space with fulfilling some of our  
11 needs at the hospital. We are in negotiations now  
12 to do that, should this project be approved by the  
13 Village to move forward.

14 And to answer some of the questions that were  
15 raised here related to parking, we have addressed  
16 some of them based on the small amount of parking  
17 that is approved in this project. As far as our  
18 employees are concerned, you know, our instruction  
19 would be for them to utilize our employee parking  
20 lot on the corner of Atlantic and Manor, as well as  
21 available spots in our employee lot in front of the  
22 hospital.

23 There is a plan at this time that the doctors  
24 that would be in there would be for us on the first  
25 floor. We're only occupying the first floor.

1 Second floor is unknown to me what the plan is up  
2 there. But the first floor, we would have --  
3 our plan is to have two doctors on the right or the  
4 east side of the building, and then some office  
5 space on the left side. And those office employees  
6 would, again, be our existing employees that would  
7 occupy the building and utilize the parking in our  
8 parking lots across the street and on the corner.

9 Currently, the plan for us to move forward  
10 would be within three to six months of completion  
11 and approval of any build-out, and, you know, we  
12 are waiting for that to happen at this point, and  
13 are in the phase where any -- the lease agreement  
14 is being discussed with our attorneys. But we have  
15 not -- we have not signed a lease as of yet, right?  
16 Right. So --

17 MS. NEFF: May I ask one question?

18 MR. EBLE: Yes.

19 MS. NEFF: Is the term of the lease under  
20 negotiation?

21 MR. EBLE: The term itself is part of that  
22 negotiation, yeah.

23 MS. NEFF: Can you give us a general idea of  
24 what that might be or not?

25 MR. EBLE: Yeah. Initial five years and five

1 year extension.

2 CHAIRMAN SALADINO: And if, also, without  
3 divulging any contract specific, you said two  
4 doctors from the hospital?

5 MR. EBLE: Well, affiliated with the  
6 hospital.

7 CHAIRMAN SALADINO: Affiliated with the  
8 hospital?

9 MR. EBLE: Now, of course, keep in mind, I  
10 believe it was Mr. Collins mentioned with Stony  
11 Brook, we would bring -- our plan is to bring in  
12 specialty doctors into the area, obviously, for the  
13 benefit of our, you know, patients in the area.

14 CHAIRMAN SALADINO: And the remainder of the  
15 space would be clerical office space?

16 MR. EBLE: Yeah. Well, that, you know, one  
17 side, in the way if you've seen -- and it sounds  
18 like people have seen the drawings that have been,  
19 I guess, submitted to the Board. It's our thought  
20 for the first floor, I can speak specifically for  
21 the first floor, on the eastern side of the  
22 building would be where the doctors are, and I  
23 think there's only four exam rooms over there, and  
24 then some common space in the middle with a break  
25 room, and a conference room, and doctor's office.

1 And then on the western side, near Mr. Collins'  
2 side of the property, is where we would have  
3 office, office personnel.

4 MS. NEFF: May I ask another question?

5 MR. EBLE: Uh-huh.

6 MS. NEFF: Does the hospital also have rental  
7 space in that medical building that's further up  
8 by -- I guess it's Atlantic?

9 MR. EBLE: Yeah, 300 Atlantic Avenue.

10 MS. NEFF: And is that plan to continue?

11 MR. EBLE: That would continue until the time  
12 which we would occupy the space, we would  
13 transition into this building.

14 MS. NEFF: Okay.

15 MS. GORDON: When you say two doctors, do you  
16 mean just those individuals, or also ancillary  
17 personnel, PA's or nurse practitioners?

18 MR. EBLE: I would imagine there would --  
19 there would be some ancillary personnel, yes,  
20 certainly an office manager or a receptionist, an  
21 RN for the patient care. Whether or not they would  
22 require to have a PA with them as well, I don't  
23 know the answer to that, but there's always  
24 support, you know, staff with -- you know, with the  
25 doctors. Okay?

1 CHAIRMAN SALADINO: Thank you.

2 MR. EBLE: Thank you.

3 CHAIRMAN SALADINO: Could we just -- if we're  
4 going to have any other comments, maybe just do it  
5 from up here, only because -- only because the  
6 stenographer needs to attribute the comments to the  
7 person. Anybody else?

8 MR. SOLOMON: I'll just --

9 MR. HARTE: I mean, as far as how the --

10 CHAIRMAN SALADINO: Once again.

11 MR. HARTE: Gary Harte. We understand how  
12 the hospital would utilize the space, but they  
13 don't have a lease yet, and they may not be the  
14 tenant, or they may not be the tenant in five years  
15 from now. So we're really concerned how they --  
16 once you configure the building, then it's kind of  
17 set as to the use. I mean, somebody else could  
18 come in and have a whole different plan. And if we  
19 have another tenant, they would not be able to use  
20 the hospital's parking. So in five years, if they  
21 do have a lease and occupy it for five years, five  
22 years from now it could be someone else, and we're  
23 back to having all these people parking on the  
24 street. That's all.

25 CHAIRMAN SALADINO: I'm sorry.

1 MR. SOLOMON: I just want to make -- two  
2 minutes.

3 The significance to me of the neighborhood  
4 commentary, and I appreciate it, and on a certain  
5 level, I think we all appreciate it. But this  
6 medical art building we all know has been here  
7 since 1969. From all the speakers that stepped  
8 up, they're all honest, they all bought after 1969.  
9 So everybody who bought here, it wasn't like --  
10 we're not introducing a new ingredient to the  
11 block, this ingredient has been there. And when  
12 people bought on the block, they knew there was a  
13 hospital, they knew there was a medical art  
14 building, and, unfortunately, that's the reality of  
15 life.

16 The other -- the other part of this  
17 situation, as a Greenport resident, we need some  
18 doctors offices in a modern facility in our  
19 community, we don't have them. The doctors are  
20 picking up and leaving because we don't have the  
21 accommodation for them. So, as I said, we're not  
22 introducing a new medical art building, it's been a  
23 medical art building. All we want to do is fix it up.

24 And the last comment, which was a fair  
25 comment, is exactly what I said to the Board when I

1 opened my presentation. I can't guarantee you who  
2 the tenant will be in five years or 10 years, or  
3 what the medical practice will be now or then. Or,  
4 who know, maybe one day we'll just take a pill and  
5 not go to doctors. I don't know where we're  
6 destined to end up.

7 My client's going to own a building. My  
8 client has responsibility for the building. My  
9 client has responsibility to the neighbors. He's  
10 going to have to judge who he's putting in. I'm  
11 sure if we can put social workers and psychologists  
12 and networks, but I don't think the intention here  
13 is to go ahead and sign five leases with five  
14 general practitioners. But you can't legally tie  
15 up a tenant -- I mean, excuse me, a landlord and  
16 say, "Okay, I'm going to give you a building, but  
17 you can only do one cardiologist, or one  
18 nephrologist, or one urologist, you just can't do  
19 it. So what we've talked about, this has been for  
20 five doctors, and that's where it's going, I mean,  
21 that's what we're basically asking for.

22 So -- and I do appreciate their feelings, and  
23 I'm not saying that just to, you know, succumb to  
24 their comments, I really believe, I understand it.  
25 But we bought a building, it was a medical art

1 building, it's going to continue as a medical arts  
2 building. Its beauty to the community is going to  
3 be great, its service to the community is going to  
4 be great. The hospital, having the ability, the  
5 initial attempt to go in to expand out and give us  
6 more facility, with more doctors coming in, I think  
7 it's just a wonderful thing.

8 But thanks, everybody, for tonight, it's been  
9 a really long time.

10 CHAIRMAN SALADINO: Do you have a timeline of  
11 the construction from --

12 MR. SOLOMON: Okay. This project --

13 CHAIRMAN SALADINO: Not from when we're  
14 finished, not from when anything is approved, just  
15 a timeline. Perhaps I should ask the architect, of  
16 the construction.

17 MR. SOLOMON: We have out -- our architect is  
18 here, he can answer that.

19 CHAIRMAN SALADINO: Of the --

20 MR. SOLOMON: Thank you.

21 CHAIRMAN SALADINO: Of the construction --  
22 name and address.

23 MR. SOUTHARD: Good evening. Charles W.  
24 Southard, Jr., Registered Architect, 435 Bay Home  
25 Road, Southold, New York.

1           The approximate time of construction would be  
2 anywhere between three and six months. It's all  
3 according to when we hit it in the season. If  
4 it -- if we get permits in the middle of  
5 wintertime, it's obviously going to be longer.

6           The initial things that have to happen first  
7 is, the first thing that has to be done is the  
8 roofing has to be redone. And we currently have a  
9 permit for the roofing project and the siding  
10 project, but the roofing, the siding, the window  
11 changes, and the other outside work would have to  
12 be done prior to the winter, then the rest of it  
13 could be done, interior, during the wintertime.

14           CHAIRMAN SALADINO: Okay.

15           MR. SOUTHARD: Thank you.

16           CHAIRMAN SALADINO: Thank you. Chatty,  
17 you're still here? Name and address.

18           MS. ALLEN: I know, I'm falling asleep, John.  
19 Chatty Allen, Third Street.

20           My initial reaction when I walked through the  
21 door tonight was this is a no-brainer, approve it,  
22 end of discussion. And I sat here and listened to  
23 the neighbors, and I understand about the fear of  
24 traffic. I deal with it on pretty much a daily  
25 basis. But I also have to look at it from a

1 medical standpoint. I am someone who has major  
2 health issues, and more keep popping up. I'm on a  
3 fixed income with a car that's not reliable, and to  
4 have to try and get usually up near the Stony Brook  
5 area to see specialists, it would be nice to have  
6 someone that I could walk to, and if they're going  
7 to maybe bring in specialists, because right now  
8 I'm seeing about every one under the sun.

9 As someone who's a Sterling baby that was  
10 born in this hospital, which is in a residential  
11 area -- I mean, that was brought up a lot tonight,  
12 you can't have this medical building because it's a  
13 residential area. Well, the hospital is right  
14 there, too. And as far back as I can remember, I  
15 went to this building. That's where my  
16 pediatrician was, all the way up into the '70s,  
17 when he moved his practice to Southold. And I was  
18 in this building as recently as four years ago with  
19 another health scare.

20 So I appreciate having something locally, and  
21 I'm sure a lot of other people that live here,  
22 instead of having to constantly travel west, to  
23 have a doctor there that's affiliated with the  
24 hospital across the street, so when they see  
25 something, they could say, "Okay, we're going to

1 send you across the street," not traveling all the  
2 way to Stony Brook for them to say, "Okay, now you  
3 have to come back or go to this facility," and you  
4 keep traveling west.

5 So, from a medical -- person with medical  
6 issues, I'm one that's in support of a new medical  
7 facility that I think can benefit this community.  
8 I understand the traffic concerns, but after  
9 listening to the representative from the hospital,  
10 I've heard two doctors and office space. So --

11 CHAIRMAN SALADINO: First floor.

12 MS. ALLEN: First floor, yeah. That's what I  
13 said, first floor. Okay. I don't know how large  
14 the upstairs is. I have not seen any plans, I've  
15 seen nothing, so I don't know how large the  
16 upstairs is. But right now, you're talking about  
17 two doctors. The office space, they're not going  
18 to be using the parking that's for the -- for the  
19 patients. Believe me, I know what the hospital is  
20 like. I know what that area can be like trying to  
21 find parking. It's like every other place that you go.  
22 I go to the hospital to have tests, I have to have  
23 blood work done, which I go on a regular basis,  
24 it's hit or miss. Some days I can pull in, get in  
25 there to get my tests done, some days I have to

1 circle and circle to find a place to go in. So  
2 that's anywhere.

3 And I agree with the Planning Board opting  
4 for the in lieu of parking spaces, because that  
5 will also benefit the Village. I think in the long  
6 run, this is going to be benefit the Village. Yes,  
7 there may be more traffic, but I don't think it's  
8 going to be any -- I don't feel it's going to be  
9 that drastic of an increase. And as someone who  
10 goes to plenty of medical places, plenty of  
11 doctor's offices, you don't have cars racing in and  
12 out, in and out, in and out, in and out. That's my  
13 two cents.

14 CHAIRMAN SALADINO: Thank you.

15 MR. COLLINS: I'm sorry, I will -- I will be  
16 brief, but I would just like to make a couple of  
17 comments.

18 Yes, I did know there was a medical facility  
19 next to my property when I bought it, but I knew my  
20 property was zoned for a single family residence.  
21 And I expect my Village to support me in that  
22 location. And, you know, yes, there are needs,  
23 medical needs. The hospital is very limited, it  
24 can't really expand.

25 You know, I'm -- you know, it's -- I -- we

1 can't alter the fact that this is zoned  
2 residential. Yes, there's a hospital there, and  
3 it's a great hospital, and I'm very thankful that  
4 it's there, but we can't change the fact that this  
5 really illegal medical building is in a  
6 residentially zoned neighborhood. So I really feel  
7 that, you know, that takes priority. Yes, it  
8 would -- it's a lovely building, but there are  
9 other -- there are other ways to go about this  
10 without this really excessive density of use.  
11 Thank you.

12 MR. QUINLAN: It just struck me, when Michael  
13 was talking, that both of the facilities on Manor  
14 Place, the medical arts building near us and the  
15 hospital, started life as residences. They  
16 complied with the zoning, I guess, if they had it  
17 back then with the castle or the beautiful old  
18 building was there. So they were converted, they  
19 were not brought in as a new feature. They became  
20 a new feature and welcomed, especially in the  
21 hospital's case. But I just thought that was an  
22 interesting thing, they started as homes.

23 CHAIRMAN SALADINO: Just as a small  
24 clarification, I don't have a zoning map in  
25 front -- the hospital is Waterfront Commercial, in

1 a sense.

2 MS. WINGATE: Yes, it is,

3 CHAIRMAN SALADINO: So the hospital is in a  
4 different zone, the hospital is in Waterfront  
5 Commercial.

6 MR. QUINLAN: Yes, okay.

7 CHAIRMAN SALADINO: So it abuts --

8 MS. NEFF: But at the beginning it was a  
9 house.

10 CHAIRMAN SALADINO: It abuts -- it abuts a  
11 residential district, but -- and as most of the  
12 neighbors have heard, and the rest of the people,  
13 the building is there. It's -- we went on -- we've  
14 given the benefit of the doubt to everyone that was  
15 listening, that had an opinion about this, to the  
16 applicant that the building, since 1969, has  
17 been -- I'm not sure if legal is the right word.  
18 The building has had that use and it's been allowed  
19 by the Village.

20 So, right now, what's in front of the Zoning  
21 Board is an area variance for renovations. And I  
22 just wanted to -- I don't know if I cleared up  
23 anything, but I just wanted to say that.

24 Is -- does anyone else like to speak? If  
25 not--

1 MS. NEFF: I have something to say.

2 CHAIRMAN SALADINO: I'm sorry?

3 MS. NEFF: I have something to say, if I may.

4 CHAIRMAN SALADINO: As part of the public  
5 hearing?

6 MS. NEFF: Yes.

7 CHAIRMAN SALADINO: Okay.

8 MS. NEFF: Okay. I've learned a lot from the  
9 members of the public who spoke, as also the people  
10 who described the project and the history that's  
11 woven into all of it, and I appreciate the  
12 concerns.

13 I liked very much to be reminded by  
14 Mr. Prokop about intensity of use and with that in  
15 my mind. I think that the fact that the use of the  
16 building -- and I mostly walk there to my medical  
17 appointments, and I seldom encountered anyone else  
18 in the offices, but that's also true of the  
19 doctor's office I go to who is -- that's now over  
20 in a new building on the Main Road.

21 So I think intensity of use is -- it's hard  
22 to speculate. However, it is not difficult to try  
23 to amend the impact of things that are built and  
24 modified in the Village. It is hard to do a good  
25 enough job to please -- well, maybe not. Please is

1 the wrong word. It's hard to do a good enough job  
2 that the alterations and modifications will totally  
3 mitigate the impact of what is changed. But it's  
4 certainly hard to give more attention to those  
5 kinds of details than have been in these plans  
6 presented to us.

7           When I think of what we look at when someone  
8 wants to build a pool, and how the water filtration  
9 is housed, and the noise level, I think the  
10 mitigation of -- particularly sets -- four factors,  
11 I think. The noise levels of the completely  
12 different heating systems and cooling systems that  
13 will be part of this renovation, that some detail  
14 about exactly what they would be is important.

15           The lighting: This is across from the  
16 hospital, which is a 24-hour building. The parking  
17 lot is lit, even with the modifications, try to be  
18 downward. It's practically like an airfield.  
19 However, this parking lot doesn't need to be lit at  
20 that level. So I think it's very important exactly  
21 what kind of lighting.

22           The parking surface: I mean, we think  
23 asphalt is a given, it has to be asphalt. I think  
24 there's research about building materials that are  
25 more -- they're less like asphalt than asphalt, is

1 all I'm going to say, because I don't know exactly  
2 what they are. The hours of operation, something  
3 could be at least suggested about that. You are  
4 never going to get it written in stone, I grant you  
5 that.

6 That -- I don't remember if that's four  
7 points, but that's basically what -- I've learned a  
8 lot, and I still have concerns. And I think we  
9 could ask for more details about exactly what kind  
10 of egress, the way things get in and out, and the  
11 screening, all of those things; how the  
12 neighborhood, which has lived with what is, would  
13 be able to live with what you're asking to build in  
14 a way that takes some steps towards their concerns,  
15 which have been articulated in great detail. Thank  
16 you.

17 CHAIRMAN SALADINO: I think the question, the  
18 immediate question in front of us is, is what are  
19 we going to do with the public hearing? Are we  
20 going to continue to keep it open, or are we going  
21 to --

22 MR. CORWIN: I'd like to see it adjourned. I  
23 have a few questions I want to bring up, and  
24 possibly the applicants would want to answer them  
25 next month. I hope you're not planning on voting

1 tonight.

2 MR. PROKOP: So is that a motion to adjourn?

3 MR. CORWIN: I make a motion to adjourn.

4 There was one gentleman that wanted to speak.

5 MR. COLLINS: I just had a question.

6 CHAIRMAN SALADINO: Please, one more time.

7 Sorry.

8 MR. COLLINS: Okay. I promise this is the  
9 last one. I just -- if you could just -- I'm not  
10 clear on the parking. Are you not going to be  
11 looking at parking issue as part of this?

12 CHAIRMAN SALADINO: They withdrew their --  
13 did I hear Mike correct? They withdrew their  
14 request, their application for a variance for  
15 parking. We believe that the Planning Board sold  
16 them the required payment in lieu of parking. We  
17 don't have anything from the Planning Board, but  
18 we're going to take the Building Inspector's word  
19 for it, I think.

20 MR. PALLAS: A vote, a vote was taken. The  
21 only missing piece is that it hadn't been signed by  
22 the Acting Chair.

23 MR. COLLINS: Okay.

24 CHAIRMAN SALADINO: So --

25 MR. PROKOP: The -- I wanted to speak on

1 that, please, if I could, just on the parking.

2 CHAIRMAN SALADINO: On the parking? Sure.

3 MR. PROKOP: So there was a -- the parking --  
4 not to take anything away from the Planning Board.  
5 However, the quantity of parking is related to what  
6 this Board does with the renovations. And the fact  
7 that the Planning Board has approved the purchase  
8 of parking waivers doesn't -- isn't itself an  
9 approval of the -- of any part of this. It's just  
10 -- it's an approval of parking waivers based if  
11 this Board actually approves the renovation or it's  
12 as they may be needed based on what this Board  
13 does, because the parking requirement will be based  
14 on -- and I'm sorry to repeat myself. The parking  
15 requirement will be based on this Board's decision  
16 regarding the renovation, and so it's still -- it's  
17 not -- it's not an approval of the parking by the  
18 Planning Board.

19 The other thing is that if this Board was to  
20 approve the renovation and the application moved  
21 ahead, many of the things that we're -- that have  
22 been raised are typically Planning Board site plan  
23 issues. However, that doesn't mean that this  
24 Board, as part of its review and eventual decision,  
25 can't mention those things in -- as recommendations

1 in its -- in its resolution. So the kinds of  
2 things we heard about are typically Planning Board,  
3 Planning Board considerations. However, this  
4 Board, because we're approving the renovations that  
5 will eventually lead up to the Planning Board,  
6 could definitely mention those things in the  
7 concerns and conditions in the resolution -- in a  
8 resolution.

9 CHAIRMAN SALADINO: I was going to mention  
10 that issues like signage, and hours of operation,  
11 and visual effect, and -- those are all the purview  
12 of the Planning Board. You know, we can -- we can  
13 make -- give them our opinion or make our  
14 recommendations to them, but they're autonomous.  
15 What they do is -- you know, they're a statutory  
16 Board in what they do.

17 So a lot of the concerns of the neighbors  
18 can -- if you feel you need to voice them further,  
19 is that when it -- if and when this gets to the  
20 Planning Board, you know, again, you can make that  
21 case again to them, because a lot of the stuff that  
22 was --

23 MS. GORDON: Not zoning.

24 CHAIRMAN SALADINO: I'm sorry.

25 MS. GORDON: Just that these -- some of these

1 issues are not zoning issues.

2 CHAIRMAN SALADINO: Right. The Attorney said  
3 it. Again, things like signage, and hours of  
4 operation, and, you know, things like that are not  
5 zoning issues. So did I interrupt? I'm sorry.

6 MR. COLLINS: No, no. I know, you're fine.  
7 I just --

8 CHAIRMAN SALADINO: And as far as the  
9 parking, also, zoning dictates how many -- the  
10 Building Department uses zoning to dictate the  
11 Zoning Code and the building code to dictate how  
12 many parking spaces are required for a specific use  
13 on a specific piece of property. If I -- if I  
14 understand the Attorney, he's also saying that how  
15 that parking is used can come under this  
16 application with us, so -- but before we get into  
17 that, the question is about are we going to keep  
18 the public hearing open, or are we going to --

19 MR. CORWIN: I move that we adjourn the  
20 public hearing.

21 CHAIRMAN SALADINO: Well, are we going to  
22 just keep it open or are we going to adjourn it?

23 MS. NEFF: Well, adjourned, it's open, it's  
24 still open.

25 MR. SOUTHARD: Can I speak?

1 CHAIRMAN SALADINO: Yeah. This wasn't  
2 seconded, right? So, sure, go ahead.

3 MR. SOUTHARD: Thank you. Just to address  
4 Ms. Neff -- Charles Southard, Architect -- all  
5 those, a lot of those questions have already been  
6 addressed. The heating and air conditioning units  
7 have a much lower decibel rate than the existing  
8 current ones. As a matter of fact, their  
9 existing -- their decibel reading is about a normal  
10 speaking tone, is the loudness of the new units.

11 The other question, you asked about lighting.  
12 There is a lighting plan that's prepared to be  
13 submitted to the Planning Board. That's an issue  
14 that is taken up by the Planning Board. And there  
15 already is a lighting plan with specific lights  
16 mentioned and what their lumens are. Just so you  
17 know, they're all LED lights. They're very low  
18 intensity lights.

19 What was your other -- oh, the drainage, the  
20 drainage issues. The asphalt is fully drained,  
21 according to standards, and there will be no runoff  
22 from this property onto any other properties, all  
23 of it's contained within the site. That's  
24 including the roof of the building, the  
25 hardscaping, the landscaping, and the parking area.

1 I just wanted to clarify that, since it is an issue  
2 of the Planning Board, and it is ready to be given  
3 to them when we move forward from here. Thank you.

4 MR. CORWIN: There's a motion on the floor.

5 CHAIRMAN SALADINO: There's a motion on the  
6 floor. Is there a second?

7 MS. NEFF: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MR. CORWIN: Aye.

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 MR. TASKER: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

14 We're going to adjourn this until next month.

15 MR. CORWIN: I'd like to make some notes, if  
16 I may, that maybe can be addressed next month.

17 One thing is the heat pumps. The architect  
18 says the heat pumps, I think he said 55 decibels,  
19 the level of conversation. The owner says they're  
20 going to be mounted halfway up the building.  
21 That's like 10 feet. So now you don't have one  
22 heat pump 10 feet, you got three or four heat pumps  
23 mounted 10 feet high, three or four times 55  
24 decibels. And once you get something 10 feet high,  
25 you're broadcasting it all over the neighborhood.

1           The Attorney, Mr. Prokop, brought up  
2 occupancy, occupancy, who was there. And we really  
3 have no hard answers, and I'd like see some hard  
4 answers as how much the use is being increased,  
5 because everybody says there weren't that many  
6 people there.

7           So can there be some kind of documentation of  
8 when Mr. Townsend had the place, who his tenants  
9 were. And we keep seeing -- the applicant says  
10 five doctors, five doctors. Then the Eastern Long  
11 Island Hospital comes in and says, "Well, we got  
12 two doctors, plus administrators." So I really  
13 don't know how much of an increase in the use, and  
14 I'd like to see some hard numbers on that.

15           And just I know you all know this better than  
16 me, but here's the way my doctors work. I've been  
17 to the doctor in Southold in the last six months,  
18 and the doctor in Eastern Long Island Hospital, the  
19 surgeon. When I go to Southold, the doctor has  
20 four people in the office, including himself. So  
21 that's -- if that's four people in the office times  
22 five doctors, that's 20 people. When I go to see  
23 the surgeon in the hospital, he's got three people  
24 in there with him. That's 15 people times five  
25 doctors, that's like 45 people. No, I didn't say

1 that right, that's 15 people. So I'd really like  
2 to see some hard numbers on that we can hold  
3 somebody to.

4 And then the lights, I love the lights, the  
5 low level lights. Mr. Eble was here. Eble? I'm  
6 sorry.

7 MR. EBLE: Eble.

8 MR. CORWIN: Was here, was it three years  
9 ago, four? New sign. This place was full of  
10 people. They didn't want anything to do with the  
11 sign. They wouldn't even listen when I said it's  
12 about the sign, the public hearing is about the  
13 sign. All they wanted to do was bitch about the  
14 lights in Eastern Long Island Hospital, so I take  
15 this light thing very seriously.

16 So those are questions I'd like to see  
17 answered.

18 CHAIRMAN SALADINO: And before we adjourn,  
19 anybody else have any requests to -- for the  
20 applicant for next month?

21 (No Response)

22 CHAIRMAN SALADINO: No? Item Number 7 is  
23 motion to adjourn.

24 MR. CORWIN: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. GORDON: Aye.

3 MS. NEFF: Aye.

4 MR. TASKER: Aye.

5 CHAIRMAN SALADINO: Aye.

6 Thank you, folks.

7 (The meeting was adjourned at 10:00 p.m.)

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| <b>#</b>                      | 125:22, 139:16,<br>139:17, 145:11,<br>170:24, 171:1   | <b>1974</b> [2] - 50:1, 55:7<br><b>19th</b> [1] - 3:3   | <b>299</b> [2] - 141:16,<br>142:25  | <b>6:08</b> [1] - 3:1  |  |
| <b>#1001-6-3-5</b> [1] - 4:16 | <b>15%</b> [1] - 26:13<br><b>15,000</b> [1] - 25:15   | <b>2</b>  | <b>3</b>  | <b>7</b>   |  |
| <b>\$</b>                     | <b>150</b> [1] - 22:2<br><b>150-13(E)</b> [1] - 6:20<br><b>150-16(G)</b> [1] - 145:14<br><b>150-6</b> [2] - 30:16,<br>30:19<br><b>150-7(B)</b> [1] - 42:7<br><b>15th</b> [1] - 105:18<br><b>16</b> [1] - 123:17<br><b>160</b> [1] - 21:25<br><b>161</b> [1] - 105:18<br><b>1620</b> [1] - 85:3<br><b>16th</b> [2] - 65:25, 67:22<br><b>17</b> [2] - 43:13, 141:20<br><b>17,000</b> [1] - 44:10<br><b>171-172</b> [1] - 2:20<br><b>175</b> [1] - 21:22<br><b>17th</b> [4] - 4:2, 39:1,<br>137:21, 143:21<br><b>18</b> [1] - 105:20<br><b>18.1</b> [1] - 56:22<br><b>18.4%</b> [1] - 26:7<br><b>18th</b> [2] - 3:16, 146:20<br><b>19</b> [5] - 1:8, 56:22,<br>64:25, 66:18, 173:12<br><b>1900</b> [1] - 98:21<br><b>1905</b> [1] - 98:22<br><b>1949</b> [7] - 83:6, 83:8,<br>84:5, 84:8, 84:15,<br>85:2, 85:11<br><b>1951</b> [1] - 85:12<br><b>1966</b> [1] - 74:13<br><b>1967</b> [5] - 63:23,<br>72:11, 72:13, 74:1,<br>74:14<br><b>1969</b> [27] - 63:23,<br>64:14, 64:16, 65:8,<br>65:15, 65:17, 65:25,<br>67:2, 67:9, 67:18,<br>68:7, 69:16, 74:3,<br>74:16, 75:1, 75:4,<br>78:14, 82:15, 93:24,<br>96:12, 96:16,<br>114:17, 114:18,<br>115:11, 152:7,<br>152:8, 160:16<br><b>1971</b> [6] - 64:22,<br>64:25, 74:11, 84:14,<br>84:23, 85:20 | <b>2</b> [7] - 2:6, 3:15, 22:19,<br>26:17, 60:6, 113:25,<br>124:1<br><b>2's</b> [1] - 19:22<br><b>20</b> [1] - 170:22<br><b>20%</b> [1] - 26:17<br><b>2000</b> [1] - 27:21<br><b>2001</b> [9] - 43:12,<br>43:25, 47:7, 67:19,<br>67:22, 68:1, 68:6,<br>70:8<br><b>2002</b> [3] - 69:3, 69:20,<br>84:23<br><b>2003</b> [1] - 69:22<br><b>2004</b> [7] - 70:15,<br>76:11, 76:18, 76:19,<br>92:4<br><b>201</b> [2] - 105:17,<br>146:25<br><b>2012</b> [3] - 2:14, 38:16,<br>38:19<br><b>2017</b> [9] - 1:8, 3:3, 3:6,<br>3:16, 4:2, 62:25,<br>143:21, 173:12,<br>173:18<br><b>208</b> [1] - 105:20<br><b>216</b> [1] - 124:19<br><b>21st</b> [2] - 59:10, 59:12<br><b>22</b> [2] - 45:23, 85:15<br><b>222</b> [8] - 2:18, 105:22,<br>123:13, 123:17,<br>143:23, 144:2,<br>144:8, 145:18<br><b>225</b> [1] - 143:25<br><b>228</b> [1] - 55:18<br><b>22nd</b> [1] - 63:2<br><b>23</b> [1] - 123:18<br><b>232</b> [5] - 106:1, 126:4,<br>135:6, 135:13,<br>136:11<br><b>24-hour</b> [1] - 162:16<br><b>2412</b> [1] - 105:23<br><b>25</b> [2] - 123:13, 126:9<br><b>25-plus</b> [1] - 126:6<br><b>27</b> [1] - 107:18<br><b>27th</b> [1] - 137:21<br><b>292</b> [2] - 55:23, 56:3<br><b>295</b> [1] - 106:2 | <b>3</b> [6] - 2:5, 2:6, 2:7,<br>4:1, 25:9, 114:1<br><b>30</b> [2] - 116:1, 135:8<br><b>300</b> [1] - 150:9<br><b>301</b> [1] - 122:4<br><b>30th</b> [1] - 173:18<br><b>38-60</b> [1] - 2:13  | <b>4</b>   | <b>7</b> [2] - 2:20, 171:22<br><b>7/18/17</b> [1] - 2:6<br><b>7500</b> [2] - 25:14, 26:6<br><b>78</b> [1] - 86:3 |
| <b>'</b>                      | <b>'49</b> [3] - 84:21, 85:13,<br>85:14<br><b>'59</b> [1] - 85:15<br><b>'67</b> [2] - 73:11, 73:20<br><b>'69</b> [2] - 74:6, 85:15<br><b>'70s</b> [3] - 48:5, 56:15,<br>156:16<br><b>'90s</b> [1] - 136:22<br><b>'Porter</b> [1] - 78:25<br><b>'Porters</b> [2] - 79:1  | <b>4</b>  | <b>4</b>  | <b>8</b>   |  |
| <b>1</b>                      | <b>1</b> [4] - 2:5, 3:5, 13:8,<br>26:12<br><b>10</b> [11] - 41:21, 42:6,<br>45:9, 45:15, 83:9,<br>116:23, 153:2,<br>169:21, 169:22,<br>169:23, 169:24<br><b>10%</b> [1] - 26:14<br><b>10,000</b> [1] - 25:12<br><b>10-foot</b> [1] - 110:13<br><b>10/17/17</b> [1] - 2:7<br><b>100%</b> [1] - 122:22<br><b>1000</b> [1] - 83:9<br><b>1001-6-8-18.1</b> [1] -<br>38:22<br><b>10:00</b> [1] - 172:7<br><b>11944</b> [4] - 2:16, 2:19,<br>4:15, 38:18<br><b>12</b> [4] - 53:4, 105:24,<br>108:8, 139:17<br><b>13</b> [1] - 145:3<br><b>13th</b> [1] - 105:22<br><b>14</b> [1] - 78:22<br><b>14,000</b> [1] - 23:21<br><b>14th</b> [2] - 62:25, 63:5<br><b>15</b> [12] - 3:6, 41:19,<br>59:21, 78:22,<br>107:19, 123:11,  | <b>5</b>  | <b>4</b> [9] - 2:7, 2:8, 4:12,<br>27:7, 60:13, 83:10,<br>105:25, 114:8, 124:1<br><b>4(C)</b> [1] - 83:10<br><b>4-38</b> [1] - 2:8<br><b>40</b> [1] - 93:4<br><b>40-some</b> [1] - 54:11<br><b>42</b> [1] - 85:9<br><b>424</b> [3] - 2:15, 38:17,<br>39:25<br><b>429</b> [2] - 2:11, 4:14<br><b>435</b> [1] - 154:24<br><b>45</b> [1] - 170:25<br><b>4J</b> [1] - 105:19 | <b>8</b> [2] - 105:22, 124:24<br><b>8/16/17</b> [1] - 2:5<br><b>80-foot</b> [1] - 144:1<br><b>809</b> [1] - 131:3<br><b>890</b> [2] - 130:25, 131:3<br><b>8:17</b> [1] - 103:20<br><b>8:29</b> [1] - 103:21  |  |
|                               |   | <b>5</b>  | <b>5</b>  | <b>9</b>   |  |
|                               |   | <b>6</b>  | <b>6</b>  | <b>A</b>   |  |
|                               |   | <b>6</b> [7] - 2:17, 4:2, 59:13,<br>60:20, 60:21, 60:23,<br>124:1<br><b>60-171</b> [1] - 2:17<br><b>600</b> [1] - 121:11<br><b>625</b> [2] - 123:16,<br>124:13<br><b>64</b> [1] - 55:22<br><b>6:00</b> [1] - 1:9  | <b>5</b> [4] - 2:13, 38:14,<br>41:21, 145:22<br><b>50</b> [6] - 75:16, 77:12,<br>78:3, 82:3, 100:4,<br>136:2<br><b>50,000</b> [1] - 44:19<br><b>500</b> [1] - 44:11<br><b>55</b> [2] - 169:18, 169:23<br><b>5:30</b> [2] - 59:14, 60:9  | <b>9</b> [2] - 83:23, 145:22<br><b>900</b> [1] - 83:23   |  |
|                               |   |   |   | <b>a.m</b> [1] - 145:22<br><b>abandon</b> [1] - 96:19<br><b>abandoned</b> [1] -<br>141:22<br><b>ability</b> [2] - 120:13,<br>154:4<br><b>able</b> [11] - 30:9, 64:10,<br>68:3, 69:23, 70:12,<br>71:6, 110:21,<br>116:15, 146:6,<br>151:19, 163:13<br><b>absolutely</b> [2] - 65:6,<br>79:19<br><b>abstain</b> [2] - 3:24,<br>104:13<br><b>abstentions</b> [1] - 3:23<br><b>abstract</b> [1] - 20:24<br><b>abut</b> [1] - 145:18<br><b>abuts</b> [3] - 160:7,<br>160:10<br><b>AC</b> [2] - 133:7, 133:9<br><b>ACCEPT</b> [2] - 2:5,<br>2:13<br><b>accept</b> [9] - 3:5, 38:15,<br>38:25, 52:14, 58:24,<br>102:14, 102:19,<br>104:1, 104:2 |  |

|   |  |   |   |  |
|---|--|---|---|--|
| <p><b>accepted</b> [2] - 39:12, 51:3</p> <p><b>accepting</b> [1] - 103:8</p> <p><b>access</b> [7] - 57:19, 62:25, 67:21, 99:5, 109:20, 130:17, 130:21</p> <p><b>Access</b> [1] - 62:20</p> <p><b>accessibility</b> [3] - 109:19, 113:21, 130:14</p> <p><b>accessory</b> [14] - 40:16, 41:14, 41:17, 41:18, 41:24, 42:5, 42:13, 42:18, 43:16, 45:19, 47:23, 73:2, 137:18</p> <p><b>accommodate</b> [3] - 111:21, 112:12, 112:15</p> <p><b>accommodation</b> [1] - 152:21</p> <p><b>according</b> [5] - 63:8, 83:25, 128:21, 155:3, 168:21</p> <p><b>accumulate</b> [1] - 19:20</p> <p><b>accurately</b> [1] - 125:16</p> <p><b>achieved</b> [4] - 22:20, 35:16, 113:18, 113:24</p> <p><b>acknowledged</b> [1] - 90:23</p> <p><b>acknowledgment</b> [1] - 91:23</p> <p><b>acquiesced</b> [1] - 86:6</p> <p><b>acquire</b> [1] - 108:17</p> <p><b>acre</b> [4] - 54:8, 54:10, 54:11</p> <p><b>acreage</b> [2] - 54:6, 54:9</p> <p><b>Act</b> [1] - 114:7</p> <p><b>acted</b> [1] - 78:3</p> <p><b>Acting</b> [1] - 164:22</p> <p><b>ACTION</b> [1] - 2:8</p> <p><b>action</b> [6] - 4:13, 16:20, 33:10, 33:25, 54:7, 173:14</p> <p><b>active</b> [1] - 145:19</p> <p><b>activities</b> [1] - 146:18</p> <p><b>activity</b> [3] - 144:12, 146:1, 146:13</p> | <p><b>ADA</b> [8] - 94:24, 98:14, 99:20, 109:8, 109:16, 131:15, 131:18, 131:21</p> <p><b>add</b> [7] - 22:13, 24:17, 26:16, 27:21, 30:14, 137:2</p> <p><b>added</b> [1] - 50:5</p> <p><b>adding</b> [1] - 27:2</p> <p><b>addition</b> [2] - 68:11, 139:7</p> <p><b>additional</b> [9] - 20:4, 61:21, 63:21, 87:10, 125:7, 125:11, 129:5, 132:12</p> <p><b>address</b> [24] - 8:1, 8:3, 32:7, 32:13, 32:17, 32:20, 61:19, 67:1, 71:19, 97:2, 97:23, 98:2, 107:1, 122:3, 124:17, 135:4, 141:13, 142:22, 142:24, 142:25, 143:3, 154:22, 155:17, 168:3</p> <p><b>addressed</b> [5] - 77:13, 101:5, 147:15, 168:6, 169:16</p> <p><b>addressing</b> [1] - 9:12</p> <p><b>adequate</b> [7] - 24:6, 24:8, 24:9, 110:18, 127:1, 129:3, 132:13</p> <p><b>adequately</b> [1] - 129:3</p> <p><b>adjacent</b> [4] - 29:9, 110:24, 124:20, 136:1</p> <p><b>adjoin</b> [2] - 29:8, 67:14</p> <p><b>adjoining</b> [3] - 29:8, 54:23, 128:25</p> <p><b>adjourn</b> [7] - 164:2, 164:3, 167:19, 167:22, 169:14, 171:18, 171:23</p> <p><b>ADJOURN</b> [1] - 2:20</p> <p><b>adjourned</b> [3] - 163:22, 167:23, 172:7</p> <p><b>Administration</b> [1] - 83:10</p> <p><b>administrative</b> [1] - 122:24</p> <p><b>Administrator</b> [2] -</p> | <p>1:24, 134:8</p> <p><b>administrators</b> [1] - 170:12</p> <p><b>admit</b> [2] - 95:19, 145:1</p> <p><b>admitted</b> [1] - 96:15</p> <p><b>adopt</b> [2] - 51:12, 78:2</p> <p><b>adopted</b> [2] - 34:15, 83:8</p> <p><b>adopts</b> [1] - 16:19</p> <p><b>adults</b> [2] - 131:13, 137:14</p> <p><b>adverse</b> [4] - 27:8, 34:1, 36:8, 114:9</p> <p><b>advocate</b> [1] - 95:23</p> <p><b>aesthetically</b> [1] - 109:23</p> <p><b>affect</b> [2] - 131:18, 144:3</p> <p><b>affected</b> [3] - 20:2, 138:12, 145:24</p> <p><b>affects</b> [1] - 133:13</p> <p><b>affiliated</b> [3] - 149:5, 149:7, 156:23</p> <p><b>afraid</b> [1] - 83:3</p> <p><b>Agency</b> [2] - 16:19, 33:24</p> <p><b>agenda</b> [2] - 94:9, 104:24</p> <p><b>ages</b> [1] - 124:1</p> <p><b>ago</b> [11] - 25:13, 40:2, 46:22, 46:23, 66:24, 104:16, 104:17, 106:16, 126:21, 156:18, 171:9</p> <p><b>agree</b> [13] - 9:19, 24:4, 24:19, 26:11, 26:20, 30:12, 31:9, 75:19, 88:8, 88:10, 94:1, 101:8, 158:3</p> <p><b>agreeable</b> [2] - 5:13, 6:9</p> <p><b>agreed</b> [1] - 94:11</p> <p><b>agreeing</b> [1] - 101:15</p> <p><b>agreement</b> [1] - 148:13</p> <p><b>agrees</b> [2] - 62:5, 62:6</p> <p><b>ahead</b> [8] - 19:16, 23:1, 69:21, 77:7, 127:23, 153:13, 165:21, 168:2</p> <p><b>air</b> [1] - 168:6</p> <p><b>Airbnb</b> [3] - 20:10,</p> | <p>21:4, 29:16</p> <p><b>airfield</b> [1] - 162:18</p> <p><b>Albany</b> [4] - 51:15, 53:3, 53:6, 53:8</p> <p><b>Ali</b> [2] - 122:11, 124:15</p> <p><b>alleged</b> [3] - 29:23, 36:17, 114:19</p> <p><b>Allen</b> [1] - 155:19</p> <p><b>ALLEN</b> [4] - 72:23, 103:1, 155:18, 157:12</p> <p><b>allow</b> [2] - 13:21, 109:20</p> <p><b>allowed</b> [7] - 9:21, 42:16, 42:20, 66:12, 66:16, 75:4, 160:18</p> <p><b>allowing</b> [3] - 122:20, 123:4, 136:23</p> <p><b>allows</b> [1] - 45:18</p> <p><b>almost</b> [6] - 31:7, 44:21, 65:16, 68:6, 69:18, 86:16</p> <p><b>alone</b> [4] - 48:25, 75:8, 145:5, 145:10</p> <p><b>alter</b> [4] - 71:3, 114:15, 139:1, 159:1</p> <p><b>alteration</b> [7] - 68:11, 71:7, 72:3, 82:5, 107:9, 109:17, 114:4</p> <p><b>alterations</b> [2] - 113:20, 162:2</p> <p><b>altered</b> [2] - 83:12, 83:14</p> <p><b>ambulance</b> [2] - 130:15, 130:22</p> <p><b>ambulances</b> [1] - 130:11</p> <p><b>ambulettes</b> [1] - 130:16</p> <p><b>amen</b> [1] - 138:8</p> <p><b>amenable</b> [1] - 111:19</p> <p><b>amend</b> [1] - 161:23</p> <p><b>American</b> [1] - 114:6</p> <p><b>amount</b> [11] - 9:2, 12:13, 13:4, 13:7, 28:12, 49:16, 49:20, 77:10, 96:5, 107:14, 147:16</p> <p><b>ancillary</b> [2] - 150:16, 150:19</p> <p><b>AND</b> [1] - 2:8</p> <p><b>annoying</b> [1] - 134:9</p> <p><b>answer</b> [17] - 14:9,</p> | <p>19:12, 23:16, 24:2, 32:14, 52:2, 85:16, 85:17, 85:18, 85:22, 111:12, 125:19, 147:14, 150:23, 154:18, 163:24</p> <p><b>answered</b> [1] - 171:17</p> <p><b>answers</b> [3] - 31:19, 170:3, 170:4</p> <p><b>anticipated</b> [3] - 54:18, 125:6, 145:2</p> <p><b>anxious</b> [1] - 75:12</p> <p><b>anyway</b> [1] - 127:21</p> <p><b>apart</b> [1] - 49:14</p> <p><b>Apartment</b> [1] - 105:19</p> <p><b>apartment</b> [33] - 40:17, 41:14, 41:24, 42:14, 42:18, 43:16, 45:20, 48:23, 48:24, 70:7, 70:20, 70:21, 76:17, 92:7, 99:12, 101:13, 107:16, 107:18, 114:22, 115:6, 127:17, 130:25, 131:1, 131:12, 131:14, 131:19, 131:20, 131:22, 131:23, 132:2, 136:24, 137:16</p> <p><b>apartments</b> [1] - 137:18</p> <p><b>apologies</b> [1] - 80:7</p> <p><b>apologize</b> [2] - 37:11, 80:5</p> <p><b>apparent</b> [1] - 55:20</p> <p><b>Appeal</b> [1] - 51:15</p> <p><b>APPEALS</b> [1] - 1:4</p> <p><b>appeals</b> [1] - 124:7</p> <p><b>Appeals</b> [11] - 3:4, 29:25, 36:19, 40:21, 66:1, 70:4, 70:10, 76:2, 82:24, 82:25, 143:22</p> <p><b>appearance</b> [3] - 61:4, 61:15, 115:7</p> <p><b>appeared</b> [2] - 67:17, 82:19</p> <p><b>applicant</b> [30] - 6:24, 22:20, 22:21, 23:8, 27:11, 27:13, 35:15, 35:17, 54:4, 54:9,</p> |
|---|--|---|---|--|

|  |   |   |  |  |
|--|---|---|--|--|
| 61:7, 61:23, 62:9, 66:4, 94:15, 97:19, 103:6, 104:1, 104:15, 106:5, 107:13, 113:18, 113:19, 144:3, 145:15, 145:21, 146:2, 160:16, 170:9, 171:20<br><b>applicant's</b> [3] - 19:17, 61:24, 104:2<br><b>applicants</b> [2] - 147:9, 163:24<br><b>APPLICATION</b> [2] - 2:9, 2:13<br><b>application</b> [58] - 4:13, 8:17, 11:9, 17:7, 31:2, 32:7, 32:18, 34:13, 37:17, 38:15, 38:18, 39:12, 39:21, 51:14, 52:4, 52:14, 53:3, 53:7, 53:25, 57:17, 58:24, 60:25, 61:2, 61:16, 62:4, 62:24, 63:20, 65:15, 66:2, 67:12, 67:20, 70:5, 71:16, 72:1, 75:6, 76:11, 78:15, 80:23, 80:24, 82:22, 87:7, 88:23, 91:7, 91:11, 92:2, 93:21, 96:17, 104:15, 107:4, 107:12, 107:20, 107:22, 108:6, 112:5, 143:23, 164:14, 165:20, 167:16<br><b>applications</b> [1] - 117:8<br><b>applied</b> [2] - 40:7, 40:8<br><b>applies</b> [1] - 7:19<br><b>apply</b> [4] - 64:8, 95:25, 115:2, 139:23<br><b>appointments</b> [1] - 161:17<br><b>appreciate</b> [7] - 31:16, 98:7, 152:4, 152:5, 153:22, 156:20, 161:11<br><b>approached</b> [1] - 147:9 | <b>appropriate</b> [6] - 32:6, 40:19, 56:19, 67:6, 111:23, 145:13<br><b>appropriately</b> [1] - 72:1<br><b>approval</b> [15] - 43:25, 71:1, 71:7, 71:8, 107:10, 115:21, 116:2, 116:19, 117:4, 127:9, 127:22, 148:11, 165:9, 165:10, 165:17<br><b>approve</b> [10] - 3:15, 32:16, 37:3, 37:25, 71:6, 101:4, 116:21, 127:23, 155:21, 165:20<br><b>APPROVE</b> [1] - 2:6<br><b>approved</b> [12] - 69:19, 92:16, 92:17, 94:14, 95:13, 115:11, 124:7, 144:9, 147:12, 147:17, 154:14, 165:7<br><b>approves</b> [1] - 165:11<br><b>approving</b> [1] - 166:4<br><b>approximate</b> [2] - 136:5, 155:1<br><b>arborvitaes</b> [1] - 111:2<br><b>Architect</b> [4] - 49:8, 49:9, 154:24, 168:4<br><b>architect</b> [3] - 154:15, 154:17, 169:17<br><b>architect's</b> [1] - 139:19<br><b>AREA</b> [1] - 2:9<br><b>area</b> [43] - 4:13, 10:7, 17:20, 22:22, 25:10, 26:13, 30:1, 35:8, 35:17, 35:24, 36:20, 56:25, 65:18, 65:20, 71:25, 72:1, 74:4, 74:15, 75:2, 75:7, 84:2, 91:8, 96:25, 100:13, 107:5, 113:6, 113:10, 113:19, 114:1, 115:23, 128:13, 129:1, 130:12, 135:8, 149:12, 149:13, 156:5, 156:11, 156:13, | 157:20, 160:21, 168:25<br><b>areas</b> [1] - 128:13<br><b>argument</b> [8] - 31:22, 71:9, 72:10, 80:19, 91:20, 92:1, 98:4, 124:24<br><b>arises</b> [1] - 32:25<br><b>art</b> [6] - 116:21, 152:6, 152:13, 152:22, 152:23, 153:25<br><b>ARTHUR</b> [1] - 1:21<br><b>Arthur</b> [4] - 8:1, 9:20, 13:13, 28:19<br><b>arthur</b> [1] - 54:14<br><b>Article</b> [5] - 83:6, 83:9, 83:23, 86:3, 145:14<br><b>articulated</b> [1] - 163:15<br><b>arts</b> [5] - 66:9, 109:7, 112:25, 154:1, 159:14<br><b>Arts</b> [1] - 78:17<br><b>aside</b> [1] - 134:24<br><b>asleep</b> [1] - 155:18<br><b>aspect</b> [1] - 17:8<br><b>aspects</b> [4] - 8:2, 8:3, 33:16, 34:2<br><b>asphalt</b> [7] - 132:12, 132:16, 162:23, 162:25, 168:20<br><b>assessment</b> [1] - 54:1<br><b>assistants</b> [1] - 100:8<br><b>Associates</b> [1] - 105:17<br><b>Association</b> [1] - 132:21<br><b>assume</b> [3] - 78:18, 116:20, 119:8<br><b>assuming</b> [3] - 80:13, 85:13, 102:18<br><b>assumption</b> [1] - 78:9<br><b>assumptions</b> [1] - 75:10<br><b>assure</b> [1] - 124:8<br><b>AT</b> [2] - 2:11, 2:15<br><b>Atlantic</b> [3] - 147:20, 150:8, 150:9<br><b>attached</b> [7] - 40:3, 40:5, 41:13, 42:13, 54:22, 57:22, 57:23<br><b>attempt</b> [1] - 154:5<br><b>attention</b> [5] - 31:17, | 70:17, 143:22, 144:7, 162:4<br><b>Attorney</b> [18] - 1:23, 9:2, 12:1, 12:7, 12:8, 14:4, 32:6, 34:2, 34:3, 38:20, 43:4, 58:20, 82:13, 86:25, 94:1, 167:2, 167:14, 170:1<br><b>attorney</b> [9] - 51:18, 61:7, 61:13, 61:24, 62:5, 75:12, 86:7, 97:13, 143:12<br><b>Attorney's</b> [1] - 7:16<br><b>attorneys</b> [1] - 148:14<br><b>attractive</b> [2] - 110:1, 117:23<br><b>attribute</b> [1] - 151:6<br><b>AUDIENCE</b> [3] - 102:24, 143:3, 143:19<br><b>audience</b> [2] - 61:17, 104:25<br><b>August</b> [2] - 3:6, 137:21<br><b>authority</b> [3] - 11:15, 12:12, 84:12<br><b>authorized</b> [2] - 83:21, 108:5<br><b>autonomous</b> [1] - 166:14<br><b>available</b> [7] - 38:7, 60:15, 64:13, 64:16, 68:22, 69:2, 147:21<br><b>Avenue</b> [2] - 105:21, 150:9<br><b>average</b> [3] - 66:16, 123:11, 123:12<br><b>aware</b> [10] - 25:24, 63:5, 66:22, 94:18, 94:19, 99:13, 99:14, 127:13, 133:17<br><b>awful</b> [1] - 57:7<br><b>Aye</b> [34] - 3:10, 3:11, 3:12, 3:13, 3:19, 3:20, 3:21, 4:7, 4:8, 4:9, 4:10, 16:25, 17:1, 17:2, 17:3, 34:20, 34:21, 34:22, 34:23, 59:2, 59:3, 59:4, 59:5, 104:8, 104:9, 104:10, 169:9, 169:10, | 169:11, 169:12, 172:1, 172:2, 172:3, 172:4<br><b>aye</b> [11] - 3:14, 3:22, 3:25, 4:11, 17:4, 34:24, 59:6, 104:11, 104:20, 169:13, 172:5 |
| <b>B</b>   |   |   |  |  |
| <b>B&amp;B</b> [17] - 38:19, 40:13, 40:14, 40:23, 42:7, 43:12, 43:13, 43:14, 44:1, 44:7, 46:2, 46:25, 47:2, 47:3, 47:6, 51:9, 51:10<br><b>B&amp;Bs</b> [1] - 40:3<br><b>baby</b> [1] - 156:9<br><b>background</b> [3] - 88:6, 88:9, 91:25<br><b>backslashes</b> [2] - 78:4<br><b>backyards</b> [1] - 145:20<br><b>bad</b> [2] - 128:11, 137:12<br><b>baptized</b> [2] - 10:5, 10:8<br><b>barn</b> [1] - 48:17<br><b>based</b> [6] - 62:19, 147:16, 165:10, 165:12, 165:13, 165:15<br><b>basement</b> [2] - 132:11, 132:14<br><b>basis</b> [3] - 92:1, 155:25, 157:23<br><b>Bay</b> [1] - 154:24<br><b>beach</b> [1] - 58:14<br><b>bear</b> [1] - 64:20<br><b>beat</b> [2] - 79:5<br><b>beatification</b> [1] - 110:7<br><b>beautiful</b> [6] - 49:21, 99:5, 132:7, 133:20, 137:5, 159:17<br><b>beauty</b> [1] - 154:2<br><b>became</b> [2] - 84:3, 159:19<br><b>become</b> [7] - 9:25, 10:1, 10:7, 74:1, 92:12, 111:17   |   |   |  |  |

|   |  |   |   |  |
|---|--|---|---|--|
| <p><b>becomes</b> [4] - 8:9, 26:3, 31:4, 78:10</p> <p><b>becoming</b> [1] - 26:1</p> <p><b>bed</b> [1] - 40:1</p> <p><b>bedroom</b> [6] - 40:6, 43:14, 48:25, 131:9, 131:11, 136:23</p> <p><b>beer</b> [1] - 77:24</p> <p><b>beg</b> [1] - 65:22</p> <p><b>begin</b> [1] - 127:6</p> <p><b>beginning</b> [5] - 31:14, 126:11, 127:9, 137:3, 160:8</p> <p><b>begs</b> [1] - 7:21</p> <p><b>behalf</b> [2] - 75:12, 106:14</p> <p><b>behind</b> [3] - 28:3, 55:19, 121:13</p> <p><b>belabor</b> [3] - 88:22, 92:9, 128:1</p> <p><b>benefit</b> [9] - 22:20, 24:23, 35:15, 113:17, 149:13, 157:7, 158:5, 158:6, 160:14</p> <p><b>Berry</b> [1] - 137:5</p> <p><b>best</b> [3] - 46:7, 87:11, 87:13</p> <p><b>betray</b> [1] - 144:19</p> <p><b>better</b> [9] - 50:14, 94:25, 98:17, 111:22, 119:3, 119:5, 120:8, 141:25, 170:15</p> <p><b>beyond</b> [17] - 17:22, 19:20, 19:21, 23:4, 26:8, 47:23, 57:19, 58:1, 65:13, 65:18, 74:4, 75:2, 85:14, 96:3, 121:7, 121:16, 155:2</p> <p><b>beyond</b> [2] - 70:11, 109:2</p> <p><b>big</b> [8] - 20:18, 23:8, 30:14, 59:15, 59:17, 116:15, 121:7</p> <p><b>bike</b> [3] - 95:3, 109:4</p> <p><b>bikes</b> [1] - 123:24</p> <p><b>billing</b> [1] - 142:13</p> <p><b>bingo</b> [2] - 71:7, 81:3</p> <p><b>bit</b> [8] - 7:12, 20:24, 68:16, 69:21, 96:8, 102:12, 107:23,</p> | <p>119:10</p> <p><b>bitch</b> [1] - 171:13</p> <p><b>blacktop</b> [1] - 137:10</p> <p><b>blessed</b> [1] - 97:7</p> <p><b>blight</b> [2] - 95:2, 119:6</p> <p><b>block</b> [4] - 21:8, 78:24, 152:11, 152:12</p> <p><b>blood</b> [2] - 157:23, 173:15</p> <p><b>blow</b> [1] - 137:7</p> <p><b>board</b> [1] - 81:20</p> <p><b>Board</b> [108] - 3:3, 5:8, 5:12, 8:10, 8:18, 11:1, 11:5, 11:8, 11:10, 11:13, 11:15, 11:21, 12:1, 12:2, 12:4, 12:12, 13:6, 13:10, 14:4, 14:16, 15:11, 16:18, 16:19, 17:5, 17:13, 29:25, 31:4, 32:10, 33:3, 36:19, 38:11, 39:4, 40:21, 43:3, 51:2, 51:4, 51:15, 60:5, 61:3, 62:5, 62:9, 63:24, 64:8, 65:5, 65:16, 66:1, 66:22, 67:2, 67:9, 70:3, 76:2, 79:25, 80:11, 80:12, 82:13, 82:24, 82:25, 87:9, 87:13, 88:8, 89:24, 90:1, 90:10, 90:12, 90:13, 90:14, 90:16, 90:18, 91:20, 91:25, 94:11, 96:24, 98:1, 103:25, 106:13, 106:14, 107:10, 107:25, 111:24, 117:12, 117:25, 124:17, 143:22, 149:19, 152:25, 158:3, 160:21, 164:15, 164:17, 165:4, 165:6, 165:7, 165:11, 165:12, 165:18, 165:19, 165:22, 165:24, 166:2, 166:3, 166:4, 166:5, 166:12, 166:16, 166:20, 168:13, 168:14, 169:2</p> <p><b>BOARD</b> [1] - 1:4</p> | <p><b>Board's</b> [6] - 8:8, 12:7, 12:8, 34:11, 129:18, 165:15</p> <p><b>book</b> [1] - 30:14</p> <p><b>born</b> [2] - 78:25, 156:10</p> <p><b>bought</b> [10] - 30:5, 71:13, 71:15, 87:25, 119:25, 152:8, 152:9, 152:12, 153:25, 158:19</p> <p><b>bounce</b> [1] - 111:17</p> <p><b>bounce-off</b> [1] - 111:17</p> <p><b>boundary</b> [1] - 144:1</p> <p><b>BRAATEN</b> [2] - 142:24, 173:7</p> <p><b>Braaten</b> [1] - 173:21</p> <p><b>brainer</b> [1] - 155:21</p> <p><b>break</b> [10] - 102:6, 102:16, 103:1, 103:4, 103:10, 103:11, 103:16, 103:18, 128:13, 149:24</p> <p><b>breakfast</b> [2] - 40:2, 42:9</p> <p><b>brick</b> [1] - 98:25</p> <p><b>brief</b> [2] - 106:11, 158:16</p> <p><b>bring</b> [7] - 114:5, 125:11, 144:7, 149:11, 156:7, 163:23</p> <p><b>bringing</b> [1] - 31:16</p> <p><b>broadcasting</b> [1] - 169:25</p> <p><b>broken</b> [1] - 109:10</p> <p><b>Brook</b> [4] - 140:15, 149:11, 156:4, 157:2</p> <p><b>Brooklyn</b> [3] - 105:23, 105:24, 106:2</p> <p><b>Brooks</b> [1] - 124:15</p> <p><b>brought</b> [7] - 31:13, 70:6, 104:14, 114:12, 156:11, 159:19, 170:1</p> <p><b>Brown</b> [1] - 68:19</p> <p><b>Browner</b> [4] - 105:18, 139:6, 143:17, 146:19</p> <p><b>bud</b> [1] - 92:5</p> <p><b>buffered</b> [1] - 111:18</p> | <p><b>buffering</b> [1] - 111:3</p> <p><b>build</b> [8] - 24:5, 24:8, 74:15, 93:2, 108:18, 148:11, 162:8, 163:13</p> <p><b>build-out</b> [1] - 148:11</p> <p><b>building</b> [216] - 6:22, 7:4, 9:14, 13:5, 19:21, 27:2, 28:8, 29:6, 30:20, 30:21, 40:7, 40:8, 40:12, 41:13, 41:18, 41:19, 41:20, 41:22, 41:23, 41:25, 42:5, 44:20, 44:21, 45:2, 45:4, 45:19, 46:1, 46:19, 47:7, 47:12, 47:23, 48:12, 48:22, 49:14, 50:8, 64:20, 66:7, 66:9, 66:10, 67:12, 67:20, 67:22, 68:6, 68:14, 69:15, 70:7, 71:3, 71:4, 71:10, 71:11, 71:13, 71:15, 71:17, 72:3, 72:5, 72:10, 72:11, 72:12, 74:14, 76:13, 76:15, 76:16, 77:11, 77:19, 78:19, 81:2, 83:11, 83:14, 87:25, 88:4, 89:10, 93:2, 93:4, 93:5, 93:8, 93:9, 93:10, 94:24, 96:25, 97:7, 97:9, 97:16, 98:12, 98:18, 98:25, 99:3, 99:18, 99:19, 99:20, 101:21, 104:4, 107:8, 107:15, 108:22, 108:24, 109:7, 109:15, 109:23, 109:25, 110:9, 110:11, 110:12, 110:14, 110:24, 112:18, 112:20, 112:23, 112:25, 113:11, 113:12, 113:13, 113:22, 113:23, 114:5, 114:21, 114:22, 114:23, 115:5, 115:22, 115:23, 116:1, 116:18, 116:22, 117:2,</p> | <p>117:4, 117:10, 117:14, 117:18, 119:3, 119:7, 119:12, 120:3, 120:6, 120:9, 120:11, 121:3, 122:20, 123:1, 124:19, 124:22, 125:1, 125:17, 125:21, 126:9, 126:20, 126:22, 126:24, 127:1, 128:15, 128:19, 128:20, 128:23, 131:17, 135:8, 135:11, 135:13, 135:14, 135:16, 135:17, 135:25, 136:1, 136:16, 140:13, 140:23, 141:21, 141:23, 141:24, 142:3, 142:5, 142:6, 142:8, 142:14, 142:16, 142:19, 145:3, 145:12, 145:22, 148:4, 148:7, 149:22, 150:7, 150:13, 151:16, 152:6, 152:14, 152:22, 152:23, 153:7, 153:8, 153:16, 153:25, 154:1, 154:2, 156:12, 156:15, 156:18, 159:5, 159:8, 159:14, 159:18, 160:13, 160:16, 160:18, 161:16, 161:20, 162:16, 162:24, 167:11, 168:24, 169:20</p> <p><b>Building</b> [24] - 1:25, 12:20, 39:9, 42:24, 44:3, 44:20, 49:5, 61:22, 66:3, 66:5, 68:1, 68:8, 68:13, 70:14, 73:17, 78:17, 82:17, 82:20, 82:23, 115:5, 127:11, 134:7, 164:18, 167:10</p> <p><b>building's</b> [4] - 79:2,</p> |
|---|--|---|---|--|

|  |   |  |  |  |
|--|---|--|--|--|
| <p>107:7, 110:5, 119:13<br/> <b>buildings</b> [9] - 20:12, 29:4, 41:17, 47:18, 48:8, 66:18, 72:17, 121:1, 130:19<br/> <b>built</b> [3] - 23:6, 69:9, 161:23<br/> <b>bump</b> [2] - 110:11, 110:13<br/> <b>bump-out</b> [2] - 110:11, 110:13<br/> <b>bunch</b> [1] - 100:8<br/> <b>burden</b> [1] - 129:5<br/> <b>buses</b> [1] - 123:25<br/> <b>business</b> [6] - 46:4, 69:12, 69:14, 70:19, 90:9, 147:3<br/> <b>busy</b> [2] - 144:15, 145:19<br/> <b>buy</b> [1] - 88:3<br/> <b>buying</b> [1] - 120:2</p>  | <p><b>cash</b> [1] - 145:16<br/> <b>castle</b> [1] - 159:17<br/> <b>casual</b> [1] - 42:11<br/> <b>catch</b> [1] - 45:23<br/> <b>caught</b> [1] - 19:9<br/> <b>causing</b> [1] - 122:17<br/> <b>center</b> [1] - 119:21<br/> <b>cents</b> [1] - 158:13<br/> <b>certain</b> [9] - 52:13, 75:3, 78:3, 85:5, 86:14, 86:15, 117:5, 139:23, 152:4<br/> <b>certainly</b> [14] - 14:3, 14:6, 16:13, 18:15, 23:24, 24:5, 30:3, 81:21, 95:19, 133:21, 141:24, 150:20, 162:4<br/> <b>Certificate</b> [12] - 40:18, 69:8, 69:11, 70:15, 70:16, 83:10, 83:14, 83:17, 83:20, 84:4, 84:10, 84:13<br/> <b>certificates</b> [1] - 64:21<br/> <b>certify</b> [2] - 173:9, 173:13<br/> <b>Chair</b> [2] - 81:20, 164:22<br/> <b>chaired</b> [1] - 94:12<br/> <b>CHAIRMAN</b> [268] - 3:2, 3:9, 3:14, 3:18, 3:22, 3:25, 4:6, 4:11, 4:22, 5:2, 5:6, 5:8, 5:18, 6:3, 6:6, 6:10, 7:14, 7:25, 8:22, 8:25, 9:7, 9:9, 9:19, 9:24, 10:4, 10:13, 10:22, 11:12, 12:5, 12:11, 12:23, 13:11, 13:13, 14:2, 15:4, 15:10, 15:18, 15:22, 15:24, 16:3, 16:6, 16:11, 16:22, 16:24, 17:4, 17:9, 17:16, 18:13, 18:21, 19:5, 19:10, 20:20, 20:22, 21:18, 21:24, 22:10, 22:15, 22:17, 22:19, 22:25, 23:2, 23:13, 23:23, 24:17, 25:1, 25:7, 25:9, 25:21, 27:5, 27:7, 28:11, 28:16, 28:19, 28:24, 29:22, 30:12,</p> | <p>31:20, 31:22, 32:1, 32:3, 32:15, 33:3, 33:23, 34:10, 34:16, 34:19, 34:24, 35:2, 35:14, 35:23, 36:6, 36:16, 37:2, 37:6, 37:10, 37:15, 37:22, 37:24, 38:6, 38:12, 38:14, 39:6, 39:8, 39:16, 39:19, 41:4, 42:23, 43:8, 44:13, 45:8, 47:14, 47:18, 47:21, 47:25, 48:4, 48:6, 49:2, 50:15, 50:19, 51:22, 52:1, 52:6, 52:9, 52:13, 52:16, 52:20, 53:14, 53:19, 58:7, 58:13, 58:18, 58:23, 59:1, 59:6, 59:11, 59:20, 60:4, 60:8, 60:12, 60:16, 60:18, 60:20, 61:18, 62:17, 63:6, 63:11, 63:17, 64:5, 65:4, 71:23, 72:8, 72:20, 72:25, 73:16, 73:25, 74:9, 74:21, 74:23, 76:18, 76:23, 77:3, 78:5, 79:9, 79:11, 79:14, 80:5, 80:9, 81:5, 82:8, 82:12, 83:5, 83:7, 86:20, 86:24, 93:18, 94:15, 95:14, 95:22, 96:13, 97:12, 98:3, 98:6, 101:3, 101:9, 101:14, 101:23, 102:5, 102:7, 102:9, 102:23, 103:2, 103:12, 103:17, 103:22, 104:7, 104:11, 104:18, 104:20, 105:5, 105:7, 105:11, 105:15, 106:18, 117:2, 118:3, 118:7, 122:2, 122:5, 122:10, 124:16, 127:11, 127:20, 134:5, 134:10, 134:20, 134:24, 135:2, 135:4, 138:7, 139:6, 140:7, 140:9, 141:13, 143:2,</p> | <p>143:5, 143:9, 143:20, 144:25, 149:2, 149:7, 149:14, 151:1, 151:3, 151:10, 151:25, 154:10, 154:13, 154:19, 154:21, 155:14, 155:16, 157:11, 158:14, 159:23, 160:3, 160:7, 160:10, 161:2, 161:4, 161:7, 163:17, 164:6, 164:12, 164:24, 165:2, 166:9, 166:24, 167:2, 167:8, 167:21, 168:1, 169:5, 169:8, 169:13, 171:18, 171:22, 171:25, 172:5<br/> <b>Chairman</b> [15] - 1:17, 8:21, 9:4, 15:25, 16:1, 34:5, 35:9, 35:18, 36:1, 36:11, 36:22, 38:1, 79:10, 82:23, 134:6<br/> <b>chalk</b> [1] - 117:1<br/> <b>chance</b> [1] - 43:9<br/> <b>chances</b> [2] - 76:19<br/> <b>change</b> [28] - 9:16, 17:17, 21:14, 21:16, 22:7, 22:11, 22:12, 27:4, 35:5, 41:23, 64:23, 83:13, 85:15, 113:7, 113:12, 113:14, 114:3, 117:7, 120:19, 124:25, 125:3, 128:21, 132:8, 142:4, 142:16, 144:14, 159:4<br/> <b>changed</b> [9] - 20:15, 25:14, 85:12, 85:14, 91:24, 98:15, 100:18, 114:11, 162:3<br/> <b>changes</b> [10] - 18:9, 41:12, 42:4, 42:12, 42:17, 99:14, 100:20, 127:18, 129:9, 155:11<br/> <b>changing</b> [1] - 139:14</p> | <p><b>chapter</b> [1] - 30:24<br/> <b>character</b> [9] - 17:18, 18:9, 19:25, 21:2, 35:6, 113:8, 113:15, 114:15, 133:14<br/> <b>charge</b> [1] - 39:23<br/> <b>Charles</b> [3] - 136:24, 154:23, 168:4<br/> <b>chat</b> [1] - 134:8<br/> <b>Chatty</b> [2] - 155:16, 155:19<br/> <b>checked</b> [1] - 62:20<br/> <b>cheek</b> [3] - 24:20, 24:24, 25:4<br/> <b>children</b> [5] - 120:20, 120:22, 124:1, 124:7, 131:14<br/> <b>chooses</b> [1] - 5:12<br/> <b>circle</b> [2] - 158:1<br/> <b>Clain</b> [3] - 143:18, 143:20, 146:19<br/> <b>clarification</b> [1] - 159:24<br/> <b>clarifies</b> [1] - 51:5<br/> <b>clarify</b> [3] - 72:6, 81:12, 169:1<br/> <b>Clark</b> [1] - 94:12<br/> <b>class</b> [1] - 112:24<br/> <b>classification</b> [1] - 83:13<br/> <b>clean</b> [1] - 94:25<br/> <b>clear</b> [9] - 13:2, 13:18, 39:9, 41:11, 44:4, 97:12, 97:13, 145:5, 164:10<br/> <b>cleared</b> [1] - 160:22<br/> <b>clearly</b> [1] - 138:1<br/> <b>clerical</b> [2] - 139:25, 149:15<br/> <b>Clerk</b> [2] - 62:21, 105:8<br/> <b>client</b> [19] - 40:25, 48:2, 52:11, 56:12, 69:4, 75:12, 85:18, 86:4, 86:15, 95:16, 107:24, 108:24, 111:10, 111:19, 111:25, 112:19, 117:6, 153:8, 153:9<br/> <b>client's</b> [6] - 38:25, 87:5, 109:14, 112:6, 117:22, 153:7<br/> <b>clients</b> [10] - 63:13,</p> |
| <b>C</b>   |   |  |  |  |
| <p><b>calendar</b> [2] - 39:2, 70:4<br/> <b>Campbell</b> [1] - 72:23<br/> <b>cannot</b> [3] - 86:4, 99:17, 113:24<br/> <b>capture</b> [1] - 125:16<br/> <b>car</b> [1] - 156:3<br/> <b>card</b> [5] - 73:19, 73:22, 81:7, 81:13, 81:15<br/> <b>cardiologist</b> [1] - 153:17<br/> <b>cards</b> [1] - 81:17<br/> <b>care</b> [3] - 123:12, 126:13, 150:21<br/> <b>carrying</b> [1] - 138:19<br/> <b>cars</b> [10] - 121:11, 123:6, 123:16, 123:20, 123:22, 124:12, 124:13, 130:10, 137:23, 158:11<br/> <b>case</b> [15] - 10:18, 14:16, 21:12, 26:5, 62:9, 76:3, 85:3, 85:4, 90:23, 96:25, 101:4, 101:7, 145:11, 159:21, 166:21</p> |   |  |  |  |

|  |  |   |   |  |
|--|--|---|---|--|
| <p>71:13, 77:7, 86:2, 91:12, 92:10, 96:5, 106:15, 108:5, 112:9<br/> <b>Cliff</b> [1] - 105:21<br/> <b>clinic</b> [1] - 112:20<br/> <b>clinical</b> [1] - 116:11<br/> <b>close</b> [7] - 21:25, 25:5, 28:8, 40:11, 44:18, 46:1, 130:18<br/> <b>closing</b> [1] - 69:6<br/> <b>CO</b> [7] - 65:1, 70:21, 81:1, 85:10, 89:9, 92:5<br/> <b>Code</b> [17] - 26:24, 40:14, 42:15, 45:16, 45:18, 45:20, 46:13, 61:12, 83:9, 93:13, 107:17, 116:23, 116:24, 145:15, 146:14, 167:11<br/> <b>code</b> [23] - 13:18, 25:12, 25:17, 30:15, 31:18, 40:2, 41:8, 42:16, 42:20, 44:4, 44:16, 45:13, 45:14, 64:20, 65:17, 71:2, 85:16, 93:8, 93:10, 93:15, 95:25, 167:11<br/> <b>codes</b> [2] - 113:23, 114:6<br/> <b>coexist</b> [1] - 133:24<br/> <b>coin</b> [1] - 19:24<br/> <b>colleague</b> [1] - 86:16<br/> <b>colleagues</b> [2] - 31:9, 101:15<br/> <b>collective</b> [1] - 37:13<br/> <b>COLLINS</b> [19] - 125:25, 126:3, 127:19, 127:21, 129:17, 129:21, 130:1, 130:7, 131:5, 131:7, 134:15, 134:17, 140:8, 140:11, 158:15, 164:5, 164:8, 164:23, 167:6<br/> <b>Collins</b> [2] - 126:4, 149:10<br/> <b>Collins'</b> [1] - 150:1<br/> <b>combination</b> [1] - 46:12<br/> <b>combined</b> [2] - 87:16, 87:17</p> | <p><b>comfortable</b> [3] - 23:11, 23:25, 44:4<br/> <b>coming</b> [18] - 18:4, 29:14, 38:9, 40:21, 92:12, 92:15, 98:24, 116:13, 117:17, 117:18, 118:23, 119:22, 121:11, 121:13, 122:18, 123:6, 142:2, 154:6<br/> <b>commands</b> [1] - 138:20<br/> <b>commenced</b> [1] - 47:1<br/> <b>comment</b> [14] - 10:20, 10:23, 12:7, 14:3, 20:5, 20:7, 25:8, 60:22, 62:15, 62:19, 71:18, 140:12, 152:24, 152:25<br/> <b>commentary</b> [1] - 152:4<br/> <b>commented</b> [1] - 21:11<br/> <b>comments</b> [8] - 18:3, 61:20, 87:3, 101:17, 151:4, 151:6, 153:24, 158:17<br/> <b>Commercial</b> [2] - 159:25, 160:5<br/> <b>commercial</b> [7] - 72:11, 118:19, 123:2, 144:9, 144:12, 144:15, 146:13<br/> <b>common</b> [8] - 64:9, 65:22, 66:3, 66:6, 77:17, 77:18, 93:23, 149:24<br/> <b>commonly</b> [1] - 47:22<br/> <b>community</b> [11] - 20:15, 20:17, 81:22, 81:24, 109:7, 122:14, 137:6, 152:19, 154:2, 154:3, 157:7<br/> <b>compared</b> [1] - 90:8<br/> <b>compelled</b> [1] - 146:12<br/> <b>complaint</b> [1] - 137:16<br/> <b>complaints</b> [1] - 66:25<br/> <b>complete</b> [1] - 104:15<br/> <b>completed</b> [1] - 54:2<br/> <b>completely</b> [5] - 6:1,</p> | <p>49:19, 61:9, 144:14, 162:11<br/> <b>completion</b> [1] - 148:10<br/> <b>compliance</b> [2] - 98:14, 114:13<br/> <b>compliant</b> [5] - 94:24, 99:18, 99:20, 109:8, 109:16<br/> <b>complicated</b> [1] - 18:2<br/> <b>complied</b> [1] - 159:16<br/> <b>comply</b> [2] - 30:22, 113:22<br/> <b>components</b> [1] - 117:17<br/> <b>compound</b> [2] - 26:14, 26:15<br/> <b>compounded</b> [2] - 78:8, 96:18<br/> <b>compounding</b> [2] - 26:11, 26:18<br/> <b>computation</b> [1] - 107:16<br/> <b>concede</b> [1] - 86:8<br/> <b>conceded</b> [1] - 86:6<br/> <b>conceding</b> [2] - 80:19, 92:24<br/> <b>concern</b> [26] - 11:4, 18:15, 19:13, 19:18, 19:23, 20:8, 20:11, 20:18, 20:23, 21:1, 29:13, 31:1, 31:3, 88:16, 88:20, 89:1, 89:2, 89:13, 89:15, 97:3, 101:6, 101:10, 125:1, 128:5, 130:14<br/> <b>concerned</b> [8] - 29:2, 61:10, 119:11, 121:4, 132:17, 147:18, 151:15<br/> <b>concerns</b> [23] - 15:5, 29:3, 30:18, 61:14, 87:9, 87:10, 87:11, 106:24, 106:25, 107:1, 115:13, 122:15, 132:11, 141:18, 144:6, 146:9, 147:6, 157:8, 161:12, 163:8, 163:14, 166:7, 166:17<br/> <b>conclusion</b> [1] - 44:24<br/> <b>concur</b> [1] - 63:18</p> | <p><b>condition</b> [6] - 10:25, 11:3, 14:7, 42:13, 42:18, 63:21<br/> <b>conditioning</b> [1] - 168:6<br/> <b>conditions</b> [10] - 9:1, 12:4, 22:6, 27:10, 27:20, 29:11, 36:9, 114:10, 114:13, 166:7<br/> <b>conference</b> [3] - 125:11, 128:14, 149:25<br/> <b>configuration</b> [1] - 28:6<br/> <b>configure</b> [1] - 151:16<br/> <b>confirm</b> [2] - 105:1, 105:8<br/> <b>confirmation</b> [1] - 132:25<br/> <b>confirmed</b> [1] - 69:20<br/> <b>conflict</b> [1] - 61:5<br/> <b>conforming</b> [6] - 7:24, 9:23, 9:24, 10:2, 10:6, 114:25<br/> <b>conformity</b> [1] - 114:5<br/> <b>confront</b> [1] - 77:12<br/> <b>congestion</b> [1] - 129:2<br/> <b>connected</b> [6] - 11:2, 30:22, 47:19, 47:21, 47:22, 48:19<br/> <b>consequently</b> [1] - 51:11<br/> <b>conservative</b> [1] - 59:22<br/> <b>consider</b> [12] - 17:6, 22:6, 32:2, 32:3, 32:23, 102:2, 102:3, 102:6, 106:24, 138:13, 142:19, 146:10<br/> <b>considerable</b> [1] - 99:22<br/> <b>considerably</b> [1] - 66:18<br/> <b>consideration</b> [10] - 23:14, 29:1, 29:13, 29:24, 33:10, 33:18, 36:18, 61:2, 61:16, 138:14<br/> <b>considerations</b> [4] - 90:10, 90:17, 90:18, 166:3</p> | <p><b>considered</b> [4] - 15:1, 26:19, 44:12, 51:10<br/> <b>considering</b> [2] - 84:7, 146:11<br/> <b>consistency</b> [2] - 82:14, 101:1<br/> <b>consistent</b> [1] - 83:1<br/> <b>consists</b> [1] - 65:11<br/> <b>constantly</b> [2] - 8:12, 156:22<br/> <b>constrain</b> [1] - 61:13<br/> <b>construct</b> [1] - 67:21<br/> <b>constructed</b> [2] - 98:16, 99:5<br/> <b>construction</b> [8] - 40:18, 88:14, 88:15, 132:18, 154:11, 154:16, 154:21, 155:1<br/> <b>consulted</b> [1] - 44:5<br/> <b>contain</b> [1] - 123:20<br/> <b>contained</b> [1] - 168:23<br/> <b>contains</b> [1] - 173:10<br/> <b>context</b> [1] - 15:2<br/> <b>contiguous</b> [1] - 48:15<br/> <b>continue</b> [7] - 38:18, 46:2, 51:9, 150:10, 150:11, 154:1, 163:20<br/> <b>continued</b> [1] - 68:15<br/> <b>contract</b> [2] - 99:21, 149:3<br/> <b>contracts</b> [1] - 136:14<br/> <b>contributed</b> [1] - 108:3<br/> <b>controlled</b> [2] - 54:9, 85:13<br/> <b>convenience</b> [1] - 67:4<br/> <b>conversation</b> [2] - 9:11, 169:19<br/> <b>conversations</b> [1] - 138:1<br/> <b>conversion</b> [1] - 70:22<br/> <b>converted</b> [1] - 159:18<br/> <b>conveys</b> [1] - 47:13<br/> <b>convinced</b> [1] - 75:6<br/> <b>cooling</b> [1] - 162:12<br/> <b>cooperate</b> [1] - 93:7<br/> <b>copies</b> [3] - 53:4, 69:23, 134:18<br/> <b>copy</b> [3] - 43:1, 73:21, 134:22</p> |
|--|--|---|---|--|

|   |   |  |  |   |
|---|---|--|--|---|
| <p><b>core</b> [1] - 122:17<br/> <b>corner</b> [3] - 18:5, 147:20, 148:8<br/> <b>correct</b> [14] - 8:24, 12:22, 15:17, 53:24, 56:4, 57:22, 62:18, 73:3, 81:10, 112:6, 127:14, 131:8, 164:13, 173:11<br/> <b>corridor</b> [1] - 130:22<br/> <b>corridors</b> [1] - 109:19<br/> <b>CORWIN</b> [7] - 1:18, 3:10, 3:24, 4:7, 6:12, 8:21, 8:23, 15:9, 15:13, 16:9, 16:23, 16:25, 17:14, 18:14, 18:23, 19:3, 20:7, 25:8, 25:11, 29:10, 32:13, 33:5, 34:6, 34:20, 35:1, 35:10, 35:19, 36:2, 36:12, 36:23, 38:2, 46:16, 49:4, 49:24, 50:1, 50:4, 50:6, 58:25, 59:2, 59:15, 83:6, 83:8, 84:1, 85:21, 86:22, 91:10, 91:13, 103:11, 104:13, 106:17, 106:19, 106:21, 108:10, 108:12, 108:14, 118:9, 118:11, 126:2, 134:6, 136:5, 136:8, 142:21, 163:22, 164:3, 167:19, 169:4, 169:9, 169:15, 171:8, 171:24, 172:1<br/> <b>Corwin</b> [4] - 18:20, 19:21, 22:3, 85:17<br/> <b>COs</b> [5] - 64:24, 65:7, 69:9, 69:10, 84:21<br/> <b>cottage</b> [12] - 40:5, 40:10, 41:1, 43:14, 43:23, 44:11, 44:19, 46:18, 48:11, 49:21, 57:21, 57:22<br/> <b>Counsel</b> [1] - 86:11<br/> <b>Counsel's</b> [1] - 98:7<br/> <b>counselors</b> [3] - 126:18, 126:19, 128:17<br/> <b>country</b> [1] - 74:6</p> | <p><b>County</b> [3] - 4:15, 38:21, 130:16<br/> <b>COUNTY</b> [2] - 1:2, 173:5<br/> <b>couple</b> [6] - 5:25, 25:25, 53:20, 87:2, 139:8, 158:16<br/> <b>course</b> [4] - 13:24, 22:8, 135:8, 149:9<br/> <b>Court</b> [5] - 52:23, 75:23, 92:18, 92:21, 173:7<br/> <b>court</b> [3] - 75:21, 86:3, 86:5<br/> <b>covenant</b> [2] - 112:22, 112:23<br/> <b>cover</b> [1] - 125:22<br/> <b>crank</b> [1] - 140:18<br/> <b>cranking</b> [1] - 140:22<br/> <b>craziness</b> [1] - 111:13<br/> <b>create</b> [11] - 7:4, 8:5, 21:16, 30:8, 41:4, 41:5, 42:13, 42:17, 81:23, 115:9, 144:15<br/> <b>created</b> [14] - 7:2, 7:7, 7:8, 13:21, 14:11, 17:19, 20:4, 29:23, 30:11, 35:7, 36:17, 113:9, 114:20, 129:1<br/> <b>creates</b> [5] - 41:7, 41:24, 46:13, 83:1, 129:5<br/> <b>creating</b> [4] - 20:1, 32:25, 42:15, 42:19<br/> <b>creation</b> [4] - 7:21, 7:24, 21:15, 136:23<br/> <b>credit</b> [1] - 138:17<br/> <b>criteria</b> [1] - 11:7<br/> <b>critical</b> [1] - 122:19<br/> <b>cross</b> [3] - 26:7, 79:18, 80:1<br/> <b>crossing</b> [3] - 80:22, 84:20<br/> <b>crowded</b> [1] - 18:2<br/> <b>cumulative</b> [1] - 34:12<br/> <b>current</b> [7] - 64:20, 113:23, 114:5, 115:16, 144:20, 145:13, 168:8<br/> <b>customers</b> [2] - 123:3, 123:10<br/> <b>cut</b> [6] - 45:4, 45:5, 46:6, 49:14, 49:18</p> | <p style="text-align: center;"><b>D</b></p> <p><b>D-E-R-R</b> [1] - 118:14<br/> <b>daily</b> [1] - 155:24<br/> <b>damned</b> [2] - 45:24, 45:25<br/> <b>dangerous</b> [1] - 123:22<br/> <b>Daniel</b> [1] - 105:21<br/> <b>dark</b> [4] - 59:23, 59:24, 59:25, 60:1<br/> <b>Dark</b> [2] - 132:21, 132:25<br/> <b>date</b> [3] - 72:15, 136:8, 144:13<br/> <b>dated</b> [1] - 143:21<br/> <b>DAVID</b> [1] - 1:18<br/> <b>David</b> [9] - 15:8, 25:7, 28:19, 32:16, 34:25, 48:6, 49:2, 83:5, 104:12<br/> <b>David's</b> [1] - 20:23<br/> <b>daylight</b> [1] - 59:18<br/> <b>days</b> [4] - 89:19, 123:15, 157:24, 157:25<br/> <b>de</b> [1] - 31:4<br/> <b>deal</b> [6] - 8:13, 22:11, 28:21, 88:24, 155:24<br/> <b>dealing</b> [4] - 7:1, 96:12, 100:10, 107:5<br/> <b>deals</b> [1] - 22:11<br/> <b>deal</b> [1] - 64:16<br/> <b>death</b> [1] - 137:10<br/> <b>decade</b> [1] - 108:20<br/> <b>decade-and-a-half</b> [1] - 108:20<br/> <b>decibel</b> [2] - 168:7, 168:9<br/> <b>decibels</b> [2] - 169:18, 169:24<br/> <b>decide</b> [1] - 8:19<br/> <b>decided</b> [3] - 33:24, 37:16, 102:13<br/> <b>deciding</b> [1] - 100:23<br/> <b>decision</b> [8] - 14:22, 29:25, 36:19, 94:19, 97:21, 98:2, 165:15, 165:24<br/> <b>decision-making</b> [1] - 14:22<br/> <b>deck</b> [1] - 121:14<br/> <b>declaration</b> [1] - 34:15</p> | <p><b>Declaration</b> [1] - 80:25<br/> <b>declared</b> [1] - 33:24<br/> <b>deep</b> [3] - 55:18, 55:22, 55:23<br/> <b>deeply</b> [1] - 133:23<br/> <b>defer</b> [2] - 9:1, 75:18<br/> <b>deference</b> [1] - 103:5<br/> <b>deferred</b> [1] - 51:20<br/> <b>defined</b> [1] - 65:20<br/> <b>definite</b> [1] - 125:15<br/> <b>definitely</b> [3] - 142:4, 142:15, 166:6<br/> <b>definition</b> [5] - 49:10, 49:11, 51:11, 51:12, 51:13<br/> <b>definitive</b> [2] - 69:18<br/> <b>degrades</b> [1] - 133:15<br/> <b>deliberation</b> [1] - 13:23<br/> <b>demolition</b> [5] - 127:7, 127:10, 127:17, 127:24, 127:25<br/> <b>demonstrates</b> [1] - 125:15<br/> <b>denial</b> [1] - 107:11<br/> <b>density</b> [4] - 20:4, 128:6, 130:24, 159:10<br/> <b>deny</b> [1] - 32:17<br/> <b>Department</b> [9] - 68:1, 68:8, 68:13, 70:15, 73:17, 108:7, 115:6, 116:25, 167:10<br/> <b>depth</b> [3] - 26:14, 26:18, 26:20<br/> <b>DERR</b> [7] - 118:5, 118:10, 118:13, 121:22, 122:4, 122:6, 122:11<br/> <b>Derr</b> [2] - 118:10, 118:14<br/> <b>described</b> [1] - 161:10<br/> <b>describes</b> [2] - 43:14, 43:15<br/> <b>DESCRIPTION</b> [1] - 2:3<br/> <b>deserve</b> [1] - 134:3<br/> <b>design</b> [1] - 132:13<br/> <b>designation</b> [2] - 9:16, 123:4<br/> <b>desire</b> [1] - 95:18<br/> <b>destined</b> [1] - 153:6</p> | <p><b>detached</b> [1] - 42:18<br/> <b>detail</b> [3] - 132:5, 162:13, 163:15<br/> <b>details</b> [3] - 39:5, 162:5, 163:9<br/> <b>determination</b> [4] - 7:13, 16:2, 67:10, 90:2<br/> <b>determinations</b> [1] - 5:21<br/> <b>determine</b> [4] - 34:13, 49:15, 87:14, 91:3<br/> <b>determined</b> [4] - 33:9, 89:25, 90:22, 95:12<br/> <b>determines</b> [1] - 16:20<br/> <b>detrimment</b> [7] - 17:18, 18:10, 18:11, 20:3, 35:7, 113:8, 113:16<br/> <b>develop</b> [3] - 89:7, 90:7<br/> <b>developed</b> [1] - 90:4<br/> <b>development</b> [1] - 128:22<br/> <b>Diana</b> [1] - 24:17<br/> <b>dictate</b> [2] - 167:10, 167:11<br/> <b>dictates</b> [1] - 167:9<br/> <b>difference</b> [5] - 55:3, 65:17, 75:1, 75:2, 121:7<br/> <b>different</b> [2] - 9:4, 23:15, 24:21, 29:4, 33:13, 40:25, 57:11, 74:3, 81:18, 87:8, 93:12, 100:10, 116:7, 120:12, 128:18, 140:3, 142:11, 151:18, 160:4, 162:12<br/> <b>differentiate</b> [1] - 74:4<br/> <b>differently</b> [1] - 23:17<br/> <b>difficult</b> [4] - 18:6, 129:12, 136:17, 161:22<br/> <b>difficulty</b> [3] - 29:23, 36:17, 114:20<br/> <b>digress</b> [1] - 73:11<br/> <b>diligence</b> [2] - 77:7, 85:19<br/> <b>dining</b> [1] - 131:9<br/> <b>DINNI</b> [1] - 1:19<br/> <b>direct</b> [1] - 131:24<br/> <b>directional</b> [1] - 133:2</p> |
|---|---|--|--|---|

|   |  |  |   |  |
|---|--|--|---|--|
| <p><b>directly</b> [3] - 5:17, 144:3, 145:8</p> <p><b>Disabilities</b> [1] - 114:6</p> <p><b>disagree</b> [3] - 23:3, 83:3, 93:11</p> <p><b>disagrees</b> [1] - 12:21</p> <p><b>disappointed</b> [1] - 137:25</p> <p><b>Disapproval</b> [2] - 41:10, 43:2</p> <p><b>discouraged</b> [1] - 124:11</p> <p><b>discuss</b> [5] - 5:11, 17:15, 71:22, 95:10, 118:23</p> <p><b>discussed</b> [2] - 90:11, 148:14</p> <p><b>discussion</b> [22] - 4:12, 4:17, 5:10, 5:19, 5:20, 5:23, 6:23, 14:6, 15:12, 17:12, 17:14, 30:14, 32:4, 52:22, 70:5, 70:9, 70:13, 77:23, 86:10, 96:22, 111:8, 155:22</p> <p><b>DISCUSSION</b> [1] - 2:8</p> <p><b>dispute</b> [1] - 71:10</p> <p><b>distinct</b> [1] - 81:18</p> <p><b>distributed</b> [1] - 81:10</p> <p><b>District</b> [5] - 9:15, 9:17, 9:21, 124:2, 146:14</p> <p><b>district</b> [8] - 27:10, 29:17, 30:24, 36:10, 72:11, 74:18, 114:11, 160:11</p> <p><b>districts</b> [2] - 75:3, 75:4</p> <p><b>divided</b> [2] - 21:9, 25:16</p> <p><b>divulging</b> [1] - 149:3</p> <p><b>doctor</b> [24] - 72:23, 73:1, 81:22, 87:20, 87:23, 88:8, 89:4, 89:21, 90:24, 93:14, 97:18, 99:17, 107:17, 109:10, 112:25, 126:14, 135:21, 135:22, 142:12, 142:15, 156:23, 170:17, 170:18, 170:19</p> <p><b>doctor's</b> [7] - 72:18,</p> | <p>73:1, 73:8, 73:10, 149:25, 158:11, 161:19</p> <p><b>doctors</b> [68] - 71:14, 81:3, 87:21, 87:24, 88:1, 88:4, 88:7, 89:4, 89:17, 89:20, 90:24, 92:13, 92:14, 92:25, 93:9, 93:17, 97:16, 98:13, 100:7, 107:14, 115:14, 115:18, 115:19, 116:6, 116:22, 116:23, 117:8, 123:9, 125:6, 125:16, 125:21, 126:13, 126:16, 126:17, 126:21, 128:12, 128:16, 139:22, 140:13, 142:9, 142:10, 142:15, 145:12, 146:4, 147:23, 148:3, 149:4, 149:12, 149:22, 150:15, 150:25, 152:18, 152:19, 153:5, 153:20, 154:6, 157:10, 157:17, 170:10, 170:12, 170:16, 170:22, 170:25</p> <p><b>document</b> [17] - 67:13, 69:4, 69:5, 69:10, 69:17, 70:18, 74:2, 75:23, 75:24, 75:25, 84:16, 85:6, 94:13, 105:3, 105:5</p> <p><b>documentation</b> [4] - 68:4, 96:11, 96:21, 170:7</p> <p><b>documents</b> [13] - 63:4, 64:9, 75:16, 77:8, 77:22, 82:15, 84:25, 87:4, 91:18, 92:22, 93:19, 100:4</p> <p><b>Doe</b> [1] - 78:15</p> <p><b>dollars</b> [2] - 44:19, 108:10</p> <p><b>done</b> [16] - 44:23, 56:20, 62:5, 62:6, 80:23, 81:4, 88:24, 91:8, 107:1, 113:4, 117:19, 155:7,</p> | <p>155:12, 155:13, 157:23, 157:25</p> <p><b>donna</b> [1] - 138:20</p> <p><b>door</b> [7] - 20:16, 20:18, 110:16, 119:22, 135:13, 146:1, 155:21</p> <p><b>doors</b> [1] - 110:5</p> <p><b>doorway</b> [3] - 47:23, 48:1, 58:1</p> <p><b>doorways</b> [1] - 109:20</p> <p><b>dot</b> [2] - 79:18, 80:1</p> <p><b>dotting</b> [1] - 84:19</p> <p><b>doubt</b> [2] - 14:19, 160:14</p> <p><b>down</b> [14] - 17:15, 19:7, 52:25, 98:25, 116:24, 117:1, 117:17, 117:18, 135:11, 138:19, 139:2, 139:3, 141:9</p> <p><b>downstairs</b> [1] - 127:25</p> <p><b>downward</b> [2] - 132:23, 162:18</p> <p><b>Dr</b> [4] - 81:16, 126:23, 135:15, 136:12</p> <p><b>drainage</b> [3] - 110:18, 168:19, 168:20</p> <p><b>drained</b> [1] - 168:20</p> <p><b>dramatically</b> [1] - 123:5</p> <p><b>drastic</b> [1] - 158:9</p> <p><b>drawing</b> [4] - 19:11, 68:21, 68:22, 69:1</p> <p><b>drawings</b> [2] - 139:13, 149:18</p> <p><b>Drive</b> [1] - 105:23</p> <p><b>driveway</b> [17] - 17:24, 17:25, 18:1, 18:12, 19:12, 19:13, 19:17, 19:19, 19:20, 110:14, 110:17, 110:20, 110:21, 129:23, 130:8, 132:18</p> <p><b>driveways</b> [2] - 129:9, 130:18</p> <p><b>driving</b> [3] - 123:22, 124:13, 130:11</p> <p><b>drug</b> [1] - 100:10</p> <p><b>due</b> [5] - 73:5, 77:7, 85:16, 85:19, 88:18</p> | <p><b>dumpster</b> [1] - 138:19</p> <p><b>dumpsters</b> [2] - 130:16, 130:17</p> <p><b>during</b> [7] - 18:3, 21:11, 43:10, 46:9, 125:20, 145:24, 155:13</p> <p><b>dwelling</b> [6] - 12:18, 13:3, 13:5, 13:7, 41:7, 51:10</p> <p><b>dynamic</b> [1] - 15:7</p> | <p><b>Ehlers</b> [1] - 82:18</p> <p><b>eight</b> [14] - 28:5, 44:22, 46:22, 46:23, 50:15, 125:14, 128:9, 128:10, 128:11, 129:11, 129:15, 140:12, 142:12, 145:13</p> <p><b>Eight</b> [1] - 131:5</p> <p><b>Eileen</b> [7] - 12:20, 39:13, 39:21, 43:15, 80:24, 105:1, 107:11</p> <p><b>EILEEN</b> [1] - 1:25</p> <p><b>Eileen's</b> [3] - 71:5, 95:24</p> <p><b>either</b> [9] - 19:16, 32:9, 32:16, 44:24, 62:10, 63:13, 85:22, 108:17, 143:15</p> <p><b>EKG</b> [1] - 116:9</p> <p><b>elevator</b> [2] - 109:12, 109:18</p> <p><b>elevators</b> [1] - 94:25</p> <p><b>eliminate</b> [1] - 40:23</p> <p><b>elimination</b> [1] - 110:11</p> <p><b>ELLEN</b> [1] - 1:20</p> <p><b>Ellen</b> [5] - 21:18, 27:5, 81:5, 101:3, 103:7</p> <p><b>elsewhere</b> [1] - 125:12</p> <p><b>emergency</b> [1] - 130:23</p> <p><b>employee</b> [2] - 147:19, 147:21</p> <p><b>employees</b> [4] - 122:25, 147:18, 148:5, 148:6</p> <p><b>encountered</b> [1] - 161:17</p> <p><b>encourage</b> [1] - 97:6</p> <p><b>encouraged</b> [1] - 98:1</p> <p><b>encouraging</b> [1] - 97:22</p> <p><b>end</b> [7] - 5:23, 38:9, 41:14, 52:8, 116:5, 153:6, 155:22</p> <p><b>ended</b> [1] - 44:8</p> <p><b>ending</b> [1] - 29:16</p> <p><b>ends</b> [1] - 24:21</p> <p><b>endure</b> [1] - 146:12</p> <p><b>energy</b> [1] - 110:6</p> <p><b>Enforce</b> [1] - 116:24</p> <p><b>enforcement</b> [1] -</p> |
| <b>E</b>  |  |  |   |  |
| <p><b>EAF</b> [1] - 58:8</p> <p><b>east</b> [3] - 110:16, 133:10, 148:4</p> <p><b>easterly</b> [1] - 110:12</p> <p><b>eastern</b> [1] - 149:21</p> <p><b>Eastern</b> [13] - 66:2, 66:4, 78:17, 81:14, 82:16, 82:19, 82:22, 105:16, 146:24, 147:4, 170:10, 170:18, 171:14</p> <p><b>easy</b> [2] - 22:23, 110:23</p> <p><b>EBLE</b> [13] - 146:23, 148:18, 148:21, 148:25, 149:5, 149:9, 149:16, 150:5, 150:9, 150:11, 150:18, 151:2, 171:7</p> <p><b>Eble</b> [4] - 146:23, 171:5, 171:7</p> <p><b>echo</b> [1] - 21:1</p> <p><b>edification</b> [1] - 129:19</p> <p><b>effect</b> [13] - 20:13, 26:12, 27:9, 29:17, 34:1, 36:8, 64:22, 70:23, 84:5, 114:9, 115:13, 144:13, 166:11</p> <p><b>effective</b> [2] - 112:21, 131:18</p> <p><b>effectively</b> [7] - 71:15, 107:6, 109:14, 110:20, 113:10, 145:19, 146:15</p> <p><b>efficient</b> [1] - 110:6</p> <p><b>egress</b> [1] - 163:10</p>  |  |  |   |  |

|   |   |  |   |  |
|---|---|--|---|--|
| <p>116:20<br/> <b>Enforcement</b> [1] - 116:24<br/> <b>enforcing</b> [1] - 146:2<br/> <b>Engineering</b> [1] - 28:22<br/> <b>engineers</b> [1] - 28:21<br/> <b>England</b> [2] - 48:21, 48:23<br/> <b>enjoy</b> [1] - 146:6<br/> <b>enlarge</b> [2] - 23:8, 23:10<br/> <b>enlarged</b> [2] - 83:12, 114:12<br/> <b>enlighten</b> [1] - 101:18<br/> <b>enormous</b> [1] - 89:22<br/> <b>enter</b> [1] - 106:8<br/> <b>entertained</b> [1] - 66:24<br/> <b>entire</b> [4] - 21:12, 56:24, 109:1, 126:11<br/> <b>entitled</b> [1] - 50:1<br/> <b>entitling</b> [1] - 69:10<br/> <b>entrance</b> [1] - 129:10<br/> <b>envelope</b> [1] - 15:7<br/> <b>environment</b> [10] - 17:8, 33:12, 33:17, 33:19, 33:20, 34:1, 34:3, 34:14<br/> <b>environmental</b> [8] - 27:9, 29:1, 29:11, 36:9, 54:1, 114:10, 122:16, 132:15<br/> <b>equals</b> [1] - 123:16<br/> <b>equation</b> [1] - 93:25<br/> <b>equipment</b> [1] - 133:9<br/> <b>era</b> [1] - 109:9<br/> <b>eraser</b> [1] - 77:20<br/> <b>erect</b> [1] - 111:9<br/> <b>erected</b> [1] - 83:11<br/> <b>error</b> [1] - 54:6<br/> <b>errors</b> [1] - 54:5<br/> <b>especially</b> [4] - 90:23, 114:6, 123:23, 159:20<br/> <b>essentially</b> [3] - 29:6, 37:21, 146:3<br/> <b>established</b> [3] - 7:17, 84:12, 91:2<br/> <b>etcetera</b> [1] - 124:12<br/> <b>ether</b> [1] - 49:8<br/> <b>ethical</b> [2] - 61:11, 61:12<br/> <b>evening</b> [6] - 38:24,</p> | <p>96:22, 106:12, 135:3, 146:23, 154:23<br/> <b>eventual</b> [1] - 165:24<br/> <b>eventually</b> [2] - 136:19, 166:5<br/> <b>evidence</b> [2] - 83:2, 99:24<br/> <b>evolution</b> [1] - 116:18<br/> <b>evolved</b> [1] - 100:18<br/> <b>exact</b> [1] - 72:15<br/> <b>exactly</b> [15] - 21:13, 27:13, 27:17, 39:11, 44:1, 46:14, 62:3, 76:20, 79:25, 98:9, 152:25, 162:14, 162:20, 163:1, 163:9<br/> <b>exam</b> [6] - 125:14, 128:10, 128:11, 139:14, 140:12, 149:23<br/> <b>exceed</b> [2] - 41:19, 116:22<br/> <b>exception</b> [1] - 78:13<br/> <b>excessive</b> [2] - 145:11, 159:10<br/> <b>exclusive</b> [1] - 66:17<br/> <b>exclusively</b> [1] - 144:11<br/> <b>excuse</b> [16] - 7:18, 11:19, 16:1, 22:14, 24:7, 33:2, 43:15, 68:20, 88:5, 96:15, 99:10, 102:3, 106:17, 131:3, 134:6, 153:15<br/> <b>executive</b> [1] - 122:24<br/> <b>exhausted</b> [1] - 106:12<br/> <b>Exhibit</b> [3] - 55:12, 55:13, 55:16<br/> <b>exist</b> [1] - 97:9<br/> <b>existed</b> [2] - 7:11, 65:7<br/> <b>existence</b> [1] - 69:15<br/> <b>existing</b> [20] - 7:20, 10:9, 10:14, 13:19, 28:9, 30:7, 31:15, 41:12, 42:12, 42:17, 66:18, 113:11, 114:4, 114:11, 114:13, 114:21, 148:6, 168:7, 168:9<br/> <b>exists</b> [1] - 51:8</p> | <p><b>exit</b> [2] - 129:10, 130:8<br/> <b>expand</b> [6] - 23:24, 81:24, 81:25, 147:10, 154:5, 158:24<br/> <b>expansion</b> [1] - 147:4<br/> <b>expect</b> [5] - 51:22, 52:1, 87:12, 87:13, 158:21<br/> <b>expected</b> [1] - 99:25<br/> <b>expense</b> [2] - 49:18, 49:19<br/> <b>experience</b> [1] - 12:8<br/> <b>experienced</b> [1] - 127:25<br/> <b>expired</b> [1] - 97:25<br/> <b>explain</b> [3] - 43:10, 115:15, 139:9<br/> <b>explaining</b> [1] - 118:6<br/> <b>explanation</b> [3] - 102:14, 102:19, 104:3<br/> <b>explanations</b> [1] - 42:25<br/> <b>explore</b> [3] - 7:12, 49:4, 49:6<br/> <b>explored</b> [1] - 6:1<br/> <b>express</b> [1] - 106:25<br/> <b>expressed</b> [1] - 82:9<br/> <b>extended</b> [1] - 83:12<br/> <b>extension</b> [1] - 149:1<br/> <b>extent</b> [1] - 90:11<br/> <b>extra</b> [2] - 8:9, 59:21<br/> <b>extremes</b> [1] - 21:5</p> | <p>109:5, 113:13, 115:21, 125:3, 146:3, 159:1, 159:4, 161:15, 165:6, 168:8<br/> <b>facto</b> [1] - 31:4<br/> <b>factor</b> [1] - 133:25<br/> <b>factors</b> [2] - 113:5, 162:10<br/> <b>factual</b> [3] - 88:6, 88:9, 91:25<br/> <b>fair</b> [2] - 86:9, 152:24<br/> <b>fairness</b> [1] - 43:11<br/> <b>Fairweather</b> [1] - 68:19<br/> <b>Fairweather-Brown</b> [1] - 68:19<br/> <b>falling</b> [1] - 155:18<br/> <b>families</b> [11] - 9:12, 12:13, 12:17, 12:25, 13:1, 24:9, 26:25, 123:23, 124:4, 124:10, 137:15<br/> <b>Family</b> [3] - 38:16, 38:19, 146:13<br/> <b>family</b> [36] - 6:17, 6:22, 7:4, 7:7, 8:16, 9:5, 9:17, 9:21, 10:16, 11:17, 11:23, 11:24, 13:3, 13:4, 13:19, 13:21, 14:10, 23:9, 24:25, 29:7, 40:15, 40:16, 41:2, 44:7, 44:10, 44:12, 51:10, 69:16, 135:9, 135:23, 136:12, 136:13, 144:16, 158:20<br/> <b>FAMILY</b> [1] - 2:14<br/> <b>family-friendly</b> [1] - 144:16<br/> <b>far</b> [19] - 8:16, 11:8, 11:11, 27:14, 31:13, 44:1, 63:23, 69:24, 84:19, 94:20, 101:10, 110:9, 114:19, 127:24, 137:18, 147:17, 151:9, 156:14, 167:8<br/> <b>fast</b> [2] - 67:19, 105:12<br/> <b>fault</b> [1] - 119:15<br/> <b>faulty</b> [1] - 144:22<br/> <b>favor</b> [9] - 3:9, 3:18, 4:6, 16:24, 34:19,</p> | <p>59:1, 104:7, 169:8, 171:25<br/> <b>fear</b> [2] - 124:6, 155:23<br/> <b>feasible</b> [4] - 22:21, 23:7, 35:16, 113:18<br/> <b>feature</b> [2] - 159:19, 159:20<br/> <b>features</b> [1] - 98:20<br/> <b>February</b> [1] - 69:3<br/> <b>Federal</b> [1] - 100:19<br/> <b>feelings</b> [1] - 153:22<br/> <b>feet</b> [26] - 21:22, 21:25, 25:12, 25:14, 25:15, 26:6, 27:22, 41:20, 41:21, 41:22, 42:6, 45:9, 45:15, 54:11, 55:18, 55:22, 55:23, 56:3, 66:19, 130:11, 131:1, 131:4, 169:21, 169:22, 169:23, 169:24<br/> <b>felt</b> [4] - 56:11, 56:19, 57:2, 118:21<br/> <b>fence</b> [5] - 110:15, 111:8, 111:20, 111:22, 111:23<br/> <b>fencing</b> [1] - 111:2<br/> <b>few</b> [3] - 27:22, 121:25, 163:23<br/> <b>fifteen</b> [1] - 145:3<br/> <b>fighting</b> [1] - 89:12<br/> <b>figure</b> [3] - 44:23, 47:9, 121:17<br/> <b>figured</b> [1] - 118:15<br/> <b>file</b> [7] - 50:14, 63:1, 63:2, 68:17, 80:14, 81:8, 86:2<br/> <b>filed</b> [9] - 49:7, 51:16, 52:8, 53:8, 53:10, 62:23, 62:24<br/> <b>filling</b> [3] - 52:8, 91:6, 91:11<br/> <b>fill</b> [1] - 18:25<br/> <b>filled</b> [1] - 139:18<br/> <b>filling</b> [1] - 139:19<br/> <b>filtration</b> [1] - 162:8<br/> <b>final</b> [3] - 68:4, 80:25, 94:19<br/> <b>finally</b> [3] - 44:23, 138:6, 138:10<br/> <b>finance</b> [1] - 122:24<br/> <b>financial</b> [1] - 23:14</p> |
| <b>F</b>  |   |  |   |  |
| <p><b>facilities</b> [2] - 42:8, 159:13<br/> <b>facility</b> [11] - 75:13, 95:5, 114:15, 115:9, 135:12, 136:18, 152:18, 154:6, 157:3, 157:7, 158:18<br/> <b>facings</b> [1] - 9:6<br/> <b>fact</b> [32] - 4:25, 9:17, 23:13, 31:12, 44:9, 49:6, 53:10, 54:8, 60:24, 64:23, 84:3, 87:22, 88:7, 96:15, 96:24, 97:15, 100:6, 104:3, 107:7, 107:8, 107:9, 107:13,</p>   |   |  |   |  |

|  |  |  |   |   |
|--|--|--|---|---|
| <p><b>financially</b> [1] - 140:19<br/> <b>findings</b> [4] - 5:21, 11:19, 11:20, 38:7<br/> <b>fine</b> [8] - 6:10, 15:3, 43:7, 57:7, 101:24, 122:22, 167:6<br/> <b>finger</b> [1] - 102:17<br/> <b>fingers</b> [1] - 103:19<br/> <b>finish</b> [3] - 74:24, 79:12, 91:5<br/> <b>finished</b> [3] - 99:10, 100:5, 154:14<br/> <b>fire</b> [1] - 40:5<br/> <b>Fire</b> [2] - 1:11, 4:3<br/> <b>firmly</b> [1] - 113:14<br/> <b>first</b> [31] - 6:6, 16:13, 17:16, 23:8, 39:17, 53:25, 70:18, 71:19, 71:22, 74:2, 89:2, 103:3, 103:6, 103:23, 112:24, 137:7, 139:22, 140:10, 141:21, 144:7, 144:9, 147:24, 147:25, 148:2, 149:20, 149:21, 155:6, 155:7, 157:11, 157:12, 157:13<br/> <b>fish</b> [1] - 136:18<br/> <b>fit</b> [3] - 67:11, 112:5, 139:22<br/> <b>five</b> [64] - 5:10, 5:22, 16:15, 28:4, 28:13, 32:21, 35:2, 71:14, 76:9, 81:3, 87:21, 87:24, 88:4, 88:7, 89:3, 90:24, 92:13, 92:21, 92:25, 93:8, 93:14, 97:16, 100:7, 102:16, 103:1, 103:3, 103:10, 103:18, 107:14, 107:16, 108:11, 112:25, 113:5, 115:14, 116:22, 117:8, 121:9, 121:10, 122:18, 123:14, 123:15, 125:7, 125:21, 128:24, 137:15, 142:9, 142:14, 145:17, 148:25,</p> | <p>151:14, 151:20, 151:21, 153:2, 153:13, 153:20, 170:10, 170:22, 170:24<br/> <b>five-doctor</b> [1] - 112:25<br/> <b>five-minute</b> [5] - 102:16, 103:1, 103:3, 103:10, 103:18<br/> <b>fix</b> [1] - 152:23<br/> <b>fixed</b> [2] - 26:2, 156:3<br/> <b>flag</b> [1] - 22:8<br/> <b>fledged</b> [3] - 120:10, 121:8, 121:10<br/> <b>flip</b> [1] - 29:3<br/> <b>flooding</b> [1] - 132:11<br/> <b>floods</b> [1] - 132:14<br/> <b>floor</b> [17] - 70:21, 109:12, 125:5, 130:25, 131:1, 139:22, 147:25, 148:1, 148:2, 149:20, 149:21, 157:11, 157:12, 157:13, 169:4, 169:6<br/> <b>flora</b> [1] - 33:17<br/> <b>flow</b> [3] - 110:18, 110:22, 123:20<br/> <b>FOIL</b> [7] - 62:15, 62:22, 63:1, 63:3, 63:5, 63:9, 63:14<br/> <b>FOILed</b> [1] - 63:13<br/> <b>FOILs</b> [3] - 61:25, 62:15, 62:19<br/> <b>folks</b> [7] - 13:1, 45:20, 103:18, 103:23, 104:24, 138:25, 172:6<br/> <b>followed</b> [1] - 70:14<br/> <b>following</b> [1] - 132:25<br/> <b>foot</b> [7] - 23:21, 26:6, 27:21, 44:11, 45:6, 45:12<br/> <b>footage</b> [2] - 25:20, 40:9<br/> <b>footprint</b> [1] - 40:4<br/> <b>FOR</b> [3] - 2:10, 2:14, 2:17<br/> <b>force</b> [1] - 7:5<br/> <b>forced</b> [2] - 24:2, 123:9</p> | <p><b>foregoing</b> [1] - 173:10<br/> <b>forever</b> [1] - 139:1<br/> <b>forgive</b> [1] - 57:15<br/> <b>form</b> [2] - 54:1<br/> <b>formal</b> [1] - 5:12<br/> <b>formally</b> [1] - 5:22<br/> <b>formed</b> [1] - 30:19<br/> <b>former</b> [1] - 136:24<br/> <b>formula</b> [1] - 26:4<br/> <b>forward</b> [11] - 67:1, 67:19, 72:7, 79:7, 85:5, 90:21, 92:11, 95:18, 147:13, 148:9, 169:3<br/> <b>foundation</b> [1] - 132:17<br/> <b>four</b> [23] - 20:19, 60:7, 60:11, 60:12, 76:8, 92:13, 92:21, 125:6, 125:15, 128:12, 131:13, 137:14, 145:11, 149:23, 156:18, 162:10, 163:6, 169:22, 169:23, 170:20, 170:21, 171:9<br/> <b>Fourth</b> [2] - 38:17, 39:25<br/> <b>fourth</b> [3] - 40:22, 40:23, 69:12<br/> <b>FOURTH</b> [1] - 2:15<br/> <b>fowl</b> [1] - 136:19<br/> <b>Franck</b> [2] - 106:2, 124:19<br/> <b>Friday</b> [2] - 106:16, 145:23<br/> <b>friend</b> [1] - 135:12<br/> <b>friendly</b> [2] - 132:15, 144:16<br/> <b>friends</b> [1] - 26:22<br/> <b>Front</b> [1] - 108:2<br/> <b>front</b> [13] - 19:11, 19:22, 65:25, 92:17, 92:20, 93:22, 99:6, 109:25, 123:21, 147:21, 159:25, 160:20, 163:18<br/> <b>frustrating</b> [1] - 109:9<br/> <b>frustration</b> [4] - 94:22, 96:6, 96:8<br/> <b>frustrations</b> [1] - 84:18<br/> <b>fulfilling</b> [1] - 147:10</p> | <p><b>full</b> [12] - 7:24, 33:13, 33:18, 46:20, 53:6, 53:7, 54:8, 54:10, 120:10, 125:21, 131:16, 171:9<br/> <b>full-fledged</b> [1] - 120:10<br/> <b>fully</b> [4] - 121:8, 121:10, 132:23, 168:20<br/> <b>function</b> [4] - 100:20, 100:21, 101:1, 132:3<br/> <b>functions</b> [1] - 122:24<br/> <b>furthermore</b> [1] - 42:7<br/> <b>future</b> [1] - 9:11</p> | <p>35:20, 36:3, 36:13, 36:24, 37:14, 37:19, 38:3, 38:10, 38:13, 42:1, 45:11, 59:3, 59:25, 82:14, 100:6, 103:15, 104:8, 104:19, 143:7, 144:24, 150:15, 166:23, 166:25, 169:10, 172:2<br/> <b>government</b> [2] - 43:23, 77:15<br/> <b>Government</b> [1] - 100:19<br/> <b>GP</b> [1] - 121:8<br/> <b>GPs</b> [1] - 121:10<br/> <b>grandmother</b> [1] - 136:11<br/> <b>grant</b> [9] - 8:23, 9:13, 11:11, 14:12, 31:5, 65:23, 117:25, 118:1, 163:4<br/> <b>granted</b> [10] - 10:1, 43:12, 44:1, 64:14, 65:23, 68:2, 80:24, 108:1, 136:22, 144:3<br/> <b>granting</b> [6] - 17:6, 17:19, 30:1, 35:8, 36:20, 113:9<br/> <b>great</b> [11] - 52:15, 53:18, 101:4, 101:7, 119:6, 120:9, 138:11, 154:3, 154:4, 159:3, 163:15<br/> <b>greatly</b> [2] - 130:20, 138:11<br/> <b>GREENPORT</b> [4] - 1:1, 2:12, 2:16, 2:18<br/> <b>Greenport</b> [19] - 1:12, 4:3, 4:15, 29:18, 38:17, 45:22, 84:12, 84:16, 98:21, 105:17, 111:13, 124:2, 124:5, 126:4, 129:13, 143:22, 143:25, 146:14, 152:17<br/> <b>Gregory</b> [1] - 105:25<br/> <b>grew</b> [2] - 135:13, 135:14<br/> <b>group</b> [2] - 140:16, 140:18<br/> <b>Group</b> [1] - 81:14</p> |
| <b>G</b>   |  |  |   |   |
| <p><b>gain</b> [1] - 137:1<br/> <b>game</b> [1] - 78:10<br/> <b>garage</b> [3] - 28:9, 28:10, 48:17<br/> <b>garden</b> [4] - 137:4, 137:6, 137:9, 137:10<br/> <b>gardening</b> [1] - 117:21<br/> <b>Gary</b> [2] - 141:15, 151:11<br/> <b>gee</b> [1] - 84:2<br/> <b>general</b> [3] - 70:4, 148:23, 153:14<br/> <b>gentleman</b> [1] - 164:4<br/> <b>George</b> [2] - 82:18, 105:19<br/> <b>given</b> [11] - 20:25, 56:17, 91:18, 98:15, 124:11, 144:10, 145:1, 145:11, 160:14, 162:23, 169:2<br/> <b>glad</b> [1] - 81:6<br/> <b>glasses</b> [1] - 55:11<br/> <b>Glynis</b> [2] - 137:4, 137:5<br/> <b>goal</b> [3] - 96:3, 96:4<br/> <b>Google</b> [1] - 21:7<br/> <b>GORDON</b> [48] - 1:19, 3:11, 3:19, 4:5, 4:8, 5:14, 6:13, 9:13, 14:13, 14:19, 14:23, 14:25, 17:1, 17:21, 22:18, 24:19, 25:3, 26:20, 30:5, 34:7, 34:18, 34:21, 35:11,</p>  |  |  |   |   |

|   |  |  |  |   |
|---|--|--|--|---|
| <p><b>GROUP</b> [1] - 2:17<br/> <b>grow</b> [1] - 139:2<br/> <b>growth</b> [1] - 120:25<br/> <b>guarantee</b> [3] - 115:25, 116:16, 153:1<br/> <b>guess</b> [10] - 24:19, 25:14, 81:3, 84:17, 107:23, 116:23, 142:17, 149:19, 150:8, 159:16<br/> <b>guidance</b> [1] - 51:6<br/> <b>gun</b> [1] - 22:15<br/> <b>guy</b> [3] - 20:16, 23:18, 23:19<br/> <b>guys</b> [3] - 118:15, 121:2, 121:18</p>  | <p>142:25, 151:9, 151:11<br/> <b>Harte</b> [4] - 141:15, 141:16, 142:21, 151:11<br/> <b>heads</b> [1] - 47:9<br/> <b>health</b> [2] - 156:2, 156:19<br/> <b>healthcare</b> [2] - 138:24, 147:3<br/> <b>hear</b> [13] - 51:23, 52:18, 86:24, 94:21, 96:7, 98:10, 101:18, 106:19, 111:15, 118:18, 134:11, 135:20, 164:13<br/> <b>heard</b> [5] - 51:7, 139:7, 157:10, 160:12, 166:2<br/> <b>hearing</b> [30] - 14:17, 16:4, 18:3, 21:11, 43:10, 46:9, 47:15, 47:16, 51:24, 59:7, 59:12, 60:24, 61:19, 61:20, 62:2, 62:10, 64:17, 65:24, 102:4, 102:21, 103:5, 104:22, 106:4, 118:25, 136:15, 161:5, 163:19, 167:18, 167:20, 171:12<br/> <b>HEARING</b> [1] - 2:17<br/> <b>heart</b> [1] - 144:16<br/> <b>heat</b> [4] - 169:17, 169:18, 169:22<br/> <b>heating</b> [4] - 133:7, 133:9, 162:12, 168:6<br/> <b>heavy</b> [1] - 126:24<br/> <b>height</b> [1] - 41:20<br/> <b>Heights</b> [1] - 106:1<br/> <b>held</b> [6] - 65:24, 66:23, 70:5, 111:5, 136:21<br/> <b>hello</b> [2] - 83:5, 125:25<br/> <b>help</b> [1] - 98:1<br/> <b>helpful</b> [3] - 39:14, 53:23, 87:6<br/> <b>Henley</b> [1] - 124:15<br/> <b>hereafter</b> [2] - 83:11, 83:14<br/> <b>hereby</b> [1] - 173:9<br/> <b>heretofore</b> [1] - 83:15<br/> <b>hereunto</b> [1] - 173:17</p> | <p><b>herself</b> [1] - 138:19<br/> <b>Hi</b> [1] - 38:23<br/> <b>hi</b> [1] - 141:15<br/> <b>high</b> [6] - 75:18, 75:19, 75:20, 86:17, 169:23, 169:24<br/> <b>highlight</b> [1] - 85:6<br/> <b>himself</b> [3] - 27:14, 135:25, 170:20<br/> <b>historically</b> [1] - 64:6<br/> <b>history</b> [4] - 65:9, 65:10, 107:24, 161:10<br/> <b>hit</b> [2] - 155:3, 157:24<br/> <b>hold</b> [3] - 71:18, 102:1, 171:2<br/> <b>HOLMES</b> [1] - 124:18<br/> <b>Holmes</b> [1] - 124:18<br/> <b>home</b> [8] - 23:11, 124:9, 126:5, 129:10, 132:18, 132:19, 136:18, 138:9<br/> <b>Home</b> [1] - 154:24<br/> <b>homes</b> [4] - 130:19, 133:11, 146:7, 159:22<br/> <b>homework</b> [1] - 104:16<br/> <b>honest</b> [3] - 74:5, 85:8, 152:8<br/> <b>honestly</b> [4] - 8:20, 75:11, 112:21, 141:22<br/> <b>hope</b> [4] - 138:13, 146:16, 163:25<br/> <b>hopefully</b> [1] - 74:8<br/> <b>hoping</b> [1] - 51:4<br/> <b>hospital</b> [46] - 81:20, 81:21, 95:6, 95:8, 98:20, 112:16, 113:1, 113:2, 115:17, 115:24, 115:25, 119:19, 120:2, 120:15, 122:22, 125:12, 129:8, 130:22, 139:24, 145:7, 145:9, 147:11, 147:22, 149:4, 149:6, 149:8, 150:6, 151:12, 152:13, 154:4, 156:10,</p> | <p>156:13, 156:24, 157:9, 157:19, 157:22, 158:23, 159:2, 159:3, 159:15, 159:25, 160:3, 160:4, 162:16, 170:23<br/> <b>Hospital</b> [6] - 105:17, 146:24, 147:5, 170:11, 170:18, 171:14<br/> <b>hospital's</b> [2] - 151:20, 159:21<br/> <b>hotel</b> [2] - 108:2, 138:3<br/> <b>hour</b> [1] - 115:10<br/> <b>hour-and-a-half</b> [1] - 115:10<br/> <b>hours</b> [6] - 145:25, 146:2, 146:4, 163:2, 166:10, 167:3<br/> <b>house</b> [57] - 6:17, 8:16, 8:20, 9:3, 9:5, 9:6, 9:11, 9:18, 9:22, 10:16, 11:16, 11:17, 11:23, 11:24, 12:13, 12:17, 12:18, 12:19, 13:7, 13:19, 13:21, 14:10, 18:20, 20:5, 21:9, 23:6, 23:8, 23:9, 23:25, 24:8, 24:25, 27:21, 40:1, 40:4, 40:15, 40:16, 41:1, 41:2, 41:12, 42:12, 42:17, 44:11, 55:18, 57:20, 59:15, 59:17, 65:12, 65:13, 119:25, 120:2, 125:7, 129:14, 129:20, 136:11, 138:10, 160:9<br/> <b>housed</b> [1] - 162:9<br/> <b>houses</b> [7] - 19:7, 21:3, 28:5, 69:16, 72:18, 98:21, 123:21<br/> <b>hub</b> [1] - 144:16<br/> <b>Hubbard</b> [1] - 105:19<br/> <b>huge</b> [1] - 140:22<br/> <b>human</b> [2] - 138:23, 140:2<br/> <b>hundred</b> [2] - 108:11, 131:5<br/> <b>hustling</b> [1] - 137:22</p> | <p><b>hypothetically</b> [1] - 112:18</p> <p style="text-align: center;"><b>I</b></p> <p><b>I's</b> [3] - 79:18, 80:22, 84:19<br/> <b>idea</b> [8] - 31:8, 45:1, 81:18, 85:24, 136:5, 139:9, 139:19, 148:23<br/> <b>ideas</b> [1] - 140:3<br/> <b>Ill</b> [1] - 105:20<br/> <b>illegal</b> [1] - 159:5<br/> <b>imagine</b> [1] - 150:18<br/> <b>immediate</b> [2] - 21:8, 163:18<br/> <b>impact</b> [21] - 11:24, 17:7, 27:9, 27:22, 27:23, 33:11, 33:19, 34:14, 36:8, 114:9, 122:16, 124:9, 128:24, 130:9, 131:24, 133:5, 133:12, 144:4, 144:18, 161:23, 162:3<br/> <b>impacts</b> [4] - 11:5, 33:13, 33:15, 90:5<br/> <b>implied</b> [1] - 136:20<br/> <b>important</b> [6] - 26:23, 100:22, 109:2, 133:25, 162:14, 162:20<br/> <b>impose</b> [1] - 11:1<br/> <b>imposed</b> [1] - 12:4<br/> <b>impossible</b> [1] - 46:15<br/> <b>impractical</b> [1] - 49:13<br/> <b>impressive</b> [1] - 53:16<br/> <b>improperly</b> [2] - 47:12, 80:21<br/> <b>impropriety</b> [2] - 61:4, 61:15<br/> <b>improve</b> [2] - 99:3, 115:7<br/> <b>improved</b> [1] - 141:25<br/> <b>improvement</b> [1] - 138:9<br/> <b>improvements</b> [4] - 71:17, 115:3, 115:4, 118:1<br/> <b>improving</b> [3] - 109:23, 113:10,</p> |
| <b>H</b>  |  |  |  |   |
| <p><b>habitat</b> [1] - 58:8<br/> <b>habitats</b> [1] - 33:17<br/> <b>half</b> [6] - 25:16, 54:7, 55:18, 57:1, 108:20, 115:10<br/> <b>halfway</b> [2] - 99:9, 169:20<br/> <b>hand</b> [3] - 64:11, 140:24, 173:18<br/> <b>handed</b> [1] - 117:13<br/> <b>handicapped</b> [8] - 67:21, 109:18, 109:19, 109:20, 110:24, 113:21, 145:4<br/> <b>Hansen</b> [4] - 81:16, 135:15, 136:12, 136:16<br/> <b>happing</b> [1] - 93:1<br/> <b>happy</b> [2] - 111:25, 121:23<br/> <b>hard</b> [11] - 66:5, 111:18, 121:20, 161:21, 161:24, 162:1, 162:4, 170:3, 170:14, 171:2<br/> <b>hardly</b> [2] - 119:13, 141:22<br/> <b>hardscaping</b> [1] - 168:25<br/> <b>hardships</b> [1] - 115:9<br/> <b>HARTE</b> [6] - 141:15, 141:16, 142:23,</p> |  |  |  |   |

|   |  |   |   |  |
|---|--|---|---|--|
| <p>120:25<br/> <b>IN</b> [1] - 173:17<br/> <b>inappropriate</b> [5] - 13:17, 13:18, 13:20, 14:10, 31:14<br/> <b>inc</b> [2] - 66:3, 66:5<br/> <b>inch</b> [2] - 45:5, 50:22<br/> <b>inches</b> [2] - 129:11, 129:15<br/> <b>include</b> [1] - 57:2<br/> <b>included</b> [3] - 104:17, 143:12, 143:13<br/> <b>includes</b> [2] - 56:5, 56:21<br/> <b>including</b> [7] - 15:15, 33:14, 33:21, 43:21, 90:6, 168:24, 170:20<br/> <b>inclusion</b> [1] - 90:7<br/> <b>income</b> [2] - 24:1, 156:3<br/> <b>incomes</b> [1] - 123:10<br/> <b>incorporated</b> [1] - 82:17<br/> <b>incorporated</b> [1] - 90:15<br/> <b>incorporates</b> [1] - 56:22<br/> <b>increase</b> [11] - 40:9, 123:6, 125:4, 128:9, 128:11, 128:19, 128:24, 130:20, 144:22, 158:9, 170:13<br/> <b>increased</b> [4] - 122:17, 128:5, 130:7, 170:4<br/> <b>increases</b> [1] - 120:17<br/> <b>incredibly</b> [1] - 119:12<br/> <b>indefinitely</b> [1] - 52:11<br/> <b>Independence</b> [1] - 80:25<br/> <b>INDEX</b> [1] - 2:1<br/> <b>indicated</b> [8] - 54:7, 54:13, 71:5, 106:13, 115:10, 125:5, 125:14, 129:25<br/> <b>indicates</b> [1] - 55:7<br/> <b>indicators</b> [1] - 27:3<br/> <b>individual</b> [3] - 25:22, 32:8, 77:14<br/> <b>individually</b> [1] - 32:21<br/> <b>individuals</b> [3] - 23:4,</p> | <p>42:10, 150:16<br/> <b>industry</b> [1] - 123:8<br/> <b>inevitable</b> [2] - 140:23, 146:3<br/> <b>information</b> [6] - 61:21, 62:7, 63:22, 70:11, 73:17, 97:20<br/> <b>informative</b> [1] - 137:24<br/> <b>ingredient</b> [2] - 152:10, 152:11<br/> <b>initial</b> [4] - 148:25, 154:5, 155:6, 155:20<br/> <b>injured</b> [1] - 67:7<br/> <b>innocent</b> [1] - 84:24<br/> <b>input</b> [2] - 90:12, 90:17<br/> <b>inside</b> [2] - 60:2, 117:7<br/> <b>insists</b> [1] - 145:21<br/> <b>inspected</b> [1] - 76:15<br/> <b>inspection</b> [4] - 40:11, 59:13, 59:14, 60:13<br/> <b>inspections</b> [1] - 76:12<br/> <b>Inspector</b> [9] - 1:25, 12:21, 39:10, 42:24, 44:3, 44:20, 61:22, 127:12, 134:7<br/> <b>Inspector's</b> [1] - 164:18<br/> <b>installation</b> [1] - 110:13<br/> <b>instead</b> [5] - 12:25, 13:1, 13:2, 132:16, 156:22<br/> <b>instruction</b> [1] - 147:18<br/> <b>insufficient</b> [1] - 145:4<br/> <b>integrity</b> [1] - 134:1<br/> <b>intended</b> [1] - 24:12<br/> <b>intense</b> [4] - 120:6, 121:24, 129:4, 146:12<br/> <b>intensified</b> [1] - 114:12<br/> <b>intensifying</b> [1] - 128:15<br/> <b>intensity</b> [21] - 89:18, 90:2, 90:21, 94:3, 94:6, 97:3, 98:8, 99:16, 100:23, 101:20, 115:13, 119:12, 119:13,</p> | <p>125:4, 128:6, 132:24, 141:19, 144:12, 161:14, 161:21, 168:18<br/> <b>intensive</b> [2] - 144:15, 146:1<br/> <b>intent</b> [1] - 144:19<br/> <b>intention</b> [3] - 92:12, 117:22, 153:12<br/> <b>intentions</b> [1] - 109:14<br/> <b>interest</b> [1] - 61:5<br/> <b>interested</b> [3] - 100:1, 138:4, 173:16<br/> <b>interesting</b> [6] - 67:16, 68:16, 69:22, 110:10, 135:10, 159:22<br/> <b>interior</b> [3] - 109:17, 127:17, 155:13<br/> <b>International</b> [1] - 132:20<br/> <b>interpretation</b> [1] - 49:12<br/> <b>interpretive</b> [1] - 14:16<br/> <b>interrelationship</b> [1] - 32:25<br/> <b>interrupt</b> [1] - 167:5<br/> <b>interrupting</b> [1] - 89:12<br/> <b>introducing</b> [2] - 152:10, 152:22<br/> <b>intrusive</b> [1] - 146:17<br/> <b>invested</b> [5] - 77:10, 92:10, 94:23, 95:17, 96:6<br/> <b>investment</b> [1] - 133:16<br/> <b>invoke</b> [1] - 145:14<br/> <b>involved</b> [2] - 40:21, 89:23<br/> <b>irrelevant</b> [3] - 100:11, 100:14<br/> <b>Irrevocable</b> [2] - 38:16, 38:20<br/> <b>IRREVOCABLE</b> [1] - 2:14<br/> <b>Island</b> [12] - 66:2, 66:4, 81:14, 82:17, 82:19, 82:22, 105:16, 146:24, 147:5, 170:11, 170:18, 171:14<br/> <b>issuance</b> [3] - 64:21,</p> | <p>80:25, 84:13<br/> <b>issue</b> [27] - 7:15, 8:4, 25:25, 26:1, 26:22, 32:5, 44:16, 46:14, 65:7, 69:8, 71:19, 72:2, 72:6, 79:5, 92:12, 98:15, 100:16, 100:23, 108:4, 112:2, 113:25, 118:16, 129:7, 130:24, 164:11, 168:13, 169:1<br/> <b>issued</b> [17] - 47:12, 50:8, 62:10, 64:2, 67:2, 68:12, 69:7, 69:10, 83:15, 83:17, 92:5, 94:20, 107:11, 115:5, 127:4, 127:6, 127:12<br/> <b>issues</b> [19] - 5:25, 43:11, 66:25, 95:10, 100:12, 107:2, 107:6, 111:5, 112:3, 112:14, 118:22, 156:2, 157:6, 165:23, 166:10, 167:1, 167:5, 168:20<br/> <b>issuing</b> [2] - 70:15, 81:1<br/> <b>Item</b> [8] - 3:5, 3:15, 4:12, 38:14, 60:21, 60:23, 113:25, 114:1<br/> <b>item</b> [5] - 4:1, 38:14, 60:20, 114:19, 171:22<br/> <b>ITEM</b> [1] - 2:3<br/> <b>items</b> [1] - 72:4<br/> <b>itself</b> [4] - 33:24, 57:17, 148:21, 165:8</p> | <p>101:10<br/> <b>John</b> [15] - 5:16, 20:21, 21:1, 23:1, 24:5, 26:11, 29:3, 31:12, 37:9, 53:13, 78:15, 106:1, 126:5, 135:6, 155:18<br/> <b>JOHN</b> [1] - 1:17<br/> <b>John's</b> [1] - 69:25<br/> <b>Johns</b> [1] - 106:2<br/> <b>join</b> [2] - 61:17, 108:7<br/> <b>joined</b> [1] - 72:18<br/> <b>JOSEPH</b> [1] - 1:23<br/> <b>jowl</b> [3] - 24:20, 24:25, 25:4<br/> <b>Jr</b> [1] - 154:24<br/> <b>judge</b> [1] - 153:10<br/> <b>Judge</b> [3] - 75:23, 92:18, 92:21<br/> <b>Judith</b> [2] - 143:18, 143:20<br/> <b>Julie</b> [1] - 146:19<br/> <b>July</b> [5] - 3:16, 62:25, 63:2, 63:4, 137:21<br/> <b>jump</b> [2] - 22:15, 80:16<br/> <b>June</b> [1] - 65:25<br/> <b>juror</b> [1] - 76:3<br/> <b>justice</b> [1] - 43:11<br/> <b>Justice</b> [1] - 52:22<br/> <b>justified</b> [1] - 92:20<br/> <b>justify</b> [1] - 144:21</p> |
| <b>K</b>  |  |   |   |  |
| <p><b>Kapell</b> [1] - 25:14<br/> <b>Karen</b> [2] - 106:2, 124:19<br/> <b>keep</b> [14] - 46:10, 46:14, 95:16, 96:4, 118:24, 130:13, 142:18, 149:9, 156:2, 157:4, 163:20, 167:17, 167:22, 170:9<br/> <b>keeps</b> [1] - 78:10<br/> <b>kept</b> [1] - 51:19<br/> <b>key</b> [1] - 126:10<br/> <b>kids</b> [6] - 123:23, 124:8, 137:14, 137:15, 138:15<br/> <b>Kimack</b> [1] - 19:11<br/> <b>KIMACK</b> [4] - 4:19,</p>   |  |   |   |  |

|   |  |   |   |  |
|---|--|---|---|--|
| 4:24, 5:3, 5:7<br><b>kind</b> [21] - 13:1, 31:4,<br>31:8, 41:9, 43:2,<br>43:11, 46:11, 47:8,<br>48:17, 61:23, 79:23,<br>80:10, 91:1, 91:24,<br>101:14, 102:10,<br>118:18, 151:16,<br>162:21, 163:9, 170:7<br><b>kinds</b> [4] - 99:7, 116:6,<br>162:5, 166:1<br><b>kitchen</b> [4] - 40:6,<br>40:24, 131:9, 131:11<br><b>knowing</b> [1] - 70:13<br><b>knowledge</b> [3] - 30:6,<br>48:13, 50:9<br><b>Knowlton</b> [1] - 105:24<br><b>knows</b> [1] - 50:14   | 65:19, 66:14, 75:22,<br>77:2<br><b>lawn</b> [1] - 136:1<br><b>laws</b> [2] - 120:7, 134:2<br><b>lawsuit</b> [1] - 61:9<br><b>lawyer</b> [2] - 80:16,<br>85:9<br><b>lawyers</b> [2] - 80:15,<br>86:14<br><b>layout</b> [2] - 131:1,<br>131:8<br><b>Lead</b> [2] - 16:19, 33:24<br><b>lead</b> [1] - 166:5<br><b>leads</b> [1] - 14:9<br><b>learned</b> [2] - 161:8,<br>163:7<br><b>lease</b> [5] - 148:13,<br>148:15, 148:19,<br>151:13, 151:21<br><b>leases</b> [1] - 153:13<br><b>least</b> [7] - 6:1, 20:2,<br>43:21, 46:24,<br>106:23, 114:17,<br>163:3<br><b>leave</b> [5] - 47:15,<br>52:10, 60:8, 135:23,<br>142:7<br><b>leaves</b> [1] - 108:9<br><b>leaving</b> [2] - 138:13,<br>152:20<br><b>LED</b> [1] - 168:17<br><b>left</b> [6] - 44:21, 81:11,<br>96:16, 99:17, 142:7,<br>148:5<br><b>leg</b> [1] - 109:10<br><b>legal</b> [3] - 77:25,<br>82:20, 160:17<br><b>legality</b> [1] - 128:3<br><b>legally</b> [3] - 86:4,<br>95:12, 153:14<br><b>Legislators</b> [2] - 31:4,<br>31:7<br><b>legitimate</b> [1] - 78:9<br><b>legitimize</b> [2] - 72:10,<br>85:24<br><b>legitimized</b> [1] - 74:17<br><b>leisure</b> [1] - 145:24<br><b>length</b> [1] - 21:12<br><b>less</b> [9] - 22:2, 28:5,<br>29:19, 29:20, 41:21,<br>66:18, 162:25<br><b>letter</b> [8] - 51:5, 122:6,<br>122:8, 124:21, | 134:22, 139:5,<br>143:4, 143:17<br><b>letters</b> [8] - 106:6,<br>106:7, 118:17,<br>134:14, 134:15,<br>134:20, 143:10,<br>143:14<br><b>letting</b> [1] - 91:5<br><b>level</b> [16] - 86:16,<br>88:13, 89:13, 90:21,<br>91:3, 91:23, 97:11,<br>98:8, 117:5, 132:10,<br>133:12, 152:5,<br>162:9, 162:20,<br>169:19, 171:5<br><b>levels</b> [2] - 129:1,<br>162:11<br><b>licensed</b> [1] - 122:21<br><b>lieu</b> [4] - 94:12,<br>145:16, 158:4,<br>164:16<br><b>life</b> [8] - 120:19, 130:9,<br>133:12, 133:14,<br>140:6, 144:5,<br>152:15, 159:15<br><b>light</b> [7] - 25:16,<br>33:15, 33:21, 108:4,<br>132:21, 132:24,<br>171:15<br><b>lighting</b> [8] - 128:10,<br>132:21, 132:23,<br>162:15, 162:21,<br>168:11, 168:12,<br>168:15<br><b>lights</b> [7] - 168:15,<br>168:17, 168:18,<br>171:4, 171:5, 171:14<br><b>likely</b> [3] - 18:19, 58:8,<br>146:3<br><b>limbo</b> [1] - 52:11<br><b>limit</b> [5] - 12:13, 15:11,<br>128:20, 131:12,<br>139:21<br><b>limitation</b> [1] - 6:21<br><b>limited</b> [3] - 23:4,<br>42:8, 158:23<br><b>limiting</b> [3] - 9:2,<br>42:14, 42:19<br><b>Lincoln</b> [1] - 105:24<br><b>Linda</b> [2] - 125:9,<br>135:22<br><b>line</b> [9] - 26:8, 28:9,<br>41:21, 57:3, 69:12, | 83:21, 129:11,<br>129:15, 132:19<br><b>lingers</b> [1] - 27:19<br><b>list</b> [4] - 33:13, 104:25,<br>128:2, 128:4<br><b>listed</b> [2] - 34:2, 34:3<br><b>listen</b> [13] - 75:17,<br>76:9, 77:6, 78:21,<br>83:18, 86:7, 86:10,<br>88:19, 88:22, 92:9,<br>95:3, 101:21, 171:11<br><b>listened</b> [2] - 66:24,<br>155:22<br><b>listening</b> [5] - 118:5,<br>119:1, 139:4, 157:9,<br>160:15<br><b>lists</b> [1] - 73:19<br><b>lit</b> [2] - 162:17, 162:19<br><b>literally</b> [2] - 93:1,<br>120:24<br><b>live</b> [17] - 8:20, 9:3,<br>9:8, 9:11, 12:17,<br>21:24, 23:18, 23:20,<br>23:25, 65:1, 65:3,<br>112:1, 126:4,<br>135:13, 141:16,<br>156:21, 163:13<br><b>lived</b> [6] - 50:18,<br>126:6, 126:11,<br>135:7, 136:11,<br>163:12<br><b>lives</b> [1] - 144:19<br><b>living</b> [12] - 24:20,<br>24:21, 43:17, 44:9,<br>48:25, 130:12,<br>131:9, 131:11,<br>131:14, 133:22,<br>137:17, 141:20<br><b>LLC</b> [3] - 2:10, 4:14,<br>105:23<br><b>local</b> [3] - 45:13,<br>45:14, 120:23<br><b>Local</b> [1] - 45:20<br><b>locally</b> [1] - 156:20<br><b>LOCATED</b> [2] - 2:11,<br>2:15<br><b>located</b> [12] - 4:14,<br>30:25, 38:17, 41:25,<br>42:1, 42:2, 42:3,<br>128:7, 129:11,<br>133:10, 141:7,<br>146:25<br><b>location</b> [3] - 126:6, | 133:8, 158:22<br><b>lodging</b> [1] - 42:9<br><b>logic</b> [2] - 7:5, 117:9<br><b>logical</b> [1] - 45:7<br><b>look</b> [25] - 6:4, 17:23,<br>21:5, 50:16, 55:5,<br>61:23, 72:14, 78:22,<br>78:23, 81:12, 81:17,<br>82:5, 84:15, 85:4,<br>85:10, 94:25, 96:13,<br>100:12, 117:1,<br>117:14, 117:19,<br>138:4, 141:25,<br>155:25, 162:7<br><b>looked</b> [4] - 62:20,<br>81:6, 85:1, 112:18<br><b>looking</b> [16] - 7:9,<br>21:7, 53:25, 55:9,<br>55:25, 78:15, 79:3,<br>81:4, 81:9, 102:11,<br>112:20, 112:24,<br>124:10, 138:10,<br>164:11<br><b>looks</b> [5] - 18:1, 19:8,<br>99:15, 119:5, 125:22<br><b>loop</b> [1] - 94:8<br><b>lose</b> [3] - 24:1, 137:7,<br>140:5<br><b>lost</b> [2] - 97:18<br><b>loud</b> [1] - 106:21<br><b>loudness</b> [1] - 168:10<br><b>love</b> [1] - 171:4<br><b>lovely</b> [2] - 137:5,<br>159:8<br><b>low</b> [7] - 119:12,<br>126:10, 132:21,<br>144:11, 168:17,<br>171:5<br><b>low-key</b> [1] - 126:10<br><b>lower</b> [3] - 115:17,<br>123:9, 168:7<br><b>LUCIA</b> [1] - 173:7<br><b>Lucia</b> [1] - 173:21<br><b>Lucy</b> [1] - 94:12<br><b>lumens</b> [1] - 168:16 |
| <b>L</b>  |  |   |   |  |
| <b>lack</b> [1] - 114:24<br><b>lady</b> [1] - 138:18<br><b>land</b> [1] - 56:23<br><b>Landing</b> [1] - 130:15<br><b>landlord</b> [1] - 153:15<br><b>landscaping</b> [1] -<br>168:25<br><b>Lane</b> [1] - 66:17<br><b>LANMARK</b> [1] - 2:17<br><b>large</b> [6] - 40:1,<br>116:14, 128:13,<br>157:13, 157:15<br><b>larger</b> [3] - 28:7, 91:1<br><b>last</b> [22] - 17:22, 18:3,<br>32:15, 32:16, 33:8,<br>61:20, 63:19, 70:24,<br>75:11, 79:9, 79:11,<br>79:16, 93:19, 97:17,<br>114:19, 117:23,<br>134:12, 138:5,<br>140:25, 152:24,<br>164:9, 170:17<br><b>lastly</b> [1] - 29:22<br><b>late</b> [4] - 105:14,<br>105:15, 108:16,<br>125:25<br><b>latest</b> [1] - 125:5<br><b>laughter</b> [1] - 83:4<br><b>Laughter</b> [3] - 39:24,<br>86:23, 121:21<br><b>Law</b> [1] - 12:20<br><b>law</b> [6] - 8:2, 26:5, | 65:19, 66:14, 75:22,<br>77:2<br><b>lawn</b> [1] - 136:1<br><b>laws</b> [2] - 120:7, 134:2<br><b>lawsuit</b> [1] - 61:9<br><b>lawyer</b> [2] - 80:16,<br>85:9<br><b>lawyers</b> [2] - 80:15,<br>86:14<br><b>layout</b> [2] - 131:1,<br>131:8<br><b>Lead</b> [2] - 16:19, 33:24<br><b>lead</b> [1] - 166:5<br><b>leads</b> [1] - 14:9<br><b>learned</b> [2] - 161:8,<br>163:7<br><b>lease</b> [5] - 148:13,<br>148:15, 148:19,<br>151:13, 151:21<br><b>leases</b> [1] - 153:13<br><b>least</b> [7] - 6:1, 20:2,<br>43:21, 46:24,<br>106:23, 114:17,<br>163:3<br><b>leave</b> [5] - 47:15,<br>52:10, 60:8, 135:23,<br>142:7<br><b>leaves</b> [1] - 108:9<br><b>leaving</b> [2] - 138:13,<br>152:20<br><b>LED</b> [1] - 168:17<br><b>left</b> [6] - 44:21, 81:11,<br>96:16, 99:17, 142:7,<br>148:5<br><b>leg</b> [1] - 109:10<br><b>legal</b> [3] - 77:25,<br>82:20, 160:17<br><b>legality</b> [1] - 128:3<br><b>legally</b> [3] - 86:4,<br>95:12, 153:14<br><b>Legislators</b> [2] - 31:4,<br>31:7<br><b>legitimate</b> [1] - 78:9<br><b>legitimize</b> [2] - 72:10,<br>85:24<br><b>legitimized</b> [1] - 74:17<br><b>leisure</b> [1] - 145:24<br><b>length</b> [1] - 21:12<br><b>less</b> [9] - 22:2, 28:5,<br>29:19, 29:20, 41:21,<br>66:18, 162:25<br><b>letter</b> [8] - 51:5, 122:6,<br>122:8, 124:21, | 134:22, 139:5,<br>143:4, 143:17<br><b>letters</b> [8] - 106:6,<br>106:7, 118:17,<br>134:14, 134:15,<br>134:20, 143:10,<br>143:14<br><b>letting</b> [1] - 91:5<br><b>level</b> [16] - 86:16,<br>88:13, 89:13, 90:21,<br>91:3, 91:23, 97:11,<br>98:8, 117:5, 132:10,<br>133:12, 152:5,<br>162:9, 162:20,<br>169:19, 171:5<br><b>levels</b> [2] - 129:1,<br>162:11<br><b>licensed</b> [1] - 122:21<br><b>lieu</b> [4] - 94:12,<br>145:16, 158:4,<br>164:16<br><b>life</b> [8] - 120:19, 130:9,<br>133:12, 133:14,<br>140:6, 144:5,<br>152:15, 159:15<br><b>light</b> [7] - 25:16,<br>33:15, 33:21, 108:4,<br>132:21, 132:24,<br>171:15<br><b>lighting</b> [8] - 128:10,<br>132:21, 132:23,<br>162:15, 162:21,<br>168:11, 168:12,<br>168:15<br><b>lights</b> [7] - 168:15,<br>168:17, 168:18,<br>171:4, 171:5, 171:14<br><b>likely</b> [3] - 18:19, 58:8,<br>146:3<br><b>limbo</b> [1] - 52:11<br><b>limit</b> [5] - 12:13, 15:11,<br>128:20, 131:12,<br>139:21<br><b>limitation</b> [1] - 6:21<br><b>limited</b> [3] - 23:4,<br>42:8, 158:23<br><b>limiting</b> [3] - 9:2,<br>42:14, 42:19<br><b>Lincoln</b> [1] - 105:24<br><b>Linda</b> [2] - 125:9,<br>135:22<br><b>line</b> [9] - 26:8, 28:9,<br>41:21, 57:3, 69:12, | 83:21, 129:11,<br>129:15, 132:19<br><b>lingers</b> [1] - 27:19<br><b>list</b> [4] - 33:13, 104:25,<br>128:2, 128:4<br><b>listed</b> [2] - 34:2, 34:3<br><b>listen</b> [13] - 75:17,<br>76:9, 77:6, 78:21,<br>83:18, 86:7, 86:10,<br>88:19, 88:22, 92:9,<br>95:3, 101:21, 171:11<br><b>listened</b> [2] - 66:24,<br>155:22<br><b>listening</b> [5] - 118:5,<br>119:1, 139:4, 157:9,<br>160:15<br><b>lists</b> [1] - 73:19<br><b>lit</b> [2] - 162:17, 162:19<br><b>literally</b> [2] - 93:1,<br>120:24<br><b>live</b> [17] - 8:20, 9:3,<br>9:8, 9:11, 12:17,<br>21:24, 23:18, 23:20,<br>23:25, 65:1, 65:3,<br>112:1, 126:4,<br>135:13, 141:16,<br>156:21, 163:13<br><b>lived</b> [6] - 50:18,<br>126:6, 126:11,<br>135:7, 136:11,<br>163:12<br><b>lives</b> [1] - 144:19<br><b>living</b> [12] - 24:20,<br>24:21, 43:17, 44:9,<br>48:25, 130:12,<br>131:9, 131:11,<br>131:14, 133:22,<br>137:17, 141:20<br><b>LLC</b> [3] - 2:10, 4:14,<br>105:23<br><b>local</b> [3] - 45:13,<br>45:14, 120:23<br><b>Local</b> [1] - 45:20<br><b>locally</b> [1] - 156:20<br><b>LOCATED</b> [2] - 2:11,<br>2:15<br><b>located</b> [12] - 4:14,<br>30:25, 38:17, 41:25,<br>42:1, 42:2, 42:3,<br>128:7, 129:11,<br>133:10, 141:7,<br>146:25<br><b>location</b> [3] - 126:6, | 133:8, 158:22<br><b>lodging</b> [1] - 42:9<br><b>logic</b> [2] - 7:5, 117:9<br><b>logical</b> [1] - 45:7<br><b>look</b> [25] - 6:4, 17:23,<br>21:5, 50:16, 55:5,<br>61:23, 72:14, 78:22,<br>78:23, 81:12, 81:17,<br>82:5, 84:15, 85:4,<br>85:10, 94:25, 96:13,<br>100:12, 117:1,<br>117:14, 117:19,<br>138:4, 141:25,<br>155:25, 162:7<br><b>looked</b> [4] - 62:20,<br>81:6, 85:1, 112:18<br><b>looking</b> [16] - 7:9,<br>21:7, 53:25, 55:9,<br>55:25, 78:15, 79:3,<br>81:4, 81:9, 102:11,<br>112:20, 112:24,<br>124:10, 138:10,<br>164:11<br><b>looks</b> [5] - 18:1, 19:8,<br>99:15, 119:5, 125:22<br><b>loop</b> [1] - 94:8<br><b>lose</b> [3] - 24:1, 137:7,<br>140:5<br><b>lost</b> [2] - 97:18<br><b>loud</b> [1] - 106:21<br><b>loudness</b> [1] - 168:10<br><b>love</b> [1] - 171:4<br><b>lovely</b> [2] - 137:5,<br>159:8<br><b>low</b> [7] - 119:12,<br>126:10, 132:21,<br>144:11, 168:17,<br>171:5<br><b>low-key</b> [1] - 126:10<br><b>lower</b> [3] - 115:17,<br>123:9, 168:7<br><b>LUCIA</b> [1] - 173:7<br><b>Lucia</b> [1] - 173:21<br><b>Lucy</b> [1] - 94:12<br><b>lumens</b> [1] - 168:16 |
| <b>M</b>  |  |   |   |  |
| <b>machines</b> [1] - 116:9<br><b>mailings</b> [3] - 105:12,<br>105:16, 106:3<br><b>Main</b> [2] - 99:19,<br>161:20   | 65:19, 66:14, 75:22,<br>77:2<br><b>lawn</b> [1] - 136:1<br><b>laws</b> [2] - 120:7, 134:2<br><b>lawsuit</b> [1] - 61:9<br><b>lawyer</b> [2] - 80:16,<br>85:9<br><b>lawyers</b> [2] - 80:15,<br>86:14<br><b>layout</b> [2] - 131:1,<br>131:8<br><b>Lead</b> [2] - 16:19, 33:24<br><b>lead</b> [1] - 166:5<br><b>leads</b> [1] - 14:9<br><b>learned</b> [2] - 161:8,<br>163:7<br><b>lease</b> [5] - 148:13,<br>148:15, 148:19,<br>151:13, 151:21<br><b>leases</b> [1] - 153:13<br><b>least</b> [7] - 6:1, 20:2,<br>43:21, 46:24,<br>106:23, 114:17,<br>163:3<br><b>leave</b> [5] - 47:15,<br>52:10, 60:8, 135:23,<br>142:7<br><b>leaves</b> [1] - 108:9<br><b>leaving</b> [2] - 138:13,<br>152:20<br><b>LED</b> [1] - 168:17<br><b>left</b> [6] - 44:21, 81:11,<br>96:16, 99:17, 142:7,<br>148:5<br><b>leg</b> [1] - 109:10<br><b>legal</b> [3] - 77:25,<br>82:20, 160:17<br><b>legality</b> [1] - 128:3<br><b>legally</b> [3] - 86:4,<br>95:12, 153:14<br><b>Legislators</b> [2] - 31:4,<br>31:7<br><b>legitimate</b> [1] - 78:9<br><b>legitimize</b> [2] - 72:10,<br>85:24<br><b>legitimized</b> [1] - 74:17<br><b>leisure</b> [1] - 145:24<br><b>length</b> [1] - 21:12<br><b>less</b> [9] - 22:2, 28:5,<br>29:19, 29:20, 41:21,<br>66:18, 162:25<br><b>letter</b> [8] - 51:5, 122:6,<br>122:8, 124:21, | 134:22, 139:5,<br>143:4, 143:17<br><b>letters</b> [8] - 106:6,<br>106:7, 118:17,<br>134:14, 134:15,<br>134:20, 143:10,<br>143:14<br><b>letting</b> [1] - 91:5<br><b>level</b> [16] - 86:16,<br>88:13, 89:13, 90:21,<br>91:3, 91:23, 97:11,<br>98:8, 117:5, 132:10,<br>133:12, 152:5,<br>162:9, 162:20,<br>169:19, 171:5<br><b>levels</b> [2] - 129:1,<br>162:11<br><b>licensed</b> [1] - 122:21<br><b>lieu</b> [4] - 94:12,<br>145:16, 158:4,<br>164:16<br><b>life</b> [8] - 120:19, 130:9,<br>133:12, 133:14,<br>140:6, 144:5,<br>152:15, 159:15<br><b>light</b> [7] - 25:16,<br>33:15, 33:21, 108:4,<br>132:21, 132:24,<br>171:15<br><b>lighting</b> [8] - 128:10,<br>132:21, 132:23,<br>162:15, 162:21,<br>168:11, 168:12,<br>168:15<br><b>lights</b> [7] - 168:15,<br>168:17, 168:18,<br>171:4, 171:5, 171:14<br><b>likely</b> [3] - 18:19, 58:8,<br>146:3<br><b>limbo</b> [1] - 52:11<br><b>limit</b> [5] - 12:13, 15:11,<br>128:20, 131:12,<br>139:21<br><b>limitation</b> [1] - 6:21<br><b>limited</b> [3] - 23:4,<br>42:8, 158:23<br><b>limiting</b> [3] - 9:2,<br>42:14, 42:19<br><b>Lincoln</b> [1] - 105:24<br><b>Linda</b> [2] - 125:9,<br>135:22<br><b>line</b> [9] - 26:8, 28:9,<br>41:21, 57:3, 69:12, | 83:21, 129:11,<br>129:15, 132:19<br><b>lingers</b> [1] - 27:19<br><b>list</b> [4] - 33:13, 104:25,<br>128:2, 128:4<br><b>listed</b> [2] - 34:2, 34:3<br><b>listen</b> [13] - 75:17,<br>76:9, 77:6, 78:21,<br>83:18, 86:7, 86:10,<br>88:19, 88:22, 92:9,<br>95:3, 101:21, 171:11<br><b>listened</b> [2] - 66:24,<br>155:22<br><b>listening</b> [5] - 118:5,<br>119:1, 139:4, 157:9,<br>160:15<br><b>lists</b> [1] - 73:19<br><b>lit</b> [2] - 162:17, 162:19<br><b>literally</b> [2] - 93:1,<br>120:24<br><b>live</b> [17] - 8:20, 9:3,<br>9:8, 9:11, 12:17,<br>21:24, 23:18, 23:20,<br>23:25, 65:1, 65:3,<br>112:1, 126:4,<br>135:13, 141:16,<br>156:21, 163:13<br><b>lived</b> [6] - 50:18,<br>126:6, 126:11,<br>135:7, 136:11,<br>163:12<br><b>lives</b> [1] - 144:19<br><b>living</b> [12] - 24:20,<br>24:21, 43:17, 44:9,<br>48:25, 130:12,<br>131:9, 131:11,<br>131:14, 133:22,<br>137:17, 141:20<br><b>LLC</b> [3] - 2:10, 4:14,<br>105:23<br><b>local</b> [3] - 45:13,<br>45:14, 120:23<br><b>Local</b> [1] - 45:20<br><b>locally</b> [1] - 156:20<br><b>LOCATED</b> [2] - 2:11,<br>2:15<br><b>located</b> [12] - 4:14,<br>30:25, 38:17, 41:25,<br>42:1, 42:2, 42:3,<br>128:7, 129:11,<br>133:10, 141:7,<br>146:25<br><b>location</b> [3] - 126:6, | 133:8, 158:22<br><b>lodging</b> [1] - 42:9<br><b>logic</b> [2] - 7:5, 117:9<br><b>logical</b> [1] - 45:7<br><b>look</b> [25] - 6:4, 17:23,<br>21:5, 50:16, 55:5,<br>61:23, 72:14, 78:22,<br>78:23, 81:12, 81:17,<br>82:5, 84:15, 85:4,<br>85:10, 94:25, 96:13,<br>100:12, 117:1,<br>117:14, 117:19,<br>138:4, 141:25,<br>155:25, 162:7<br><b>looked</b> [4] - 62:20,<br>81:6, 85:1, 112:18<br><b>looking</b> [16] - 7:9,<br>21:7, 53:25, 55:9,<br>55:25, 78:15, 79:3,<br>81:4, 81:9, 102:11,<br>112:20, 112:24,<br>124:10, 138:10,<br>164:11<br><b>looks</b> [5] - 18:1, 19:8,<br>99:15, 119:5, 125:22<br><b>loop</b> [1] - 94:8<br><b>lose</b> [3] - 24:1, 137:7,<br>140:5<br><b>lost</b> [2] - 97:18<br><b>loud</b> [1] - 106:21<br><b>loudness</b> [1] - 168:10<br><b>love</b> [1] - 171:4<br><b>lovely</b> [2] - 137:5,<br>159:8<br><b>low</b> [7] - 119:12,<br>126:10, 132:21,<br>144:11, 168:17,<br>171:5<br><b>low-key</b> [1] - 126:10<br><b>lower</b> [3] - 115:17,<br>123:9, 168:7<br><b>LUCIA</b> [1] - 173:7<br><b>Lucia</b> [1] - 173:21<br><b>Lucy</b> [1] - 94:12<br><b>lumens</b> [1] - 168:16 |

|   |   |  |   |  |
|---|---|--|---|--|
| <p><b>main</b> [2] - 48:12, 130:21</p> <p><b>maintain</b> [3] - 115:8, 133:20, 134:1</p> <p><b>maintained</b> [4] - 88:11, 88:12, 97:10, 97:11</p> <p><b>maintaining</b> [1] - 98:8</p> <p><b>major</b> [4] - 128:18, 129:7, 156:1</p> <p><b>majority</b> [1] - 123:1</p> <p><b>malpractice</b> [1] - 86:18</p> <p><b>manager</b> [1] - 150:20</p> <p><b>maneuver</b> [1] - 109:22</p> <p><b>manner</b> [1] - 113:24</p> <p><b>Manor</b> [2] - 66:17, 105:17, 105:20, 105:22, 106:1, 122:4, 123:13, 123:17, 124:20, 126:4, 129:8, 130:21, 134:3, 135:7, 143:23, 144:2, 144:8, 145:18, 146:25, 147:20, 159:13</p> <p><b>MANOR</b> [1] - 2:18</p> <p><b>map</b> [6] - 21:7, 56:16, 57:3, 57:8, 143:24, 159:24</p> <p><b>Map</b> [2] - 4:16, 38:21</p> <p><b>Marden</b> [1] - 105:20</p> <p><b>margins</b> [1] - 123:9</p> <p><b>marked</b> [4] - 125:8, 125:9, 125:10</p> <p><b>marketing</b> [1] - 122:23</p> <p><b>marriage</b> [1] - 173:15</p> <p><b>material</b> [2] - 99:1, 132:15</p> <p><b>materiality</b> [1] - 73:4</p> <p><b>materials</b> [1] - 162:24</p> <p><b>math</b> [2] - 108:15, 144:21</p> <p><b>matter</b> [8] - 4:25, 39:3, 64:23, 82:21, 86:12, 113:12, 168:8, 173:16</p> <p><b>matters</b> [1] - 101:1</p> <p><b>mature</b> [1] - 132:7</p> <p><b>maximize</b> [1] - 133:16</p> <p><b>maximum</b> [2] - 42:11, 126:12</p> | <p><b>Mayor</b> [2] - 25:13, 43:21</p> <p><b>Mazel</b> [1] - 138:7</p> <p><b>Mazzarini</b> [1] - 105:21</p> <p><b>mean</b> [36] - 24:19, 26:22, 58:14, 74:12, 78:17, 81:16, 83:1, 84:17, 85:2, 85:4, 95:15, 95:24, 96:4, 99:6, 102:1, 112:4, 113:10, 115:24, 116:13, 117:5, 117:9, 121:15, 132:3, 138:14, 140:1, 140:4, 141:22, 142:7, 150:16, 151:9, 151:17, 153:15, 153:20, 156:11, 162:22, 165:23</p> <p><b>meaningless</b> [1] - 146:15</p> <p><b>means</b> [6] - 6:25, 9:12, 27:18, 29:11, 98:9, 145:1</p> <p><b>meat</b> [1] - 71:21</p> <p><b>Medical</b> [7] - 66:2, 66:5, 78:17, 81:14, 82:17, 82:19, 82:22</p> <p><b>medical</b> [63] - 66:7, 66:9, 66:10, 67:12, 71:11, 72:16, 76:16, 78:18, 81:1, 81:2, 81:19, 82:2, 87:16, 87:18, 89:19, 93:12, 94:23, 98:11, 98:16, 99:11, 109:7, 109:22, 112:25, 114:21, 114:23, 115:14, 116:21, 119:7, 119:8, 120:10, 121:3, 121:6, 122:16, 122:21, 122:23, 123:2, 123:5, 123:8, 123:14, 135:12, 136:17, 136:20, 150:7, 152:6, 152:13, 152:22, 152:23, 153:3, 153:25, 154:1, 156:1, 156:12, 157:5, 157:6, 158:10, 158:18,</p> | <p>158:23, 159:5, 159:14, 161:16</p> <p><b>medically</b> [1] - 99:18</p> <p><b>medium</b> [1] - 121:23</p> <p><b>meet</b> [2] - 51:11, 123:18</p> <p><b>MEETING</b> [2] - 1:5, 2:7</p> <p><b>meeting</b> [18] - 3:1, 3:3, 3:6, 3:16, 4:2, 17:22, 39:1, 59:9, 66:23, 82:21, 99:8, 103:20, 106:23, 111:4, 124:25, 125:18, 172:7</p> <p><b>meetings</b> [1] - 121:19</p> <p><b>member</b> [3] - 32:11, 61:2, 82:24</p> <p><b>MEMBER</b> [3] - 102:24, 143:3, 143:19</p> <p><b>Member</b> [4] - 1:18, 1:19, 1:20, 1:21</p> <p><b>members</b> [8] - 6:11, 6:23, 60:22, 63:18, 90:13, 104:5, 117:12, 161:9</p> <p><b>memo</b> [1] - 82:15</p> <p><b>memory</b> [2] - 12:6, 39:10</p> <p><b>mention</b> [6] - 27:25, 31:11, 134:12, 165:25, 166:6, 166:9</p> <p><b>mentioned</b> [8] - 15:18, 61:24, 79:17, 94:7, 132:4, 149:10, 168:16</p> <p><b>mere</b> [2] - 107:9, 115:21</p> <p><b>merely</b> [2] - 91:20, 114:12</p> <p><b>merged</b> [3] - 56:6, 56:9, 56:10</p> <p><b>merging</b> [1] - 69:16</p> <p><b>met</b> [3] - 66:21, 106:16, 115:16</p> <p><b>Methadone</b> [3] - 112:17, 112:20, 112:23</p> <p><b>method</b> [4] - 22:21, 23:7, 35:16, 113:18</p> <p><b>mic</b> [1] - 106:18</p> <p><b>Michael</b> [6] - 80:17, 86:18, 126:3, 134:13, 137:13,</p> | <p>159:12</p> <p><b>middle</b> [4] - 114:25, 115:3, 149:24, 155:4</p> <p><b>might</b> [24] - 6:4, 7:9, 7:22, 11:5, 11:21, 11:23, 12:4, 15:6, 21:5, 25:3, 25:25, 26:6, 26:7, 26:25, 32:23, 52:4, 58:18, 75:8, 94:7, 102:2, 102:3, 103:6, 148:24</p> <p><b>mike</b> [1] - 95:14</p> <p><b>Mike</b> [2] - 86:13, 164:13</p> <p><b>Miller</b> [3] - 38:15, 38:19, 55:20</p> <p><b>MILLER</b> [1] - 2:14</p> <p><b>mind</b> [24] - 6:16, 19:15, 24:2, 26:2, 26:7, 26:10, 27:19, 31:3, 31:6, 31:10, 39:9, 63:19, 64:20, 79:23, 84:8, 97:13, 98:18, 118:21, 118:24, 130:13, 142:18, 149:9, 161:15</p> <p><b>minds</b> [1] - 20:3</p> <p><b>minimal</b> [1] - 49:16</p> <p><b>minimally</b> [1] - 26:8</p> <p><b>minus</b> [1] - 145:3</p> <p><b>minute</b> [6] - 69:7, 102:16, 103:1, 103:3, 103:10, 103:18</p> <p><b>MINUTES</b> [2] - 2:5, 2:6</p> <p><b>minutes</b> [15] - 3:5, 3:15, 59:21, 63:23, 64:17, 67:14, 67:18, 70:11, 74:13, 82:18, 90:15, 123:11, 137:20, 143:13, 152:2</p> <p><b>misguided</b> [1] - 138:21</p> <p><b>miss</b> [1] - 157:24</p> <p><b>missing</b> [3] - 76:6, 108:8, 164:21</p> <p><b>mistake</b> [5] - 78:7, 96:18, 97:4, 97:5, 138:2</p> <p><b>mitigate</b> [1] - 162:3</p> <p><b>mitigation</b> [1] - 162:10</p> | <p><b>mix</b> [1] - 28:4</p> <p><b>moderate</b> [1] - 26:9</p> <p><b>modern</b> [1] - 152:18</p> <p><b>modifications</b> [3] - 98:22, 162:2, 162:17</p> <p><b>modified</b> [1] - 161:24</p> <p><b>moment</b> [2] - 80:13, 139:18</p> <p><b>Monday</b> [1] - 145:23</p> <p><b>money</b> [9] - 75:13, 75:14, 77:10, 92:10, 92:19, 94:23, 95:17, 96:5, 108:3</p> <p><b>Monsell</b> [4] - 60:25, 61:7, 122:13, 144:1</p> <p><b>month</b> [13] - 29:20, 61:20, 63:19, 79:11, 79:16, 93:19, 104:16, 104:17, 119:23, 163:25, 169:14, 169:16, 171:20</p> <p><b>months</b> [3] - 148:10, 155:2, 170:17</p> <p><b>moons</b> [1] - 40:2</p> <p><b>Moore</b> [4] - 38:21, 38:22, 43:8, 58:21</p> <p><b>MOORE</b> [80] - 38:23, 39:7, 39:14, 39:18, 43:7, 43:9, 44:15, 45:10, 45:12, 45:14, 45:17, 45:23, 46:19, 46:22, 46:24, 47:2, 47:4, 47:6, 47:16, 47:20, 47:24, 48:2, 48:5, 48:10, 48:13, 48:16, 48:19, 48:23, 49:6, 50:3, 50:5, 50:8, 50:13, 50:17, 50:24, 51:1, 51:16, 51:25, 52:3, 52:7, 52:10, 52:15, 52:18, 52:24, 53:2, 53:5, 53:10, 53:17, 53:22, 54:3, 54:12, 54:20, 54:24, 55:2, 55:5, 55:10, 55:14, 55:21, 55:24, 56:2, 56:4, 56:7, 56:9, 56:11, 57:6, 57:9, 57:13, 57:23, 57:25, 58:4, 58:6, 58:12, 58:14, 58:17, 59:8, 59:16,</p> |
|---|---|--|---|--|

|  |   |  |   |  |
|--|---|--|---|--|
| <p>60:1, 60:14, 60:17, 60:19</p> <p><b>mortgage</b> [1] - 138:6</p> <p><b>most</b> [10] - 18:19, 21:25, 22:24, 29:8, 60:2, 94:21, 109:15, 133:24, 136:21, 160:11</p> <p><b>mostly</b> [1] - 161:16</p> <p><b>MOTION</b> [2] - 2:13, 2:20</p> <p><b>motion</b> [21] - 3:5, 3:15, 4:1, 16:16, 16:18, 17:11, 34:12, 37:3, 37:24, 38:15, 58:23, 103:24, 104:1, 104:2, 104:19, 104:21, 164:2, 164:3, 169:4, 169:5, 171:23</p> <p><b>mounds</b> [1] - 129:24</p> <p><b>mounted</b> [2] - 169:20, 169:23</p> <p><b>move</b> [15] - 22:17, 32:13, 35:3, 68:15, 69:21, 72:7, 76:8, 79:7, 92:11, 95:18, 124:10, 147:13, 148:9, 167:19, 169:3</p> <p><b>moved</b> [10] - 3:6, 3:16, 4:4, 16:22, 34:16, 63:20, 78:24, 104:5, 156:17, 165:20</p> <p><b>movement</b> [2] - 28:9, 72:7</p> <p><b>moves</b> [2] - 19:4, 76:9</p> <p><b>moving</b> [2] - 110:2, 124:4</p> <p><b>MR</b> [351] - 3:8, 3:10, 3:13, 3:17, 3:21, 3:24, 4:7, 4:10, 4:19, 4:24, 5:3, 5:7, 5:16, 5:24, 6:4, 6:8, 6:12, 6:15, 7:18, 8:21, 8:23, 9:23, 10:3, 10:5, 10:10, 10:14, 10:18, 10:20, 10:24, 11:18, 12:10, 12:15, 13:9, 13:12, 13:15, 14:8, 14:18, 14:21, 14:24, 15:3, 15:9, 15:13, 15:25, 16:5, 16:9, 16:18, 16:23,</p> | <p>16:25, 17:3, 17:5, 17:14, 18:14, 18:23, 19:3, 20:7, 20:21, 20:23, 24:4, 24:13, 24:14, 24:15, 24:16, 24:24, 25:6, 25:8, 25:11, 26:11, 28:20, 28:25, 29:10, 30:3, 31:12, 31:21, 31:25, 32:9, 32:13, 32:23, 33:5, 33:6, 33:8, 34:6, 34:9, 34:11, 34:17, 34:20, 34:23, 35:1, 35:10, 35:13, 35:19, 35:22, 36:2, 36:5, 36:12, 36:15, 36:23, 37:1, 37:5, 37:8, 37:12, 37:18, 37:20, 37:23, 38:2, 38:5, 38:8, 39:23, 42:2, 46:16, 46:17, 46:21, 46:23, 46:25, 47:3, 47:5, 47:11, 48:8, 48:11, 48:14, 48:17, 48:21, 49:4, 49:24, 49:25, 50:1, 50:4, 50:6, 50:21, 50:25, 51:14, 52:21, 52:25, 53:3, 53:9, 53:12, 53:13, 53:15, 53:18, 53:20, 53:24, 54:4, 54:13, 54:16, 54:18, 55:4, 55:6, 55:12, 55:16, 55:22, 55:25, 56:3, 56:5, 56:10, 57:5, 57:7, 57:11, 57:15, 57:24, 58:3, 58:5, 58:11, 58:16, 58:25, 59:2, 59:5, 59:15, 59:18, 59:24, 60:10, 60:23, 62:14, 62:18, 63:7, 63:8, 63:12, 63:16, 64:3, 64:6, 65:6, 68:17, 68:20, 68:21, 68:24, 69:1, 70:1, 70:3, 71:24, 72:14, 73:3, 73:6, 74:8, 74:20, 74:22, 75:9, 76:21, 76:25, 77:5, 78:13, 80:7, 80:11, 83:6, 83:8, 83:25, 84:1, 84:7, 85:21, 85:25, 86:22, 87:1,</p> | <p>87:2, 87:24, 88:3, 88:14, 88:16, 88:18, 88:20, 88:22, 89:1, 89:9, 89:11, 91:6, 91:9, 91:10, 91:12, 91:13, 91:15, 92:3, 94:17, 95:21, 96:9, 97:4, 97:19, 101:13, 101:21, 101:25, 102:2, 102:22, 103:11, 104:10, 104:13, 105:3, 105:10, 106:10, 106:17, 106:19, 106:20, 106:21, 106:22, 108:10, 108:11, 108:12, 108:13, 108:14, 108:15, 117:3, 118:9, 118:11, 124:18, 125:25, 126:2, 126:3, 127:13, 127:16, 127:19, 127:21, 129:16, 129:17, 129:18, 129:21, 129:22, 129:24, 130:1, 130:2, 130:4, 130:6, 130:7, 131:5, 131:7, 134:6, 134:15, 134:17, 134:21, 135:1, 135:3, 135:6, 135:19, 135:22, 136:5, 136:7, 136:8, 136:9, 138:8, 139:11, 140:8, 140:11, 140:24, 141:3, 141:4, 141:6, 141:8, 141:11, 141:15, 142:21, 142:23, 142:25, 146:23, 148:18, 148:21, 148:25, 149:5, 149:9, 149:16, 150:5, 150:9, 150:11, 150:18, 151:2, 151:8, 151:9, 151:11, 152:1, 154:12, 154:17, 154:20, 154:23, 155:15, 158:15, 159:12, 160:6,</p> | <p>163:22, 164:2, 164:3, 164:5, 164:8, 164:20, 164:23, 164:25, 165:3, 167:6, 167:19, 167:25, 168:3, 169:4, 169:9, 169:12, 169:15, 171:7, 171:8, 171:24, 172:1, 172:4</p> <p><b>MS</b> [264] - 3:7, 3:11, 3:12, 3:19, 3:20, 4:5, 4:8, 4:9, 5:14, 5:15, 6:13, 6:14, 9:4, 9:8, 9:13, 10:9, 10:11, 10:16, 12:22, 14:13, 14:19, 14:23, 14:25, 15:14, 15:20, 15:23, 16:7, 16:8, 16:10, 17:1, 17:2, 17:21, 18:17, 18:22, 19:1, 19:6, 21:19, 22:1, 22:13, 22:16, 22:18, 22:23, 23:1, 23:12, 23:22, 24:19, 25:3, 26:20, 27:6, 27:25, 28:15, 28:18, 28:22, 30:4, 30:5, 32:2, 33:7, 34:7, 34:8, 34:18, 34:21, 34:22, 35:11, 35:12, 35:20, 35:21, 36:3, 36:4, 36:13, 36:14, 36:24, 36:25, 37:14, 37:19, 38:3, 38:4, 38:10, 38:13, 38:23, 39:7, 39:14, 39:18, 39:25, 41:6, 42:1, 42:3, 43:7, 43:9, 44:15, 45:10, 45:11, 45:12, 45:13, 45:14, 45:16, 45:17, 45:18, 45:23, 46:19, 46:22, 46:24, 47:2, 47:4, 47:6, 47:16, 47:20, 47:24, 48:2, 48:5, 48:10, 48:13, 48:16, 48:19, 48:23, 49:6, 50:3, 50:5, 50:8, 50:11, 50:13, 50:17, 50:24, 51:1, 51:16, 51:25, 52:3, 52:7, 52:10, 52:15, 52:18, 52:24, 53:2, 53:5, 53:10,</p> | <p>53:17, 53:22, 54:3, 54:12, 54:14, 54:17, 54:20, 54:23, 54:24, 54:25, 55:2, 55:3, 55:5, 55:10, 55:14, 55:21, 55:24, 56:2, 56:4, 56:7, 56:8, 56:9, 56:11, 57:4, 57:6, 57:9, 57:13, 57:23, 57:25, 58:4, 58:6, 58:14, 58:17, 59:3, 59:4, 59:8, 59:10, 59:16, 59:23, 59:25, 60:1, 60:7, 60:11, 60:14, 60:17, 60:19, 68:23, 68:25, 69:25, 70:2, 72:22, 72:23, 73:13, 73:18, 73:19, 73:21, 73:23, 73:24, 76:24, 79:10, 79:13, 80:4, 81:6, 82:11, 82:14, 94:11, 98:5, 98:7, 100:6, 101:8, 102:6, 102:8, 103:1, 103:15, 104:6, 104:8, 104:9, 104:19, 105:4, 105:6, 105:14, 118:5, 118:10, 118:13, 121:22, 122:4, 122:6, 122:11, 127:15, 129:23, 130:3, 130:5, 131:3, 131:6, 134:11, 134:12, 134:16, 134:18, 135:18, 135:20, 141:2, 141:5, 141:9, 142:24, 143:7, 144:24, 148:17, 148:19, 148:23, 150:4, 150:6, 150:10, 150:14, 150:15, 155:18, 157:12, 160:2, 160:8, 161:1, 161:3, 161:6, 161:8, 166:23, 166:25, 167:23, 169:7, 169:10, 169:11, 172:2, 172:3</p> <p><b>multiple</b> [1] - 122:14</p> <p><b>multiplied</b> [1] - 139:15</p> <p><b>municipalities</b> [1] -</p> |
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|  |  |  |  |  |
|--|--|--|--|--|
| 65:8<br><b>muscles</b> [1] - 109:11<br><b>must</b> [3] - 40:14,<br>83:19, 132:6  | 6:14, 9:4, 9:8, 10:9,<br>10:11, 10:16, 15:14,<br>15:20, 15:23, 16:7,<br>16:10, 17:2, 18:17,<br>18:22, 19:1, 19:6,<br>21:19, 22:1, 22:13,<br>22:16, 22:23, 23:1,<br>23:12, 23:22, 27:6,<br>27:25, 28:15, 28:18,<br>28:22, 30:4, 32:2,<br>33:7, 34:8, 34:22,<br>35:12, 35:21, 36:4,<br>36:14, 36:25, 38:4,<br>57:4, 59:4, 59:23,<br>60:7, 60:11, 69:25,<br>70:2, 73:13, 73:18,<br>73:21, 73:24, 76:24,<br>79:10, 79:13, 80:4,<br>81:6, 82:11, 98:5,<br>98:7, 101:8, 102:6,<br>102:8, 104:6, 104:9,<br>105:14, 129:23,<br>130:3, 130:5, 131:3,<br>131:6, 134:12,<br>134:16, 134:18,<br>135:18, 135:20,<br>141:2, 141:5, 141:9,<br>148:17, 148:19,<br>148:23, 150:4,<br>150:6, 150:10,<br>150:14, 160:8,<br>161:1, 161:3, 161:6,<br>161:8, 167:23,<br>169:7, 169:11, 172:3 | 120:16, 120:20,<br>120:22, 121:2,<br>123:7, 124:11,<br>128:9, 129:6,<br>133:14, 138:15,<br>144:10, 144:17,<br>152:3, 159:6,<br>163:12, 169:25<br><b>neighborhood's</b> [1] -<br>119:4<br><b>neighborhoods</b> [1] -<br>20:14<br><b>neighboring</b> [1] - 67:6<br><b>neighbors</b> [37] - 20:4,<br>28:12, 29:20, 66:22,<br>66:24, 106:15,<br>106:23, 107:3,<br>109:3, 111:1, 111:5,<br>111:7, 112:9,<br>112:11, 112:15,<br>115:12, 115:16,<br>117:24, 119:10,<br>121:12, 122:8,<br>125:2, 127:8,<br>128:25, 133:5,<br>134:3, 144:13,<br>145:17, 145:24,<br>146:5, 146:10,<br>147:6, 153:9,<br>155:23, 160:12,<br>166:17<br><b>neighbors'</b> [2] - 20:3,<br>95:10<br><b>nephrologist</b> [1] -<br>153:18<br><b>net</b> [1] - 70:23<br><b>networks</b> [1] - 153:12<br><b>never</b> [17] - 22:9,<br>47:25, 56:18, 63:20,<br>63:24, 63:25, 68:3,<br>78:24, 95:12, 96:22,<br>119:14, 121:19,<br>125:19, 126:23,<br>142:14, 144:8, 163:4<br><b>new</b> [27] - 8:2, 17:24,<br>18:1, 19:21, 56:2,<br>56:18, 57:1, 99:18,<br>100:18, 110:4,<br>110:5, 129:10,<br>131:10, 132:18,<br>133:15, 141:19,<br>142:1, 152:10,<br>152:22, 157:6,<br>159:19, 159:20, | 161:20, 168:10,<br>171:9<br><b>NEW</b> [4] - 1:2, 2:16,<br>2:18, 173:3<br><b>New</b> [24] - 1:12, 4:3,<br>4:15, 12:19, 38:17,<br>40:14, 48:21, 48:23,<br>49:5, 50:23, 61:13,<br>105:18, 105:19,<br>105:21, 105:22,<br>105:23, 105:25,<br>106:1, 106:2,<br>113:23, 154:25,<br>173:8<br><b>newly</b> [4] - 7:2, 7:7,<br>13:21, 14:11<br><b>newspaper</b> [1] - 105:9<br><b>next</b> [18] - 4:1, 17:5,<br>20:16, 20:18, 33:10,<br>39:1, 54:18, 110:16,<br>133:22, 135:7,<br>135:13, 135:14,<br>146:1, 158:19,<br>163:25, 169:14,<br>169:16, 171:20<br><b>NEXT</b> [1] - 2:7<br><b>nice</b> [4] - 95:4, 108:25,<br>110:8, 156:5<br><b>nicer</b> [2] - 109:1,<br>120:9<br><b>night</b> [1] - 94:13<br><b>ninety</b> [1] - 131:5<br><b>nip</b> [1] - 92:4<br><b>Nissen</b> [1] - 105:25<br><b>no-brainer</b> [1] -<br>155:21<br><b>nobody</b> [5] - 16:12,<br>60:9, 79:23, 121:9,<br>125:18<br><b>nobody's</b> [1] - 79:21<br><b>noise</b> [9] - 33:16,<br>33:21, 122:15,<br>124:12, 129:1,<br>133:11, 145:25,<br>162:9, 162:11<br><b>non</b> [1] - 122:23<br><b>non-medical</b> [1] -<br>122:23<br><b>nonconforming</b> [37] -<br>10:1, 10:8, 10:11,<br>10:15, 33:2, 62:11,<br>68:12, 70:20, 71:3,<br>72:3, 83:22, 83:23, | 87:15, 87:19, 88:11,<br>89:3, 89:14, 89:16,<br>89:25, 90:3, 90:20,<br>90:22, 91:3, 91:17,<br>91:19, 91:22, 92:6,<br>94:2, 97:1, 97:8,<br>100:2, 100:16,<br>101:16, 104:4,<br>107:8, 146:17<br><b>Nonconforming</b> [1] -<br>83:24<br><b>nonconformity</b> [2] -<br>97:18, 102:15<br><b>none</b> [4] - 21:8, 21:9,<br>77:13, 146:16<br><b>nonissue</b> [1] - 118:17<br><b>normal</b> [1] - 168:9<br><b>normally</b> [2] - 4:17,<br>42:24<br><b>Notary</b> [1] - 173:7<br><b>notation</b> [3] - 131:21,<br>132:24, 133:7<br><b>note</b> [1] - 29:10<br><b>noted</b> [1] - 132:22<br><b>notes</b> [1] - 169:15<br><b>nothing</b> [9] - 37:20,<br>70:12, 72:5, 74:16,<br>91:9, 91:15, 109:8,<br>140:4, 157:15<br><b>notice</b> [5] - 64:16,<br>82:20, 97:6, 105:8,<br>138:5<br><b>Notice</b> [2] - 41:10,<br>43:2<br><b>notices</b> [2] - 64:16,<br>104:23<br><b>November</b> [6] - 39:2,<br>51:25, 59:8, 59:9,<br>59:12, 67:22<br><b>nuance</b> [2] - 39:22,<br>39:23<br><b>Number</b> [1] - 171:22<br><b>number</b> [20] - 12:18,<br>20:19, 26:2, 28:11,<br>28:12, 32:19, 53:6,<br>54:5, 56:17, 67:13,<br>89:17, 89:20, 113:6,<br>124:3, 125:13,<br>140:22, 143:24,<br>145:2, 145:13<br><b>numbers</b> [5] - 26:12,<br>56:22, 139:12,<br>170:14, 171:2 |
| <b>N</b>   |  |  |  |  |
| <b>Nah</b> [1] - 77:15<br><b>name</b> [12] - 55:19,<br>57:14, 118:7, 118:9,<br>124:18, 126:2,<br>126:3, 134:13,<br>141:13, 141:15,<br>154:22, 155:17<br><b>named</b> [1] - 125:13<br><b>narrower</b> [1] - 13:16<br><b>National</b> [1] - 105:23<br><b>natural</b> [2] - 33:16,<br>33:20<br><b>nature</b> [1] - 144:14<br><b>near</b> [5] - 54:8, 120:2,<br>150:1, 156:4, 159:14<br><b>nearby</b> [3] - 17:19,<br>35:7, 113:9<br><b>nearest</b> [1] - 18:11<br><b>nearly</b> [3] - 26:17,<br>54:10, 54:11<br><b>necessarily</b> [4] - 30:1,<br>36:20, 73:10, 89:18<br><b>need</b> [28] - 14:17,<br>16:2, 29:1, 33:8,<br>45:5, 46:6, 52:25,<br>75:7, 77:8, 86:14,<br>88:5, 88:6, 88:8,<br>91:24, 92:11, 93:14,<br>103:15, 111:12,<br>112:6, 133:16,<br>134:3, 135:15,<br>147:3, 147:4,<br>152:17, 162:19,<br>166:18<br><b>needed</b> [2] - 133:2,<br>165:12<br><b>needs</b> [14] - 82:5,<br>88:9, 90:4, 90:9,<br>97:24, 109:7, 109:8,<br>134:21, 134:22,<br>139:5, 147:11,<br>151:6, 158:22,<br>158:23<br><b>Neff</b> [1] - 168:4<br><b>NEFF</b> [100] - 1:20, 3:7,<br>3:12, 3:20, 4:9, 5:15, | 17:18, 18:9, 20:1,<br>21:2, 21:6, 21:17,<br>27:10, 27:20, 29:5,<br>35:6, 36:9, 67:11,<br>90:6, 113:8, 113:15,<br>113:16, 114:10,<br>114:16, 114:18,<br>115:20, 120:4,  |  |  |  |

|  |  |  |   |   |
|--|--|--|---|---|
| <p><b>numerous</b> [1] - 21:20<br/> <b>nurse</b> [3] - 100:9,<br/> 128:13, 150:17<br/> <b>nurses</b> [2] - 116:9,<br/> 142:13<br/> <b>NY</b> [1] - 2:12</p>  | <p><b>office</b> [53] - 69:13,<br/> 69:14, 70:19, 71:10,<br/> 71:11, 72:19, 73:1,<br/> 73:9, 75:17, 75:25,<br/> 76:1, 76:4, 77:8,<br/> 77:9, 77:16, 77:19,<br/> 78:19, 81:2, 82:2,<br/> 89:9, 89:10, 92:5,<br/> 92:16, 92:22, 93:2,<br/> 93:4, 99:11, 112:17,<br/> 114:21, 120:10,<br/> 122:21, 123:2,<br/> 123:5, 125:7, 125:8,<br/> 148:4, 148:5,<br/> 149:15, 149:25,<br/> 150:3, 150:20,<br/> 157:10, 157:17,<br/> 161:19, 170:20,<br/> 170:21</p>   | <p>72:18, 73:1, 76:14,<br/> 77:24, 78:7, 84:9,<br/> 87:14, 87:20, 87:21,<br/> 87:22, 88:7, 89:4,<br/> 89:21, 90:24, 97:14,<br/> 97:17, 97:21, 102:7,<br/> 108:1, 110:22,<br/> 111:5, 111:7, 113:6,<br/> 115:1, 118:22,<br/> 119:3, 121:19,<br/> 122:20, 125:8,<br/> 125:9, 126:13,<br/> 126:21, 126:22,<br/> 127:3, 127:14,<br/> 127:16, 129:12,<br/> 131:12, 135:14,<br/> 136:3, 138:25,<br/> 139:7, 139:17,<br/> 142:15, 148:17,<br/> 149:16, 153:4,<br/> 153:17, 153:18,<br/> 156:8, 157:6, 164:4,<br/> 164:6, 164:9,<br/> 169:17, 169:21</p>   | <p>116:7, 142:11<br/> <b>opinion</b> [13] - 7:16,<br/> 12:2, 12:3, 13:10,<br/> 82:7, 82:9, 94:5,<br/> 101:19, 109:6,<br/> 113:3, 160:15,<br/> 166:13<br/> <b>opportunity</b> [2] - 64:3,<br/> 106:25<br/> <b>opposed</b> [5] - 7:23,<br/> 58:10, 75:7, 79:21,<br/> 79:24<br/> <b>opposite</b> [3] - 18:20,<br/> 74:25, 98:19<br/> <b>opposition</b> [2] - 67:17,<br/> 147:8<br/> <b>opting</b> [1] - 158:3<br/> <b>options</b> [1] - 40:20<br/> <b>order</b> [5] - 3:1, 30:8,<br/> 64:11, 92:25, 133:23<br/> <b>ordering</b> [1] - 57:1<br/> <b>ordinance</b> [1] - 68:10<br/> <b>ordinances</b> [1] - 67:4<br/> <b>origin</b> [1] - 135:11<br/> <b>original</b> [2] - 40:4,<br/> 56:13<br/> <b>originally</b> [4] - 72:9,<br/> 72:13, 131:2, 131:8<br/> <b>outcome</b> [2] - 91:14,<br/> 173:16<br/> <b>outside</b> [7] - 15:7,<br/> 109:4, 109:5,<br/> 126:18, 134:9,<br/> 155:11<br/> <b>outstanding</b> [1] - 63:9<br/> <b>overdevelopment</b> [1]<br/> - 128:6<br/> <b>overlooked</b> [2] -<br/> 93:24, 96:17<br/> <b>overlooks</b> [1] - 125:2<br/> <b>overstepping</b> [3] -<br/> 14:5, 52:17, 52:20<br/> <b>overwritten</b> [1] - 55:20<br/> <b>own</b> [8] - 25:22, 46:13,<br/> 51:12, 86:11, 93:23,<br/> 124:19, 146:7, 153:7<br/> <b>owned</b> [2] - 43:22,<br/> 48:3<br/> <b>owner</b> [7] - 21:4,<br/> 40:12, 55:20, 81:16,<br/> 128:21, 131:13,<br/> 169:19<br/> <b>owner's</b> [3] - 119:15,</p> | <p>128:22, 133:16<br/> <b>owners</b> [3] - 57:12,<br/> 114:20, 136:21<br/> <b>owns</b> [1] - 56:23</p>  |
| <b>P</b>   |  |  |   |   |
| <p style="text-align: center;"><b>O</b></p> <p><b>o'clock</b> [5] - 59:13,<br/> 60:6, 60:7, 60:11,<br/> 60:12<br/> <b>object</b> [1] - 141:24<br/> <b>observation</b> [1] - 86:9<br/> <b>observe</b> [2] - 66:20,<br/> 67:3<br/> <b>obstacle</b> [1] - 95:11<br/> <b>obstacles</b> [1] - 95:9<br/> <b>obtain</b> [2] - 69:23,<br/> 70:12<br/> <b>obtained</b> [1] - 69:5<br/> <b>obviously</b> [9] - 31:23,<br/> 39:20, 43:4, 95:15,<br/> 101:11, 118:15,<br/> 142:5, 149:12, 155:5<br/> <b>Occupancy</b> [12] -<br/> 40:18, 69:8, 69:11,<br/> 70:16, 83:11, 83:15,<br/> 83:17, 83:20, 84:4,<br/> 84:10, 84:13<br/> <b>occupancy</b> [12] -<br/> 42:15, 42:19, 64:21,<br/> 69:12, 70:19, 83:13,<br/> 128:20, 128:21,<br/> 131:12, 131:23,<br/> 170:2<br/> <b>occupants</b> [3] - 20:25,<br/> 119:16, 125:17<br/> <b>occupied</b> [4] - 30:20,<br/> 83:16, 97:17, 107:15<br/> <b>occupy</b> [4] - 42:10,<br/> 148:7, 150:12,<br/> 151:21<br/> <b>occupying</b> [2] - 93:5,<br/> 147:25<br/> <b>October</b> [6] - 4:2,<br/> 64:22, 64:25, 70:15,<br/> 84:13, 138:5<br/> <b>odd</b> [1] - 93:4<br/> <b>OF</b> [8] - 1:1, 1:2, 1:4,<br/> 2:10, 2:13, 173:3,<br/> 173:5<br/> <b>offend</b> [1] - 117:24</p> | <p><b>Officer</b> [1] - 62:21<br/> <b>offices</b> [11] - 72:16,<br/> 81:19, 98:16, 119:8,<br/> 121:6, 128:12,<br/> 136:24, 152:18,<br/> 158:11, 161:18<br/> <b>official</b> [3] - 69:13,<br/> 84:16, 84:25<br/> <b>officials</b> [1] - 80:2<br/> <b>old</b> [6] - 19:12, 56:14,<br/> 65:17, 66:14, 136:2,<br/> 159:17<br/> <b>ON</b> [1] - 2:8<br/> <b>once</b> [7] - 12:24,<br/> 29:13, 100:11,<br/> 139:3, 151:10,<br/> 151:16, 169:24<br/> <b>one</b> [116] - 6:15, 6:17,<br/> 6:22, 7:7, 8:16, 9:5,<br/> 9:6, 11:5, 11:6,<br/> 11:17, 11:24, 13:24,<br/> 15:2, 18:3, 21:21,<br/> 23:5, 26:23, 27:3,<br/> 28:4, 28:8, 29:6,<br/> 29:7, 30:13, 30:18,<br/> 32:11, 39:20, 40:15,<br/> 40:16, 40:22, 41:2,<br/> 43:21, 44:3, 45:5,<br/> 45:12, 48:25, 49:7,<br/> 50:22, 55:14, 56:2,<br/> 56:14, 56:23, 57:16,<br/> 60:21, 62:14, 62:22,<br/> 64:7, 64:19, 65:12,<br/> 67:13, 67:16, 69:16,<br/> 69:17, 70:1, 72:16,</p> | <p>72:18, 73:1, 76:14,<br/> 77:24, 78:7, 84:9,<br/> 87:14, 87:20, 87:21,<br/> 87:22, 88:7, 89:4,<br/> 89:21, 90:24, 97:14,<br/> 97:17, 97:21, 102:7,<br/> 108:1, 110:22,<br/> 111:5, 111:7, 113:6,<br/> 115:1, 118:22,<br/> 119:3, 121:19,<br/> 122:20, 125:8,<br/> 125:9, 126:13,<br/> 126:21, 126:22,<br/> 127:3, 127:14,<br/> 127:16, 129:12,<br/> 131:12, 135:14,<br/> 136:3, 138:25,<br/> 139:7, 139:17,<br/> 142:15, 148:17,<br/> 149:16, 153:4,<br/> 153:17, 153:18,<br/> 156:8, 157:6, 164:4,<br/> 164:6, 164:9,<br/> 169:17, 169:21<br/> <b>one's</b> [1] - 98:24<br/> <b>one-bedroom</b> [1] -<br/> 48:25<br/> <b>one-family</b> [9] - 6:22,<br/> 7:7, 9:5, 11:17,<br/> 11:24, 29:7, 40:15,<br/> 40:16, 41:2<br/> <b>one-year</b> [1] - 115:1<br/> <b>ones</b> [1] - 168:8<br/> <b>ongoing</b> [2] - 88:15<br/> <b>onsite</b> [1] - 90:7<br/> <b>open</b> [17] - 30:21,<br/> 44:21, 61:19, 62:2,<br/> 62:10, 75:13,<br/> 102:20, 102:21,<br/> 103:4, 104:22,<br/> 106:4, 115:4,<br/> 163:20, 167:18,<br/> 167:22, 167:23,<br/> 167:24<br/> <b>opened</b> [1] - 153:1<br/> <b>opening</b> [1] - 102:3<br/> <b>openly</b> [1] - 111:4<br/> <b>operating</b> [3] - 43:13,<br/> 46:2, 71:14<br/> <b>operation</b> [5] - 46:25,<br/> 116:12, 163:2,<br/> 166:10, 167:4<br/> <b>operations</b> [3] - 47:2,</p> | <p>116:7, 142:11<br/> <b>opinion</b> [13] - 7:16,<br/> 12:2, 12:3, 13:10,<br/> 82:7, 82:9, 94:5,<br/> 101:19, 109:6,<br/> 113:3, 160:15,<br/> 166:13<br/> <b>opportunity</b> [2] - 64:3,<br/> 106:25<br/> <b>opposed</b> [5] - 7:23,<br/> 58:10, 75:7, 79:21,<br/> 79:24<br/> <b>opposite</b> [3] - 18:20,<br/> 74:25, 98:19<br/> <b>opposition</b> [2] - 67:17,<br/> 147:8<br/> <b>opting</b> [1] - 158:3<br/> <b>options</b> [1] - 40:20<br/> <b>order</b> [5] - 3:1, 30:8,<br/> 64:11, 92:25, 133:23<br/> <b>ordering</b> [1] - 57:1<br/> <b>ordinance</b> [1] - 68:10<br/> <b>ordinances</b> [1] - 67:4<br/> <b>origin</b> [1] - 135:11<br/> <b>original</b> [2] - 40:4,<br/> 56:13<br/> <b>originally</b> [4] - 72:9,<br/> 72:13, 131:2, 131:8<br/> <b>outcome</b> [2] - 91:14,<br/> 173:16<br/> <b>outside</b> [7] - 15:7,<br/> 109:4, 109:5,<br/> 126:18, 134:9,<br/> 155:11<br/> <b>outstanding</b> [1] - 63:9<br/> <b>overdevelopment</b> [1]<br/> - 128:6<br/> <b>overlooked</b> [2] -<br/> 93:24, 96:17<br/> <b>overlooks</b> [1] - 125:2<br/> <b>overstepping</b> [3] -<br/> 14:5, 52:17, 52:20<br/> <b>overwritten</b> [1] - 55:20<br/> <b>own</b> [8] - 25:22, 46:13,<br/> 51:12, 86:11, 93:23,<br/> 124:19, 146:7, 153:7<br/> <b>owned</b> [2] - 43:22,<br/> 48:3<br/> <b>owner</b> [7] - 21:4,<br/> 40:12, 55:20, 81:16,<br/> 128:21, 131:13,<br/> 169:19<br/> <b>owner's</b> [3] - 119:15,</p> | <p><b>p.m</b> [7] - 3:1, 4:2,<br/> 60:13, 103:20,<br/> 103:21, 145:22,<br/> 172:7<br/> <b>P.M</b> [1] - 1:9<br/> <b>PA</b> [1] - 150:22<br/> <b>PA's</b> [2] - 89:22,<br/> 150:17<br/> <b>package</b> [2] - 53:15,<br/> 53:16<br/> <b>packet</b> [1] - 53:7<br/> <b>page</b> [2] - 43:4, 43:5<br/> <b>PAGE</b> [1] - 2:3<br/> <b>paid</b> [2] - 67:23, 138:6<br/> <b>paint</b> [1] - 117:6<br/> <b>PALLAS</b> [8] - 1:24,<br/> 15:25, 16:5, 105:3,<br/> 105:10, 127:13,<br/> 127:16, 164:20<br/> <b>paper</b> [2] - 81:11, 82:2<br/> <b>papers</b> [2] - 40:8, 81:9<br/> <b>paragraph</b> [2] - 30:16,<br/> 31:15<br/> <b>Paragraph</b> [2] - 30:19,<br/> 83:10<br/> <b>parcels</b> [1] - 57:2<br/> <b>pardon</b> [2] - 56:11,<br/> 135:19<br/> <b>parents'</b> [1] - 84:8<br/> <b>park</b> [2] - 122:25,<br/> 145:7<br/> <b>parked</b> [1] - 123:20<br/> <b>parking</b> [69] - 54:25,<br/> 56:24, 72:2, 90:7,<br/> 90:8, 90:9, 93:10,<br/> 94:7, 94:8, 100:25,<br/> 107:14, 107:22,<br/> 108:1, 108:6,<br/> 108:18, 121:13,<br/> 123:17, 123:18,<br/> 124:12, 125:23,<br/> 126:25, 127:1,<br/> 128:23, 128:24,<br/> 129:1, 129:3, 129:5,<br/> 129:8, 131:24,<br/> 131:25, 132:1,</p> |

|   |   |   |  |   |
|---|---|---|--|---|
| <p>137:2, 137:12,<br/>144:22, 145:7,<br/>145:10, 145:16,<br/>145:19, 147:15,<br/>147:16, 147:19,<br/>148:7, 148:8,<br/>151:20, 151:23,<br/>157:18, 157:21,<br/>158:4, 162:16,<br/>162:19, 162:22,<br/>164:10, 164:11,<br/>164:15, 164:16,<br/>165:1, 165:2, 165:3,<br/>165:5, 165:8,<br/>165:10, 165:13,<br/>165:14, 165:17,<br/>167:9, 167:12,<br/>167:15, 168:25</p> <p><b>part</b> [31] - 5:9, 5:21,<br/>14:21, 17:10, 30:7,<br/>30:20, 33:9, 40:4,<br/>40:12, 61:11, 83:13,<br/>83:16, 84:17, 87:6,<br/>90:16, 93:21, 95:7,<br/>100:19, 107:12,<br/>109:15, 114:17,<br/>115:17, 124:22,<br/>140:6, 148:21,<br/>152:16, 161:4,<br/>162:13, 164:11,<br/>165:9, 165:24</p> <p><b>particular</b> [3] - 6:15,<br/>13:25, 22:4</p> <p><b>particularly</b> [3] - 21:1,<br/>21:14, 162:10</p> <p><b>parties</b> [1] - 173:14</p> <p><b>partly</b> [1] - 99:17</p> <p><b>partner</b> [3] - 23:5,<br/>23:7, 126:5</p> <p><b>partners</b> [5] - 23:10,<br/>23:25, 24:10, 24:11,<br/>24:12</p> <p><b>partnership</b> [1] - 23:4</p> <p><b>pass</b> [2] - 141:1, 141:9</p> <p><b>passed</b> [4] - 78:11,<br/>117:11</p> <p><b>passes</b> [2] - 104:19,<br/>104:21</p> <p><b>past</b> [5] - 49:12, 126:6,<br/>126:9, 129:14, 136:1</p> <p><b>patient</b> [3] - 123:12,<br/>132:1, 150:21</p> <p><b>patients</b> [11] - 123:3,</p> | <p>123:13, 123:15,<br/>125:14, 125:23,<br/>140:19, 145:6,<br/>145:10, 146:4,<br/>149:13, 157:19</p> <p><b>patients'</b> [1] - 123:16</p> <p><b>Patricia</b> [1] - 38:21</p> <p><b>PAUL</b> [1] - 1:24</p> <p><b>pavement</b> [1] - 139:2</p> <p><b>pay</b> [1] - 108:8</p> <p><b>payment</b> [3] - 94:12,<br/>145:16, 164:16</p> <p><b>payroll</b> [1] - 139:25</p> <p><b>peace</b> [1] - 146:6</p> <p><b>Peconic</b> [1] - 130:15</p> <p><b>pediatrician</b> [1] -<br/>156:16</p> <p><b>penalize</b> [1] - 77:6</p> <p><b>penalizing</b> [1] - 79:7</p> <p><b>penalty</b> [1] - 16:14</p> <p><b>pending</b> [2] - 51:15,<br/>61:25</p> <p><b>people</b> [58] - 8:20, 9:3,<br/>9:8, 9:11, 12:16,<br/>12:19, 18:7, 19:2,<br/>19:8, 22:24, 27:1,<br/>29:14, 76:14, 76:15,<br/>78:21, 78:23, 79:7,<br/>84:24, 93:5, 94:23,<br/>95:1, 102:18,<br/>102:19, 119:14,<br/>119:22, 122:18,<br/>125:11, 125:20,<br/>125:22, 130:10,<br/>137:17, 137:18,<br/>137:23, 137:25,<br/>138:17, 139:8,<br/>139:17, 139:23,<br/>140:5, 140:22,<br/>142:2, 142:12,<br/>142:13, 149:18,<br/>151:23, 152:12,<br/>156:21, 160:12,<br/>161:9, 170:6,<br/>170:20, 170:21,<br/>170:22, 170:23,<br/>170:24, 170:25,<br/>171:1, 171:10</p> <p><b>people's</b> [1] - 100:10</p> <p><b>per</b> [6] - 107:17,<br/>108:11, 108:22,<br/>123:13, 123:16</p> <p><b>perhaps</b> [21] - 6:2,</p> | <p>8:18, 12:7, 19:11,<br/>23:16, 24:1, 24:18,<br/>25:22, 26:10, 39:10,<br/>47:12, 52:1, 57:17,<br/>61:5, 80:2, 80:4,<br/>82:13, 86:25, 96:22,<br/>132:14, 154:15</p> <p><b>period</b> [1] - 93:4</p> <p><b>permanent</b> [1] -<br/>108:19</p> <p><b>permanently</b> [1] - 67:7</p> <p><b>permissibility</b> [1] -<br/>6:16</p> <p><b>permissible</b> [2] - 7:4,<br/>7:6</p> <p><b>permit</b> [26] - 14:10,<br/>21:14, 40:7, 40:9,<br/>40:12, 44:20, 44:21,<br/>46:1, 46:19, 47:7,<br/>47:12, 50:8, 67:20,<br/>67:23, 68:2, 68:6,<br/>68:9, 68:12, 71:4,<br/>76:14, 109:21,<br/>110:13, 115:5,<br/>127:13, 127:16,<br/>155:9</p> <p><b>permits</b> [6] - 9:17,<br/>127:4, 127:6,<br/>127:12, 127:23,<br/>155:4</p> <p><b>permitted</b> [8] - 7:10,<br/>7:23, 40:1, 41:8,<br/>41:16, 73:2, 92:22,<br/>117:10</p> <p><b>perpendicular</b> [2] -<br/>17:25, 18:12</p> <p><b>person</b> [6] - 137:5,<br/>140:20, 143:15,<br/>145:9, 151:7, 157:5</p> <p><b>personal</b> [1] - 132:10</p> <p><b>personally</b> [7] - 7:14,<br/>19:13, 19:25, 27:12,<br/>79:20, 96:20, 111:22</p> <p><b>personnel</b> [3] - 150:3,<br/>150:17, 150:19</p> <p><b>perspective</b> [1] - 84:4</p> <p><b>PFLANZL</b> [2] - 24:13,<br/>24:15</p> <p><b>phase</b> [2] - 127:10,<br/>148:13</p> <p><b>phonetic</b> [1] - 136:25</p> <p><b>photographs</b> [3] -<br/>53:18, 53:19, 53:22</p> | <p><b>physical</b> [5] - 27:9,<br/>27:20, 36:8, 51:7,<br/>114:9</p> <p><b>physically</b> [4] - 45:2,<br/>45:5, 47:22, 67:24</p> <p><b>physician</b> [3] - 122:18,<br/>123:11, 123:13</p> <p><b>physicians</b> [3] - 100:8,<br/>123:16, 140:17</p> <p><b>physicians'</b> [1] - 123:8</p> <p><b>picked</b> [1] - 123:24</p> <p><b>picking</b> [3] - 78:19,<br/>130:17, 152:20</p> <p><b>pickup</b> [1] - 130:17</p> <p><b>piece</b> [5] - 24:21,<br/>136:3, 136:4,<br/>164:21, 167:13</p> <p><b>pieces</b> [3] - 54:14,<br/>81:11, 82:1</p> <p><b>pile</b> [1] - 75:16</p> <p><b>piling</b> [1] - 19:14</p> <p><b>pill</b> [1] - 153:4</p> <p><b>pin</b> [2] - 52:25, 135:11</p> <p><b>Place</b> [26] - 60:25,<br/>61:8, 105:17,<br/>105:20, 105:23,<br/>105:24, 106:1,<br/>106:2, 122:4,<br/>123:14, 123:17,<br/>124:20, 126:4,<br/>129:8, 130:21,<br/>134:3, 135:7,<br/>141:16, 143:1,<br/>143:24, 144:1,<br/>144:2, 144:8,<br/>145:18, 146:25,<br/>159:14</p> <p><b>place</b> [11] - 18:19,<br/>43:24, 88:10,<br/>120:12, 120:14,<br/>137:13, 144:9,<br/>157:21, 158:1,<br/>170:8, 171:9</p> <p><b>PLACE</b> [1] - 2:18</p> <p><b>placed</b> [1] - 80:20</p> <p><b>placement</b> [2] - 17:23,<br/>17:24</p> <p><b>places</b> [2] - 22:2,<br/>158:10</p> <p><b>plainer</b> [1] - 31:6</p> <p><b>plan</b> [21] - 23:15,<br/>27:13, 68:18,<br/>111:24, 115:16,</p> | <p>125:13, 130:20,<br/>131:10, 132:13,<br/>133:13, 142:1,<br/>147:23, 148:1,<br/>148:3, 148:9,<br/>149:11, 150:10,<br/>151:18, 165:22,<br/>168:12, 168:15</p> <p><b>planned</b> [1] - 18:1</p> <p><b>Planner</b> [2] - 63:22,<br/>94:4</p> <p><b>Planner's</b> [1] - 143:11</p> <p><b>Planning</b> [38] - 8:8,<br/>8:18, 11:8, 11:10,<br/>11:13, 11:15, 11:21,<br/>12:1, 12:2, 12:6,<br/>12:8, 12:12, 13:6,<br/>13:10, 38:10, 90:11,<br/>90:13, 90:14, 94:11,<br/>94:18, 108:7,<br/>137:20, 143:13,<br/>158:3, 164:15,<br/>164:17, 165:4,<br/>165:7, 165:18,<br/>165:22, 166:2,<br/>166:3, 166:5,<br/>166:12, 166:20,<br/>168:13, 168:14,<br/>169:2</p> <p><b>planning</b> [2] - 108:17,<br/>163:25</p> <p><b>plans</b> [16] - 99:8,<br/>107:13, 107:19,<br/>109:17, 111:1,<br/>111:2, 120:10,<br/>125:5, 131:8,<br/>131:21, 132:22,<br/>133:3, 133:8,<br/>139:13, 157:14,<br/>162:5</p> <p><b>plantings</b> [1] - 111:23</p> <p><b>play</b> [2] - 65:21, 97:14</p> <p><b>played</b> [1] - 51:19</p> <p><b>pleasure</b> [1] - 60:4</p> <p><b>plenty</b> [3] - 59:16,<br/>158:10</p> <p><b>plow</b> [2] - 18:4, 19:15</p> <p><b>plowing</b> [1] - 18:18</p> <p><b>plows</b> [1] - 130:16</p> <p><b>plus</b> [3] - 56:24,<br/>135:25, 170:12</p> <p><b>point</b> [20] - 7:20, 37:9,<br/>39:17, 66:13, 68:1,</p> |
|---|---|---|--|---|

|  |   |  |  |  |
|--|---|--|--|--|
| <p>76:16, 81:6, 85:5,<br/>88:23, 92:9, 101:5,<br/>110:7, 117:3, 125:2,<br/>126:21, 127:3,<br/>131:12, 135:14,<br/>138:12, 148:12<br/><b>pointing</b> [1] - 132:23<br/><b>points</b> [2] - 127:2,<br/>163:7<br/><b>politics</b> [3] - 76:22,<br/>77:1, 77:6<br/><b>pollution</b> [1] - 145:25<br/><b>pool</b> [3] - 50:4, 50:7,<br/>162:8<br/><b>poor</b> [1] - 79:7<br/><b>poorly</b> [1] - 99:5<br/><b>popping</b> [1] - 156:2<br/><b>popular</b> [1] - 20:9<br/><b>porches</b> [1] - 66:17<br/><b>portion</b> [1] - 14:6<br/><b>position</b> [4] - 8:12,<br/>71:24, 86:6, 112:9<br/><b>possession</b> [2] - 87:4,<br/>87:5<br/><b>possibility</b> [1] - 61:4<br/><b>possible</b> [7] - 4:12,<br/>11:25, 12:9, 13:6,<br/>61:14, 97:22, 125:10<br/><b>POSSIBLE</b> [1] - 2:8<br/><b>possibly</b> [3] - 89:23,<br/>126:19, 163:24<br/><b>potential</b> [4] - 33:13,<br/>33:19, 114:24,<br/>117:20<br/><b>potentially</b> [2] - 116:3,<br/>144:4<br/><b>power</b> [2] - 8:19,<br/>134:1<br/><b>practically</b> [1] -<br/>162:18<br/><b>practice</b> [7] - 128:17,<br/>139:24, 140:16,<br/>140:17, 140:18,<br/>153:3, 156:17<br/><b>practices</b> [3] - 93:12,<br/>122:19, 123:14<br/><b>practicing</b> [1] - 89:20<br/><b>practitioners</b> [3] -<br/>100:9, 150:17,<br/>153:14<br/><b>pre</b> [3] - 69:8, 69:11,<br/>84:10<br/><b>pre-Certificate</b> [3] -</p> | <p>69:8, 69:11, 84:10<br/><b>preclude</b> [2] - 30:1,<br/>36:20<br/><b>preexisting</b> [3] -<br/>6:21, 7:1, 7:5, 43:18,<br/>62:11, 70:19, 87:15,<br/>87:18, 88:11, 89:2,<br/>89:14, 89:16, 89:25,<br/>90:3, 90:20, 90:22,<br/>91:3, 91:17, 91:19,<br/>91:22, 92:6, 92:8,<br/>94:1, 97:1, 97:7,<br/>97:8, 100:2, 100:15,<br/>101:16, 102:15,<br/>104:3<br/><b>prefer</b> [1] - 45:2<br/><b>prepare</b> [1] - 57:9<br/><b>prepared</b> [2] - 28:20,<br/>168:12<br/><b>prescribed</b> [1] - 30:23<br/><b>presence</b> [3] - 21:19,<br/>22:2, 28:3<br/><b>present</b> [1] - 43:18<br/><b>presentation</b> [2] -<br/>97:23, 153:1<br/><b>presented</b> [2] - 23:3,<br/>162:6<br/><b>presenting</b> [1] -<br/>107:19<br/><b>presently</b> [1] - 9:6<br/><b>preserve</b> [1] - 44:16<br/><b>President</b> [1] - 146:24<br/><b>presumption</b> [1] -<br/>83:2<br/><b>pretend</b> [1] - 120:8<br/><b>pretending</b> [1] - 97:14<br/><b>pretty</b> [5] - 21:11,<br/>46:10, 52:11, 54:8,<br/>155:24<br/><b>previous</b> [4] - 81:15,<br/>119:15, 126:9,<br/>131:13<br/><b>previously</b> [3] - 43:22,<br/>102:14, 128:16<br/><b>prima</b> [1] - 138:20<br/><b>primarily</b> [1] - 25:19<br/><b>primary</b> [4] - 73:7,<br/>113:1, 123:12,<br/>126:13<br/><b>principal</b> [7] - 41:13,<br/>41:22, 41:23, 42:5,<br/>45:19, 55:17, 57:20<br/><b>print</b> [1] - 57:7</p> | <p><b>prints</b> [1] - 53:6<br/><b>priority</b> [1] - 159:7<br/><b>privacy</b> [2] - 26:23,<br/>26:25<br/><b>private</b> [3] - 128:16,<br/>140:16, 140:17<br/><b>privately</b> [1] - 80:17<br/><b>privilege</b> [1] - 137:1<br/><b>problem</b> [8] - 7:25,<br/>25:23, 39:18, 60:3,<br/>85:21, 119:4, 120:4,<br/>122:17<br/><b>problematic</b> [1] -<br/>107:23<br/><b>problems</b> [1] - 100:10<br/><b>procedure</b> [1] - 64:18<br/><b>proceed</b> [1] - 107:4<br/><b>proceeding</b> [1] - 70:9<br/><b>proceedings</b> [1] -<br/>173:11<br/><b>process</b> [4] - 6:9,<br/>69:6, 127:9, 127:22<br/><b>produce</b> [1] - 64:10<br/><b>produced</b> [5] - 17:17,<br/>35:6, 64:24, 113:7,<br/>145:25<br/><b>product</b> [1] - 41:14<br/><b>professional</b> [5] -<br/>73:9, 90:14, 122:21,<br/>123:2, 123:5<br/><b>profound</b> [1] - 20:13<br/><b>program</b> [2] - 96:10<br/><b>progresses</b> [3] - 8:17,<br/>8:18, 11:13<br/><b>project</b> [20] - 58:9,<br/>61:8, 79:8, 108:25,<br/>113:3, 127:7,<br/>127:23, 133:23,<br/>138:18, 138:21,<br/>139:8, 139:10,<br/>147:2, 147:8,<br/>147:12, 147:17,<br/>154:12, 155:9,<br/>155:10, 161:10<br/><b>PROKOP</b> [57] - 1:23,<br/>10:20, 10:24, 11:18,<br/>12:10, 12:15, 13:9,<br/>13:12, 16:18, 17:5,<br/>32:9, 33:8, 34:11,<br/>38:8, 49:25, 50:21,<br/>50:25, 51:14, 52:21,<br/>52:25, 53:3, 53:9,<br/>53:12, 57:11, 62:14,</p> | <p>62:18, 63:8, 63:16,<br/>68:17, 68:21, 87:2,<br/>88:3, 88:16, 88:20,<br/>89:1, 89:11, 91:9,<br/>91:15, 97:4, 97:19,<br/>102:2, 129:16,<br/>129:18, 129:22,<br/>129:24, 130:2,<br/>130:4, 130:6,<br/>134:21, 135:1,<br/>140:24, 141:3,<br/>141:8, 141:11,<br/>164:2, 164:25, 165:3<br/><b>prokop</b> [2] - 75:18,<br/>86:12<br/><b>Prokop</b> [3] - 117:13,<br/>161:14, 170:1<br/><b>promise</b> [1] - 164:8<br/><b>proof</b> [3] - 69:19,<br/>105:11, 105:16<br/><b>proofs</b> [1] - 71:12<br/><b>proper</b> [1] - 107:4<br/><b>properties</b> [11] -<br/>17:19, 27:24, 35:7,<br/>67:6, 72:12, 73:11,<br/>73:25, 81:18, 113:9,<br/>128:25, 168:22<br/><b>PROPERTY</b> [2] - 2:10,<br/>2:15<br/><b>property</b> [57] - 4:14,<br/>4:24, 18:11, 19:6,<br/>19:22, 24:22, 28:1,<br/>28:8, 30:7, 38:16,<br/>38:19, 41:7, 41:15,<br/>48:3, 54:15, 59:17,<br/>65:10, 67:25, 68:5,<br/>73:19, 73:21, 81:7,<br/>81:13, 81:15, 81:17,<br/>108:18, 110:3,<br/>117:22, 118:19,<br/>124:20, 128:3,<br/>128:7, 129:4,<br/>129:11, 129:15,<br/>130:8, 130:10,<br/>132:19, 132:22,<br/>133:4, 133:11,<br/>133:15, 133:18,<br/>133:21, 133:22,<br/>137:11, 141:19,<br/>143:25, 144:5,<br/>144:8, 144:11,<br/>145:17, 150:2,<br/>158:19, 158:20,<br/>167:13, 168:22</p> | <p><b>proposal</b> [3] - 40:25,<br/>99:2, 122:15<br/><b>proposed</b> [11] - 22:4,<br/>27:8, 36:7, 41:12,<br/>41:22, 42:4, 42:12,<br/>54:7, 128:18, 129:9,<br/>133:13<br/><b>proposing</b> [2] -<br/>123:14, 123:17<br/><b>proposition</b> [1] - 78:1<br/><b>protect</b> [3] - 86:15,<br/>111:1, 133:20<br/><b>protected</b> [7] - 89:14,<br/>90:3, 91:4, 91:21,<br/>97:9, 97:10, 146:17<br/><b>protection</b> [1] - 134:4<br/><b>provide</b> [11] - 18:10,<br/>26:25, 42:6, 51:5,<br/>62:7, 107:13,<br/>110:17, 111:1,<br/>111:2, 129:3<br/><b>provided</b> [5] - 33:15,<br/>33:22, 41:19, 61:22,<br/>116:14<br/><b>providers</b> [1] - 98:11<br/><b>providing</b> [2] - 79:22,<br/>126:19<br/><b>proving</b> [1] - 92:13<br/><b>provision</b> [2] - 31:18,<br/>137:22<br/><b>proximity</b> [2] - 29:4,<br/>130:19<br/><b>psychiatrist</b> [3] -<br/>116:4, 116:8, 126:22<br/><b>psychologist</b> [2] -<br/>116:4, 116:10<br/><b>psychologists</b> [1] -<br/>153:11<br/><b>public</b> [40] - 6:24,<br/>8:12, 12:24, 15:15,<br/>16:4, 21:10, 39:11,<br/>43:1, 43:3, 43:10,<br/>47:15, 47:16, 51:24,<br/>59:7, 59:12, 60:24,<br/>61:19, 61:20, 62:2,<br/>62:10, 65:24, 67:4,<br/>90:13, 102:4,<br/>102:20, 102:21,<br/>103:4, 103:5,<br/>104:22, 104:23,<br/>105:8, 106:4, 106:6,<br/>118:4, 161:4, 161:9,<br/>163:19, 167:18,</p> |
|--|---|--|--|--|

|  |   |   |   |  |
|--|---|---|---|--|
| <p>167:20, 171:12<br/> <b>PUBLIC</b> [1] - 2:17<br/> <b>Public</b> [1] - 173:8<br/> <b>pudding</b> [1] - 71:12<br/> <b>pull</b> [1] - 157:24<br/> <b>pulled</b> [1] - 109:10<br/> <b>pulmonologist</b> [1] - 126:23<br/> <b>pump</b> [1] - 169:22<br/> <b>pumps</b> [3] - 169:17, 169:18, 169:22<br/> <b>purchase</b> [2] - 72:15, 165:7<br/> <b>purchased</b> [8] - 56:15, 72:13, 73:12, 73:14, 74:1, 74:14, 114:20, 133:18<br/> <b>purpose</b> [3] - 26:23, 26:24, 142:6<br/> <b>purposes</b> [1] - 16:21<br/> <b>pursue</b> [3] - 22:21, 35:17, 113:19<br/> <b>purview</b> [2] - 11:14, 166:11<br/> <b>push</b> [2] - 19:15, 19:16<br/> <b>put</b> [22] - 11:15, 13:19, 18:19, 21:9, 21:14, 28:12, 39:2, 70:6, 82:12, 92:25, 93:2, 94:24, 104:4, 110:15, 112:17, 112:22, 117:8, 139:2, 141:11, 143:7, 153:11<br/> <b>puts</b> [2] - 8:10, 8:11<br/> <b>putting</b> [4] - 21:3, 111:16, 111:21, 153:10</p> | <p>15:7, 15:8, 15:11, 15:16, 17:15, 32:19, 32:22, 35:3, 37:12, 48:7, 57:16, 58:20, 112:16, 114:24, 133:6, 147:14, 163:23, 168:5, 171:16<br/> <b>quickly</b> [1] - 140:11<br/> <b>quiet</b> [3] - 116:12, 144:16, 146:6<br/> <b>Quinlan</b> [5] - 106:1, 126:5, 135:2, 135:6, 140:25<br/> <b>QUINLAN</b> [12] - 135:3, 135:6, 135:19, 135:22, 136:7, 136:9, 138:8, 139:11, 141:4, 141:6, 159:12, 160:6<br/> <b>quite</b> [10] - 4:19, 5:3, 13:18, 20:9, 24:22, 24:23, 25:6, 75:10, 109:25, 112:21<br/> <b>quote</b> [1] - 111:20</p>   | <p><b>rational</b> [1] - 66:8<br/> <b>Ray</b> [1] - 146:23<br/> <b>re</b> [2] - 10:5, 10:8<br/> <b>re-baptized</b> [2] - 10:5, 10:8<br/> <b>reach</b> [3] - 12:5, 51:19, 106:15<br/> <b>reached</b> [1] - 106:22<br/> <b>reaction</b> [2] - 49:9, 155:20<br/> <b>read</b> [21] - 15:11, 30:17, 41:10, 45:9, 49:11, 57:10, 67:17, 83:19, 102:20, 104:23, 106:7, 118:20, 122:7, 122:9, 124:22, 134:19, 137:20, 139:5, 143:6, 143:14<br/> <b>reading</b> [4] - 30:18, 84:20, 84:22, 168:9<br/> <b>ready</b> [2] - 33:3, 169:2<br/> <b>real</b> [4] - 88:16, 88:20, 89:1, 139:12<br/> <b>reality</b> [1] - 152:14<br/> <b>realize</b> [1] - 81:13<br/> <b>realized</b> [1] - 44:3<br/> <b>really</b> [54] - 13:4, 14:19, 18:23, 40:17, 64:4, 69:3, 74:7, 74:9, 78:19, 79:5, 79:6, 86:1, 92:9, 95:4, 100:11, 100:17, 100:25, 107:6, 108:24, 110:7, 111:15, 117:6, 117:16, 117:23, 118:21, 119:11, 120:3, 120:5, 120:15, 121:18, 121:20, 126:16, 127:7, 127:22, 128:14, 129:13, 139:12, 139:18, 139:20, 151:15, 153:24, 154:9, 158:24, 159:5, 159:6, 159:10, 170:2, 170:12, 171:1<br/> <b>rear</b> [6] - 23:18, 41:18, 42:3, 110:14, 128:23, 145:18</p> | <p><b>reason</b> [7] - 22:3, 30:17, 31:1, 82:6, 87:25, 93:11, 137:12<br/> <b>reasonable</b> [4] - 9:1, 11:4, 31:5, 138:22<br/> <b>reasonably</b> [4] - 11:2, 11:4, 11:18, 52:13<br/> <b>reasoning</b> [2] - 24:5, 42:25<br/> <b>rebut</b> [1] - 83:3<br/> <b>receive</b> [2] - 96:21, 123:4<br/> <b>received</b> [1] - 146:20<br/> <b>recent</b> [2] - 12:6, 136:21<br/> <b>recently</b> [4] - 98:12, 108:1, 126:12, 156:18<br/> <b>reception</b> [1] - 128:12<br/> <b>reception"</b> [1] - 125:10<br/> <b>reception/nurse</b> [1] - 125:9<br/> <b>receptionist</b> [1] - 150:20<br/> <b>recessed</b> [1] - 103:20<br/> <b>recognition</b> [2] - 68:5, 69:13<br/> <b>recognized</b> [4] - 68:13, 89:3, 89:16, 90:1<br/> <b>recollect</b> [1] - 7:16<br/> <b>recollection</b> [1] - 136:2<br/> <b>recommend</b> [1] - 64:8<br/> <b>recommendation</b> [1] - 5:9<br/> <b>recommendations</b> [2] - 165:25, 166:14<br/> <b>recommended</b> [1] - 45:21<br/> <b>reconfiguration</b> [1] - 109:21<br/> <b>record</b> [13] - 64:1, 79:3, 79:4, 90:15, 103:8, 106:8, 118:8, 118:12, 141:12, 143:8, 143:10, 143:12, 143:14<br/> <b>recording</b> [1] - 142:21<br/> <b>Records</b> [1] - 62:20<br/> <b>records</b> [5] - 63:12, 63:13, 64:13, 64:15,</p> | <p>68:2<br/> <b>recuse</b> [2] - 61:1, 61:15<br/> <b>redo</b> [1] - 109:1<br/> <b>redone</b> [1] - 155:8<br/> <b>reducing</b> [1] - 110:10<br/> <b>reduction</b> [1] - 113:13<br/> <b>refer</b> [2] - 95:1, 95:2<br/> <b>reference</b> [1] - 125:15<br/> <b>referred</b> [2] - 82:21, 111:7<br/> <b>referring</b> [1] - 13:4<br/> <b>refers</b> [3] - 68:18, 68:21, 82:16<br/> <b>refresh</b> [1] - 39:10<br/> <b>regard</b> [7] - 6:19, 57:16, 60:24, 75:19, 75:20, 86:17, 108:2<br/> <b>regarding</b> [5] - 6:20, 62:24, 133:8, 138:2, 165:16<br/> <b>regards</b> [1] - 107:21<br/> <b>Regional</b> [1] - 49:9<br/> <b>Registered</b> [1] - 154:24<br/> <b>REGULAR</b> [1] - 1:5<br/> <b>regular</b> [3] - 3:3, 111:22, 157:23<br/> <b>regulate</b> [1] - 13:7<br/> <b>regulated</b> [2] - 12:19, 98:16<br/> <b>regulation</b> [1] - 85:11<br/> <b>regulations</b> [1] - 42:15<br/> <b>Regulations</b> [1] - 133:1<br/> <b>rehab</b> [1] - 119:21<br/> <b>Reinholt</b> [2] - 118:10, 118:13<br/> <b>REINHOLT</b> [1] - 118:14<br/> <b>reject</b> [1] - 68:8<br/> <b>related</b> [12] - 11:4, 11:19, 11:20, 14:14, 15:6, 24:12, 24:13, 24:15, 147:15, 165:5, 173:14<br/> <b>relates</b> [8] - 31:2, 60:23, 66:21, 69:4, 71:9, 95:25, 108:22, 124:22<br/> <b>relationship</b> [1] - 61:6<br/> <b>relative</b> [1] - 28:6<br/> <b>relatively</b> [1] - 116:12</p> |
| <b>Q</b>   | <b>R</b>  |   |   |  |
| <p><b>quality</b> [7] - 120:19, 130:9, 133:12, 133:13, 137:17, 144:4, 144:18<br/> <b>quantified</b> [1] - 89:19<br/> <b>quantifying</b> [2] - 89:15, 89:17<br/> <b>quantity</b> [1] - 165:5<br/> <b>questions</b> [27] - 4:21, 5:4, 5:11, 5:17, 5:19, 5:22, 13:25, 15:2,</p>   | <p><b>R-1</b> [3] - 73:1, 99:13, 146:13<br/> <b>R-2</b> [3] - 9:15, 9:17, 9:21<br/> <b>racing</b> [1] - 158:11<br/> <b>racking</b> [1] - 47:8<br/> <b>railroad</b> [1] - 28:2<br/> <b>rainwater</b> [1] - 110:18<br/> <b>raised</b> [6] - 6:19, 107:3, 114:24, 122:14, 147:15, 165:22<br/> <b>raising</b> [3] - 7:3, 9:20, 15:16<br/> <b>ramp</b> [3] - 67:21, 68:4, 69:1<br/> <b>ramps</b> [3] - 67:23, 68:25, 109:24<br/> <b>rate</b> [1] - 168:7<br/> <b>rated</b> [1] - 40:5<br/> <b>rather</b> [1] - 25:4<br/> <b>ratif</b> [1] - 92:8<br/> <b>ratification</b> [1] - 68:7<br/> <b>ratified</b> [2] - 76:7<br/> <b>ratifying</b> [1] - 105:3</p> |   |   |  |

|  |   |   |  |  |
|--|---|---|--|--|
| <p><b>relevant</b> [6] - 29:24, 36:18, 87:22, 100:16, 100:17, 100:24</p> <p><b>reliable</b> [1] - 156:3</p> <p><b>relied</b> [2] - 85:19, 115:2</p> <p><b>relief</b> [4] - 11:2, 11:11, 26:9</p> <p><b>rely</b> [1] - 84:9</p> <p><b>relying</b> [1] - 84:24</p> <p><b>remain</b> [3] - 112:10, 112:11, 122:25</p> <p><b>remainder</b> [1] - 149:14</p> <p><b>remaining</b> [1] - 30:22</p> <p><b>remember</b> [6] - 21:13, 120:5, 134:13, 136:15, 156:14, 163:6</p> <p><b>remind</b> [2] - 8:12, 46:17</p> <p><b>reminded</b> [1] - 161:13</p> <p><b>reminding</b> [1] - 98:8</p> <p><b>removal</b> [3] - 109:24, 112:12, 132:4</p> <p><b>removed</b> [1] - 112:12</p> <p><b>removing</b> [2] - 110:12, 132:8</p> <p><b>rendered</b> [1] - 94:21</p> <p><b>rendering</b> [1] - 129:19</p> <p><b>renovating</b> [1] - 44:19</p> <p><b>renovation</b> [8] - 49:20, 114:4, 114:23, 124:25, 162:13, 165:11, 165:16, 165:20</p> <p><b>renovations</b> [6] - 88:2, 113:20, 115:1, 160:21, 165:6, 166:4</p> <p><b>rental</b> [7] - 21:4, 24:1, 42:8, 42:16, 43:19, 150:6</p> <p><b>rentals</b> [3] - 20:10, 20:11, 29:16</p> <p><b>rented</b> [2] - 43:17, 43:19</p> <p><b>renting</b> [3] - 122:23, 135:24</p> <p><b>reopen</b> [1] - 90:25</p> <p><b>rep</b> [1] - 113:2</p> <p><b>repeat</b> [5] - 15:24, 134:10, 138:2, 141:17, 165:14</p> | <p><b>rephrase</b> [1] - 12:24</p> <p><b>replacement</b> [1] - 113:22</p> <p><b>report</b> [1] - 94:4</p> <p><b>Reporter</b> [1] - 173:7</p> <p><b>represent</b> [1] - 95:16</p> <p><b>representative</b> [3] - 95:6, 143:16, 157:9</p> <p><b>represented</b> [1] - 38:20</p> <p><b>represents</b> [1] - 61:8</p> <p><b>request</b> [9] - 62:23, 63:1, 63:3, 63:5, 63:10, 114:2, 132:20, 143:13, 164:14</p> <p><b>requested</b> [12] - 11:3, 25:10, 35:24, 37:4, 37:25, 39:11, 88:25, 114:1, 114:8, 144:13, 144:22, 145:3</p> <p><b>requesting</b> [3] - 29:15, 133:9, 133:22</p> <p><b>requests</b> [3] - 63:14, 70:11, 171:19</p> <p><b>require</b> [3] - 109:16, 145:15, 150:22</p> <p><b>required</b> [11] - 25:13, 41:18, 53:7, 64:24, 80:7, 84:21, 107:14, 140:14, 145:9, 164:16, 167:12</p> <p><b>requirement</b> [5] - 66:14, 90:6, 123:19, 165:13, 165:15</p> <p><b>requirements</b> [4] - 30:23, 100:19, 114:14, 145:16</p> <p><b>requires</b> [3] - 45:14, 71:7, 107:9</p> <p><b>research</b> [2] - 54:15, 162:24</p> <p><b>reserved</b> [2] - 145:5, 145:10</p> <p><b>residence</b> [5] - 29:6, 73:8, 73:10, 158:20</p> <p><b>residences</b> [2] - 135:9, 159:15</p> <p><b>resident</b> [5] - 75:14, 78:1, 108:19, 108:20, 152:17</p> <p><b>Resident</b> [1] - 146:13</p> | <p><b>residential</b> [16] - 41:15, 119:20, 119:24, 120:16, 128:8, 130:12, 133:24, 134:2, 144:11, 144:17, 144:20, 156:10, 156:13, 159:2, 160:11</p> <p><b>residentially</b> [1] - 159:6</p> <p><b>residents</b> [3] - 43:20, 99:9, 146:16</p> <p><b>resolution</b> [5] - 66:15, 108:4, 166:1, 166:7, 166:8</p> <p><b>resolve</b> [6] - 44:22, 47:8, 47:9, 62:3, 63:18</p> <p><b>resolved</b> [4] - 7:15, 63:20, 63:25, 110:2</p> <p><b>resources</b> [1] - 24:8</p> <p><b>respect</b> [8] - 7:23, 21:2, 64:14, 73:5, 85:17, 88:18, 107:21, 108:6</p> <p><b>respectfully</b> [1] - 147:5</p> <p><b>respond</b> [3] - 39:20, 73:7, 101:24</p> <p><b>responded</b> [1] - 51:20</p> <p><b>responding</b> [2] - 77:3, 77:4</p> <p><b>response</b> [3] - 27:15, 118:18</p> <p><b>Response</b> [2] - 58:22, 171:21</p> <p><b>responsibilities</b> [2] - 61:11, 61:12</p> <p><b>responsibility</b> [2] - 153:8, 153:9</p> <p><b>rest</b> [12] - 6:11, 28:2, 41:1, 49:16, 71:21, 72:6, 82:12, 96:20, 137:10, 141:10, 155:12, 160:12</p> <p><b>restrain</b> [1] - 7:6</p> <p><b>restraint</b> [1] - 93:1</p> <p><b>restrict</b> [1] - 93:6</p> <p><b>restriction</b> [1] - 11:16</p> <p><b>restrictions</b> [3] - 8:24, 71:2, 121:5</p> <p><b>resume</b> [1] - 103:23</p> | <p><b>resumed</b> [1] - 103:21</p> <p><b>returned</b> [1] - 62:1</p> <p><b>returning</b> [1] - 115:18</p> <p><b>review</b> [4] - 11:6, 62:25, 71:5, 165:24</p> <p><b>reviewed</b> [2] - 63:2, 90:9</p> <p><b>revised</b> [1] - 74:11</p> <p><b>Richard</b> [6] - 49:8, 50:23, 50:24, 51:4, 51:18, 51:21</p> <p><b>ride</b> [2] - 95:3, 123:23</p> <p><b>rights</b> [2] - 47:13, 86:9</p> <p><b>RN</b> [1] - 150:21</p> <p><b>road</b> [1] - 119:18</p> <p><b>Road</b> [4] - 99:19, 105:25, 154:25, 161:20</p> <p><b>Rocky</b> [1] - 105:25</p> <p><b>role</b> [5] - 8:7, 8:8, 14:16, 79:18, 80:6</p> <p><b>roll</b> [1] - 34:4</p> <p><b>Roll</b> [7] - 34:5, 35:9, 35:18, 36:1, 36:11, 36:22, 38:1</p> <p><b>roof</b> [2] - 45:4, 168:24</p> <p><b>roofing</b> [5] - 110:4, 113:21, 155:8, 155:9, 155:10</p> <p><b>room</b> [18] - 23:24, 40:22, 40:23, 42:10, 78:21, 86:17, 125:11, 128:13, 128:14, 130:12, 130:23, 131:9, 131:11, 139:14, 139:15, 149:25</p> <p><b>roomers</b> [3] - 42:11, 42:20, 42:21</p> <p><b>rooms</b> [13] - 40:3, 42:8, 42:9, 42:16, 42:21, 125:12, 125:14, 128:10, 128:11, 139:16, 139:18, 140:13, 149:23</p> <p><b>rotunda</b> [1] - 74:16</p> <p><b>roughly</b> [2] - 26:13, 26:17</p> <p><b>round</b> [1] - 43:20</p> <p><b>Royal</b> [3] - 105:20, 122:11, 124:14</p> <p><b>rule</b> [1] - 115:1</p> | <p><b>run</b> [6] - 86:5, 95:8, 95:11, 113:5, 116:7, 158:6</p> <p><b>running</b> [1] - 46:11</p> <p><b>runoff</b> [1] - 168:21</p> <p><b>runs</b> [1] - 21:6</p> |
| <b>S</b>   |   |   |  |  |
| <p><b>safety</b> [1] - 124:6</p> <p><b>Saint</b> [1] - 106:2</p> <p><b>Saladino</b> [12] - 34:5, 35:9, 35:18, 36:1, 36:11, 36:22, 38:1, 71:19, 76:6, 77:23, 84:18, 85:23</p> <p><b>SALADINO</b> [269] - 1:17, 3:2, 3:9, 3:14, 3:18, 3:22, 3:25, 4:6, 4:11, 4:22, 5:2, 5:6, 5:8, 5:18, 6:3, 6:6, 6:10, 7:14, 7:25, 8:22, 8:25, 9:7, 9:9, 9:19, 9:24, 10:4, 10:13, 10:22, 11:12, 12:5, 12:11, 12:23, 13:11, 13:13, 14:2, 15:4, 15:10, 15:18, 15:22, 15:24, 16:3, 16:6, 16:11, 16:22, 16:24, 17:4, 17:9, 17:16, 18:13, 18:21, 19:5, 19:10, 20:20, 20:22, 21:18, 21:24, 22:10, 22:15, 22:17, 22:19, 22:25, 23:2, 23:13, 23:23, 24:17, 25:1, 25:7, 25:9, 25:21, 27:5, 27:7, 28:11, 28:16, 28:19, 28:24, 29:22, 30:12, 31:20, 31:22, 32:1, 32:3, 32:15, 33:3, 33:23, 34:10, 34:16, 34:19, 34:24, 35:2, 35:14, 35:23, 36:6, 36:16, 37:2, 37:6, 37:10, 37:15, 37:22, 37:24, 38:6, 38:12, 38:14, 39:6, 39:8, 39:16, 39:19, 41:4, 42:23, 43:8, 44:13, 45:8, 47:14, 47:18, 47:21, 47:25, 48:4,</p>  |   |   |  |  |

|  |  |  |  |   |
|--|--|--|--|---|
| <p>48:6, 49:2, 50:15, 50:19, 51:22, 52:1, 52:6, 52:9, 52:13, 52:16, 52:20, 53:14, 53:19, 58:7, 58:13, 58:18, 58:23, 59:1, 59:6, 59:11, 59:20, 60:4, 60:8, 60:12, 60:16, 60:18, 60:20, 61:18, 62:17, 63:6, 63:11, 63:17, 64:5, 65:4, 71:23, 72:8, 72:20, 72:25, 73:16, 73:25, 74:9, 74:21, 74:23, 76:18, 76:23, 77:3, 78:5, 79:9, 79:11, 79:14, 80:5, 80:9, 81:5, 82:8, 82:12, 83:5, 83:7, 86:20, 86:24, 93:18, 94:15, 95:14, 95:22, 96:13, 97:12, 98:3, 98:6, 101:3, 101:9, 101:14, 101:23, 102:5, 102:7, 102:9, 102:23, 103:2, 103:12, 103:17, 103:22, 104:7, 104:11, 104:18, 104:20, 105:5, 105:7, 105:11, 105:15, 106:18, 117:2, 118:3, 118:7, 122:2, 122:5, 122:10, 124:16, 127:11, 127:20, 134:5, 134:10, 134:20, 134:24, 135:2, 135:4, 138:7, 139:6, 140:7, 140:9, 141:13, 143:2, 143:5, 143:9, 143:20, 144:25, 149:2, 149:7, 149:14, 151:1, 151:3, 151:10, 151:25, 154:10, 154:13, 154:19, 154:21, 155:14, 155:16, 157:11, 158:14, 159:23, 160:3, 160:7, 160:10, 161:2, 161:4, 161:7,</p> | <p>163:17, 164:6, 164:12, 164:24, 165:2, 166:9, 166:24, 167:2, 167:8, 167:21, 168:1, 169:5, 169:8, 169:13, 171:18, 171:22, 171:25, 172:5</p> <p><b>sale</b> [1] - 73:19</p> <p><b>salient</b> [1] - 109:15</p> <p><b>Sandy</b> [1] - 132:14</p> <p><b>sat</b> [1] - 155:22</p> <p><b>satisfaction</b> [1] - 6:2</p> <p><b>satisfied</b> [3] - 49:16, 51:8, 82:1</p> <p><b>save</b> [2] - 13:25, 132:6</p> <p><b>saving</b> [1] - 59:19</p> <p><b>saw</b> [3] - 53:20, 67:25, 141:22</p> <p><b>scale</b> [3] - 131:17, 138:23, 139:8</p> <p><b>scaled</b> [3] - 133:23, 138:22, 139:13</p> <p><b>scaling</b> [1] - 139:10</p> <p><b>scare</b> [1] - 156:19</p> <p><b>schedule</b> [3] - 4:1, 59:7, 59:12</p> <p><b>scheduling</b> [1] - 39:3</p> <p><b>schematic</b> [2] - 117:14, 117:20</p> <p><b>school</b> [2] - 123:24, 123:25</p> <p><b>School</b> [1] - 124:2</p> <p><b>schools</b> [1] - 120:23</p> <p><b>screening</b> [2] - 110:16, 163:11</p> <p><b>se</b> [1] - 108:22</p> <p><b>Sea</b> [1] - 105:21</p> <p><b>sealed</b> [1] - 84:16</p> <p><b>season</b> [1] - 155:3</p> <p><b>seat</b> [1] - 80:17</p> <p><b>second</b> [26] - 3:7, 3:8, 3:17, 4:5, 16:23, 20:5, 21:3, 23:6, 23:7, 34:17, 34:18, 37:5, 39:21, 41:7, 55:19, 58:25, 70:21, 104:6, 107:12, 109:12, 130:25, 131:1, 148:1, 169:6, 169:7, 171:24</p> <p><b>seconded</b> [1] - 168:2</p> | <p><b>secondly</b> [1] - 144:21</p> <p><b>secretary</b> [1] - 142:22</p> <p><b>Secretary</b> [1] - 82:23</p> <p><b>secrets</b> [2] - 101:25, 102:1</p> <p><b>Section</b> [4] - 6:20, 42:7, 83:9, 83:23</p> <p><b>section</b> [1] - 83:22</p> <p><b>see</b> [55] - 7:25, 19:18, 23:3, 23:20, 23:21, 28:25, 29:3, 29:18, 49:21, 49:22, 54:4, 56:21, 57:2, 57:5, 60:10, 60:18, 66:15, 67:13, 69:7, 73:24, 74:19, 76:5, 79:17, 80:12, 81:15, 85:4, 92:20, 95:25, 98:20, 99:23, 100:1, 109:3, 116:8, 116:10, 116:25, 117:25, 119:14, 120:9, 120:10, 133:3, 133:6, 136:15, 137:1, 137:19, 139:13, 141:6, 156:5, 156:24, 163:22, 170:3, 170:14, 170:22, 171:2, 171:16</p> <p><b>seeing</b> [4] - 123:10, 146:4, 156:8, 170:9</p> <p><b>seeks</b> [1] - 99:2</p> <p><b>seem</b> [2] - 18:8, 56:25</p> <p><b>sees</b> [1] - 123:13</p> <p><b>seldom</b> [1] - 161:17</p> <p><b>self</b> [4] - 29:23, 30:11, 36:17, 114:20</p> <p><b>self-created</b> [4] - 29:23, 30:11, 36:17, 114:20</p> <p><b>sell</b> [3] - 136:16, 136:19, 137:22</p> <p><b>semantics</b> [1] - 9:10</p> <p><b>send</b> [1] - 157:1</p> <p><b>sense</b> [11] - 5:25, 44:6, 62:12, 64:9, 65:23, 66:4, 66:6, 77:17, 77:18, 93:23, 160:1</p> <p><b>sent</b> [2] - 53:6, 105:9</p> <p><b>separate</b> [13] - 8:6, 40:13, 41:1, 41:5,</p> | <p>41:15, 43:16, 45:21, 50:22, 54:21, 54:22, 56:21, 57:14, 123:14</p> <p><b>separated</b> [3] - 48:9, 48:11, 58:2</p> <p><b>separating</b> [2] - 41:13, 45:2</p> <p><b>separation</b> [5] - 41:23, 42:4, 42:6, 50:22, 51:7</p> <p><b>September</b> [7] - 1:8, 3:2, 124:24, 143:21, 146:20, 173:12, 173:18</p> <p><b>septic</b> [1] - 27:15</p> <p><b>SEQRA</b> [5] - 16:2, 16:3, 16:4, 16:21, 33:9</p> <p><b>sequence</b> [1] - 64:10</p> <p><b>series</b> [2] - 74:20, 74:22</p> <p><b>serious</b> [2] - 144:6, 146:10</p> <p><b>seriously</b> [2] - 78:6, 171:15</p> <p><b>served</b> [1] - 67:5</p> <p><b>service</b> [2] - 79:23, 154:3</p> <p><b>services</b> [3] - 33:22, 123:4, 126:19</p> <p><b>servicing</b> [1] - 42:9</p> <p><b>session</b> [1] - 137:20</p> <p><b>set</b> [8] - 20:9, 22:5, 40:2, 41:20, 123:19, 134:24, 151:17, 173:18</p> <p><b>setback</b> [4] - 66:12, 66:14, 66:16, 66:17</p> <p><b>sets</b> [1] - 162:10</p> <p><b>seven</b> [2] - 28:5, 142:12</p> <p><b>Seventh</b> [1] - 17:21</p> <p><b>several</b> [5] - 28:15, 44:18, 110:23, 144:6</p> <p><b>severe</b> [1] - 144:4</p> <p><b>sewer</b> [2] - 28:20, 28:21</p> <p><b>shall</b> [7] - 29:24, 30:19, 36:18, 41:20, 42:10, 83:15, 83:17</p> <p><b>shame</b> [1] - 137:6</p> <p><b>share</b> [2] - 20:23, 126:5</p> | <p><b>shares</b> [1] - 144:1</p> <p><b>sheer</b> [1] - 123:22</p> <p><b>sheetrock</b> [1] - 117:7</p> <p><b>Shelter</b> [1] - 105:25</p> <p><b>shielded</b> [1] - 132:23</p> <p><b>shift</b> [1] - 128:23</p> <p><b>shingles</b> [1] - 126:18</p> <p><b>short</b> [2] - 20:10, 53:25</p> <p><b>short-term</b> [1] - 20:10</p> <p><b>show</b> [4] - 50:4, 68:3, 77:8, 82:2</p> <p><b>shown</b> [2] - 56:3, 109:17</p> <p><b>shows</b> [6] - 21:8, 55:16, 55:19, 56:23, 56:24, 74:16</p> <p><b>shuffling</b> [1] - 40:8</p> <p><b>side</b> [12] - 17:22, 19:24, 110:12, 110:22, 129:21, 148:4, 148:5, 149:17, 149:21, 150:1, 150:2</p> <p><b>sides</b> [2] - 133:10, 145:18</p> <p><b>sidewalk</b> [3] - 112:7, 112:8</p> <p><b>siding</b> [5] - 99:4, 110:5, 113:21, 155:9, 155:10</p> <p><b>sign</b> [6] - 94:13, 153:13, 171:9, 171:11, 171:12, 171:13</p> <p><b>signage</b> [3] - 133:4, 166:10, 167:3</p> <p><b>signed</b> [5] - 82:23, 84:23, 99:21, 148:15, 164:21</p> <p><b>significance</b> [1] - 152:3</p> <p><b>significant</b> [3] - 34:14, 125:3, 125:13</p> <p><b>significantly</b> [2] - 66:16, 76:10</p> <p><b>signs</b> [2] - 133:2, 133:4</p> <p><b>simple</b> [1] - 72:7</p> <p><b>simply</b> [1] - 10:6</p> <p><b>sincerely</b> [2] - 124:6, 146:19</p> <p><b>single</b> [7] - 51:10,</p> |
|--|--|--|--|---|

|   |   |  |   |  |
|---|---|--|---|--|
| <p>69:16, 70:20, 92:6, 92:7, 135:9, 158:20</p> <p><b>single-family</b> [1] - 69:16</p> <p><b>sit</b> [3] - 5:3, 76:3, 78:2</p> <p><b>site</b> [8] - 54:6, 58:9, 59:13, 60:13, 110:19, 165:22, 168:23</p> <p><b>sitting</b> [8] - 67:9, 67:10, 75:15, 77:14, 79:1, 80:16, 86:17, 116:8</p> <p><b>situation</b> [4] - 6:25, 62:15, 129:12, 152:17</p> <p><b>situations</b> [1] - 121:18</p> <p><b>six</b> [7] - 16:15, 28:4, 28:14, 42:11, 148:10, 155:2, 170:17</p> <p><b>SIXTH</b> [2] - 2:10, 2:11</p> <p><b>Sixth</b> [9] - 4:13, 4:14, 9:6, 13:8, 21:12, 21:20, 21:24, 23:20, 28:7</p> <p><b>size</b> [8] - 21:15, 25:13, 27:2, 110:9, 110:10, 113:12, 113:13, 114:3</p> <p><b>size-wise</b> [1] - 21:15</p> <p><b>sky</b> [1] - 78:20</p> <p><b>Sky</b> [2] - 132:21, 132:25</p> <p><b>slowly</b> [1] - 25:17</p> <p><b>small</b> [9] - 29:15, 40:6, 65:8, 116:12, 128:7, 129:4, 130:18, 147:16, 159:23</p> <p><b>smaller</b> [5] - 20:1, 25:18, 25:25, 100:12</p> <p><b>Smith</b> [4] - 49:8, 50:23, 50:24, 51:21</p> <p><b>snow</b> [7] - 18:4, 18:19, 19:14, 19:16, 19:22, 48:22, 130:16</p> <p><b>so-called</b> [3] - 46:18, 57:21</p> <p><b>social</b> [4] - 98:13, 116:4, 116:11, 153:11</p> <p><b>sold</b> [1] - 164:15</p> <p><b>solely</b> [1] - 89:19</p> | <p><b>SOLOMON</b> [55] - 63:7, 63:12, 64:3, 64:6, 65:6, 68:20, 68:24, 69:1, 70:1, 70:3, 71:24, 72:14, 73:3, 73:6, 74:8, 74:20, 74:22, 75:9, 76:21, 76:25, 77:5, 78:13, 80:7, 80:11, 83:25, 84:7, 85:25, 87:1, 87:24, 88:14, 88:18, 88:22, 89:9, 91:6, 91:12, 92:3, 94:17, 95:21, 96:9, 101:13, 101:21, 101:25, 102:22, 106:10, 106:20, 106:22, 108:11, 108:13, 108:15, 117:3, 151:8, 152:1, 154:12, 154:17, 154:20</p> <p><b>Solomon</b> [6] - 61:8, 62:24, 97:22, 101:18, 105:2, 106:9</p> <p><b>Solomon's</b> [2] - 102:14, 103:9</p> <p><b>solution</b> [2] - 46:4, 49:13</p> <p><b>Solutions</b> [1] - 28:23</p> <p><b>solve</b> [1] - 46:1</p> <p><b>some-odd</b> [1] - 93:4</p> <p><b>someone</b> [8] - 13:6, 21:10, 151:22, 156:1, 156:6, 156:9, 158:9, 162:7</p> <p><b>someplace</b> [1] - 26:4</p> <p><b>sometimes</b> [2] - 25:3, 137:14</p> <p><b>somewhere</b> [4] - 26:4, 26:5, 77:24, 83:20</p> <p><b>Sonja</b> [3] - 118:10, 118:13, 140:21</p> <p><b>SONJA</b> [1] - 118:13</p> <p><b>soon</b> [1] - 103:7</p> <p><b>sorry</b> [26] - 13:12, 24:14, 29:2, 38:24, 49:25, 52:21, 53:1, 55:10, 57:15, 88:4, 118:10, 122:2, 125:25, 126:3, 128:10, 142:23, 142:25, 143:6,</p> | <p>151:25, 158:15, 161:2, 164:7, 165:14, 166:24, 167:5, 171:6</p> <p><b>sort</b> [7] - 7:21, 14:13, 68:11, 99:8, 111:3, 119:8, 121:5</p> <p><b>sought</b> [3] - 22:20, 35:15, 113:17</p> <p><b>sound</b> [3] - 111:3, 111:5, 111:17</p> <p><b>soundproof</b> [2] - 111:8, 111:20</p> <p><b>sounds</b> [2] - 47:11, 149:17</p> <p><b>south</b> [1] - 19:20</p> <p><b>SOUTHARD</b> [4] - 154:23, 155:15, 167:25, 168:3</p> <p><b>Southard</b> [2] - 154:24, 168:4</p> <p><b>Southold</b> [4] - 154:25, 156:17, 170:17, 170:19</p> <p><b>space</b> [34] - 30:6, 43:17, 43:19, 48:25, 75:17, 75:25, 76:1, 76:5, 77:9, 77:16, 95:7, 110:15, 122:23, 123:18, 137:22, 137:23, 139:19, 142:10, 147:10, 148:5, 149:15, 149:24, 150:7, 150:12, 151:12, 157:10, 157:17</p> <p><b>spaces</b> [13] - 30:21, 93:15, 125:7, 128:24, 132:2, 137:2, 137:8, 144:22, 145:3, 145:4, 145:6, 158:4, 167:12</p> <p><b>spacious</b> [1] - 144:23</p> <p><b>spare</b> [1] - 145:17</p> <p><b>speaker</b> [1] - 140:25</p> <p><b>speakers</b> [1] - 152:7</p> <p><b>speaking</b> [1] - 168:10</p> <p><b>specialists</b> [2] - 156:5, 156:7</p> <p><b>specialty</b> [1] - 149:12</p> <p><b>specific</b> [6] - 63:3,</p> | <p>120:3, 149:3, 167:12, 167:13, 168:15</p> <p><b>specifically</b> [2] - 61:6, 149:20</p> <p><b>specious</b> [2] - 144:24, 144:25</p> <p><b>speculate</b> [1] - 161:22</p> <p><b>spell</b> [1] - 118:11</p> <p><b>spend</b> [1] - 75:14</p> <p><b>spending</b> [1] - 20:17</p> <p><b>spends</b> [1] - 123:11</p> <p><b>spent</b> [3] - 44:18, 49:20, 75:13</p> <p><b>spirit</b> [2] - 67:3, 144:19</p> <p><b>spot</b> [1] - 108:11</p> <p><b>spots</b> [7] - 107:16, 107:17, 108:8, 110:24, 115:19, 123:18, 147:21</p> <p><b>spreads</b> [1] - 136:13</p> <p><b>square</b> [14] - 23:21, 25:12, 25:14, 25:15, 25:19, 26:6, 27:21, 40:9, 44:10, 44:11, 54:11, 130:25, 131:4</p> <p><b>SS</b> [1] - 173:4</p> <p><b>staff</b> [8] - 116:16, 122:23, 125:8, 139:25, 145:2, 145:5, 145:7, 150:24</p> <p><b>stairs</b> [1] - 117:17</p> <p><b>stamp</b> [1] - 84:16</p> <p><b>stand</b> [1] - 48:25</p> <p><b>stand-alone</b> [1] - 48:25</p> <p><b>standards</b> [1] - 168:21</p> <p><b>standpoint</b> [1] - 156:1</p> <p><b>stands</b> [1] - 40:24</p> <p><b>start</b> [5] - 21:13, 40:7, 80:13, 100:12, 127:2</p> <p><b>started</b> [6] - 46:18, 56:12, 65:21, 101:16, 159:15, 159:22</p> <p><b>STATE</b> [2] - 1:2, 173:3</p> <p><b>state</b> [2] - 29:5, 118:9</p> <p><b>State</b> [25] - 12:20, 40:14, 44:5, 44:6, 44:15, 44:25, 45:1, 45:3, 45:16, 45:18, 45:20, 46:5, 46:12,</p> | <p>49:5, 49:15, 50:21, 50:23, 51:8, 51:15, 52:3, 52:4, 61:13, 113:23, 173:8</p> <p><b>State's</b> [1] - 51:12</p> <p><b>statement</b> [5] - 84:2, 85:20, 101:12, 103:9, 143:11</p> <p><b>States</b> [1] - 111:14</p> <p><b>Station</b> [2] - 1:11, 4:3</p> <p><b>status</b> [3] - 16:19, 105:1</p> <p><b>statute</b> [2] - 68:9, 115:1</p> <p><b>statutory</b> [1] - 166:15</p> <p><b>stay</b> [2] - 48:22, 110:19</p> <p><b>stenographer</b> [9] - 102:12, 102:17, 103:18, 122:3, 134:21, 134:23, 135:5, 141:14, 151:6</p> <p><b>stepped</b> [1] - 152:7</p> <p><b>steps</b> [1] - 163:14</p> <p><b>Sterling</b> [4] - 122:13, 141:16, 143:1, 156:9</p> <p><b>still</b> [12] - 9:14, 62:8, 67:24, 98:20, 99:10, 99:11, 99:15, 100:21, 155:17, 163:8, 165:16, 167:24</p> <p><b>stockade</b> [1] - 111:23</p> <p><b>stone</b> [1] - 163:4</p> <p><b>Stony</b> [4] - 140:15, 149:10, 156:4, 157:2</p> <p><b>stormwater</b> [1] - 132:12</p> <p><b>story</b> [4] - 55:18, 77:25, 98:25, 137:19</p> <p><b>straight</b> [1] - 57:19</p> <p><b>straws</b> [1] - 78:20</p> <p><b>street</b> [22] - 19:15, 22:7, 28:2, 28:3, 28:6, 90:8, 95:8, 110:1, 119:20, 119:24, 120:19, 126:25, 129:6, 131:25, 132:5, 132:7, 132:9, 145:8, 148:8, 151:24, 156:24, 157:1</p> <p><b>Street</b> [20] - 1:11, 4:3,</p> |
|---|---|--|---|--|

|   |  |  |   |  |
|---|--|--|---|--|
| <p>4:14, 4:15, 9:6, 13:8, 17:22, 18:20, 19:21, 21:12, 21:21, 21:24, 22:3, 23:20, 28:7, 38:17, 39:25, 105:18, 105:22, 155:19</p> <p><b>STREET</b> [3] - 2:10, 2:11, 2:15</p> <p><b>streets</b> [3] - 18:18, 123:21, 124:3</p> <p><b>streetscape</b> [1] - 132:8</p> <p><b>stretch</b> [1] - 103:19</p> <p><b>stringent</b> [1] - 7:22</p> <p><b>strong</b> [1] - 144:18</p> <p><b>struck</b> [2] - 82:14, 159:12</p> <p><b>structural</b> [1] - 127:18</p> <p><b>structure</b> [3] - 56:24, 69:17, 111:18</p> <p><b>structures</b> [3] - 54:21, 56:17, 108:19</p> <p><b>structuring</b> [1] - 121:25</p> <p><b>study</b> [1] - 139:13</p> <p><b>stuff</b> [9] - 61:23, 74:19, 95:18, 96:6, 102:20, 104:14, 119:23, 138:19, 166:21</p> <p><b>subdivided</b> [2] - 8:9, 10:12</p> <p><b>subdividing</b> [1] - 21:3</p> <p><b>subdivision</b> [8] - 8:2, 8:4, 8:5, 13:16, 20:8, 22:4, 30:9, 33:1</p> <p><b>subdivisions</b> [3] - 8:13, 20:9, 29:15</p> <p><b>subject</b> [3] - 42:14, 86:4, 116:19</p> <p><b>submission</b> [1] - 67:15</p> <p><b>submit</b> [2] - 65:16, 75:23</p> <p><b>submitted</b> [5] - 49:7, 51:3, 67:15, 149:19, 168:13</p> <p><b>submitting</b> [1] - 88:23</p> <p><b>substandard</b> [9] - 6:17, 7:1, 7:2, 7:8, 13:20, 13:22, 14:11, 21:15, 33:1</p> | <p><b>substantial</b> [15] - 22:7, 22:11, 25:10, 25:19, 26:3, 26:9, 26:19, 26:21, 27:2, 27:4, 35:25, 107:25, 114:2, 116:15</p> <p><b>substantiality</b> [1] - 26:16</p> <p><b>substantially</b> [3] - 67:5, 67:7, 72:7</p> <p><b>succumb</b> [1] - 153:23</p> <p><b>sufficient</b> [1] - 110:15</p> <p><b>Suffolk</b> [3] - 4:15, 38:21, 130:15</p> <p><b>SUFFOLK</b> [2] - 1:2, 173:5</p> <p><b>suggest</b> [1] - 59:21</p> <p><b>suggested</b> [4] - 50:21, 80:1, 137:9, 163:3</p> <p><b>suggestion</b> [1] - 111:6</p> <p><b>suggests</b> [1] - 31:16</p> <p><b>suites</b> [3] - 109:21, 109:22, 116:13</p> <p><b>sum</b> [1] - 90:19</p> <p><b>sun</b> [1] - 156:8</p> <p><b>support</b> [7] - 121:2, 124:14, 134:4, 147:1, 150:24, 157:6, 158:21</p> <p><b>suppose</b> [1] - 135:24</p> <p><b>Supreme</b> [3] - 75:23, 92:18, 92:21</p> <p><b>surface</b> [1] - 162:22</p> <p><b>surgeon</b> [2] - 170:19, 170:23</p> <p><b>surrounding</b> [4] - 8:3, 27:23, 28:1, 144:10</p> <p><b>survey</b> [18] - 50:1, 50:2, 54:21, 55:5, 55:6, 55:7, 55:8, 55:25, 56:12, 56:13, 56:19, 56:20, 56:21, 57:1, 57:10, 141:4, 141:5</p> <p><b>suspect</b> [2] - 24:6, 24:7</p> <p><b>swear</b> [1] - 53:5</p> <p><b>swimming</b> [3] - 50:4, 50:7, 50:12</p> <p><b>system</b> [1] - 138:24</p> <p><b>systems</b> [2] - 162:12</p> | <p style="text-align: center;"><b>T</b></p> <p><b>T's</b> [3] - 79:18, 80:22, 84:20</p> <p><b>tailored</b> [1] - 26:8</p> <p><b>talks</b> [1] - 42:7</p> <p><b>TASKER</b> [104] - 1:21, 3:8, 3:13, 3:17, 3:21, 4:10, 5:16, 5:24, 6:4, 6:8, 6:15, 7:18, 9:23, 10:3, 10:5, 10:10, 10:14, 10:18, 13:15, 14:8, 14:18, 14:21, 14:24, 15:3, 17:3, 20:21, 20:23, 24:4, 24:14, 24:16, 24:24, 25:6, 26:11, 28:20, 28:25, 30:3, 31:12, 31:21, 31:25, 32:23, 33:6, 34:9, 34:17, 34:23, 35:13, 35:22, 36:5, 36:15, 37:1, 37:5, 37:8, 37:12, 37:18, 37:20, 37:23, 38:5, 39:23, 42:2, 46:17, 46:21, 46:23, 46:25, 47:3, 47:5, 47:11, 48:8, 48:11, 48:14, 48:17, 48:21, 53:13, 53:15, 53:18, 53:20, 53:24, 54:4, 54:13, 54:16, 54:18, 55:4, 55:6, 55:12, 55:16, 55:22, 55:25, 56:3, 56:5, 56:10, 57:5, 57:7, 57:15, 57:24, 58:3, 58:5, 58:11, 58:16, 59:5, 59:18, 59:24, 60:10, 60:23, 104:10, 169:12, 172:4</p> <p><b>tax</b> [3] - 56:21, 57:3, 143:24</p> <p><b>Tax</b> [2] - 4:16, 38:21</p> <p><b>team</b> [1] - 128:22</p> <p><b>tear</b> [1] - 98:24</p> <p><b>technically</b> [3] - 112:4, 112:7, 115:18</p> <p><b>technicians</b> [2] - 100:9, 116:9</p> <p><b>telephone</b> [2] - 51:19, 78:10</p> <p><b>television</b> [1] - 97:14</p> | <p><b>tenant</b> [8] - 24:25, 115:24, 116:1, 151:14, 151:19, 153:2, 153:15</p> <p><b>tenants</b> [7] - 93:5, 99:24, 99:25, 116:2, 131:25, 170:8</p> <p><b>tend</b> [2] - 21:22, 30:12</p> <p><b>term</b> [4] - 20:10, 98:17, 148:19, 148:21</p> <p><b>terminated</b> [1] - 97:25</p> <p><b>terms</b> [5] - 7:20, 10:7, 20:24, 100:14, 100:23</p> <p><b>terribly</b> [1] - 26:23</p> <p><b>testimony</b> [1] - 23:5</p> <p><b>tests</b> [2] - 157:22, 157:25</p> <p><b>thankful</b> [1] - 159:3</p> <p><b>THAT</b> [1] - 173:10</p> <p><b>THE</b> [4] - 2:9, 2:10, 2:13</p> <p><b>theoretically</b> [4] - 71:11, 111:20, 115:22, 117:4</p> <p><b>theory</b> [2] - 25:15, 78:2</p> <p><b>therapist</b> [1] - 121:8</p> <p><b>therapists</b> [1] - 121:9</p> <p><b>there'll</b> [1] - 110:23</p> <p><b>thereabouts</b> [1] - 23:23</p> <p><b>thereafter</b> [1] - 84:6</p> <p><b>therefore</b> [4] - 34:15, 41:2, 144:2, 145:23</p> <p><b>therewith</b> [1] - 30:22</p> <p><b>they've</b> [1] - 44:17</p> <p><b>thinking</b> [3] - 75:8, 81:9, 85:10</p> <p><b>Third</b> [4] - 1:11, 4:3, 108:2, 155:19</p> <p><b>third</b> [1] - 65:14</p> <p><b>thirdly</b> [1] - 145:21</p> <p><b>thirty</b> [1] - 108:13</p> <p><b>Thomas</b> [1] - 105:24</p> <p><b>thoroughly</b> [1] - 75:6</p> <p><b>thoughts</b> [1] - 119:1</p> <p><b>thousand</b> [4] - 26:5, 54:11, 108:10, 108:13</p> <p><b>thousands</b> [1] - 44:18</p> <p><b>three</b> [26] - 32:18,</p> | <p>40:3, 42:9, 43:13, 65:11, 81:18, 92:13, 98:25, 100:7, 103:13, 104:20, 108:10, 116:5, 124:1, 126:19, 128:8, 128:12, 128:17, 131:10, 136:23, 148:10, 155:2, 169:22, 169:23, 170:23, 171:8</p> <p><b>throughout</b> [2] - 91:19, 131:17</p> <p><b>throwing</b> [1] - 80:10</p> <p><b>tie</b> [1] - 153:14</p> <p><b>tied</b> [1] - 13:24</p> <p><b>timeline</b> [3] - 91:2, 154:10, 154:15</p> <p><b>tiny</b> [1] - 139:14</p> <p><b>TO</b> [2] - 2:13, 2:20</p> <p><b>today</b> [11] - 44:2, 67:10, 67:25, 76:13, 87:19, 87:22, 99:20, 142:11, 142:14, 142:18, 147:1</p> <p><b>today's</b> [2] - 109:9, 123:8</p> <p><b>together</b> [2] - 32:24, 55:23</p> <p><b>toilets</b> [1] - 109:18</p> <p><b>tone</b> [1] - 168:10</p> <p><b>tonight</b> [6] - 91:18, 104:14, 154:8, 155:21, 156:11, 164:1</p> <p><b>Tony</b> [1] - 124:18</p> <p><b>took</b> [2] - 88:9, 135:16</p> <p><b>top</b> [1] - 70:17</p> <p><b>topic</b> [1] - 122:20</p> <p><b>total</b> [5] - 26:18, 54:6, 54:9, 107:18</p> <p><b>totality</b> [1] - 26:1</p> <p><b>totally</b> [1] - 162:2</p> <p><b>tough</b> [2] - 84:9, 121:18</p> <p><b>tov</b> [1] - 138:7</p> <p><b>towards</b> [1] - 163:14</p> <p><b>town</b> [1] - 108:19</p> <p><b>Town</b> [4] - 18:24, 19:3, 27:18, 123:19</p> <p><b>Townsend</b> [3] - 70:6, 76:10, 170:8</p> |
|---|--|--|---|--|

|   |  |  |  |   |
|---|--|--|--|---|
| <p><b>traffic</b> [14] - 33:16, 33:21, 110:23, 119:18, 119:20, 120:17, 122:15, 129:2, 130:7, 130:20, 144:15, 155:24, 157:8, 158:7</p> <p><b>traffic-intensive</b> [1] - 144:15</p> <p><b>train</b> [1] - 96:19</p> <p><b>transcription</b> [1] - 173:11</p> <p><b>transient</b> [2] - 42:11, 42:20</p> <p><b>transition</b> [1] - 150:13</p> <p><b>travel</b> [3] - 23:19, 123:3, 156:22</p> <p><b>traveling</b> [2] - 157:1, 157:4</p> <p><b>travels</b> [1] - 23:18</p> <p><b>tree</b> [6] - 111:3, 111:19, 112:10, 112:11, 112:13</p> <p><b>trees</b> [9] - 112:2, 112:4, 112:8, 112:9, 129:24, 130:2, 132:5, 132:7</p> <p><b>tremendous</b> [3] - 49:20, 75:20, 77:10</p> <p><b>trespassing</b> [1] - 119:22</p> <p><b>tried</b> [2] - 46:5, 136:16</p> <p><b>trucks</b> [1] - 130:11</p> <p><b>true</b> [7] - 25:1, 25:2, 50:17, 60:1, 125:5, 161:18, 173:10</p> <p><b>truly</b> [1] - 48:24</p> <p><b>Trust</b> [2] - 38:16, 38:20</p> <p><b>TRUST</b> [1] - 2:14</p> <p><b>trust</b> [1] - 78:22</p> <p><b>try</b> [12] - 44:22, 78:2, 78:18, 80:3, 106:10, 106:25, 109:9, 111:21, 135:10, 156:4, 161:22, 162:17</p> <p><b>trying</b> [19] - 40:11, 44:16, 44:22, 46:10, 47:8, 47:9, 51:19, 79:7, 79:17, 80:1, 80:21, 81:23, 93:6, 93:7, 112:10,</p> | <p>112:14, 115:15, 115:20, 157:20</p> <p><b>turn</b> [3] - 86:1, 95:4, 106:18</p> <p><b>Tuthill</b> [3] - 105:20, 122:12, 124:15</p> <p><b>Tuyl</b> [1] - 56:13</p> <p><b>twenty</b> [2] - 108:11, 123:15</p> <p><b>twenty-five</b> [1] - 108:11</p> <p><b>twice</b> [1] - 16:11</p> <p><b>two</b> [77] - 6:17, 7:4, 8:16, 9:5, 9:17, 9:21, 10:16, 11:23, 13:19, 13:21, 14:10, 23:4, 23:9, 23:25, 24:9, 24:18, 24:21, 24:25, 26:12, 26:15, 28:16, 28:18, 29:7, 29:21, 40:16, 41:14, 42:10, 44:7, 44:9, 44:10, 44:12, 47:6, 47:18, 54:14, 54:17, 55:8, 55:18, 55:23, 56:21, 57:16, 58:1, 69:16, 72:4, 72:17, 92:14, 98:21, 105:6, 107:6, 107:17, 113:17, 115:18, 115:19, 125:8, 126:13, 128:12, 128:16, 130:11, 131:9, 131:14, 132:2, 134:12, 136:23, 137:2, 137:7, 137:14, 139:1, 143:14, 145:4, 148:3, 149:3, 150:15, 152:1, 157:10, 157:17, 158:13, 170:12</p> <p><b>two-and-a-half</b> [1] - 55:18</p> <p><b>two-family</b> [17] - 6:17, 7:4, 8:16, 9:5, 9:17, 9:21, 10:16, 11:23, 13:19, 13:21, 14:10, 23:9, 24:25, 29:7, 44:7, 44:10, 44:12</p> <p><b>type</b> [3] - 20:11, 29:16, 125:7</p> <p><b>types</b> [3] - 116:7, 121:5, 122:16</p> | <p><b>typical</b> [4] - 48:19, 48:21, 58:8, 98:21</p> <p><b>typically</b> [2] - 165:22, 166:2</p> <p style="text-align: center;"><b>U</b></p> <p><b>ugly</b> [1] - 117:17</p> <p><b>ultimately</b> [3] - 8:14, 51:21, 108:18</p> <p><b>unaware</b> [2] - 31:17, 147:7</p> <p><b>uncomfortable</b> [3] - 8:11, 31:8</p> <p><b>under</b> [6] - 66:13, 68:9, 115:4, 148:19, 156:8, 167:15</p> <p><b>underlining</b> [1] - 15:21</p> <p><b>undersized</b> [4] - 6:21, 7:17, 7:21, 31:15</p> <p><b>undertaking</b> [1] - 108:24</p> <p><b>undesirable</b> [6] - 17:17, 21:16, 22:12, 22:13, 35:5, 113:7</p> <p><b>unenforceable</b> [1] - 146:16</p> <p><b>unenforced</b> [1] - 146:15</p> <p><b>unfair</b> [1] - 127:8</p> <p><b>unfortunately</b> [3] - 80:20, 85:25, 152:14</p> <p><b>unique</b> [1] - 22:5</p> <p><b>unit</b> [3] - 40:13, 41:7, 77:15</p> <p><b>unit"</b> [1] - 13:3</p> <p><b>unite</b> [1] - 122:19</p> <p><b>United</b> [1] - 111:14</p> <p><b>units</b> [9] - 12:18, 13:5, 13:7, 29:16, 41:15, 45:21, 133:7, 168:6, 168:10</p> <p><b>unknown</b> [1] - 148:1</p> <p><b>unless</b> [8] - 11:10, 12:20, 30:21, 74:18, 74:24, 77:20, 88:14, 103:9</p> <p><b>unlisted</b> [4] - 16:20, 17:10, 33:10, 33:25</p> <p><b>unnecessarily</b> [1] - 75:15</p> <p><b>unrelated</b> [3] - 61:9,</p> | <p>77:24, 86:12</p> <p><b>up</b> [56] - 8:4, 18:25, 19:14, 19:16, 19:17, 19:19, 20:10, 29:16, 31:13, 32:9, 32:10, 38:9, 40:2, 40:25, 44:8, 45:1, 45:6, 49:14, 49:17, 63:19, 90:19, 94:25, 96:23, 106:4, 109:13, 110:15, 111:16, 115:14, 116:5, 117:11, 123:10, 130:17, 132:1, 135:13, 135:14, 137:15, 138:4, 138:18, 148:1, 150:7, 151:5, 152:8, 152:20, 152:23, 153:6, 153:15, 156:2, 156:4, 156:11, 156:16, 160:22, 163:23, 166:5, 168:14, 169:20, 170:1</p> <p><b>up/dropped</b> [1] - 123:24</p> <p><b>updated</b> [3] - 56:19, 56:20, 93:14</p> <p><b>upgrade</b> [2] - 131:15, 131:21</p> <p><b>upgraded</b> [1] - 131:20</p> <p><b>upgrades</b> [2] - 113:22, 131:18</p> <p><b>upstairs</b> [4] - 115:18, 127:24, 157:14, 157:16</p> <p><b>urge</b> [1] - 146:9</p> <p><b>urologist</b> [2] - 126:15, 153:18</p> <p><b>usage</b> [2] - 128:9, 128:11</p> <p><b>user</b> [1] - 113:1</p> <p><b>Uses</b> [1] - 83:24</p> <p><b>uses</b> [3] - 113:11, 122:16, 167:10</p> <p><b>usual</b> [1] - 5:10</p> <p><b>utilities</b> [2] - 33:14</p> <p><b>utility</b> [1] - 33:21</p> <p><b>utilize</b> [3] - 147:19, 148:7, 151:12</p> | <p style="text-align: center;"><b>V</b></p> <p><b>vacant</b> [5] - 18:20, 18:21, 18:25, 19:5, 65:12</p> <p><b>vague</b> [1] - 81:12</p> <p><b>valid</b> [1] - 122:14</p> <p><b>validity</b> [1] - 68:14</p> <p><b>valuations</b> [1] - 124:10</p> <p><b>value</b> [2] - 130:10, 144:5</p> <p><b>values</b> [1] - 133:15</p> <p><b>Van</b> [1] - 56:13</p> <p><b>vans</b> [3] - 130:11, 130:15, 130:16</p> <p><b>VARIANCE</b> [1] - 2:9</p> <p><b>variance</b> [88] - 4:13, 8:5, 8:23, 8:24, 9:14, 10:7, 11:11, 14:12, 17:20, 22:22, 25:10, 25:22, 26:7, 26:13, 26:14, 26:17, 27:8, 30:2, 31:24, 32:4, 32:8, 32:17, 32:21, 35:4, 35:8, 35:17, 35:24, 36:7, 36:21, 37:4, 37:8, 37:9, 37:25, 49:4, 49:10, 50:6, 50:10, 50:11, 62:11, 64:1, 64:14, 65:15, 65:18, 65:19, 65:20, 65:21, 65:23, 66:20, 67:8, 67:17, 71:25, 72:2, 74:4, 74:5, 74:15, 75:7, 78:14, 80:15, 82:16, 84:3, 85:23, 88:24, 91:8, 91:16, 94:5, 97:24, 100:15, 100:24, 101:4, 101:10, 107:5, 107:20, 107:22, 108:6, 113:6, 113:10, 113:20, 114:1, 114:8, 115:23, 118:1, 136:22, 144:2, 144:14, 160:21, 164:14</p> <p><b>variances</b> [16] - 8:13, 8:15, 9:25, 25:25, 26:12, 26:13, 26:21,</p> |
|---|--|--|--|---|

|   |   |   |   |  |   |
|---|---|---|---|--|---|
| <p>29:15, 31:6, 32:18, 67:3, 100:13, 107:25, 143:23, 146:11</p> <p><b>various</b> [1] - 82:1</p> <p><b>vegetation</b> [1] - 33:18</p> <p><b>venturing</b> [1] - 14:15</p> <p><b>versus</b> [1] - 19:3</p> <p><b>viable</b> [1] - 133:20</p> <p><b>Vice</b> [1] - 146:24</p> <p><b>Vietnam</b> [1] - 74:8</p> <p><b>view</b> [3] - 39:17, 110:2, 110:7</p> <p><b>village</b> [1] - 85:11</p> <p><b>VILLAGE</b> [1] - 1:1</p> <p><b>Village</b> [82] - 1:23, 1:24, 1:25, 19:1, 19:3, 20:13, 20:14, 20:15, 27:16, 27:17, 29:18, 42:15, 43:20, 43:21, 43:23, 46:13, 61:12, 62:7, 62:21, 62:23, 63:5, 63:9, 63:23, 63:25, 64:23, 65:1, 65:2, 66:1, 68:3, 68:10, 68:13, 69:7, 69:14, 69:20, 75:14, 75:15, 76:7, 76:9, 76:21, 77:1, 77:5, 77:15, 77:22, 78:1, 78:3, 78:22, 83:8, 84:11, 84:22, 84:24, 85:19, 92:5, 92:17, 92:19, 93:13, 95:24, 96:1, 99:9, 99:12, 99:15, 99:16, 107:17, 108:3, 108:17, 108:25, 112:8, 131:19, 133:19, 133:25, 134:8, 145:15, 147:13, 158:5, 158:6, 158:21, 160:19, 161:24</p> <p><b>Village's</b> [2] - 39:17, 96:3</p> <p><b>vintage</b> [1] - 56:16</p> <p><b>vinyl</b> [1] - 99:4</p> <p><b>violated</b> [1] - 66:13</p> <p><b>virtue</b> [2] - 44:8, 114:22</p> <p><b>visit</b> [1] - 122:18</p> <p><b>visited</b> [1] - 67:25</p> | <p><b>visual</b> [2] - 109:2, 166:11</p> <p><b>visually</b> [1] - 117:16</p> <p><b>voice</b> [3] - 19:18, 94:22, 166:18</p> <p><b>voices</b> [1] - 96:7</p> <p><b>volatile</b> [1] - 147:2</p> <p><b>volume</b> [3] - 122:18, 123:6, 123:22</p> <p><b>vote</b> [40] - 3:25, 5:12, 5:22, 15:16, 17:4, 32:11, 33:4, 33:25, 34:4, 34:10, 34:12, 34:25, 35:3, 35:14, 35:23, 36:6, 36:16, 37:2, 37:17, 38:6, 59:6, 82:9, 82:10, 96:24, 101:9, 102:9, 102:10, 102:11, 102:13, 102:18, 102:19, 103:3, 103:8, 103:13, 103:16, 104:11, 164:20, 169:13</p> <p><b>Vote</b> [7] - 34:5, 35:9, 35:18, 36:1, 36:11, 36:22, 38:1</p> <p><b>voted</b> [2] - 35:1, 94:14</p> <p><b>votes</b> [1] - 104:20</p> <p><b>voting</b> [2] - 25:23, 163:25</p> | <p><b>W</b></p> <p><b>wait</b> [4] - 39:20, 52:18, 103:25</p> <p><b>waiting</b> [2] - 137:10, 148:12</p> <p><b>waivers</b> [2] - 165:8, 165:10</p> <p><b>waiving</b> [1] - 86:9</p> <p><b>walk</b> [8] - 75:21, 108:23, 112:3, 117:12, 117:16, 123:24, 156:6, 161:16</p> <p><b>walk-around</b> [1] - 112:3</p> <p><b>walk-through</b> [3] - 108:23, 117:12, 117:16</p> <p><b>walked</b> [3] - 17:21, 108:23, 155:20</p> | <p><b>walkways</b> [1] - 117:21</p> <p><b>wall</b> [6] - 40:6, 111:9, 111:10, 111:11, 111:15, 111:16</p> <p><b>walls</b> [3] - 111:12, 111:13</p> <p><b>Waiser</b> [1] - 126:23</p> <p><b>wants</b> [6] - 14:20, 17:13, 111:15, 111:24, 112:16, 162:8</p> <p><b>warn</b> [1] - 126:1</p> <p><b>wasteful</b> [1] - 49:19</p> <p><b>wasting</b> [1] - 92:19</p> <p><b>watch</b> [1] - 75:14</p> <p><b>watched</b> [1] - 20:16</p> <p><b>water</b> [3] - 27:13, 110:18, 162:8</p> <p><b>Waterfront</b> [2] - 159:25, 160:4</p> <p><b>waterfront</b> [3] - 58:11, 58:16, 58:17</p> <p><b>ways</b> [3] - 81:8, 140:1, 159:9</p> <p><b>weak</b> [1] - 108:15</p> <p><b>week</b> [6] - 66:24, 106:16, 121:11, 123:16, 124:13, 146:8</p> <p><b>weekend</b> [5] - 20:17, 29:21, 38:9, 95:4</p> <p><b>weekends</b> [1] - 146:5</p> <p><b>weigh</b> [2] - 14:22, 14:25</p> <p><b>weird</b> [2] - 119:19, 120:16</p> <p><b>welcome</b> [2] - 10:22, 64:3</p> <p><b>welcomed</b> [1] - 159:20</p> <p><b>welfare</b> [1] - 67:5</p> <p><b>west</b> [4] - 129:21, 133:10, 156:22, 157:4</p> <p><b>West</b> [2] - 105:18, 105:22</p> <p><b>western</b> [1] - 150:1</p> <p><b>wetlands</b> [2] - 58:10, 58:13</p> <p><b>wheelchair</b> [1] - 109:11</p> <p><b>wheelchairs</b> [1] - 109:21</p> <p><b>WHEREOF</b> [1] -</p> | <p>173:17</p> <p><b>whole</b> [14] - 20:13, 20:14, 29:18, 29:19, 32:7, 32:18, 37:17, 83:12, 83:16, 95:1, 96:9, 96:10, 131:17, 151:18</p> <p><b>wide</b> [1] - 19:12</p> <p><b>wider</b> [2] - 109:18, 109:19</p> <p><b>widespread</b> [1] - 125:1</p> <p><b>wife</b> [2] - 124:19, 124:21</p> <p><b>willing</b> [2] - 51:4, 96:19</p> <p><b>wind</b> [1] - 19:16</p> <p><b>winding</b> [1] - 19:19</p> <p><b>window</b> [2] - 113:22, 155:10</p> <p><b>windows</b> [1] - 110:5</p> <p><b>WINGATE</b> [28] - 1:25, 12:22, 16:8, 39:25, 41:6, 42:3, 45:13, 45:16, 45:18, 50:11, 54:14, 54:17, 54:23, 54:25, 55:3, 56:8, 59:10, 68:23, 68:25, 72:22, 73:19, 73:23, 94:11, 105:4, 105:6, 127:15, 134:11, 160:2</p> <p><b>Wingate</b> [2] - 12:20, 80:24</p> <p><b>winter</b> [1] - 155:12</p> <p><b>wintertime</b> [2] - 155:5, 155:13</p> <p><b>wipe</b> [1] - 77:21</p> <p><b>wise</b> [2] - 21:15, 56:25</p> <p><b>wish</b> [2] - 121:22, 144:6</p> <p><b>wishing</b> [1] - 115:7</p> <p><b>withdraw</b> [1] - 108:5</p> <p><b>withdrew</b> [2] - 164:12, 164:13</p> <p><b>WITNESS</b> [1] - 173:17</p> <p><b>wonderful</b> [4] - 131:16, 137:15, 137:18, 154:7</p> <p><b>wool</b> [1] - 50:12</p> <p><b>word</b> [6] - 65:20, 74:24, 80:3, 160:17, 162:1, 164:18</p> | <p><b>words</b> [7] - 7:7, 19:7, 28:3, 57:20, 99:16, 122:1, 130:3</p> <p><b>worker</b> [3] - 98:13, 116:4, 116:11</p> <p><b>workers</b> [2] - 93:6, 153:11</p> <p><b>worse</b> [2] - 44:17, 111:17</p> <p><b>worthy</b> [1] - 13:23</p> <p><b>woven</b> [1] - 161:11</p> <p><b>wreck</b> [1] - 137:3</p> <p><b>write</b> [1] - 40:17</p> <p><b>written</b> [1] - 163:4</p> <p><b>wrote</b> [2] - 106:7, 143:15</p> <p><b>Wyatt</b> [1] - 124:15</p> |
| <b>Y</b>  |   |   |   |  |   |
| <p><b>yard</b> [3] - 19:22, 41:19, 42:3</p> <p><b>yards</b> [1] - 30:21</p> <p><b>year</b> [9] - 43:20, 83:7, 97:17, 115:1, 124:5, 136:8, 136:22, 139:1, 149:1</p> <p><b>year-round</b> [1] - 43:20</p> <p><b>yearly</b> [1] - 78:8</p> <p><b>years</b> [32] - 25:13, 43:13, 44:22, 46:3, 46:22, 46:23, 50:16, 75:16, 77:12, 78:3, 78:22, 82:3, 85:9, 85:15, 96:18, 100:5, 116:1, 126:7, 126:10, 126:21, 135:8, 136:2, 141:20, 148:25, 151:14, 151:20, 151:21, 151:22, 153:2, 156:18, 171:8</p> <p><b>yell</b> [1] - 59:21</p> <p><b>YORK</b> [4] - 1:2, 2:16, 2:18, 173:3</p> <p><b>York</b> [22] - 1:12, 4:3, 4:15, 12:19, 38:17, 40:14, 49:5, 50:23, 61:13, 105:18, 105:19, 105:21, 105:22, 105:24, 105:25, 106:1, 106:3, 113:23,</p>  |   |   |   |  |   |

154:25, 173:8  
**young** [3] - 123:23,  
 124:3, 124:10  
**yourself** [3] - 49:22,  
 59:16, 76:2  
**yourselves** [1] - 76:3  
**youse** [2] - 60:5, 60:18

## Z

**ZBA** [6] - 3:6, 3:16,  
 4:2, 33:23, 143:25,  
 145:14  
**ZBA's** [1] - 144:7  
**Zeilenfeld** [1] - 136:25  
**zone** [2] - 99:13, 160:4  
**Zone** [1] - 73:1  
**zoned** [5] - 130:12,  
 134:2, 158:20,  
 159:1, 159:6  
**zoning** [19] - 62:12,  
 74:10, 74:11, 74:12,  
 74:13, 75:3, 75:4,  
 133:18, 133:24,  
 134:1, 144:20,  
 159:16, 159:24,  
 166:23, 167:1,  
 167:5, 167:9, 167:10  
**ZONING** [1] - 1:4  
**Zoning** [18] - 3:3,  
 8:10, 26:24, 31:3,  
 40:21, 61:3, 63:24,  
 65:4, 66:1, 70:4,  
 70:10, 76:2, 82:25,  
 83:9, 143:22,  
 146:14, 160:20,  
 167:11