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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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Third Street Firehouse
Greenport, New York

June 30, 2016
5:00 p.m.

B E F O R E:

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

JOHN COTUNGO - MEMBER

LUCY CLARKE - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

PAUL PALLAS VILLAGE ADMINISTRATOR

GLENIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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INDEX

ITEM	DESCRIPTION	PAGE
1	29 Front Street	2-21
2	817 Main Street	21-40
3	314 North Street	40-55
4	211 Carpenter Street	55-61
5	Stirling Square	61-83
6	217 Monsell Place	83-97
7	525 Second Street	97-112

1
2 CHAIRMAN McMAHON: Okay. We're
3 going to begin.

4 This is the Village of Greenport
5 Planning Board Work Session for June
6 30, 2016.

7 Item Number 1 is 29 Front Street
8 motion to accept use evaluation
9 application from Sea Bags LLC,
10 represented by Don Oakes, CEO.

11 The applicant opened 29 Front
12 Street, formerly the Sleeping Buddha.
13 The proposed retail use is a permitted
14 use in the WC, Waterfront Commercial
15 Zone as the store is based on retail
16 sales in connection with boating and
17 fishing.

18 The property is not located within
19 the Historic District.

20 Suffolk County Tax Map number
21 1001-5-4-26.

22 MR. PALLAS: Mr. Chairman, if I
23 may, the wording in the agenda we don't
24 believe is correct. We wrote it up, I
25 believe in our -- it should have,

1
2 instead of the proposed retail use is a
3 conditional use and it meets the
4 criteria for a conditional use for
5 retail sales.

6 CHAIRMAN McMAHON: Okay. I don't
7 know if there's somewhat of a
8 distinction on whether or not it's a
9 continuation of the previous use as
10 retail sales or if it's considered a
11 slightly different use, I think,
12 actually I think someone may have
13 questioned whether or not there is a
14 waterfront connection, but I think
15 re-purposed sales just about as close
16 to Waterfront Commercial retail use as
17 you can get, so but that was a
18 distinction we can discuss. If anyone
19 wants to make a point one way or
20 another, you're free to do so.

21 Does anyone from the Board have
22 any thoughts or questions on this?

23 MR. BURNS: What was -- how is
24 Sleeping Buddha?

25 CHAIRMAN McMAHON: Sleeping

1
2 Buddha, I believe was a retail space as
3 well.

4 MR. BURNS: It had no waterfront
5 connection.

6 CHAIRMAN McMAHON: No, I believe
7 it was a conditional use in the
8 Waterfront Commercial.

9 It's just a distinction as to
10 whether or not it's an allowed use
11 within the district because of its
12 connection to the seafront, waterfront
13 or whether it would be a conditional
14 use as a retail operation.

15 Personally, I don't have a problem
16 with it either way.

17 MR. BURNS: Me neither.

18 CHAIRMAN McMAHON: But that is a
19 distinction we should make a note of
20 and make a decision one way or another
21 how we're going to view it.

22 MS. CLARKE: There is no outline
23 that says what is and what isn't?

24 CHAIRMAN McMAHON: There is, and
25 it's whether or not it's related to or

1
2 in the service, I believe, I don't have
3 the exact; do you have the exact?

4 MS. BERRY: Yes.

5 A permitted use is retail sale of
6 equipment, goods, supplies, materials,
7 tools, and parts used in connection
8 with boating and fishing.

9 CHAIRMAN McMAHON: So it's not
10 really in the service of a current a
11 commercial fishing enterprise or
12 pleasure fishing enterprise, but it's
13 re-purposed sales; I think it's close
14 enough, and regardless, I think it
15 would be fine as a conditional use if
16 it had no connection with waterfront
17 whatsoever.

18 MR. JAUQUET: So conditional is
19 grab bag for everything else.

20 CHAIRMAN McMAHON: Conditional --

21 MR. JAUQUET: It's reasonable.

22 CHAIRMAN McMAHON: Yes.

23 And as retail use that has no
24 connection to the waterfront is a
25 permitted conditional use of the

1
2 Waterfront Commercial Zone.

3 MR. PALLAS: If I may just clarify
4 a comment that was just made about a
5 grab bag; it's really very specific
6 conditional uses that are allowed. I
7 just want to -- it's not a catch all.

8 MR. JAUQUET: There is a list of
9 them?

10 MR. PALLAS: There's a list of
11 them, and this is one of them, retail
12 sales is one of them.

13 MS. CLARKE: Are all those stores
14 along that subject to this waterfront
15 WC?

16 MR. PALLAS: Without looking at
17 the map, I believe, yes.

18 MS. CLARKE: All the ones that are
19 selling clothing and all of them?

20 MS. WINGATE: The entire south
21 side of Front Street is --

22 MR. PALLAS: Correct, the entire
23 block --

24 MS. WINGATE: -- from Third to
25 Main is all Waterfront Commercial.

1
2 CHAIRMAN McMAHON: Would the
3 applicant like to -- I'm assuming it's
4 you.

5 MR. OAKES: Absolutely.

6 CHAIRMAN McMAHON: I'd ask you to
7 take the podium, please write down your
8 name so we have it on the --

9 MR. OAKES: I'm happy to take any
10 questions tonight. Thank you for
11 having me here, and I apologize for the
12 delay in my presence in the
13 application. In our haste to get
14 opened, we skipped a few steps, so we
15 will make right with that, and I'm
16 happy to answer any questions you have.

17 CHAIRMAN McMAHON: Do we have any
18 questions, concerns, anyone?

19 MS. CLARKE: How do they need to
20 remedy what they did not do in the
21 proper fashion prior to?

22 MS. WINGATE: They were issued two
23 appearance tickets today.

24 MS. CLARKE: I'm sorry, they were
25 what?

1
2 MS. WINGATE: Were issued two
3 violations today.

4 MS. CLARKE: So they can operate
5 prior to the settling of that violation
6 or do they get closed until that is
7 taken care of?

8 How does that work, Joe?

9 MR. PROKOP: So there was the
10 example of the Surf Shop where this
11 Board told the people not to operate,
12 they actually closed until they
13 received approval. Another case is,
14 the more recent case is a retail use
15 where the owner was summoned to come to
16 court and actually pled guilty and paid
17 a fine.

18 MS. CLARKE: They operated in the
19 meantime prior to that?

20 MR. PROKOP: In the second case,
21 they operated.

22 So the first case with the Surf
23 Shop is --

24 MS. CLARKE: So there's not
25 consistency. There has been a specific

1
2 way that we move forward, it's a
3 case-by-case basis?

4 MR. PROKOP: I don't know what the
5 difference between the two was. You
6 know, there were considerations
7 where --

8 MS. CLARKE: I'm curious of how
9 the decisions were made, what
10 determined one to and one not to
11 operate in the meantime.

12 MR. PROKOP: Okay. I think the
13 second one where the fine was paid,
14 what happened in that case was the
15 woman actually came to a meeting and
16 tried to rectify, but her application
17 wasn't accepted because -- the Village
18 wouldn't accept her application because
19 it wasn't received enough in advance of
20 a meeting, and she opened in the
21 meantime.

22 With the Surf Shop, and I don't --
23 I'm not certain of all these facts, but
24 my recollection is with the Surf Shop,
25 there was no attempt to file an

1 application.

2
3 So I think that was the
4 difference.

5 MS. CLARKE: Thank you.

6 MR. JAUQUET: And the case here?

7 MR. PROKOP: The case here is that
8 there was no attempt to file an
9 application.

10 MR. OAKES: I'm not quite sure. I
11 would certainly state that we didn't
12 hit the timelines and perhaps there was
13 some confusion. I know we had several
14 conversations where Eileen made several
15 visits and our paperwork was not in
16 order, but we certainly made an attempt
17 to file paperwork, we certainly have
18 filed the paperwork. We are present
19 here, we have been scheduled to come to
20 this meeting for, what I assume was the
21 sign permit, and then the use permit as
22 well. It wasn't until I arrived today
23 that I was issued a summons for these
24 violations. I'm not appearing as a
25 result of these violations. Those

1
2 violations were brought to my attention
3 today. It's been on my plans for as
4 long as this has been on the agenda to
5 come here tonight to try to rectify the
6 missteps that we had in not coming
7 before the Board before we opened in
8 our haste to be opened before Memorial
9 Day.

10 CHAIRMAN McMAHON: All right. So
11 let's talk about the application as it
12 is now.

13 MR. PROKOP: I just want to point
14 out, looking at -- I was actually asked
15 this question about the conditional use
16 on the way here, but I would like to
17 point out that in conditional uses, I
18 think under the code, and I would be
19 happy to be corrected if I'm wrong,
20 under the standard of conditional uses,
21 it says a conditional use has to be
22 used in conjunction with a permitted
23 use.

24 MR. PALLAS: Only if it abuts the
25 water.

1
2 MR. PROKOP: Only if it abuts the
3 water. In this case, it does not.

4 MR. PALLAS: It does not, right.

5 CHAIRMAN McMAHON: Okay.

6 Do we have any -- are there any
7 questions from the Board with regard to
8 the actual use or proposed use?

9 MR. JAUQUET: No, I don't have any
10 questions.

11 CHAIRMAN McMAHON: Questions,
12 concerns, thoughts.

13 Personally, it was a retail space;
14 I don't see any issue with continuing
15 it as a retail space.

16 I do want to advise and make sure
17 everything is in order in terms of the
18 paperwork, but is there any substantive
19 objection from anyone on the Board or
20 elsewhere with regards to this
21 application?

22 MR. JAUQUET: Well, they're going
23 to follow through on the sign.

24 CHAIRMAN McMAHON: The sign, we do
25 have to discuss the sign because the

1
2 sign is nonconforming as it is. There
3 might be a danger with the overhead
4 signs.

5 I don't know if you were given a
6 copy of the notes that were prepared by
7 our consultant.

8 MR. OAKES: Yes, I received that
9 today.

10 CHAIRMAN McMAHON: Okay.

11 There is just an issue with
12 regards to the permitted signage in the
13 Village with regards to overhead signs.
14 There is a limit to the size of them.
15 I think it's primarily a safety issue,
16 because a large sign has more potential
17 for injuring someone. I know with a
18 previous applicant, we had required
19 them to provide us with good insurance
20 for naming the Village as insured to
21 cover any potential liability from
22 this. I don't know if we have had any
23 other applications where the signs were
24 larger than was allowed in the Village
25 code.

1
2 MR. PROKOP: A variance is
3 necessary?

4 MS. WINGATE: No. We haven't
5 issued any variances, they have just
6 been rejected.

7 CHAIRMAN McMAHON: Just rejected
8 the larger signs. Okay.

9 MR. JAUQUET: Can I ask a
10 question?

11 MR. OAKES: Certainly.

12 MR. JAUQUET: The transition from
13 the old to what you have, did you sign
14 a new lease?

15 MR. OAKES: Yes.

16 MR. JAUQUET: It's not a
17 consignment.

18 MR. OAKES: No.

19 MR. JAUQUET: They moved
20 everything out and you're taking over
21 with all your own merchandise?

22 MR. OAKES: Exactly.

23 CHAIRMAN McMAHON: So how would we
24 like to move forward with this?

25 MR. COTUNGO: I think it's

1
2 definitely in the category of
3 conditional use; and the only question
4 is that he opened up before he applied.

5 MR. BURNS: The question is the
6 signage. Can we leave that in the
7 hands of Building Department or do we
8 need him to present --

9 CHAIRMAN McMAHON: He did provide,
10 so there is the one above the store
11 there.

12 MR. BURNS: That's the hanging
13 sign.

14 CHAIRMAN McMAHON: That's the
15 hanging sign that's pictured there.

16 MR. PROKOP: We have two
17 applications on tonight; one is for the
18 use evaluation --

19 CHAIRMAN McMAHON: I believe it's
20 one application but it probably should
21 be split into two separate questions.

22 MR. PROKOP: That application, I
23 would probably accept, my
24 recommendation might be to accept, to
25 put on next week's agenda.

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CHAIRMAN McMAHON: For the use.

MR. PROKOP: And then the one for the sign, I think has to be denied.

MR. JAUQUET: Would have to be what?

CHAIRMAN McMAHON: Would have to be denied because it doesn't fit with what's allowed in the Village. They would have to get a variance from the ZBA.

MR. JAUQUET: I understand.

MS. CLARKE: Would it have to go before the Historic Preservation Commission for the sign because it's in the Historic District?

No. Okay.

CHAIRMAN McMAHON: No. This isn't in the Historic District.

MS. BERRY: One sign is okay. It's the hanging sign that needs to be --

MR. OAKES: It's the hanging sign that needs to be addressed.

MS. BERRY: So I think you can

1
2 accept the one on the wall.

3 CHAIRMAN McMAHON: Okay, so maybe
4 we could accept it for our next meeting
5 with the condition that the hanging
6 sign be taken down until that's
7 resolved.

8 MR. OAKES: Just for
9 clarification, what I submitted with
10 the hanging sign, this is just
11 photoshopped, we didn't install it.

12 CHAIRMAN McMAHON: That hasn't
13 been installed.

14 MR. OAKES: No, I didn't do that.
15 That I knew I needed permission for. I
16 apologize for the others, but we did
17 not install that. It's there, but
18 that's what I thought this meeting was
19 partly about, and since then, I have
20 seen the codes and requirements and
21 understand, so I will be working with
22 the Planning Board to see if there is
23 any way to get the hearings so we're
24 allowed put the sign up.

25 CHAIRMAN McMAHON: I don't see a

1 drawing. Do we really need it because
2 this isn't a site plan?

3 MS. WINGATE: It's in the
4 documents, you have a floor plan.

5 CHAIRMAN McMAHON: I didn't see
6 it. Does someone else have one?

7 MR. OAKES: That's my original
8 (handing).

9 CHAIRMAN McMAHON: This is what
10 was photocopied.

11 MS. WINGATE: Yeah, there was
12 actually a cleaner version of that too.

13 CHAIRMAN McMAHON: Okay.

14 I'm assuming we have this on -- I
15 just don't have a copy in front of me,
16 but if we have it on file, that's fine,
17 we just need to have a copy of the
18 layout.

19 I have no real issues or concerns
20 with this, the use side of this. I
21 think I'd like to make a recommendation
22 that we accept the application this
23 evening and vote on it at the regular
24 meeting. We don't need to wait until
25

1
2 next meeting to vote.

3 Joe, do you have an opinion on it;
4 do we have to wait until the regular?
5 I always get this confused with the
6 work sessions and regular sessions as
7 to what we're allowed to vote on and
8 what we're not allowed to vote on.

9 MR. PROKOP: The work session, we
10 should vote to accept it, and have the
11 formal vote next week, and then the
12 only thinking that we had talked about
13 for denials, if there is an advantage
14 to having it denied a week early and we
15 know that it's going to be denied maybe
16 we could consider it, but I'm not
17 saying with this application, but I
18 just wanted to say that, so on this
19 application my recommendation would be
20 that we accept it except for the sign
21 that is too big and put it on the
22 agenda for next week.

23 CHAIRMAN McMAHON: I'm going to
24 say that we can discuss, if you're
25 aware of the issues with the sign, we

1
2 can discuss that at another time, but
3 for now I'm going to make a motion that
4 we accept the application as submitted
5 to be voted on at our next regular
6 session, which is next Thursday.

7 Do I have a second for that?

8 MR. BURNS: Second.

9 CHAIRMAN McMAHON: All in favor?

10 MR. BURNS: Aye.

11 MR. JAUQUET: Aye.

12 MS. CLARKE: Aye.

13 MR. COTUNGO: Aye.

14 CHAIRMAN McMAHON: Motion carries.

15 We will --

16 MR. PALLAS: Excuse me, Devin.

17 Just for clarification, so it's
18 you're accepting the use evaluation
19 under conditional use provision of the
20 code, correct?

21 CHAIRMAN McMAHON: Yes.

22 I should ask the Board, is that
23 the opinion of the Board?

24 MR. BURNS: Yes.

25 MR. JAUQUET: Yes.

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MS. CLARKE: Yes.

MR. COTUNGO: Yes.

CHAIRMAN McMAHON: Yes.

MR. PALLAS: Thank you.

CHAIRMAN McMAHON: And we will address the sign application at a later time if that works for you.

MR. OAKES: Thank you.

CHAIRMAN McMAHON: I'm going to move on to Item Number 2. This is 817 Main Street.

Motion to accept the application for an amendment to approved site plan; dated April 20, 1992. The Planning Board, at that time, approved the use as a bed and breakfast subject to continued compliance with the restrictions and conditions set forth in Article II, Section 85-6 of Section B of the Village code and said resolution.

Applicant 817 Main Street LLC, represented by Sarah Latham has requested an amendment to the site plan

1
2 to allow for the addition of one rental
3 room and the addition of one parking
4 space to the existing parking area.

5 The use as a bed and breakfast is
6 conditional and has received approval
7 from the Zoning Board of Appeals to
8 exceed the limit of three rooms and six
9 transient roomers by adding a fourth
10 room subject to Village of Greenport
11 and New York State regulations.

12 The variance was granted at the
13 June 14, 2016 ZBA meeting.

14 The property is located within the
15 Historic District in the R1, One-Family
16 Residential Zone.

17 Suffolk County Tax Map number
18 1001-2-1-25.

19 This application came before us,
20 it was denied because it was
21 noncompliant with regards to the
22 Village code. We sent it to the ZBA, I
23 believe we actually included a
24 recommendation for approval in our
25 denial which we don't normally do but

1
2 we did because this Board had
3 previously discussed this site and
4 other bed and breakfasts within the
5 Village, the Village has a code that is
6 more restrictive than the State and
7 County code that only allows three
8 bedrooms. This Board gave a
9 recommendation that it be increased to
10 five.

11 Keeping that in mind, we denied
12 the application and sent it to the ZBA.
13 I believe we actually asked they grant
14 this variance. It looks like they did.

15 There was one -- I'll read off the
16 notes here: The use expansion
17 exceeding the three rooms, six
18 transient residents was approved by the
19 Zoning Board of Appeals on June 14,
20 2016 contingent upon the added room
21 meeting the minimum 120 square feet
22 required in 150-7, Subsection B7J. The
23 latter was verified by the Building
24 Inspector.

25 Since there was a condition on the

1 approval as granted by the ZBA, the
2 Building Inspector has confirmed that
3 that was addressed appropriately. The
4 site plan has been amended to provide
5 four parking spaces.
6

7 Are there any comments or
8 questions?

9 MS. CLARKE: It notes here it is
10 in the Historic District to go before
11 the HPC, they have to go before the
12 HPC.

13 CHAIRMAN McMAHON: No, because
14 there were no external changes to the
15 property.

16 MS. CLARKE: Than you.

17 MR. COTUNGO: How was the fourth
18 parking space obtained?

19 CHAIRMAN McMAHON: I believe it
20 was just, they were rearranged on the
21 site plan.

22 If you want to, you can speak to
23 that.

24 MS. LATHAM: Hi, I'm Sarah Latham,
25 817 Main Street.

1
2 There was space in the back of the
3 yard, so the site visit by the Zoning
4 Board confirmed that as well, it was
5 just my drawing was not -- I had to put
6 the measurements in the correct space.
7 It was physically on the site plan is
8 my understanding, that I hadn't drawn
9 it correctly.

10 MR. COTUNGO: On this plan, the
11 survey.

12 MS. LATHAM: Yes.

13 There are four spaces in the back.
14 There's three lines, but there's four
15 spaces, and then there's two additional
16 spaces in the front by the garage, so
17 there is actually a total of six spaces
18 on the property.

19 MR. COTUNGO: I just couldn't tell
20 from here. I cannot tell if these are
21 like regulation parking spaces, if it's
22 really three and can squeeze into four.

23 MS. LATHAM: No. It should be
24 notated that they're ten feet by twenty
25 feet.

1
2 MR. COTUNGO: Oh, I see ten. I
3 didn't know those were dimensions.

4 MS. LATHAM: I'm sorry, they are
5 ten feet by twenty feet.

6 MR. COTUNGO: Did you say the
7 whole application doesn't comply with
8 handicap accessibility, the whole
9 application, not only the parking
10 space, but the extra room as well?

11 MS. LATHAM: I believe that's not
12 a requirement under the bed and
13 breakfast designation. We are not
14 required to be ADA compatible, I don't
15 know the right term, but this is
16 something we actually spoke about at
17 our association meeting about a year
18 ago.

19 CHAIRMAN McMAHON: I don't believe
20 there is, if anyone knows to counter,
21 but I don't believe --

22 MS. BERRY: I would have to look
23 it up, but I assume there's a certain
24 size involved.

25 CHAIRMAN McMAHON: I don't believe

1
2 it does. I think we discussed this
3 actually at the last, when we reviewed
4 it the last time as well, and I don't
5 believe there was an issue with it.

6 Does that answer your question or
7 address your question?

8 MR. COTUNGO: Yes. It's probably
9 exempt, but I don't know the answer.

10 CHAIRMAN McMAHON: I believe in
11 this case it is.

12 Any questions, concerns?

13 MR. PROKOP: I have a few.

14 The room that you're now going to
15 be using for your room, what is the use
16 of that room right now?

17 MS. LATHAM: We were using it as a
18 living room space, so we had a couch
19 and my desk in there. It wasn't part
20 of the inn at all, it's off the kitchen
21 and, like I said, we sort of -- I write
22 in there.

23 MR. PROKOP: Is there another
24 living room besides that?

25 MS. LATHAM: Yes, there is a very

1
2 large living room in the front of the
3 house and then a large dining room as
4 well.

5 MR. PROKOP: So I'd just have a
6 comment, and I'm not in the Building
7 Department, but as the attorney, I know
8 that under the State code, you can't
9 use a living room for your residential
10 space, so you would have to convert it,
11 you would have to do something to
12 convert it to a bedroom, you can't just
13 say that the living room is not going
14 to be a bedroom.

15 MS. LATHAM: To be honest, I don't
16 know what the original use of the room
17 was in the original home, but there is
18 a closet in the room, and I believe
19 that a bedroom, that can be considered
20 a bedroom, right, if there is a closet
21 in the room?

22 MR. PROKOP: That's up to you.

23 Actually, under the code, I know
24 there is lot of problems where there is
25 now overcrowding on properties, but if

1
2 I'm not mistaken, under the State code,
3 you cannot use a room that is
4 designated as something other than a
5 bedroom as a bedroom, so whatever it
6 is, you just have to work out with the
7 Building Department what you need to
8 do, so this is no longer --

9 MS. LATHAM: Well, I defined it as
10 a living room myself. It was never
11 defined as a living room. The living
12 room is clearly when you walk in the
13 front door, that's the living room, and
14 then the dining room is through the
15 large living room.

16 MR. PROKOP: You have been very
17 candid about the, you know, the thing
18 that made this application go through
19 is you have been very candid about
20 everything, but I'm just encouraging
21 you to have some kind of discussion
22 because you're really not supposed to
23 use a non-bedroom as a bedroom, so
24 whatever -- and I don't know what it
25 is, but whatever makes a room a

1
2 bedroom, that's what you need to do
3 because under the law, I think --

4 MR. COTUNGO: An egress window is
5 required in a bedroom, it would not be
6 required in the living room, so if you
7 convert a living room to a bedroom, I
8 don't think you are, you would have to
9 make sure there is an egress window
10 which is 5.7 square feet of opening.

11 MS. LATHAM: Okay.

12 MR. PROKOP: The other thing that
13 I wanted to say was that I was at the
14 Zoning Board meetings and I am also
15 here tonight and heard the discussion
16 about the measuring. I understand that
17 the Village had somebody go and measure
18 the room and apparently now it meets
19 the code, so however the discussion at
20 the Zoning Board meeting was, part of
21 it had to do with your plans which
22 there was a fairly large difference
23 between the amount of space required
24 for that room and the amount of space
25 that your architect or whoever drew

1
2 your plans said was available, and
3 there was a discussion about a closet,
4 so is the square footage of this room
5 now including --

6 MS. LATHAM: In my haste to
7 provide this Board actually back when I
8 was in my initial application and
9 someone had asked for floor plans, I
10 was given floor plans by the previous
11 owner that she had had someone, a
12 friend of hers done and they're
13 stamped, they're plans and whatnot, but
14 I didn't physically measure everything
15 and what he had measured was
16 inaccurate, and so I can have another
17 architect come, but I thought that
18 having someone from Building Department
19 come with their laser and measure them
20 and show that the space is there, it
21 was inches that it was off on the
22 plans.

23 MR. PROKOP: As long as it meets,
24 as long as it doesn't include the
25 closet, then that's fine.

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MS. LATHAM: It doesn't.

MR. PROKOP: Your plans now with the Village showed rooms being substandard, so you need to -- I would recommend that you need to submit something that shows it's standard, whatever it is, you know, because years from now, we'll look back at this and somebody will say, wait a second, this room was substandard, so something has to come in that shows otherwise.

MS. LATHAM: Can that be something as simple as something from the Building Department that said they conducted a site visit and approved it, so I don't have to pay an architect?

MR. PROKOP: Your plans should match up with whatever Ms. Wingate --

CHAIRMAN McMAHON: What was approved by the ZBA?

MR. PROKOP: The number of rooms. The ZBA said you can have four rooms, but they have to all meet the minimum requirements.

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2 MS. LATHAM: I had amended the one
3 room with my own notations; is that
4 sufficient, I mean with my measurement?
5 Like I said, it's inches, but it does
6 make a difference, so -- let me show
7 you (handing).

8 MR. PROKOP: Why don't you show
9 them because I don't know --

10 MS. LATHAM: These are the actual
11 measurements of the room, less the
12 closet space, and that is, I mean it's
13 half a foot over, but it's only half a
14 foot, so that's why the inches made
15 such a difference.

16 MR. PROKOP: It's a half a foot
17 over now.

18 MS. LATHAM: Half a foot over in
19 excess of 120 square feet.

20 MR. PROKOP: We just need somebody
21 to verify that, whoever it's going to
22 be.

23 MS. WINGATE: I don't have my
24 notes, but when I measured it was --

25 MR. PALLAS: If I might make a

1
2 suggestion, if the Board so chooses to
3 ultimately approve the application to
4 include a condition that plans of the
5 additional room must be received before
6 it can be used, received by the
7 Village, acceptable to the Village.

8 MS. LATHAM: And that is not
9 sufficient, what I have.

10 MR. PALLAS: I have to think about
11 it.

12 MS. LATHAM: I'm not trying to be
13 difficult.

14 MR. PALLAS: I know. Neither am
15 I, I just -- if we have other plans
16 that are architectural then we probably
17 should have these plans to be
18 architectural in nature, not hand
19 sketches.

20 MR. COTUNGO: Should be certified
21 by an architect or an engineer that it
22 meets the requirement of 120 square
23 feet.

24 MS. LATHAM: I understand. I
25 guess my question is, let's say I -- I

1
2 don't know, I guess my question -- it
3 has been verified, someone from the
4 Building Department came and measured.

5 MR. PALLAS: I think what -- we're
6 not -- we can't -- we shouldn't be
7 verifying your room size. The
8 architect or engineer should certify
9 that, and we would verify that if we
10 thought there was a question. We have
11 already done the second step, we should
12 have something in the file that's
13 stamped so it's clear that this was
14 prepared professionally, that's all
15 we're asking.

16 MS. LATHAM: Okay.

17 MR. PALLAS: Before the room can
18 be used, if they choose to approve
19 ultimately to make that a condition of
20 the approval.

21 CHAIRMAN McMAHON: So if I
22 understand what you're saying, you're
23 saying the plans right now are lacking
24 a specific certification from an
25 architect or engineer for this

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particular room?

MR. PALLAS: That is correct.

MR. COTUNGO: On that certification, it should have window sizes as well.

MS. WINGATE: B&Bs have their own set of rules, so yes, egress windows are important, but this is an existing building, so it won't work with the code that way.

MR. COTUNGO: Right.

If it was a bedroom before, it would be okay.

MS. LATHAM: You're referencing my room?

MR. JAUQUET: No, the new bedroom on the second floor.

MS. LATHAM: It's not a new bedroom, it's always been there.

MR. JAUQUET: It's got a new use now that you're adding it to.

I think the whole idea is important, if what Joe says is under -- if there is a new State scrutiny for

1
2 what the bedroom is and if it relates
3 to overcrowding, an architect should be
4 the last determinant of what is in the
5 house.

6 MR. PROKOP: My concern was,
7 having been at the ZBA meeting and now
8 having been here, my concern was that
9 the plans that we saw showed a room
10 that was substandard, and you need to
11 get something in our file that's
12 certified by an architect or a
13 professional that it's not substandard.

14 I know we took measurement and
15 that's great, so the application can
16 move ahead, but before we can, you
17 know, approve it, we need something on
18 file showing that the room is not
19 substandard.

20 MS. LATHAM: I understand, so I
21 should pay an architect to come and
22 draw a plan of the bedroom number four
23 plans that you have existing and that
24 will certify -- I mean can we --

25 CHAIRMAN McMAHON: As I understand

1
2 it, the application was approved by the
3 ZBA, the number of rooms was the
4 variance they granted. A condition of
5 that was confirmation that the room was
6 the appropriate size, a measurement was
7 taken by the Village. The Village
8 granted unofficially under the opinion
9 that it is the correct size, but the
10 plan is still deficient without a plan
11 that shows the exact specifications as
12 they should have been done on the
13 original plan.

14 I believe that's where we are at.
15 Are we all in agreement?

16 (Whereupon, some Board members nod
17 their heads.)

18 CHAIRMAN McMAHON: Okay.

19 Do we have any issue with use of
20 the increase from three to four
21 bedrooms for B&B use?

22 MR. COTUNGO: No issues.

23 MR. JAUQUET: No.

24 MS. CLARKE: No.

25 CHAIRMAN McMAHON: I'm going to

1
2 make a motion that we accept the
3 application, and if we vote on it next
4 week for approval, it would be a
5 condition that you bring in to complete
6 the file before if bedroom is occupied
7 for commercial use a stamped plan from
8 an architect that correctly shows the
9 dimensions.

10 MR. JAUQUET: I think that says
11 it.

12 CHAIRMAN McMAHON: Do I have a
13 second for that motion?

14 MR. COTUNGO: Second.

15 CHAIRMAN McMAHON: All in favor?

16 MS. CLARKE: Aye.

17 MR. JAUQUET: Aye.

18 MR. BURNS: Aye.

19 MR. COTUNGO: Aye.

20 CHAIRMAN McMAHON: Motion carries.

21 So we will formally vote on that
22 next week, as soon as you can bring in
23 the certified plan correcting the one
24 discrepancy showing the accurate size
25 of the fourth room, you can have it a

1 completed application.

2
3 MS. LATHAM: So next Thursday,
4 same place?

5 MR. PROKOP: Yes.

6 Thank you.

7 CHAIRMAN McMAHON: Thank you.

8 MR. BURNS: I have a question.
9 The egress window would need to be
10 conforming?

11 MS. WINGATE: Yes.

12 CHAIRMAN McMAHON: We took a vote
13 and we had a motion pass, correct?

14 MR. COTUNGO: Yes.

15 CHAIRMAN McMAHON: To accept the
16 application?

17 MR. COTUNGO: Yes.

18 CHAIRMAN McMAHON: Moving on.

19 Item Number 3, 314 North Street.

20 Pre-submission conference for Jim
21 Olinkiewicz as representative for
22 applicant 314 North Street Greenport,
23 Inc. and is before the Board.

24 Applicant proposes the
25 construction of a four-family house on

1
2 the property located at 314 North
3 Street. The pre-submission package
4 includes a site plan, floor plans, and
5 elevations.

6 The project as proposed will
7 require variances and is not located
8 within the Historic District.

9 The property is located in the
10 R-1, One-Family Residential Zoning
11 District of the Village of Greenport.

12 Suffolk County Tax Map number
13 1001-2-4-27.

14 So right now off the bat, the
15 Planning Board would have to deny the
16 project as is because it is a
17 multifamily home in an R-1 zoned area.

18 Also, I don't know, it would be by
19 this Board and go before the ZBA. I
20 don't know if they would even
21 necessarily be able to grant the
22 variance because it seems like it would
23 spot zoning because it's not --
24 multifamily is never permitted in R-1,
25 it could be permitted in R-2. It's not

1
2 really -- I shouldn't really -- do you
3 have any comments or questions about --
4 you understand that it's --

5 MR. OLINKIEWICZ: Yeah. James
6 Olinkiewicz, 314 North Street,
7 Greenport.

8 I understand the complexity of the
9 project. I understand that it's in the
10 R-1 District just across the line from
11 R-2. When I purchased the house, it's
12 on a -- on an oversized lot that's
13 relevant to allow the other lots in the
14 Village but it doesn't meet criteria of
15 lot size for multifamily house.

16 It is positioned directly across
17 the street from garden apartments that
18 are there. It backs on Moore's Woods.
19 I know there has been a tremendous
20 amount of talk through Southold, East
21 Hampton, all over, even the Village,
22 looking for housing because there is no
23 neighbors behind it, and because of the
24 garden apartments across the street
25 from it, I felt it might be an area the

1
2 would be conducive to put a small
3 four-family in there with maybe two
4 handicap accessible apartments on the
5 first floor which there are hardly any
6 of in the Village and then two other
7 small apartments upstairs. The whole
8 project is going to be approximately
9 2,500 square feet in size, 1,200 square
10 feet per floor.

11 I don't know. It's an application
12 that I figure I should put up to the
13 Board because there is a -- there is
14 the issue of housing, there is the
15 issue of -- everybody reads it in the
16 papers from the whole east end of Long
17 Island. Not that Greenport should take
18 everybody else by any means, but I know
19 that I have a tremendous amount of
20 Greenporters that are living on their
21 parents' couches and stuff that are
22 calling me and asking me if I have any
23 one- or two-bedroom apartments. I'm
24 approached by the Housing Authority
25 every week on it as well, and there is

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2 a need, whether that's the location or
3 not, I just felt that I should bring it
4 to the Board's attention that it's a
5 possibility because of its location,
6 again with Moore's Woods, right across
7 from R-2 District, it's kind of on the
8 -- infringing on the edge of town, so
9 it's not right in the middle of a
10 residential area in between houses. I
11 thought that it might possibly be a
12 good fit, so I brought it up to the
13 Board's attention. I just want to see
14 where it goes.

15 CHAIRMAN McMAHON: Okay.

16 That property by Moore's Woods, is
17 that Village property that abuts into
18 back or is that Town?

19 MS. CLARKE: Isn't it on Silver
20 Lake?

21 MR. OLINKIEWICZ: Silver Lake is a
22 ways away from it, but yes, it backs up
23 towards Silver Lake.

24 MS. CLARKE: That's not Moore's
25 Woods there.

1
2 CHAIRMAN McMAHON: I could be
3 mistaken, but I believe there is a
4 stipulation in the code that if there
5 is going to be construction that is
6 adjacent to Village parks, the Village
7 Board of Trustees is supposed to weigh
8 in because we had this issue --

9 MS. BERRY: It's not adjacent.

10 CHAIRMAN McMAHON: It's not.
11 That's not adjacent?

12 MS. BERRY: It's one over.

13 CHAIRMAN McMAHON: It's one over
14 from it.

15 It came up previously, I believe
16 it was Blue Canoe when they were going
17 to make a change there. We discussed
18 that it may have to go before the
19 Village Board of Trustees, I believe
20 there is a stipulation in the code that
21 any construction adjacent to Village
22 parks then --

23 MS. CLARKE: Isn't there a house
24 in the back?

25 MR. OLINKIEWICZ: There is not.

1
2 Further up, it is property continues
3 through the back, but it's not right
4 behind, his house is not --

5 AUDIENCE MEMBER: Yes, it is.

6 MS. CLARKE: Yes, it is.

7 MR. OLINKIEWICZ: What's that?

8 MS. CLARKE: It is right -- you do
9 have a neighbor behind you, there is a
10 neighbor behind you.

11 MR. OLINKIEWICZ: Oh, is there? I
12 don't know where. His house is right
13 behind?

14 MS. CLARKE: Yes.

15 MR. OLINKIEWICZ: So but that
16 being said --

17 MS. CLARKE: Just clarifying
18 some --

19 MR. OLINKIEWICZ: So I didn't know
20 if this was a project that the Village
21 might consider. If they don't, that's
22 okay also.

23 CHAIRMAN McMAHON: Where we are at
24 right now is that the Planning Board
25 would have to deny it simply because,

1
2 as you know, it doesn't meet the
3 requirements right now.

4 The only reason I mentioned what
5 might happen at the ZBA because --
6 clearly I shouldn't actually be
7 concerning myself with that, with
8 regards to the Planning Board, we would
9 have to deny this application as it
10 came in currently.

11 I don't know if anyone has any
12 thoughts about the project in general
13 or anything else that they would like
14 to share.

15 MR. OLINKIEWICZ: You know, the
16 project we did on Shelter Island which
17 is on a quarter-of-an-acre lot, they
18 have a housing committee that can
19 supercede zoning if they find the need
20 and it fits in and does that work out
21 with that, not that the Village would
22 ever do that, I know that Southold is
23 talking about changing zoning in an
24 area so they could cluster some houses
25 for rentals and that stuff. I know

1
2 it's an issue that's here and if it --

3 CHAIRMAN McMAHON: I think the
4 Board of Trustees may be the
5 appropriate venue to pursue because as
6 it is, I think it just, simply because
7 it's not allowed in the zoning as it
8 is, it's a multifamily project proposed
9 for an R1 zoned property. I know there
10 is right across the street a
11 multifamily-housing apartment complex.

12 MR. OLINKIEWICZ: Right.

13 I brought it up to the Board of
14 Trustees, I believe a month ago. I was
15 told I should go to the Planning Board,
16 the Planning Board has to send me to
17 the Zoning Board, and then whether the
18 Zoning Board sends me to the Board of
19 Trustees or not. I don't know that
20 direction that I have to move through,
21 but so that's why I'm here.

22 CHAIRMAN McMAHON: Yeah. I mean
23 we can offer a formal denial of your
24 application. That would then allow you
25 to go to the ZBA. I don't know what

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they would do.

MR. OLINKIEWICZ: Right.

MR. PROKOP: Was this property
already subdivided?

MR. OLINKIEWICZ: Not that I know
of. Was it ever subdivided? There is
a smaller cottage to the left, there's
a smaller cottage to the right, half
the size and there's a bigger lot with
one cottage on it.

MS. CLARKE: No, the one you have
is smaller, the one next to you is
larger than the one you have.

MR. OLINKIEWICZ: No.

MS. CLARKE: Yeah, Jim.

So we have the property to --
you're looking at your house from the
street, Lakeside is here, okay, your
place is smaller than this one, than
the place to your right, that house is
bigger than the one that you own.

MR. OLINKIEWICZ: The house or the
property?

MS. CLARKE: I'm talking about the

1
2 home.

3 MR. OLINKIEWICZ: I own -- the
4 Village has the name all mixed up on
5 the property number.

6 MS. CLARKE: No, I'm just --

7 MR. OLINKIEWICZ: The house number
8 it says on the house is 310, but on the
9 paperwork in the Village --

10 MS. CLARKE: No, I know exactly
11 what property you are talking about,
12 and the one to the right is larger than
13 the one that you have, it's not a
14 smaller cottage than what you have, and
15 then there is to your left, it's not a
16 cottage, it's more like a shop. It's
17 not a cottage, it's not lived in. I'm
18 just clarifying what you're saying
19 because you're not accurate.

20 MR. OLINKIEWICZ: We have that
21 survey.

22 MS. CLARKE: I'm talking about the
23 livable space.

24 MR. OLINKIEWICZ: Oh, the livable
25 space inside. I'm talking about the

1
2 lot size.

3 MS. CLARKE: No, I'm not talking
4 about the lot size. You said smaller
5 cottage, it's not.

6 MR. OLINKIEWICZ: Okay. Yes, the
7 house to the right might be bigger in
8 size, but the lot size is smaller than
9 the lot that I purchased, but you are
10 correct.

11 MS. BERRY: I would like to
12 clarify two things. This lot size is
13 actually nonconforming to R1, so it is
14 not oversized. It doesn't even meet
15 the minimum for its zoning.

16 MR. OLINKIEWICZ: What is R1 lot
17 size?

18 MS. BERRY: Ten thousand.

19 MR. OLINKIEWICZ: So, yes, it
20 doesn't meet R1 code.

21 MS. CLARKE: It meets R2 but not
22 R1, so it is a nonconforming lot size.

23 The other thing is the plans as
24 drawn, the units are not handicap
25 accessible.

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2 MR. OLINKIEWICZ: Those are just
3 preliminary plans just to go before the
4 Board because to pay an architect
5 \$8,000 to draw a full set of plans to
6 get kicked to the -- and said this is
7 not going to happen, right, and I'm
8 okay with nothing happening, but to
9 bring it up as an idea.

10 MS. BERRY: Whoever is doing the
11 drawings, to do a submittal, it's
12 supposed to be stamped and they should
13 read the handicap code because they're
14 not drawing it according to the code.

15 MR. OLINKIEWICZ: They are going
16 to be handicap accessible when they go
17 in. They might not be -- this is just
18 a preliminary -- it asked for
19 preliminary sketches, it doesn't ask
20 for full architectural plans for a
21 submittal, it only asks --

22 MS. BERRY: It still needs --

23 MR. OLINKIEWICZ: -- for because
24 there are so many changes and things
25 that the boards do to them anyway, so

1
2 to spend all that money to have that
3 whole thing done -- they will be
4 handicap accessible upon if it's ever
5 approved when it gets back to this
6 Board. I have a year worth of time
7 minimum on this project before I could
8 even come back to this Board.

9 MR. BURNS: So if it comes back to
10 us, we need to look at this, if it
11 comes back to us.

12 MR. COTUNGO: I'm surprised he
13 showed a plumbing riser diagram; that's
14 not required for this.

15 MR. OLINKIEWICZ: It was just
16 to -- right.

17 MR. COTUNGO: We always prefer
18 more accurate drawings without plumbing
19 risers.

20 MR. OLINKIEWICZ: Handicap is not
21 necessary, it could have been drawn
22 without, I mean, I would like to make
23 them handicap. It's not a requisite,
24 but we have a long way to go before we
25 even possibly get to that conversation,

1
2 so this is just pushing to the next
3 board, pushing then to the trustees and
4 then see what happens from there.

5 CHAIRMAN McMAHON: I don't want to
6 take any more of your time or our time.

7 I would suggest then that we deny
8 the application -- well, it's a
9 pre-submission conference, I don't
10 think we have a formal application in
11 front of us.

12 MR. JAUQUET: No.

13 CHAIRMAN McMAHON: So can an
14 applicant go from a pre-submission
15 conference with a negative answer at a
16 pre-submission conference straight to
17 the ZBA?

18 MR. PROKOP: No. He would need a
19 denial.

20 CHAIRMAN McMAHON: Can we offer a
21 denial without --

22 MR. PROKOP: Yes.

23 CHAIRMAN McMAHON: I'm going to
24 make a motion that we deny this
25 application as it would be submitted in

1
2 which case then we would be done with
3 it.

4 MS. CLARKE: I'll second.

5 CHAIRMAN McMAHON: It's up to the
6 applicant whether or not, or where to
7 take it from there.

8 Second, we have.

9 All in favor?

10 MS. CLARKE: Aye.

11 MR. JAUQUET: Aye.

12 MR. BURNS: Aye.

13 MR. COTUNGO: Aye.

14 CHAIRMAN McMAHON: Motion carries.

15 MR. OLINKIEWICZ: Thank you.

16 CHAIRMAN McMAHON: Item Number 4,
17 211 Carpenter Street.

18 Continued discussion on the
19 application for site plan review.
20 David Kapell representing Old Shipyard
21 LLC, located at 211 Carpenter Street
22 has proposed to convert an existing
23 two-story building into a first-floor
24 tasting room and one second-floor
25 apartment.

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2 The property is in the CR,
3 Commercial/Retail District. Both uses
4 are permitted in the CR zone. The
5 property has been vacant for some time.

6 The property is located in the
7 Village Historic District and is
8 subject to coordinated review which was
9 issued on June 16, 2016.

10 Suffolk County Tax Map number
11 1001-4-10-11.

12 We had requested a few changes
13 from the applicant, several of them
14 were made. I believe there is still
15 one door that is supposed to swing
16 outward but it swings in; that would
17 still need to be changed.

18 MS. WINGATE: It just swings the
19 wrong way, it is not in or out, just
20 swings out but in the wrong direction.

21 CHAIRMAN McMAHON: Okay.

22 We're still waiting for the
23 coordinated review, but do we have
24 any --

25 MS. BERRY: Also that's contingent

1
2 of how they approach the street which
3 isn't clear, so they don't have to
4 change the door if they open up the
5 whole porch to the street.

6 CHAIRMAN McMAHON: Okay.

7 MS. BERRY: But if they use just
8 the one approach, you know, so I think
9 we worded it so it's up to the
10 applicant.

11 CHAIRMAN McMAHON: Up to the
12 applicant. Okay.

13 MS. BERRY: And basically to make
14 the approach a hard surface because
15 right now they go from the porch to
16 dirt.

17 CHAIRMAN McMAHON: This was the
18 question I had: Is a landing required
19 to be paved in some way or can you have
20 a dirt landing?

21 MR. JAUQUET: If it is a question,
22 it could be up to us just for a
23 commercial use like that to tell them
24 what to do for, you know, the --

25 CHAIRMAN McMAHON: Is it in the

1
2 code or is there --

3 MR. JAUQUET: I don't know, but I
4 think -- you know, if it isn't we can
5 decide what it should be based on how
6 we want it to look and what we think
7 the safety concerns are.

8 CHAIRMAN McMAHON: Does anyone
9 have any safety concerns?

10 MR. JAUQUET: I do. I think it
11 should be a solid surface that you
12 would have in front of a commercial.

13 CHAIRMAN McMAHON: You're talking
14 about --

15 MR. JAUQUET: You're talking
16 between the street and the porch, the
17 surface now is dirt and I think that's
18 a good question, my opinion is to
19 surface it.

20 This piece of yard (indicating).

21 CHAIRMAN McMAHON: We've discussed
22 this application previously. I don't
23 believe there is any objection to the
24 use of the space or the apartment
25 above; is that correct, members of the

1
2 Board?

3 MR. JAUQUET: That is correct.

4 CHAIRMAN McMAHON: The applicants
5 are not here this evening.

6 I'm not really sure what else we
7 should discuss with this without having
8 the applicant here.

9 MR. PROKOP: I would just put it
10 on for the regular meeting. It was put
11 on the agenda for the regular meeting.
12 Is there anything that's missing from
13 the application?

14 CHAIRMAN McMAHON: No. We want
15 the one change with the door, and then
16 a determination as to what would happen
17 with the landing.

18 MS. BERRY: We also have asked
19 that the discharge from the drain spout
20 be under the ramp instead of in front
21 of it.

22 CHAIRMAN McMAHON: That was not
23 reflected in the most recent rendering.

24 MS. BERRY: It could be just a
25 condition of it.

1
2 CHAIRMAN McMAHON: Okay, we're
3 going to discuss it next week then?

4 MR. JAUQUET: Yes. We have three
5 or four conditions before we accept or
6 approve, I guess.

7 MS. BERRY: We could approve it
8 with these --

9 MR. PROKOP: I think it should go
10 on the agenda for the regular meeting.

11 CHAIRMAN McMAHON: I make a motion
12 we put this on the agenda for next
13 week, next Thursday.

14 Do I have a second?

15 MR. JAUQUET: Second.

16 CHAIRMAN McMAHON: All in favor?

17 MS. CLARKE: Aye.

18 MR. JAUQUET: Aye.

19 MR. BURNS: Aye.

20 MR. COTUNGO: Aye.

21 CHAIRMAN McMAHON: Motion carries.

22 Item Number 5 is Stirling Square;
23 300-308 Main Street.

24 Continued discussion on the
25 application for site plan review. An

1
2 amendment to the previous site plan
3 approved on November 4, 2015 is
4 required. The applicant Robert I.
5 Brown, Architect is representing
6 Stirling Square LLC, Brent Pelton.

7 The applicant has proposed to
8 remodel 4 existing apartment units into
9 5 inn units, and one handicap
10 accessible unit on the ground floor,
11 bringing the total of rental rooms for
12 American Beech Inn to 11 rooms.

13 The proposal includes a renovation
14 of Suite 308C, a ground-floor space,
15 into a lobby for the inn, incorporating
16 a new glass facade with interior and
17 new exterior seating and a water
18 feature in the courtyard.

19 The proposal includes additional
20 bluestone hardscape for easier handicap
21 accessibility and several ramps
22 providing accessibility to each of the
23 commercial units.

24 The proposal has specified a
25 retractable awning over the existing

1 cedar trellis which covers the dining
2 patio at the American Beech Restaurant.

3
4 The plan also calls for an
5 extension of the wood pergola to the
6 north. The property is located in the
7 Historic District.

8 The Historic Preservation
9 Commission reviewed the amended
10 proposal at the June 6th meeting and
11 approved the change in facade but asked
12 the applicant to explore other options
13 for the dining patio retractable
14 awning.

15 The HPC has asked that the project
16 remain on the agenda pending
17 alternative to the retractable awning.
18 All additional changes to the site plan
19 will be reviewed when available.

20 Suffolk County Tax Map number
21 1001-4-7-29.1.

22 I just want to read off a couple
23 of notes here.

24 This project needs to go to
25 Greenport Historic Preservation

1
2 Committee for approval of continued
3 conversation with the canopy pergola
4 issue. At issue is whether the
5 structure covering is permanent or
6 temporary. New York State Building
7 Code references 180 days as a point of
8 reference for indicating different
9 requirements for review. It's a
10 recommendation that when a covering is
11 of significant duration, it should be
12 considered as part of the lot coverage
13 and be included in the calculations.
14 It's recommended that the applicant
15 submit an overall plan which shows lot
16 coverage calculations for the whole
17 property if a canopy is considered.

18 Before I go any further, did you
19 have anything you wanted to --

20 MR. BROWN: Yes, I do.

21 Robert Brown, architect.

22 Based on the conversation I had
23 this afternoon with Mr. Pelton, we
24 would ask to eliminate the awning issue
25 from this application entirely, we

1
2 would address it at such time that we
3 can find a viable method for a
4 retracting awning.

5 CHAIRMAN McMAHON: You would not,
6 at the moment, be proposing to add any
7 additional coverage of the pergola.

8 MR. BROWN: That's correct.

9 CHAIRMAN McMAHON: I believe the
10 pergola now might be -- well, the clear
11 plastic covering that's on the pergola
12 now is problematic because that was not
13 on the original plan, and if it was
14 there permanently, then it no longer
15 qualifies as temporary structure and so
16 it would be in violation.

17 MR. BROWN: It's my understanding
18 that Mr. Pelton is aware of that, but I
19 will make sure that he is if that's not
20 the case.

21 CHAIRMAN McMAHON: Because the
22 plans as they -- well, the plans are
23 different now, so what you're proposing
24 then would be, you're going back to the
25 original --

1
2 MR. BROWN: Leaving the pergola as
3 it is --

4 CHAIRMAN McMAHON: -- pergola as
5 it was on the plans?

6 MR. BROWN: Yes.

7 Hopefully, at some point in the
8 future, if we can find a viable method
9 of retracting an awing over the entire
10 length, we would come back.

11 CHAIRMAN McMAHON: Okay.

12 MR. PALLAS: Just a question, if I
13 may.

14 Leaving it as is, what about the
15 extension of the pergola, is that
16 still --

17 MR. BROWN: The extension of the
18 pergola would be part of the
19 application, yes.

20 The only thing we are removing is
21 the awing aspect of the project.

22 MS. WINGATE: The issue is there
23 is a fireplace below the wood
24 structure. I think that's just bad
25 planning.

1
2 MR. BROWN: I believe the height
3 is sufficient to accommodate that
4 situation.

5 MS. WINGATE: I have to look at
6 it.

7 MS. BERRY: One of the things that
8 I think isn't clear is it's called a
9 pergola, but now you have got a roof
10 on, so it should be called a canopy;
11 and it's a fixed entity, so I think you
12 need to change how you're presenting it
13 because before a pergola was approved,
14 but now it really is a canopy. It's a
15 fixed structure with a roof, and with
16 that, you need to provide proof of the
17 fire ratings of the cover and also the
18 structural verification that for the
19 wind load and stuff like that because
20 it's different, so I think --

21 MR. BROWN: Excuse me.

22 I understand what you're saying.
23 I need to talk to Mr. Pelton about his
24 intentions with the plastic covering on
25 the pergola.

1
2 From my point of view, it always
3 has been and always would be a pergola,
4 again, I have to discuss with him what
5 his intentions are.

6 MS. BERRY: If you're --

7 MR. BROWN: I understand what
8 you're saying.

9 MS. BERRY: Also if it's a
10 permanent structure then you may need
11 to look at site coverage and have those
12 calculations approved.

13 MR. BROWN: Yes, I understand that
14 would be part of it.

15 CHAIRMAN McMAHON: There is one
16 other thing I need to mention with
17 regards to the lobby and use of the
18 square as a whole.

19 Just going by there one evening, I
20 saw that there -- it appeared as if
21 there were people drinking and partying
22 in the general, you know, in the
23 central area. It appears that there
24 was a party going on in the lobby that
25 was extending out into the area. I was

1
2 just walking by, I don't know if that
3 was actually the case or not, but it
4 appeared that way.

5 If that's the intention, that
6 would need to be part of the site plan
7 because as it is for a number of
8 reasons, one if anyone was drinking
9 there, then it would need to be
10 attached to a particular liquor license
11 with one of the tenants of the Square,
12 whoever it may be and that would have
13 to be included in the plan.

14 Just in your discussion, you might
15 want to mention that, if it's --

16 MR. BROWN: The site plan does
17 show specific seating areas in the open
18 area, and Mr. Pelton is aware that if
19 liquor is being served there, he has to
20 amend his liquor license.

21 MR. PROKOP: I think also with
22 respect to that specific comment, I
23 think he has to note that on the
24 application, so one of the questions
25 about the application has been the use

1
2 of the beverage counter, so I think
3 that somebody did tell the Village that
4 there was not going to be alcohol
5 served there, so that's part of the --

6 MR. BROWN: I'm not aware of that.

7 MR. PROKOP: So there is going to
8 be alcohol served.

9 MS. WINGATE: It is not decided.

10 CHAIRMAN McMAHON: I believe it
11 was discussed, I don't think there was
12 ever --

13 MR. PROKOP: I raised it as a
14 comment that because of the -- we're
15 being told that it's a lobby, but it
16 looks like a bar, I mean it's pretty
17 clear to me that it looks like a bar,
18 and it actually has a bar and I was --
19 the comeback to that was that it's not
20 a bar because alcohol is not going to
21 be served there, it's a beverage
22 counter.

23 MR. BROWN: I don't remember that,
24 but he is aware that if it is used for
25 alcohol, he would have to amend the

1
2 liquor license.

3 CHAIRMAN McMAHON: And the site
4 plan as well. I mean, it would need
5 to -- if there is any intention to have
6 that as rehearsal dinners or whatever
7 it is in the lobby and spilling out
8 into the area there, that would need to
9 be part --

10 MR. BROWN: Incorporated into the
11 liquor license.

12 CHAIRMAN McMAHON: Incorporated
13 into the plans because if it is being
14 used that way right now, it would be a
15 condition that it specifically could
16 not be used that way and it would need
17 approval because it appears it's being
18 done. If that's the plan that you
19 would like to have or Brent wants to
20 have reviewed, that's fine, but it just
21 needs to be clear on the plans what the
22 use is because there's egress issues
23 then for the other tenants in the
24 Square. If there is something that
25 happened, it can become a safety issue

1
2 as well as a site plan issue.

3 MR. BROWN: I'm not sure I
4 understand how that's distinct from
5 showing the seating areas.

6 CHAIRMAN McMAHON: Just because it
7 looked as if the drinking and
8 socializing was outside of, separate
9 from that, it didn't appear to be
10 contained on any one -- you know, there
11 is a number of tenants on the site, it
12 didn't appear t be contained to any one
13 tenant, so it just needs to be -- I
14 don't know how that --

15 MR. PROKOP: I don't know why
16 you're looking at us like it's a
17 mystery because one of the things that
18 we're supposed to do is to analyze the
19 use and the configuration of the use
20 directly and also in terms of SEQRA and
21 we have had a number of problems
22 tonight, just even tonight on the
23 agenda where we have things, it's a
24 question as to how things are
25 classified and what they really are and

1
2 we come to this and, you know, it seems
3 pretty clear to me that it was a bar
4 that's indicated, you've pretty much
5 confirmed that except that you don't
6 know whether or not -- your response is
7 that if he's going to sell liquor, he's
8 going to have to go to the SLA, but
9 even before he gets to that, he needs
10 to tell us what he is really going to
11 do with the space. It's not just
12 something he can hold off until, you
13 know, some later time. He needs to
14 tell the Board accurately what he
15 intends to do with the space.

16 The other thing I would want to
17 say since I'm speaking now, if you
18 don't mind, if I can please for a
19 second.

20 The whole concept of the pergola
21 when this first came before this Board
22 was that it was decorative, it wasn't a
23 structure. We were told two things. We
24 were told that it would never be
25 covered and we were also told it was

1
2 not going to increase the size of what
3 was there before it.

4 Now we have a structure that is
5 proposed to be bigger than what was
6 there before and also covered. With
7 all due respect to Mr. Pelton, I
8 understand that you are deferring to
9 his decision, but in the meantime the
10 pergola can't be covered. If he wants
11 to decide at some later time whether he
12 wants to cover it, that's fine, but in
13 the meantime it can't be covered.

14 MR. BROWN: I think that's
15 understood.

16 MR. PROKOP: Okay.

17 MR. COTUNGO: I definitely want it
18 uncovered now.

19 MR. PROKOP: It shouldn't be
20 covered.

21 MR. COTUNGO: Any motion of this
22 Board, it has to be removed first.

23 MR. PROKOP: Correct.

24 MR. COTUNGO: We can't act on
25 anything until you remove that cover

1
2 that's there now. That was done
3 illegally, right? There is no permit
4 for that cover?

5 MR. BROWN: Not to my knowledge.

6 MR. COTUNGO: Who knows if it
7 meets the snow load or anything else.
8 It's a permanent structure, it may not
9 meet the fire code or anything else.
10 In my opinion, before any discussion or
11 any motions, that's got to be removed
12 and then come back. That's my opinion.

13 MR. PROKOP: Thank you very much.

14 The final comment that I have and
15 then I'll be quiet on this, there are
16 changes on the exterior of the building
17 as it is, not even as part of this
18 application, there were changes on the
19 exterior of the building that were not
20 before the HPC, and they need to get
21 that before the HPC as part of this,
22 whatever you're doing with the HPC now,
23 they have to be reviewed by the HPC.

24 MR. BROWN: Specifically what?

25 MR. PROKOP: One of the things

1
2 that comes to mind is the ventilation
3 ductwork that's hanging outside of the
4 building, the aluminum ductwork that's
5 hanging outside the building.

6 Thank you.

7 CHAIRMAN McMAHON: Comments,
8 questions?

9 (No response.)

10 MR. PALLAS: As I recall, it was
11 accepted at the last meeting and there
12 is a 62-day window which will --

13 CHAIRMAN McMAHON: Yeah. It
14 doesn't seem like we're going to be
15 able to approve this at our meeting
16 next week, so if we have a 62-day
17 window once we accept an application to
18 either agree with you to an extension
19 or to act on it, right now I would vote
20 to deny as it is. I would suggest that
21 we extend the time period if you are
22 agreeable to that as a representative.

23 MR. BROWN: Just so that I
24 understand, the meeting following this
25 month's meeting would be beyond the 62

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days.

CHAIRMAN McMAHON: By a day.

So we would have to just so --
because otherwise we would have to act
on it next week and right now --

MR. BROWN: So I would ask that it
be extended.

CHAIRMAN McMAHON: I propose a
60-day extension, hopefully we can have
it resolved before that, but a 60-day
extension if that is amiable to
everyone. We have the motion -- would
that be acceptable to you?

MR. BROWN: Sure.

CHAIRMAN McMAHON: I'm going to
make a motion that we extend the review
period for acceptance of the
application by another 60 days in
addition to, I don't know what date it
was issued, but to add 60 days onto
that timeframe.

Do I have a second for that
motion?

MR. JAUQUET: Second.

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CHAIRMAN McMAHON: All in favor?

MR. PALLAS: Before you vote, if I may.

I think the motion should include that the applicant accepted that request.

CHAIRMAN McMAHON: Okay.

In light of the discussion we had with the applicant and the interest of the Board, I would like to make a motion that we extend the review period to accept the application for an additional 60 days.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

So with regards to this, do we have any more constructive comments we could make at this time with regards to

1
2 the application?

3 MR. COTUNGO: I think all the
4 liberties that were taken, such as the
5 ductwork and the awning should be
6 addressed and remediated before he
7 comes back to us.

8 MR. JAUQUET: What we're asking
9 for is for the plans to be, and the
10 uses to be definitely assigned to each
11 of the spaces and to decide what you're
12 going to do with that covering on the
13 restaurant, so that we have definite
14 things to accept or reject as we go
15 along.

16 CHAIRMAN McMAHON: So you
17 indicated that they're going to take --
18 they want essentially to take the
19 covering, the new proposed covering off
20 the plans that you're submitting now
21 and revert back to what was approved
22 prior.

23 I believe the issue then is that
24 what was approved prior is not actually
25 what is done currently, so the awning

1
2 or the covering right now is in
3 violation of what was approved
4 previously.

5 MR. JAUQUET: And what it ends up
6 being has -- there's a fire code issue
7 and the coverage issue, the site
8 coverage issue.

9 And the liquor?

10 CHAIRMAN McMAHON: That's -- I
11 think it needs to be clear what, you
12 know, is the lobby going to be used as
13 a space for catered events? It needs
14 to be clear as to whether that's either
15 going to be specifically allowed or
16 specifically disallowed. It should be
17 clear that it's one thing or another,
18 so we need clarification on that,
19 particularly with respect to if there
20 is going to be a new water feature in
21 the walkway there, then there's an
22 egress issue if you have people milling
23 about or coming out of the lobby.

24 MR. JAUQUET: These are things
25 that are all going to be expressed in

1
2 the revised plan?

3 CHAIRMAN McMAHON: Well, that's
4 between -- because also it does become
5 a SEQRA issue if there is a quality of
6 life, if you have outdoor partying
7 there, that's a noise level, that's not
8 something we considered with what the
9 plans are showing right now. Right
10 now, it's showing all contained inside
11 except up to where the pizza place is
12 now, it has approved outdoor seating, I
13 believe. If that's going to be
14 extended further up the street, there's
15 apartments all across the street, so
16 the plans should be very specific about
17 what that use is going to be and what
18 it will not be.

19 MR. PALLAS: Just for clarity, so
20 that when we receive his plan, we know
21 what we're looking at, for the
22 labeling, you want to include the
23 exterior space, the use of the exterior
24 space as well, correct?

25 CHAIRMAN McMAHON: Whatever it may

1
2 be, if there is one.

3 MR. PALLAS: Exactly. If I might
4 make a suggestion. It should probably
5 be labeled access only area or
6 something like that to leave it
7 unlabeled based on all the questions
8 that you all have, I think it would be
9 incumbent upon the applicant to label
10 that space even if they're not planning
11 to use it for parties or whatever, so
12 we are clear on the plan that it is not
13 going to be used for that purpose.
14 That's a suggestion.

15 MR. JAUQUET: I would agree with
16 that, so what we see on the plans is
17 what we get.

18 MR. PALLAS: Exactly.

19 MS. BERRY: This is a really minor
20 one, but in your latest proposal, is it
21 just two seats now on water feature or
22 is it all around?

23 MR. BROWN: Two seats.

24 MS. BERRY: Okay. Is there a way
25 to do it, so the feet don't go into the

1
2 path, like, can you set it back
3 slightly?

4 MR. BROWN: Definitely, I mean, it
5 hasn't been detailed to that extent,
6 but we can incorporate that.

7 MS. BERRY: Okay.

8 MR. BROWN: But there is
9 sufficient clearance on the other side,
10 everything is accessible, but it does
11 constrict in that area.

12 MS. BERRY: My other concern was,
13 there is also an entry door right
14 there.

15 MR. BROWN: It's a secondary
16 entry, but yes.

17 MS. BERRY: Okay.

18 CHAIRMAN McMAHON: Are there any
19 more comments or questions at this
20 time?

21 (No response.)

22 CHAIRMAN McMAHON: Okay.

23 Do you have any questions or
24 comments?

25 MR. BROWN: No.

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I have some work to do.

CHAIRMAN McMAHON: I'm going to make the motion that we table this until our next meeting. If there is anything new, we can discuss it then.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you.

MR. BROWN: Thank you.

Item Number 6, vacant lot east of 217 Monsell Place.

Pre-submission conference for Bryan Nicholson. The applicant proposes to develop the vacant parcel which he is currently under contract to purchase.

Bryan Nicholson is before the Board to discuss the proposed

1
2 construction of a one-family house on
3 the property located east of 217
4 Monsell Place.

5 The pre-submission package
6 includes a site plan, floor plans, and
7 elevations.

8 The project as proposed will
9 require variances. The property is
10 located in the R-1, One-Family
11 Residential District of the Village of
12 Greenport.

13 Suffolk County Tax Map number
14 1001-2-2-29.

15 So this is new construction on a
16 vacant lot. The applicant, I believe
17 is aware that the project will need a
18 variance for a side setback relief on
19 one side setback. The lot is
20 nonconforming to minimum dimensions
21 required in the R1 Zoning District, lot
22 area 5,040 square feet, less than the
23 10,000 per the code. Lot width 42
24 feet, that's less than the 80 feet
25 required by code.

1
2 The proposed placement of the
3 building violates one side setback, but
4 not front and rear. Section 150-13 D
5 allows (inaudible) regulations for
6 undersized lots. Total dimensions of
7 both side yards for a principal
8 building shall be computed on the basis
9 of four-tenths of the lot and lot
10 width; however, no side yard dimensions
11 shall be less than four-tenths of the
12 (inaudible) total dimensions of both
13 side yards shall be computed
14 (inaudible); however, no side yard
15 dimension shall be less than 90 feet.

16 For purposes of the discussion,
17 the lot width is 42 feet meeting
18 combined side widths to be 16.8 feet.
19 Over 20 feet are provided, so this
20 complies. The five-foot side setback
21 is less than ten-foot minimum 50
22 percent variance. There is space to
23 meet the code if the building were
24 centered on the property.

25 CHAIRMAN McMAHON: Do you want to

1
2 speak about the project?

3 MR. NICHOLSON: Yes. Bryan
4 Nicholson, the applicant.

5 I'd be happy to answer any
6 questions you might have.

7 CHAIRMAN McMAHON: So you're aware
8 that you would need to get a variance
9 from the ZBA?

10 MR. NICHOLSON: Correct. I have
11 already submitted to the ZBA.

12 CHAIRMAN McMAHON: So you're just
13 looking for a denial from us to go to
14 the ZBA?

15 MR. NICHOLSON: I already have a
16 denial from the Building Department,
17 it's included in the ZBA packet.

18 CHAIRMAN McMAHON: We're just
19 waiting for the ZBA to act on this
20 application?

21 MR. PROKOP: No. He needs the
22 Planning Board to deny too.

23 CHAIRMAN McMAHON: He needs the
24 denial from us as well.

25 MR. PROKOP: Yes.

1
2 CHAIRMAN McMAHON: Okay.

3 Does anyone want to discuss this
4 beyond the denial?

5 MR. COTUNGO: How did you come up
6 with the shape of the driveway?

7 MR. NICHOLSON: There was an
8 addendum I brought in. Currently on
9 the lot right by the sidewalk it says
10 there is an existing utility pole, I've
11 already spoken to the Town and they
12 have preliminarily agreed that they
13 would move the utility pole, so that
14 will allow me to move the house
15 forward. Moving the house forward then
16 allows me to not have a curved
17 driveway. It would fit in a lot better
18 with all the other houses on the
19 street, and it would most likely
20 eliminate the need for me to cut down
21 trees that are currently on the
22 property in the back.

23 Also moving that pole, there is an
24 easement issue because the neighbors
25 next door, their power line crosses my

1
2 lot, I have discussed with them and
3 they are ecstatic about having their
4 electric line buried.

5 MR. COTUNGO: It would have to be
6 a pretty good driver to back out of
7 that driveway.

8 MR. NICHOLSON: I agree with you.

9 MR. COTUNGO: I couldn't do it.

10 MR. JAUQUET: What's the width of
11 the driveway; is it 18 feet?

12 MR. NICHOLSON: No. The width of
13 that driveway would be approximately
14 ten feet.

15 MR. COTUNGO: You could never back
16 out, it's impossible, only a
17 motorcycle.

18 MR. NICHOLSON: In the packet I
19 submitted to you, it says that if that
20 pole is moved then the house would come
21 forward on the lot and then that also
22 allows a straight driveway to go back,
23 so when I submitted this, I did this
24 because of the current utility pole
25 that is there.

1
2 MR. COTUNGO: It looks like you
3 can go straight forward to the right of
4 the utility pole; can you have a
5 straight driveway; it looks like you
6 can.

7 MR. NICHOLSON: It's possible, but
8 once again, backing out or even turning
9 in, I don't think we want to take the
10 chance of having somebody hit a power
11 pole.

12 MS. BERRY: How far forward are
13 you going to move the house?

14 MR. NICHOLSON: So the neighbor's
15 house, I believe off the survey, their
16 porch starts nine point three feet
17 back, and the house starts thirteen
18 point three, so I would be at least
19 thirteen point three feet back to match
20 the aesthetic of the neighborhood.

21 MS. BERRY: There is a code
22 section that I got a different setback,
23 so I think you need to look at 150-13 D
24 3. I totally agree that moving it up
25 as close as you're allowed by the code

1
2 makes sense, but check the section and
3 include verification.

4 MR. NICHOLSON: Absolutely.

5 CHAIRMAN McMAHON: Did you say you
6 were actually planning on moving to a
7 straight driveway after, like this is
8 what you have now, but once the utility
9 pole is moved --

10 MR. NICHOLSON: Yes, so if and
11 when that utility pole gets moved, then
12 that takes care of the easement issue
13 with the power line with the neighbor's
14 line which will be buried, and on top
15 of that, allows for a straight driveway
16 and allows the house to be moved
17 forward.

18 CHAIRMAN McMAHON: Okay. Just
19 because that curved driveway actually
20 seems a little dangerous.

21 MR. NICHOLSON: And I only did
22 this application because I'm working
23 with what is currently there on the
24 lot.

25 CHAIRMAN McMAHON: Okay.

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2 MR. JAUQUET: Why is there a
3 bedroom on the first floor? There is
4 no living spaces except a great, like a
5 dining room. I mean, it's very small.
6 I'm just curious for a single-family
7 house why it needs four bedrooms.

8 MR. NICHOLSON: One, I mean, it's
9 an open-floor-plan concept, kitchen,
10 dining, living area. As far as
11 bedrooms on the first floor for elderly
12 people or people that couldn't be
13 upstairs, putting a bedroom on the
14 first floor is a lot more helpful and
15 accommodating.

16 MR. JAUQUET: Is this for sale?

17 MS. CLARKE: He's in contract to
18 purchase the lot.

19 MR. NICHOLSON: I am currently in
20 contract to purchase the lot.

21 MR. JAUQUET: Are you going to
22 retain the house or sell it?

23 MR. NICHOLSON: I'm retaining the
24 house.

25 MR. JAUQUET: As a rental house?

1
2 MR. NICHOLSON: No. It's not
3 going to be a rental, that's not my
4 plan.

5 MR. JAUQUET: So you're going to
6 live in it?

7 MR. NICHOLSON: It's going to be
8 for my parents and/or future in-laws.

9 MR. COTUNGO: There is a ratio of
10 number of bedrooms, how many square
11 feet of living? You should probably
12 have your architect --

13 MR. NICHOLSON: That is already --
14 I've taken the calculation and all the
15 square footage, as far as the plans in
16 front of you, should meet code for
17 everything.

18 MS. WINGATE: I was curious myself
19 and checked it, it was.

20 MR. COTUNGO: It's not that much
21 of a big area per bedroom.

22 MS. WINGATE: It was accurate.

23 MR. COTUNGO: It's accurate.

24 CHAIRMAN McMAHON: Do we have any
25 questions, concerns, thoughts?

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(No response.)

CHAIRMAN McMAHON: No.

MS. BERRY: You're going to deny it right, so --

CHAIRMAN McMAHON: Yes.

MS. BERRY: Because you wouldn't have been able to accept it.

MR. PROKOP: I just wanted to discuss something with the Board.

CHAIRMAN McMAHON: Sure.

MR. PROKOP: Take this chance.

With regard to the Olinkiewicz application for your review, did that get a denial from the Building Department?

MS. WINGATE: No.

MR. PROKOP: Why didn't that get a denial and these did; did he apply to the Building Department?

MS. WINGATE: He didn't fill out a building permit application, Bryan filled out a building permit application and pushed his paperwork along.

1
2 MR. PROKOP: How did he come to --
3 Mr. Olinkiewicz, how did it get to this
4 Board just by, he wanted us to approve
5 a concept or something?

6 MR. PALLAS: Pre-submission.

7 MR. PROKOP: These are
8 pre-submission conferences also.

9 MS. WINGATE: He filled out an
10 application to have a pre-submission
11 conference.

12 MR. PROKOP: I'm just trying to
13 figure out what -- we should have a
14 process for this because what I was
15 going to say was with Mr. Olinkiewicz,
16 we probably shouldn't deny a -- the
17 denial that gets him to the Zoning
18 Board of Appeals probably shouldn't be
19 this Board alone. You mentioned that
20 you had denied this application, I
21 guess you did the same thing for the
22 next one also.

23 MS. WINGATE: Yes.

24 MR. PROKOP: Okay.

25 MS. WINGATE: No, the next doesn't

1
2 need ZBA, only this one.

3 MR. PROKOP: Okay. Only this one,
4 so just speaking about this one, I
5 think it's okay to deny the
6 pre-submission on this because it was
7 already denied -- I think what we
8 should do is adopt, the technical thing
9 we should do is adopt the denial of the
10 Building Inspector and deny it on that
11 basis, that's --

12 MS. WINGATE: Excuse me, say that
13 again.

14 MR. PROKOP: On this one, Item
15 Number 6 which is 217 Monsell Place.
16 You have a denial letter that you
17 issued, correct?

18 MS. WINGATE: On this one, yes.

19 MR. PROKOP: So what I think we
20 should do is adopt a denial -- we
21 should vote to adopt the denial of the
22 Building Inspector and leave it at that
23 and then Mr. Nicholson will decide what
24 he wants to do.

25 CHAIRMAN McMAHON: That would

1 allow Mr. Nicholson to then go to the
2 ZBA on this application?

3 MR. PROKOP: Correct.

4 CHAIRMAN McMAHON: Does anyone
5 have any issue with that, this Board
6 just adopting the denial handled by the
7 Building Inspector?
8

9 (No response.)

10 CHAIRMAN McMAHON: Okay.

11 I make a motion that we formally
12 adopt the denial letter that was issued
13 by the Building Inspector, deny this
14 application, and the applicant would be
15 free to go before the ZBA.

16 Do I have a second for that?

17 MR. BURNS: Second.

18 CHAIRMAN McMAHON: All in favor?

19 MR. COTUNGO: Aye.

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 MS. CLARKE: Aye.

23 CHAIRMAN McMAHON: Motion carries.

24 Item Number 7, vacant lot south of
25 525 Second Street.

1
2 Pre-submission conference for
3 Bryan Nicholson. The applicant
4 proposes to develop the vacant parcel
5 which he is currently under contract to
6 purchase.

7 Bryan Nicholson is before the
8 Board to discuss the proposed
9 construction of a one-family house on
10 the property located south of 525
11 Second Street.

12 The pre-submission package
13 includes a site plan, floor plans, and
14 elevations. The project as proposed
15 will require variances.

16 Is that a typo? I thought this
17 did not.

18 MS. WINGATE: That's a typo, yeah,
19 this one doesn't need any variances.

20 CHAIRMAN McMAHON: The property is
21 located in the R-2, Two-Family
22 Residential District of the Village of
23 Greenport.

24 Suffolk County Tax Map
25 1001-2-6-14-2.

1
2 MR. PROKOP: There is no issue
3 that this is going to be only a
4 one-family house?

5 MR. NICHOLSON: Yes. This will be
6 the one-family home.

7 MS. CLARKE: Is this one going to
8 be a rental?

9 MR. NICHOLSON: No, this will not
10 be a rental.

11 MS. CLARKE: Are you living in
12 this one?

13 MR. NICHOLSON: No, both are going
14 to be either for parents or in-laws.
15 We're moving the entire family out
16 here.

17 MS. CLARKE: Well, alrighty.

18 CHAIRMAN McMAHON: The use is a
19 permitted use on a subdivision with an
20 updated plan dated 12/1/2005 and the
21 notes of July 27th meeting of the
22 Zoning Board of Appeals, approval is
23 contingent upon the removal of the wood
24 deck on the adjacent property owned by
25 Salvatore Ficara (phonetic). This deck

1
2 is still present.

3 MR. NICHOLSON: Can I speak about
4 that real quick?

5 CHAIRMAN McMAHON: Sure.

6 MR. NICHOLSON: That deck,
7 speaking with the seller's attorney,
8 they said they are in the process of
9 having that removed within the next
10 week for closing.

11 CHAIRMAN McMAHON: Okay.

12 MR. PROKOP: Was this before the
13 ZBA before?

14 CHAIRMAN McMAHON: I wasn't aware
15 of that.

16 MS. WINGATE: It was before the
17 ZBA back in the late '90s, and one of
18 the conditions back then was that the
19 deck --

20 MR. PROKOP: What's the -- I'm
21 sorry to interrupt.

22 MS. WINGATE: He subdivided it and
23 never brought anything, so now that
24 Bryan wants to build something, the
25 deck on the house that was part of the

1
2 subdivision needs to be removed, that
3 was a condition of the subdivision.

4 MR. COTUNGO: Where is the deck,
5 on another house next door?

6 MS. WINGATE: On the house to the
7 north.

8 CHAIRMAN McMAHON: The applicant
9 appears to be using the front yard
10 setback exemption described in 150-13
11 D, Subsection 3 to be more in line with
12 the neighborhood construction. The
13 applicant should submit evidence and
14 dimensions of dwellings within 200 feet
15 on either side, verify this visually
16 appears compliant.

17 We have, back to the drawings that
18 are shown that the calculations were
19 made from -- that may be on file with
20 the Village, but make sure it's
21 included in the application.

22 While the building appears to be
23 designed to code, it will not meet new
24 energy codes slated for October 2016.
25 We encourage the applicant to consider

1
2 using a more stringent requirements of
3 the new codes.

4 There's also a request to have the
5 windows included in the building plans,
6 they are not.

7 Glenis, when you say the windows
8 were not included, what do you mean by
9 that?

10 MR. COTUNGO: They're not
11 indicated on the floor plan, they just
12 show --

13 CHAIRMAN McMAHON: So on the
14 side --

15 MR. COTUNGO: They're not
16 delineated. Well, there's a lot of
17 things that are not delineated.

18 MR. NICHOLSON: You're saying the
19 actual size of the windows and
20 everything?

21 MR. COTUNGO: Located, they're not
22 located on the floor plan, they're only
23 located on the exterior elevations.

24 MR. NICHOLSON: Understood.

25 MR. COTUNGO: It's the same exact

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plan as the other house?

MR. NICHOLSON: That is correct.

MR. COTUNGO: I guess all the in-laws have the same needs, they all need a bedroom on the first floor --

MR. NICHOLSON: That was the --

MR. COTUNGO: -- so many bathrooms.

I think the ratio of bedrooms and bathrooms is too high compared to the ratio of living unless there is like three teenagers. If they have cars, the driveway is not big enough. If you visit and they have relatives and all four bedrooms are filled, there's not four parking spaces on the property.

MR. NICHOLSON: Right, but I believe code says I need to provide parking for two cars.

MS. WINGATE: That's what the code says.

CHAIRMAN McMAHON: Were you given a copy of the notes from our consultant, what I was just reading

1
2 from?

3 MR. PROKOP: We'll get them to him
4 tonight.

5 CHAIRMAN McMAHON: Do we have any
6 other concerns about this other than
7 what I've just discussed?

8 MR. PROKOP: How could the lot
9 coverage be correct? I don't know if
10 there is a question of this, but if the
11 lot area is 7,500 square feet and the
12 house is going to be 1,000 square feet,
13 is that 13, I guess it's 13. I guess
14 that's right.

15 There is a condition to the -- if
16 there was a condition to the
17 subdivision that has not been met, this
18 is not a legal lot. For us, I mean
19 something has to be done, it's
20 technically not a legal lot.

21 We don't have the benefit of the
22 ZBA decision, I haven't seen it.

23 MR. NICHOLSON: You're talking
24 about basically the covenants and
25 restrictions of this lot?

1
2 MR. PROKOP: Right, whatever the
3 condition was for this subdivision.

4 CHAIRMAN McMAHON: As you said,
5 the removal of the porch.

6 MR. NICHOLSON: Right. I have
7 read that, and it said I can't put a
8 two-family home on there, this is a
9 single-family home.

10 MR. PROKOP: No, but there is a
11 porch that was supposed to be removed
12 and it's still there.

13 MR. NICHOLSON: Right. Like I
14 said, I have a letter from the seller's
15 attorney stating that will be removed
16 within the next week before closing on
17 the lot, so as part of me closing on
18 this property to be able to build on it
19 in the first place, that will be
20 removed.

21 MR. PROKOP: You really can't
22 close -- I mean, that's up to your
23 attorney, I'm not giving you legal
24 advice, but you're closing on something
25 that doesn't exist because the

1
2 subdivision is not valid until the deck
3 is removed and you're asking us for a
4 building permit.

5 MR. NICHOLSON: The lot is
6 subdivided, you're talking about it as
7 a buildable lot because it is legally
8 subdivided already.

9 MR. PROKOP: It may not be because
10 the subdivision was conditional on that
11 being done.

12 MR. NICHOLSON: It was on the
13 building of a home which would be
14 subject to the deck being removed, but
15 it is actually a legally subdivided
16 lot.

17 MR. PROKOP: I'll check all the
18 records. We're just getting this
19 tonight, so thanks.

20 MR. NICHOLSON: Sure.

21 MR. PROKOP: Could you get
22 a single and separate search from a
23 title company, it's not a big deal;
24 would you please get that for us?

25 MR. NICHOLSON: Yes, I can. The

1
2 title search has been done and
3 concluded.

4 MR. PROKOP: Okay.

5 MR. NICHOLSON: There are no
6 issues that came up.

7 MR. PROKOP: You need to ask them
8 for a single and separate.

9 MR. NICHOLSON: Single and
10 separate, absolutely.

11 CHAIRMAN McMAHON: This is a
12 pre-submission conference, correct?

13 MS. WINGATE: Yes.

14 CHAIRMAN McMAHON: Any Board
15 members have any questions or concerns
16 about the application, thoughts?

17 (No response.)

18 CHAIRMAN McMAHON: Okay, so
19 obviously you are aware if there is a
20 covenant on the lot before anything can
21 be done, the porch needs to be removed,
22 we need to be evidenced before we
23 can -- I mean, it's a pre-submission
24 conference now, we're not even
25 accepting the application at this time

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anyway.

That would need to be addressed.

MR. NICHOLSON: Sure.

CHAIRMAN McMAHON: I think you were given a copy of the notes that I read off of.

MR. NICHOLSON: I don't have the copy of that.

CHAIRMAN McMAHON: We'll give you a copy of that.

MR. NICHOLSON: Thank you.

CHAIRMAN McMAHON: So the deck would have to be removed. We did want to confirm that measurements and calculations for the setback based on the side properties, if we could just get confirmation of that and then it's up to you with regards to the energy codes, we encourage you, but that's your decision.

MR. NICHOLSON: Of course.

CHAIRMAN McMAHON: Anything else?

(No response.)

CHAIRMAN McMAHON: So I'm going to

1
2 make a motion that we -- do we need to
3 provide comments back to the applicant?
4 It's a pre-submission, I think that's
5 how we're supposed to move forward; is
6 that correct?

7 MR. PROKOP: I would put it on the
8 agenda for next week and we can do the
9 comments in the meantime and then try
10 to have some kind of resolution --

11 CHAIRMAN McMAHON: -- that we can
12 give back to them.

13 MR. PROKOP: That we can adopt it
14 and give to the applicant next week.

15 CHAIRMAN McMAHON: Maybe even
16 based off of Glenis' notes.

17 So I'm going to make a motion that
18 we table this until next week.

19 Do I have a second?

20 MS. CLARKE: Second.

21 CHAIRMAN McMAHON: All in favor?

22 MR. JAUQUET: Aye.

23 MS. CLARKE: Aye.

24 MR. BURNS: Aye.

25 MR. COTUNGO: Aye.

1 CHAIRMAN McMAHON: Motion carries.

2 Do you have any questions for us?

3 MR. NICHOLSON: No.

4 Thank you very much.

5 CHAIRMAN McMAHON: Thank you.

6 MR. PROKOP: Before you close the
7 meeting, I have --

8 CHAIRMAN McMAHON: Yes.

9 MR. PROKOP: Going back to the 314
10 North Street, what we did tonight is we
11 denied it, but all we denied was an
12 application for a pre-submission
13 conference and we didn't really have an
14 application per se before us, so the
15 kind of denial he would need -- we
16 basically looked at the pre-submission
17 plan, voted no because we can't accept
18 it, we don't have the jurisdiction to
19 deal with it, but to get a denial that
20 would take him to the ZBA, he would
21 actually file an application. An
22 application has to be made and then
23 have the application denied, not just a
24 question for pre-submission conference.
25

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2 CHAIRMAN McMAHON: Okay. So
3 they're still on the agenda for next
4 week.

5 MR. PROKOP: Let's leave it on the
6 agenda for next week.

7 CHAIRMAN McMAHON: And then if he
8 in the meantime -- I don't know how
9 long it would take for the denial, but
10 if he formally submits an application
11 to the Building Department in the
12 meantime.

13 MR. PROKOP: We'll work on that.

14 I was going to suggest that it
15 goes on for next week.

16 CHAIRMAN McMAHON: Okay.

17 Any other business before we close
18 out the meeting?

19 (No response.)

20 CHAIRMAN McMAHON: Motion to
21 approve the Planning Board minutes of
22 the April 28, 2016 meeting.

23 MR. BURNS: Second.

24 CHAIRMAN McMAHON: All in favor?

25 MR. JAUQUET: Aye.

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CHAIRMAN McMAHON: Aye.

MR. COTUNGO: Abstention.

MS. CLARKE: I abstain.

CHAIRMAN McMAHON: Approved,
motion carries.

Item Number 9, motion to accept
the Planning Board minutes of the May
5, 2016 and May 26, 2016 meetings.

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Three ayes, one abstention.

MR. COTUNGO: I vote no.

CHAIRMAN McMAHON: One no vote.
Two abstentions, three ayes. Motion
carries.

Item Number 10, motion to adjourn.

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

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MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

(Time noted: 6:52 p.m.)

C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within proceedings is a true and accurate record of the stenographic notes taken by me.

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 30th day of June, 2015.

Stephanie O'Keefe

STEPHANIE O'KEEFFE

AUDIENCE MEMBER: [1] 47/4
CHAIRMAN McMAHON: [160]
MR. BROWN: [27] 64/19 65/7 65/16 65/25
66/5 66/16 66/25 67/20 68/6 68/12 69/15 70/5
70/22 71/9 72/2 74/13 75/4 75/23 76/22 77/6
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MR. BURNS: [23] 4/22 5/3 5/16 16/4 16/11
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78/15 78/19 84/11 97/16 97/19 109/23 111/22
112/9 112/12 112/24
MR. COTUNGO: [49] 15/24 21/12 22/2 25/16
26/9 26/18 26/25 27/5 28/7 31/3 35/19 37/3
37/11 39/21 40/13 40/18 41/13 41/16 54/11
54/16 56/12 61/19 74/16 74/20 74/23 75/5
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93/8 93/19 93/22 97/18 101/3 102/9 102/14
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112/15 112/25
MR. JAUQUET: [47] 6/17 6/20 7/7 11/5 13/8
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61/14 61/17 77/24 78/18 79/7 80/4 80/23
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MR. NICHOLSON: [42] 87/2 87/9 87/14 88/6
89/7 89/11 89/17 90/6 90/13 91/3 91/9 91/20
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106/19 106/24 107/4 107/8 108/3 108/7
108/11 108/21 110/3
MR. OAKES: [13] 8/4 8/8 11/9 14/7 15/10
15/14 15/17 15/21 17/22 18/7 18/13 19/7 22/8
MR. OLINKIEWICZ: [26] 43/4 45/20 46/24
47/6 47/10 47/14 47/18 48/14 49/11 50/2 50/5
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MR. PALLAS: [22] 3/21 7/2 7/9 7/15 7/21
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MR. PROKOP: [73] 9/8 9/19 10/3 10/11 11/6
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MS. BERRY: [28] 6/3 17/19 17/24 27/21 46/8
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MS. CLARKE: [48] 5/21 7/12 7/17 8/18 8/23
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MS. LATHAM: [24] 25/23 26/11 26/22 27/3
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MS. WINGATE: [29] 7/19 7/23 8/21 8/25 15/3
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1001-4-7-29.1 [1] 63/21
1001-5-4-26 [1] 3/21
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308C [1] 62/14
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62 [1] 76/25
62-day [2] 76/12 76/16
6:52 [1] 113/4
6th [1] 63/10
7
7,500 [1] 104/11
8
80 [1] 85/24
817 [4] 2/5 22/21 22/23 25/25
83 [1] 2/8
83-97 [1] 2/9
85-6 [1] 22/20
9
90 [1] 86/15
97 [1] 2/9
97-112 [1] 2/10
A
a single [1] 106/22
able [4] 42/21 76/15 94/8 105/18
about [35] 4/15 7/4 12/11 12/15 18/19 20/12
27/16 27/17 30/17 30/19 31/16 32/3 35/10
43/3 48/12 48/23 50/25 51/11 51/22 51/25
52/4 59/14 66/14 67/23 69/25 80/23 81/16
87/2 89/3 96/4 100/3 104/6 104/24 106/6
107/16
above [2] 16/10 59/25
absolutely [3] 8/5 91/4 107/10
abstain [1] 112/4
abstention [2] 112/3 112/15
abstentions [1] 112/18
abuts [3] 12/24 13/2 45/17
accept [20] 3/8 10/18 16/23 16/24 18/2 18/4
19/23 20/10 20/20 21/4 22/13 40/2 41/15 61/5
76/17 78/13 79/14 94/8 110/18 112/7
acceptable [2] 35/7 77/14
acceptance [1] 77/18
accepted [3] 10/17 76/11 78/6
accepting [2] 21/18 107/25
access [1] 82/5
accessibility [3] 27/8 62/21 62/22
accessible [6] 44/4 52/25 53/16 54/4 62/10
83/10
accommodate [1] 67/3
accommodating [1] 92/15
according [1] 53/14
accurate [6] 40/24 51/19 54/18 93/22 93/23
114/7
accurately [1] 73/14
acre [1] 48/17
across [6] 43/10 43/16 43/24 45/6 49/10
81/15
act [4] 74/24 76/19 77/5 87/19
action [1] 114/10
actual [3] 13/8 34/10 102/19
actually [22] 4/12 9/12 9/16 10/15 12/14
19/13 23/23 24/13 26/17 27/16 28/3 29/23
32/7 48/6 52/13 69/3 70/18 79/24 91/6 91/19
106/15 110/22
ADA [1] 27/14
add [2] 65/6 77/21
added [1] 24/20
addendum [1] 88/8
adding [2] 23/9 37/22
addition [3] 23/2 23/3 77/20
additional [6] 26/15 35/5 62/19 63/18 65/7
78/14
address [3] 22/7 28/7 65/2
addressed [4] 17/24 25/4 79/6 108/3
adjacent [5] 46/6 46/9 46/11 46/21 99/24

A
adjourn [1] 112/20
ADMINISTRATOR [1] 1/19
adopt [6] 96/8 96/9 96/20 96/21 97/12 109/13
adopting [1] 97/7
advance [1] 10/19
advantage [1] 20/13
advice [1] 105/24
advise [1] 13/16
aesthetic [1] 90/20
after [1] 91/7
afternoon [1] 64/23
again [4] 45/6 68/4 90/8 96/13
agenda [12] 3/23 12/4 16/25 20/22 60/11
61/10 61/12 63/16 72/23 109/8 111/3 111/6
ago [2] 27/18 49/14
agree [4] 76/18 82/15 89/8 90/24
agreeable [1] 76/22
agreed [1] 88/12
agreement [1] 39/15
ahead [1] 38/16
alcohol [4] 70/4 70/8 70/20 70/25
all [43] 7/7 7/13 7/18 7/19 7/25 10/23 12/10
15/21 21/9 28/20 33/24 36/14 39/15 40/15
43/21 51/4 54/2 56/9 61/16 63/18 74/7 78/2
78/17 79/3 80/25 81/10 81/15 82/7 82/8 82/22
84/9 88/18 93/14 97/18 103/4 103/5 103/15
106/17 109/21 110/12 111/24 112/11 112/22
allow [5] 23/2 43/13 49/24 88/14 97/2
allowed [10] 5/10 7/6 14/24 17/9 18/24 20/7
20/8 49/7 80/15 90/25
allows [6] 24/7 86/5 88/16 89/22 91/15 91/16
alone [1] 95/19
along [3] 7/14 79/15 94/25
already [8] 36/11 50/5 87/11 87/15 88/11
93/13 96/7 106/8
alrighty [1] 99/17
also [19] 31/14 42/18 47/22 57/25 60/18 63/4
67/17 68/9 69/21 72/20 73/25 74/6 81/4 83/13
88/23 89/21 95/8 95/22 102/4
alternative [1] 63/17
aluminum [1] 76/4
always [5] 20/5 37/20 54/17 68/2 68/3
am [5] 31/14 35/14 92/19 114/9 114/11
amend [2] 69/20 70/25
amended [3] 25/5 34/2 63/9
amendment [3] 22/14 22/25 62/2
American [2] 62/12 63/3
amiable [1] 77/12
amount [4] 31/23 31/24 43/20 44/19
analyze [1] 72/18
and/or [1] 93/8
another [9] 4/20 5/20 9/13 21/2 28/23 32/16
77/19 80/17 101/5
answer [5] 8/16 28/6 28/9 55/15 87/5
any [47] 4/22 8/9 8/16 8/17 13/6 13/6 13/9
13/14 13/18 14/21 14/22 15/5 18/23 25/7
28/12 39/19 43/3 44/5 44/18 44/22 46/21
48/11 55/6 57/24 59/9 59/23 64/18 65/6 71/5
72/10 72/12 74/21 75/10 75/11 78/24 83/18
83/23 87/5 93/24 97/6 98/19 104/5 107/14
107/15 110/3 111/17 114/10
anyone [10] 4/18 4/21 8/18 13/19 27/20 48/11
59/8 69/8 88/3 97/5
anything [10] 48/13 60/12 64/19 74/25 75/7
75/9 84/6 100/23 107/20 108/23
anyway [2] 53/25 108/2
apartment [4] 49/11 56/25 59/24 62/8
apartments [6] 43/17 43/24 44/4 44/7 44/23
81/15
apologize [2] 8/11 18/16
apparently [1] 31/18
Appeals [4] 23/7 24/19 95/18 99/22
appear [2] 72/9 72/12
appearance [1] 8/23
appeared [2] 68/20 69/4
appearing [1] 11/24
appears [5] 68/23 71/17 101/9 101/16 101/22

applicant [29] 3/11 8/3 14/18 22/23 41/22
41/24 55/14 56/6 57/13 58/10 58/12 60/8 62/4
62/7 63/12 64/14 78/6 78/10 82/9 84/20 85/16
87/4 97/14 98/3 101/8 101/13 101/25 109/3
109/14
applicants [1] 60/4
application [65] 3/9 8/13 10/16 10/18 11/2
11/9 12/11 13/21 16/20 16/22 19/23 20/17
20/19 21/4 22/7 22/13 23/19 24/12 27/7 27/9
30/18 32/8 35/3 38/15 39/2 40/3 41/2 41/16
44/11 48/9 49/24 55/8 55/10 55/25 56/19
59/22 60/13 61/25 64/25 66/19 69/24 69/25
75/18 76/17 77/19 78/13 79/2 87/20 91/22
94/14 94/22 94/24 95/10 95/20 97/3 97/14
101/21 107/16 107/25 110/13 110/15 110/22
110/23 110/24 111/10
applications [2] 14/23 16/17
applied [1] 16/4
apply [1] 94/19
approach [3] 58/2 58/8 58/14
approached [1] 44/24
appropriate [2] 39/6 49/5
appropriately [1] 25/4
approval [9] 9/13 23/6 23/24 25/2 36/20 40/4
64/2 71/17 99/22
approve [8] 35/3 36/18 38/17 61/6 61/7 76/15
95/4 111/21
approved [16] 22/14 22/16 24/18 33/16 33/21
39/2 54/5 62/3 63/11 67/13 68/12 79/21 79/24
80/3 81/12 112/5
approximately [2] 44/8 89/13
April [2] 22/15 111/22
architect [14] 31/25 32/17 33/17 35/21 36/8
36/25 38/3 38/12 38/21 40/8 53/4 62/5 64/21
93/12
architectural [3] 35/16 35/18 53/20
are [59] 7/6 7/13 7/18 11/18 13/6 25/7 26/13
26/20 27/4 27/13 31/8 34/10 35/16 36/23 37/9
39/14 39/15 43/18 44/5 44/20 44/21 47/23
51/11 52/9 52/24 53/2 53/15 53/24 57/4 59/7
60/5 65/22 66/20 68/5 72/24 72/25 74/8 75/15
76/21 80/24 80/25 81/9 82/12 83/18 86/19
88/21 89/3 90/12 92/21 95/7 99/11 99/13
100/8 101/18 102/6 102/17 103/16 107/5
107/19
area [15] 23/4 42/17 43/25 45/10 48/24 68/23
68/25 69/18 71/8 82/5 83/11 85/22 92/10
93/21 104/11
areas [2] 69/17 72/5
around [1] 82/22
arrived [1] 11/22
Article [1] 22/20
as [98] 3/15 4/9 4/15 4/16 5/2 5/9 5/14 6/15
6/23 11/21 11/24 12/3 12/4 12/11 13/15 14/2
14/20 20/6 21/4 22/17 23/5 25/2 26/4 27/10
28/4 28/17 29/3 29/7 30/4 30/5 30/9 30/11
30/23 32/23 32/23 32/24 32/24 33/14 33/14
37/6 38/25 39/11 40/22 40/22 41/21 42/6
42/16 44/25 48/2 48/9 49/5 49/7 52/23 53/9
55/25 60/16 64/7 64/12 65/15 65/22 66/2 66/4
66/14 68/18 68/20 69/7 70/13 71/4 71/6 72/2
72/2 72/7 72/24 75/17 75/17 75/21 76/10
76/20 76/22 79/4 79/14 80/12 80/14 81/24
85/8 87/24 90/25 90/25 92/10 92/10 92/25
93/15 93/15 98/14 103/2 105/4 105/17 106/6
ask [7] 8/6 15/9 21/22 53/19 64/24 77/7 107/7
asked [7] 12/14 24/13 32/9 53/18 60/18 63/11
63/15
asking [4] 36/15 44/22 79/8 106/3
asks [1] 53/21
aspect [1] 66/21
assigned [1] 79/10
association [1] 27/17
assume [2] 11/20 27/23
assuming [2] 8/3 19/15
attached [1] 69/10
attempt [3] 10/25 11/8 11/16
attention [3] 12/2 45/4 45/13

attorney [5] 1/18 29/7 100/7 105/15 105/23
Authority [1] 44/24
available [2] 32/2 63/19
aware [9] 20/25 65/18 69/18 70/6 70/24 85/17
87/7 100/14 107/19
away [1] 45/22
awing [2] 66/9 66/21
awning [7] 62/25 63/14 63/17 64/24 65/4 79/5
79/25
Aye [41] 21/10 21/11 21/12 21/13 40/16 40/17
40/18 40/19 56/10 56/11 56/12 56/13 61/17
61/18 61/19 61/20 78/18 78/19 78/20 78/21
84/10 84/11 84/12 84/13 97/19 97/20 97/21
97/22 109/22 109/23 109/24 109/25 111/25
112/2 112/12 112/13 112/14 112/23 112/24
112/25 113/2
ayes [2] 112/15 112/18

B
B7J [1] 24/22
back [29] 26/2 26/13 32/7 33/9 45/18 46/24
47/3 54/5 54/8 54/9 54/11 65/24 66/10 75/12
79/7 79/21 83/2 88/22 89/6 89/15 89/22 90/17
90/19 100/17 100/18 101/17 109/3 109/12
110/10
backing [1] 90/8
backs [2] 43/18 45/22
bad [1] 66/24
bag [2] 6/19 7/5
Bags [1] 3/9
bar [5] 70/16 70/17 70/18 70/20 73/3
based [6] 3/15 59/5 64/22 82/7 108/16 109/16
basically [3] 58/13 104/24 110/17
basis [3] 10/3 86/8 96/11
bat [1] 42/14
bathrooms [2] 103/9 103/11
be [162]
because [57] 5/11 10/17 10/18 13/25 14/16
17/8 17/15 19/2 23/20 24/2 25/13 30/22 31/3
33/8 34/9 42/16 42/22 42/23 43/22 43/23
44/13 45/5 46/8 47/25 48/5 49/5 49/6 51/19
53/4 53/13 53/23 58/14 65/12 65/21 67/13
67/19 69/7 70/14 70/20 71/13 71/17 71/22
72/6 72/17 77/5 81/4 88/24 89/24 91/19 91/22
94/7 95/14 96/6 105/25 106/7 106/9 110/18
become [2] 71/25 81/4
bed [4] 22/17 23/5 24/4 27/12
bedroom [22] 29/12 29/14 29/19 29/20 30/5
30/5 30/23 30/23 31/2 31/5 31/7 37/13 37/17
37/20 38/2 38/22 40/6 44/23 92/3 92/13 93/21
103/6
bedrooms [7] 24/8 39/21 92/7 92/11 93/10
103/10 103/16
Beech [2] 62/12 63/3
been [23] 9/25 11/19 12/3 12/4 15/6 18/13
25/5 30/16 30/19 36/3 37/20 38/7 38/8 39/12
43/19 54/21 57/5 68/3 69/25 83/5 94/8 104/17
107/2
before [44] 12/7 12/7 12/8 16/4 17/14 23/19
25/10 25/11 35/5 36/17 37/13 38/16 40/6
41/23 42/19 46/18 53/3 54/7 54/24 61/5 64/18
67/13 73/9 73/21 74/3 74/6 75/10 75/20 75/21
77/11 78/3 79/6 84/24 97/15 98/7 100/12
100/13 100/16 105/16 107/20 107/22 110/7
110/15 111/17
begin [1] 3/3
behind [5] 43/23 47/4 47/9 47/10 47/13
being [9] 33/4 47/16 69/19 70/15 71/13 71/17
80/6 106/11 106/14
believe [32] 3/24 3/25 5/2 5/6 6/2 7/17 16/19
23/23 24/13 25/19 27/11 27/19 27/21 27/25
28/5 28/10 29/18 39/14 46/3 46/15 46/19
49/14 57/14 59/23 65/9 67/2 70/10 79/23
81/13 85/16 90/15 103/19
below [1] 66/23
benefit [1] 104/21
BERRY [1] 1/20
besides [1] 28/24

B
better [1] 88/17
between [5] 10/5 31/23 45/10 59/16 81/4
beverage [2] 70/2 70/21
beyond [2] 76/25 88/4
big [4] 20/21 93/21 103/14 106/23
bigger [4] 50/10 50/22 52/7 74/5
block [1] 7/23
blood [1] 114/10
Blue [1] 46/16
bluestone [1] 62/20
board [58] 1/4 1/20 3/5 4/21 9/11 12/7 13/7
13/19 18/22 21/22 21/23 22/16 23/7 24/2 24/8
24/19 26/4 31/14 31/20 32/7 35/2 39/16 41/23
42/15 42/19 44/13 46/7 46/19 47/24 48/8 49/4
49/13 49/15 49/16 49/17 49/18 49/18 53/4
54/6 54/8 55/3 60/2 73/14 73/21 74/22 78/11
84/25 87/22 94/10 95/4 95/18 95/19 97/6 98/8
99/22 107/14 111/21 112/8
Board's [2] 45/4 45/13
boards [1] 53/25
boating [2] 3/16 6/8
both [4] 57/3 86/7 86/12 99/13
BRADLEY [1] 1/13
breakfast [3] 22/17 23/5 27/13
breakfasts [1] 24/4
Brent [2] 62/6 71/19
bring [4] 40/5 40/22 45/3 53/9
bringing [1] 62/11
brought [5] 12/2 45/12 49/13 88/8 100/23
Brown [2] 62/5 64/21
Bryan [7] 84/20 84/24 87/3 94/22 98/3 98/7
100/24
Bs [1] 37/7
Buddha [3] 3/12 4/24 5/2
build [2] 100/24 105/18
buildable [1] 106/7
building [33] 1/21 16/7 24/23 25/3 29/6 30/7
32/18 33/15 36/4 37/10 56/23 64/6 75/16
75/19 76/4 76/5 86/3 86/8 86/23 87/16 94/15
94/20 94/22 94/23 96/10 96/22 97/8 97/13
101/22 102/5 106/4 106/13 111/11
buried [2] 89/4 91/14
BURNS [1] 1/13
business [1] 111/17

C
calculation [1] 93/14
calculations [5] 64/13 64/16 68/12 101/18
108/16
called [2] 67/8 67/10
calling [1] 44/22
calls [1] 63/4
came [7] 10/15 23/19 36/4 46/15 48/10 73/21
107/6
can [46] 4/17 4/18 9/4 15/9 16/6 17/25 20/24
21/2 25/22 26/22 29/19 32/16 33/13 33/23
35/6 36/17 38/15 38/16 38/24 40/22 40/25
48/18 49/23 55/13 55/20 58/19 59/4 65/3 66/8
71/25 73/12 73/18 77/10 83/2 83/6 84/6 90/3
90/4 90/6 100/3 106/25 107/20 107/23 109/8
109/11 109/13
can't [9] 29/8 29/12 36/6 74/10 74/13 74/24
105/7 105/21 110/18
candid [2] 30/17 30/19
cannot [2] 26/20 30/3
Canoe [1] 46/16
canopy [4] 64/3 64/17 67/10 67/14
care [2] 9/7 91/12
Carpenter [3] 2/7 56/17 56/21
carries [11] 21/14 40/20 56/14 61/21 78/22
84/14 97/23 110/2 112/6 112/19 113/3
cars [2] 103/13 103/20
case [14] 9/13 9/14 9/20 9/22 10/3 10/3 10/14
11/6 11/7 13/3 28/11 56/2 65/20 69/3
case-by-case [1] 10/3
catch [1] 7/7
category [1] 16/2

catered [1] 80/13
cedar [1] 63/2
centered [1] 86/24
central [1] 68/23
CEO [1] 3/10
certain [2] 10/23 27/23
certainly [4] 11/11 11/16 11/17 15/11
certification [2] 36/24 37/5
certified [3] 35/20 38/12 40/23
certify [4] 36/8 38/24 114/5 114/9
CHAIRMAN [8] 1/12 3/22 83/22 94/3 97/10
107/18 108/25 111/20
chance [2] 90/10 94/12
change [5] 46/17 58/4 60/15 63/11 67/12
changed [1] 57/17
changes [6] 25/14 53/24 57/12 63/18 75/16
75/18
changing [1] 48/23
check [2] 91/2 106/17
checked [1] 93/19
choose [1] 36/18
chooses [1] 35/2
clarification [3] 18/9 21/17 80/18
clarify [2] 7/3 52/12
clarifying [2] 47/17 51/18
clarity [1] 81/19
CLARKE [1] 1/16
classified [1] 72/25
cleaner [1] 19/13
clear [11] 36/13 58/3 65/10 67/8 70/17 71/21
73/3 80/11 80/14 80/17 82/12
clearance [1] 83/9
clearly [2] 30/12 48/6
close [6] 4/15 6/13 90/25 105/22 110/7
111/17
closed [2] 9/6 9/12
closet [5] 29/18 29/20 32/3 32/25 34/12
closing [4] 100/10 105/16 105/17 105/24
clothing [1] 7/19
cluster [1] 48/24
code [30] 12/18 14/25 21/20 22/21 23/22 24/5
24/7 29/8 29/23 30/2 31/19 37/11 46/4 46/20
52/20 53/13 53/14 59/2 64/7 75/9 80/6 85/23
85/25 86/23 90/21 90/25 93/16 101/23 103/19
103/21
codes [4] 18/20 101/24 102/3 108/20
combined [1] 86/18
come [14] 9/15 11/19 12/5 32/17 32/19 33/12
38/21 54/8 66/10 73/2 75/12 88/5 89/20 95/2
comeback [1] 70/19
comes [4] 54/9 54/11 76/2 79/7
coming [2] 12/6 80/23
comment [5] 7/4 29/6 69/22 70/14 75/14
comments [8] 25/7 43/3 76/7 78/24 83/19
83/24 109/3 109/9
commercial [11] 3/14 4/16 5/8 6/11 7/2 7/25
40/7 57/3 58/23 59/12 62/23
Commercial/Retail [1] 57/3
Commission [2] 17/15 63/9
committee [2] 48/18 64/2
company [1] 106/23
compared [1] 103/11
compatible [1] 27/14
complete [1] 40/5
completed [1] 41/2
complex [1] 49/11
complexity [1] 43/8
compliance [1] 22/18
compliant [1] 101/16
complies [1] 86/20
comply [1] 27/7
computed [2] 86/8 86/13
concept [3] 73/20 92/9 95/5
concern [3] 38/6 38/8 83/12
concerning [1] 48/7
concerns [9] 8/18 13/12 19/20 28/12 59/7
59/9 93/25 104/6 107/15
concluded [1] 107/3

condition [12] 18/5 24/25 35/4 36/19 39/4
40/5 60/25 71/15 101/3 104/15 104/16 105/3
conditional [17] 4/3 4/4 5/7 5/13 6/15 6/18
6/20 6/25 7/6 12/15 12/17 12/20 12/21 16/3
21/19 23/6 106/10
conditions [3] 22/19 61/5 100/18
conductive [1] 44/2
conducted [1] 33/16
conference [11] 41/20 55/9 55/15 55/16
84/19 95/11 98/2 107/12 107/24 110/14
110/25
conferences [1] 95/8
configuration [1] 72/19
confirm [1] 108/15
confirmation [2] 39/5 108/18
confirmed [3] 25/3 26/4 73/5
conforming [1] 41/10
confused [1] 20/5
confusion [1] 11/13
conjunction [1] 12/22
connection [7] 3/16 4/14 5/5 5/12 6/7 6/16
6/24
consider [3] 20/16 47/21 101/25
considerations [1] 10/6
considered [5] 4/10 29/19 64/12 64/17 81/8
consignment [1] 15/17
consistency [1] 9/25
constrict [1] 83/11
construction [7] 41/25 46/5 46/21 85/2 85/15
98/9 101/12
constructive [1] 78/24
consultant [3] 1/20 14/7 103/25
contained [3] 72/10 72/12 81/10
contingent [3] 24/20 57/25 99/23
continuation [1] 4/9
continued [4] 22/18 56/18 61/24 64/2
continues [1] 47/2
continuing [1] 13/14
contract [4] 84/22 92/17 92/20 98/5
conversation [3] 54/25 64/3 64/22
conversations [1] 11/14
convert [4] 29/10 29/12 31/7 56/22
coordinated [2] 57/8 57/23
copy [7] 14/6 19/16 19/18 103/24 108/6 108/9
108/11
correct [20] 3/24 7/22 21/20 26/6 37/3 39/9
41/13 52/10 59/25 60/3 65/8 74/23 81/24
87/10 96/17 97/4 103/3 104/9 107/12 109/6
corrected [1] 12/19
correcting [1] 40/23
correctly [2] 26/9 40/8
cottage [7] 50/8 50/9 50/11 51/14 51/16
51/17 52/5
COTUNGO [1] 1/15
couch [1] 28/18
couches [1] 44/21
could [16] 18/4 20/16 42/25 46/2 48/24 54/7
54/21 58/22 60/24 61/7 71/15 78/25 89/15
104/8 106/21 108/17
couldn't [3] 26/19 89/9 92/12
counter [3] 27/20 70/2 70/22
COUNTY [9] 1/2 3/20 23/17 24/7 42/12 57/10
63/20 85/13 98/24
couple [1] 63/22
course [1] 108/22
court [1] 9/16
courtyard [1] 62/18
covenant [1] 107/20
covenants [1] 104/24
cover [5] 14/21 67/17 74/12 74/25 75/4
coverage [7] 64/12 64/16 65/7 68/11 80/7
80/8 104/9
covered [5] 73/25 74/6 74/10 74/13 74/20
covering [8] 64/5 64/10 65/11 67/24 79/12
79/19 79/19 80/2
covers [1] 63/2
CR [2] 57/2 57/4
criteria [2] 4/4 43/14

C
crosses [1] 88/25
curious [3] 10/8 92/6 93/18
current [2] 6/10 89/24
currently [8] 48/10 79/25 84/22 88/8 88/21 91/23 92/19 98/5
curved [2] 88/16 91/19
cut [1] 88/20

D
danger [1] 14/3
dangerous [1] 91/20
date [1] 77/20
dated [2] 22/15 99/20
David [1] 56/20
day [7] 12/9 76/12 76/16 77/3 77/10 77/11 114/14
days [5] 64/7 77/2 77/19 77/21 78/14
deal [2] 106/23 110/20
decide [4] 59/5 74/11 79/11 96/23
decided [1] 70/9
decision [4] 5/20 74/9 104/22 108/21
decisions [1] 10/9
deck [9] 99/24 99/25 100/6 100/19 100/25 101/4 106/2 106/14 108/13
decorative [1] 73/22
deferring [1] 74/8
deficient [1] 39/10
defined [2] 30/9 30/11
definite [1] 79/13
definitely [4] 16/2 74/17 79/10 83/4
delay [1] 8/12
delineated [2] 102/16 102/17
denial [20] 23/25 49/23 55/19 55/21 87/13 87/16 87/24 88/4 94/15 94/19 95/17 96/9 96/16 96/20 96/21 97/7 97/12 110/16 110/20 111/9
denials [1] 20/13
denied [11] 17/4 17/8 20/14 20/15 23/20 24/11 95/20 96/7 110/12 110/12 110/24
deny [12] 42/15 47/25 48/9 55/7 55/24 76/20 87/22 94/4 95/16 96/5 96/10 97/13
Department [10] 16/7 29/7 30/7 32/18 33/15 36/4 87/16 94/16 94/20 111/11
described [1] 101/10
DESCRIPTION [1] 2/3
designated [1] 30/4
designation [1] 27/13
designed [1] 101/23
desk [1] 28/19
detailed [1] 83/5
determinant [1] 38/4
determination [1] 60/16
determined [1] 10/10
develop [2] 84/21 98/4
DEVIN [2] 1/12 21/16
diagram [1] 54/13
did [23] 8/20 15/13 16/9 18/16 24/2 24/14 27/6 48/16 64/18 70/3 88/5 89/23 91/5 91/21 94/14 94/19 94/19 95/2 95/3 95/21 98/17 108/14 110/11
didn't [12] 11/11 18/11 18/14 19/6 27/3 32/14 47/19 72/9 72/12 94/18 94/21 110/14
difference [5] 10/5 11/4 31/22 34/6 34/15
different [5] 4/11 64/8 65/23 67/20 90/22
difficult [1] 35/13
dimension [1] 86/15
dimensions [7] 27/3 40/9 85/20 86/6 86/10 86/12 101/14
dining [6] 29/3 30/14 63/2 63/13 92/5 92/10
dinners [1] 71/6
direction [2] 49/20 57/20
directly [2] 43/16 72/20
dirt [3] 58/16 58/20 59/17
disallowed [1] 80/16
discharge [1] 60/19
discrepancy [1] 40/24
discuss [12] 4/18 13/25 20/24 21/2 60/7 61/3

68/4 84/6 84/25 88/3 94/10 98/8
discussed [7] 24/3 28/2 46/17 59/21 70/11 89/2 104/7
discussion [10] 30/21 31/15 31/19 32/3 56/18 61/24 69/14 75/10 78/9 86/16
distinct [1] 72/4
distinction [4] 4/8 4/18 5/9 5/19
district [16] 3/19 5/11 17/16 17/19 23/15 25/10 42/8 42/11 43/10 45/7 57/3 57/7 63/7 85/11 85/21 98/22
do [59] 4/20 6/3 8/17 8/19 8/20 9/6 13/6 13/16 13/24 16/7 18/14 19/2 20/3 20/4 21/7 23/25 29/11 30/8 31/2 31/21 39/19 40/12 43/2 47/8 48/22 50/2 53/11 53/25 57/23 58/24 59/10 61/14 64/20 72/18 73/11 73/15 77/23 78/15 78/23 79/12 82/25 83/23 84/2 84/7 86/25 89/9 93/24 96/8 96/9 96/20 96/24 97/16 102/8 104/5 109/2 109/8 109/19 110/3 114/5
documents [1] 19/5
does [15] 4/21 9/8 13/3 13/4 19/7 28/2 28/6 34/5 48/20 59/8 69/16 81/4 83/10 88/3 97/5
doesn't [13] 17/8 27/7 32/24 33/2 43/14 48/2 52/14 52/20 53/19 76/14 95/25 98/19 105/25
doing [2] 53/10 75/22
Don [1] 3/10
don't [56] 3/23 4/6 5/15 6/2 10/4 10/22 13/9 13/14 14/5 14/22 18/25 19/16 19/25 23/25 27/14 27/19 27/21 27/25 28/4 28/9 29/15 30/24 31/8 33/17 34/8 34/9 34/23 36/2 42/18 42/20 44/11 47/12 47/21 48/11 49/19 49/25 55/5 55/9 58/3 59/3 59/22 69/2 70/11 70/23 72/14 72/15 73/5 73/18 77/20 82/25 90/9 104/9 104/21 108/8 110/19 111/8
done [12] 32/12 36/11 39/12 54/3 56/2 71/18 75/2 79/25 104/19 106/11 107/2 107/21
door [7] 30/13 57/15 58/4 60/15 83/13 88/25 101/5
down [3] 8/7 18/6 88/20
drain [1] 60/19
draw [2] 38/22 53/5
drawing [3] 19/2 26/5 53/14
drawings [3] 53/11 54/18 101/17
drawn [3] 26/8 52/24 54/21
drew [1] 31/25
drinking [3] 68/21 69/8 72/7
driver [1] 89/6
driveway [11] 88/6 88/17 89/7 89/11 89/13 89/22 90/5 91/7 91/15 91/19 103/14
ductwork [3] 76/3 76/4 79/5
due [1] 74/7
duration [1] 64/11
dwellings [1] 101/14

E
each [2] 62/22 79/10
early [1] 20/14
easement [2] 88/24 91/12
easier [1] 62/20
east [4] 43/20 44/16 84/17 85/3
ecstatic [1] 89/3
edge [1] 45/8
egress [6] 31/4 31/9 37/8 41/9 71/22 80/22
EILEEN [2] 1/21 11/14
either [5] 5/16 76/18 80/14 99/14 101/15
elderly [1] 92/11
electric [1] 89/4
elevations [4] 42/5 85/7 98/14 102/23
eliminate [2] 64/24 88/20
else [8] 6/19 19/7 44/18 48/13 60/6 75/7 75/9 108/23
elsewhere [1] 13/20
encourage [2] 101/25 108/20
encouraging [1] 30/20
end [1] 44/16
ends [1] 80/5
energy [2] 101/24 108/19
engineer [3] 35/21 36/8 36/25
enough [3] 6/14 10/19 103/14

enterprise [2] 6/11 6/12
entire [4] 7/20 7/22 66/9 99/15
entirely [1] 64/25
entity [1] 67/11
entry [2] 83/13 83/16
equipment [1] 6/6
essentially [1] 79/18
evaluation [3] 3/8 16/18 21/18
even [12] 42/20 43/21 52/14 54/8 54/25 72/22 73/9 75/17 82/10 90/8 107/24 109/15
evening [3] 19/24 60/5 68/19
events [1] 80/13
ever [4] 48/22 50/7 54/4 70/12
every [1] 44/25
everybody [2] 44/15 44/18
everyone [1] 77/13
everything [8] 6/19 13/17 15/20 30/20 32/14 83/10 93/17 102/20
evidence [1] 101/13
evidenced [1] 107/22
exact [4] 6/3 6/3 39/11 102/25
exactly [4] 15/22 51/10 82/3 82/18
example [1] 9/10
exceed [1] 23/8
exceeding [1] 24/17
except [4] 20/20 73/5 81/11 92/4
excess [1] 34/19
Excuse [3] 21/16 67/21 96/12
exempt [1] 28/9
exemption [1] 101/10
exist [1] 105/25
existing [7] 23/4 37/9 38/23 56/22 62/8 62/25 88/10
expansion [1] 24/16
explore [1] 63/12
expressed [1] 80/25
extend [3] 76/21 77/17 78/12
extended [2] 77/8 81/14
extending [1] 68/25
extension [6] 63/5 66/15 66/17 76/18 77/10 77/12
extent [1] 83/5
exterior [6] 62/17 75/16 75/19 81/23 81/23 102/23
external [1] 25/14
extra [1] 27/10

F
facade [2] 62/16 63/11
facts [1] 10/23
fairly [1] 31/22
family [14] 23/15 41/25 42/10 44/3 85/2 85/10 92/6 98/9 98/21 99/4 99/6 99/15 105/8 105/9
far [3] 90/12 92/10 93/15
fashion [1] 8/21
favor [12] 21/9 40/15 56/9 61/16 78/2 78/17 84/9 97/18 109/21 111/24 112/11 112/22
feature [3] 62/18 80/20 82/21
feet [26] 24/21 26/24 26/25 27/5 27/5 31/10 34/19 35/23 44/9 44/10 82/25 85/22 85/24 85/24 86/15 86/17 86/18 86/19 89/11 89/14 90/16 90/19 93/11 101/14 104/11 104/12
felt [2] 43/25 45/3
few [3] 8/14 28/13 57/12
Ficara [1] 99/25
figure [2] 44/12 95/13
file [10] 10/25 11/8 11/17 19/17 36/12 38/11 38/18 40/6 101/19 110/22
filed [1] 11/18
fill [1] 94/21
filled [3] 94/23 95/9 103/16
final [1] 75/14
find [3] 48/19 65/3 66/8
fine [7] 6/15 9/17 10/13 19/17 32/25 71/20 74/12
fire [3] 67/17 75/9 80/6
Firehouse [1] 1/6
fireplace [1] 66/23

F
first [10] 9/22 44/5 56/23 73/21 74/22 92/3 92/11 92/14 103/6 105/19
first-floor [1] 56/23
fishing [4] 3/17 6/8 6/11 6/12
fit [3] 17/8 45/12 88/17
fits [1] 48/20
five [2] 24/10 86/20
five-foot [1] 86/20
fixed [2] 67/11 67/15
floor [20] 19/5 32/9 32/10 37/18 42/4 44/5 44/10 56/23 56/24 62/10 62/14 85/6 92/3 92/9 92/11 92/14 98/13 102/11 102/22 103/6
follow [1] 13/23
following [1] 76/24
foot [6] 34/13 34/14 34/16 34/18 86/20 86/21
footage [2] 32/4 93/15
formal [3] 20/11 49/23 55/10
formally [3] 40/21 97/11 111/10
formerly [1] 3/12
forth [1] 22/19
forward [9] 10/2 15/24 88/15 88/15 89/21 90/3 90/12 91/17 109/5
four [15] 25/6 26/13 26/14 26/22 33/23 38/22 39/20 41/25 44/3 61/5 86/9 86/11 92/7 103/16 103/17
four-family [2] 41/25 44/3
four-tenths [2] 86/9 86/11
fourth [3] 23/9 25/17 40/25
free [2] 4/20 97/15
friend [1] 32/12
front [14] 2/4 3/7 3/11 7/21 19/16 26/16 29/2 30/13 55/11 59/12 60/20 86/4 93/16 101/9
full [2] 53/5 53/20
further [4] 47/2 64/18 81/14 114/9
future [2] 66/8 93/8

G
garage [1] 26/16
garden [2] 43/17 43/24
gave [1] 24/8
general [2] 48/12 68/22
get [20] 4/17 8/13 9/6 17/10 18/23 20/5 38/11 53/6 54/25 75/20 82/17 87/8 94/15 94/18 95/3 104/3 106/21 106/24 108/18 110/20
gets [4] 54/5 73/9 91/11 95/17
getting [1] 106/18
give [3] 108/10 109/12 109/14
given [4] 14/5 32/10 103/23 108/6
giving [1] 105/23
glass [1] 62/16
GLENIS [2] 1/20 102/7
Glenis' [1] 109/16
go [25] 17/13 25/10 25/11 30/18 31/17 42/19 46/18 49/15 49/25 53/3 53/16 54/24 55/14 58/15 61/9 63/24 64/18 73/8 79/14 82/25 87/13 89/22 90/3 97/2 97/15
goes [2] 45/14 111/15
going [55] 3/3 5/21 13/22 20/15 20/23 21/3 22/10 28/14 29/13 34/21 39/25 44/8 46/5 46/16 53/7 53/15 55/23 61/3 65/24 68/19 68/24 70/4 70/7 70/20 73/7 73/8 73/10 74/2 76/14 77/16 79/12 79/17 80/12 80/15 80/20 80/25 81/13 81/17 82/13 84/3 90/13 92/21 93/3 93/5 93/7 94/4 95/15 99/3 99/7 99/13 104/12 108/25 109/17 110/10 111/14
good [4] 14/19 45/12 59/18 89/6
goods [1] 6/6
got [4] 37/21 67/9 75/11 90/22
grab [2] 6/19 7/5
grant [2] 24/13 42/21
granted [4] 23/12 25/2 39/4 39/8
great [2] 38/15 92/4
GREENPORT [11] 1/2 1/7 3/4 23/10 41/22 42/11 43/7 44/17 63/25 85/12 98/23
Greenporters [1] 44/20
ground [2] 62/10 62/14
ground-floor [1] 62/14

guess [7] 35/25 36/2 61/6 95/21 103/4 104/13 104/13
guilty [1] 9/16

H
had [25] 5/4 6/16 11/13 12/6 14/18 14/22 20/12 24/2 26/5 28/18 31/17 31/21 32/9 32/11 32/11 32/15 34/2 41/13 46/8 57/12 58/18 64/22 72/21 78/9 95/20
hadn't [1] 26/8
half [5] 34/13 34/13 34/16 34/18 50/9
Hampton [1] 43/21
hand [2] 35/18 114/14
handicap [10] 27/8 44/4 52/24 53/13 53/16 54/4 54/20 54/23 62/9 62/20
handing [2] 19/9 34/7
handled [1] 97/7
hands [1] 16/7
hanging [8] 16/12 16/15 17/21 17/23 18/5 18/10 76/3 76/5
happen [3] 48/5 53/7 60/16
happened [2] 10/14 71/25
happening [1] 53/8
happens [1] 55/4
happy [4] 8/9 8/16 12/19 87/5
hard [1] 58/14
hardly [1] 44/5
hardscape [1] 62/20
has [34] 6/23 9/25 12/4 12/21 14/16 17/4 22/24 23/6 24/5 25/3 25/5 33/11 36/3 43/19 48/11 49/16 51/4 56/22 57/5 62/7 62/24 63/15 68/3 69/19 69/23 69/25 70/18 74/22 80/6 81/12 104/17 104/19 107/2 110/23
hasn't [2] 18/12 83/5
haste [3] 8/13 12/8 32/6
have [162]
haven't [2] 15/4 104/22
having [9] 8/11 20/14 32/18 38/7 38/8 60/7 89/3 90/10 100/9
he [35] 16/4 16/4 16/9 32/15 54/12 55/18 65/19 69/19 69/23 70/24 70/25 73/9 73/9 73/10 73/12 73/13 73/14 74/10 74/11 79/6 84/22 87/21 87/23 94/19 94/21 95/2 95/4 95/9 96/24 98/5 100/22 110/16 110/21 111/7 111/10
he's [3] 73/7 73/7 92/17
heads [1] 39/17
heard [1] 31/15
hearings [1] 18/23
height [1] 67/2
helpful [1] 92/14
her [2] 10/16 10/18
here [18] 8/11 11/6 11/7 11/19 12/5 12/16 24/16 25/9 26/20 31/15 38/8 49/2 49/21 50/19 60/5 60/8 63/23 99/16
hereby [1] 114/5
hereunto [1] 114/13
hers [1] 32/12
Hi [1] 25/24
high [1] 103/11
him [5] 16/8 68/4 95/17 104/3 110/21
his [8] 47/4 47/12 67/23 68/5 69/20 74/9 81/20 94/24
Historic [11] 3/19 17/14 17/16 17/19 23/15 25/10 42/8 57/7 63/7 63/8 63/25
hit [2] 11/12 90/10
hold [1] 73/12
home [7] 29/17 42/17 51/2 99/6 105/8 105/9 106/13
honest [1] 29/15
hopefully [2] 66/7 77/10
house [33] 29/3 38/5 41/25 43/11 43/15 46/23 47/4 47/12 50/18 50/21 50/23 51/7 51/8 52/7 85/2 88/14 88/15 89/20 90/13 90/15 90/17 91/16 92/7 92/22 92/24 92/25 98/9 99/4 100/25 101/5 101/6 103/2 104/12
houses [3] 45/10 48/24 88/18
housing [5] 43/22 44/14 44/24 48/18 49/11

how [21] 4/23 5/21 8/19 9/8 10/8 15/23 25/17 58/2 59/5 67/12 72/4 72/14 72/24 88/5 90/12 93/10 95/2 95/3 104/8 109/5 111/8
however [3] 31/19 86/10 86/14
HPC [7] 25/11 25/12 63/15 75/20 75/21 75/22 75/23

I
I see [1] 27/2
I'd [4] 8/6 19/22 29/5 87/5
I'll [4] 24/15 56/4 75/15 106/17
I'm [46] 8/3 8/9 8/15 8/24 10/8 10/23 11/10 11/24 12/19 19/15 20/16 20/23 21/3 22/10 25/24 27/4 29/6 30/2 30/20 35/12 39/25 44/23 49/21 50/25 51/6 51/17 51/22 51/25 52/3 53/7 54/12 55/23 60/6 70/6 72/3 73/17 77/16 84/3 91/22 92/6 92/23 95/12 100/20 105/23 108/25 109/17
I've [3] 88/10 93/14 104/7
idea [2] 37/23 53/9
Il [1] 22/20
illegally [1] 75/3
important [2] 37/9 37/24
impossible [1] 89/16
in-laws [3] 93/8 99/14 103/5
inaccurate [1] 32/16
inaudible [3] 86/5 86/12 86/14
Inc [1] 41/23
inches [3] 32/21 34/5 34/14
include [5] 32/24 35/4 78/5 81/22 91/3
included [7] 23/23 64/13 69/13 87/17 101/21 102/5 102/8
includes [5] 42/4 62/13 62/19 85/6 98/13
including [1] 32/5
incorporate [1] 83/6
Incorporated [2] 71/10 71/12
incorporating [1] 62/15
increase [2] 39/20 74/2
increased [1] 24/9
incumbent [1] 82/9
INDEX [1] 2/2
indicated [3] 73/4 79/17 102/11
indicating [2] 59/20 64/8
infringing [1] 45/8
initial [1] 32/8
injuring [1] 14/17
inn [4] 28/20 62/9 62/12 62/15
inside [2] 51/25 81/10
INSPECTOR [7] 1/21 24/24 25/3 96/10 96/22 97/8 97/13
install [2] 18/11 18/17
installed [1] 18/13
instead [2] 4/2 60/20
insurance [1] 14/19
insured [1] 14/20
intends [1] 73/15
intention [2] 69/5 71/5
intentions [2] 67/24 68/5
interest [1] 78/10
interested [1] 114/11
interior [1] 62/16
interrupt [1] 100/21
involved [1] 27/24
is [292]
Island [2] 44/17 48/16
isn't [8] 5/23 17/18 19/3 45/19 46/23 58/3 59/4 67/8
issue [25] 13/14 14/11 14/15 28/5 39/19 44/14 44/15 46/8 49/2 64/4 64/4 64/24 66/22 71/25 72/2 79/23 80/6 80/7 80/8 80/22 81/5 88/24 91/12 97/6 99/2
issued [8] 8/22 9/2 11/23 15/5 57/9 77/21 96/17 97/12
issues [5] 19/20 20/25 39/22 71/22 107/6
it [295]
it's [109] 4/8 4/10 5/9 5/10 5/25 5/25 6/9 6/12 6/13 6/21 7/5 7/7 8/3 10/2 12/3 14/15 15/16 15/25 16/19 17/15 17/21 17/23 18/17 19/4

I
it's... [85] 20/15 21/17 26/21 28/8 28/20 33/7 34/5 34/12 34/13 34/16 34/21 36/13 37/19 37/20 37/21 38/13 42/23 42/25 43/4 43/9 43/11 44/11 45/4 45/7 45/9 46/9 46/10 46/12 46/13 47/3 49/2 49/7 49/8 51/13 51/15 51/16 51/16 51/17 52/5 53/11 54/4 54/23 55/8 56/5 58/9 64/9 64/14 65/17 67/8 67/11 67/14 67/20 68/9 69/15 70/15 70/16 70/19 70/21 71/17 72/16 72/23 73/11 75/8 80/17 81/10 83/15 87/17 89/16 90/7 92/5 92/8 93/2 93/7 93/20 93/23 96/5 101/20 102/25 104/13 104/19 105/12 106/23 107/23 108/18 109/4
ITEM [11] 2/3 3/7 22/11 41/19 56/16 61/22 84/17 96/14 97/24 112/7 112/20
its [3] 5/11 45/5 52/15

J
James [1] 43/5
JAUQUET [1] 1/14
Jim [2] 41/20 50/16
Joe [3] 9/8 20/3 37/24
JOHN [1] 1/15
JOSEPH [1] 1/18
July [1] 99/21
June [7] 1/8 3/5 23/13 24/19 57/9 63/10 114/14
jurisdiction [1] 110/19
just [72] 4/15 5/9 7/3 7/4 7/7 12/13 14/11 15/5 15/7 18/8 18/10 19/16 19/18 20/18 21/17 25/20 26/5 26/19 29/5 29/12 30/6 30/20 34/20 35/15 43/10 45/3 45/13 47/17 49/6 51/6 51/18 53/2 53/3 53/17 54/15 55/2 57/18 57/19 58/7 58/22 60/9 60/24 63/22 66/12 66/24 68/19 69/2 69/14 71/20 72/6 72/13 72/22 73/11 76/23 77/4 81/19 82/21 87/12 87/18 91/18 92/6 94/9 95/4 95/12 96/4 97/7 102/11 103/25 104/7 106/18 108/17 110/24

K
Kapell [1] 56/20
Keeping [1] 24/11
kicked [1] 53/6
kind [4] 30/21 45/7 109/10 110/16
kitchen [2] 28/20 92/9
knew [1] 18/15
know [56] 4/7 10/4 10/6 11/13 14/5 14/17 14/22 20/15 27/3 27/15 28/9 29/7 29/16 29/23 30/17 30/24 33/8 34/9 35/14 36/2 38/14 38/17 42/18 42/20 43/19 44/11 44/18 47/12 47/19 48/2 48/11 48/15 48/22 48/25 49/9 49/19 49/25 50/6 51/10 58/8 58/24 59/3 59/4 68/22 69/2 72/10 72/14 72/15 73/2 73/6 73/13 77/20 80/12 81/20 104/9 111/8
knowledge [1] 75/5
knows [2] 27/20 75/6

L
label [1] 82/9
labeled [1] 82/5
labeling [1] 81/22
lacking [1] 36/23
Lake [3] 45/20 45/21 45/23
Lakeside [1] 50/19
landing [3] 58/18 58/20 60/17
large [5] 14/16 29/2 29/3 30/15 31/22
larger [4] 14/24 15/8 50/14 51/12
laser [1] 32/19
last [4] 28/3 28/4 38/4 76/11
late [1] 100/17
later [3] 22/7 73/13 74/11
latest [1] 82/20
Latham [2] 22/24 25/24
latter [1] 24/23
law [1] 31/3
laws [3] 93/8 99/14 103/5
layout [1] 19/19
lease [1] 15/14

least [1] 90/18
leave [4] 16/6 82/6 96/22 111/5
Leaving [2] 66/2 66/14
left [2] 50/8 51/15
legal [3] 104/18 104/20 105/23
legally [2] 106/7 106/15
length [1] 66/10
less [6] 34/11 85/22 85/24 86/11 86/15 86/21
let [1] 34/6
let's [3] 12/11 35/25 111/5
letter [3] 96/16 97/12 105/14
level [1] 81/7
liability [1] 14/21
liberties [1] 79/4
license [4] 69/10 69/20 71/2 71/11
life [1] 81/6
light [1] 78/9
like [29] 8/3 12/16 15/24 19/22 24/14 26/21 28/21 34/5 42/22 48/13 51/16 52/11 54/22 58/23 67/19 70/16 70/17 71/19 72/16 76/14 78/11 82/6 83/2 90/2 90/5 91/7 92/4 103/12 105/13
likely [1] 88/19
limit [2] 14/14 23/8
line [6] 43/10 88/25 89/4 91/13 91/14 101/11
lines [1] 26/14
liquor [7] 69/10 69/19 69/20 71/2 71/11 73/7 80/9
list [2] 7/8 7/10
little [1] 91/20
livable [2] 51/23 51/24
live [1] 93/6
lived [1] 51/17
living [18] 28/18 28/24 29/2 29/9 29/13 30/10 30/11 30/11 30/13 30/15 31/6 31/7 44/20 92/4 92/10 93/11 99/11 103/12
LLC [4] 3/9 22/23 56/21 62/6
load [2] 67/19 75/7
lobby [7] 62/15 68/17 68/24 70/15 71/7 80/12 80/23
located [15] 3/18 23/14 42/2 42/7 42/9 56/21 57/6 63/6 85/3 85/10 98/10 98/21 102/21 102/22 102/23
location [2] 45/2 45/5
long [6] 12/4 32/23 32/24 44/16 54/24 111/9
longer [2] 30/8 65/14
look [7] 27/22 33/9 54/10 59/6 67/5 68/11 90/23
looked [2] 72/7 110/17
looking [7] 7/16 12/14 43/22 50/18 72/16 81/21 87/13
looks [5] 24/14 70/16 70/17 90/2 90/5
lot [42] 29/24 43/12 43/15 48/17 50/10 52/2 52/4 52/8 52/9 52/12 52/16 52/22 64/12 64/15 84/17 85/16 85/19 85/21 85/23 86/9 86/9 86/17 88/9 88/17 89/2 89/21 91/24 92/14 92/18 92/20 97/24 102/16 104/8 104/11 104/18 104/20 104/25 105/17 106/5 106/7 106/16 107/20
lots [2] 43/13 86/6
LUCY [1] 1/16

M
made [9] 7/4 10/9 11/14 11/16 30/18 34/14 57/14 101/19 110/23
Main [6] 2/5 7/25 22/12 22/23 25/25 61/23
make [27] 4/19 5/19 5/20 8/15 13/16 19/22 21/3 31/9 34/6 34/25 36/19 40/2 46/17 54/22 55/24 58/13 61/11 65/19 77/17 78/11 78/25 82/4 84/4 97/11 101/20 109/2 109/17
makes [2] 30/25 91/2
many [3] 53/24 93/10 103/8
map [8] 3/20 7/17 23/17 42/12 57/10 63/20 85/13 98/24
marriage [1] 114/11
match [2] 33/19 90/19
materials [1] 6/6
matter [1] 114/12

may [15] 3/23 4/12 7/3 46/18 49/4 66/13 68/10 69/12 75/8 78/4 81/25 101/19 106/9 112/8 112/9
maybe [4] 18/3 20/15 44/3 109/15
McMAHON [7] 1/12 83/22 94/3 97/10 107/18 108/25 111/20
me [18] 5/17 8/11 19/16 21/16 34/6 44/22 44/22 49/16 49/18 67/21 70/17 73/3 88/14 88/16 88/20 96/12 105/17 114/8
mean [14] 34/4 34/12 38/24 49/22 54/22 70/16 71/4 83/4 92/5 92/8 102/8 104/18 105/22 107/23
means [1] 44/18
meantime [8] 9/19 10/11 10/21 74/9 74/13 109/9 111/8 111/12
measure [3] 31/17 32/14 32/19
measured [3] 32/15 34/24 36/4
measurement [3] 34/4 38/14 39/6
measurements [3] 26/6 34/11 108/15
measuring [1] 31/16
meet [9] 33/24 43/14 48/2 52/14 52/20 75/9 86/23 93/16 101/23
meeting [26] 10/15 10/20 11/20 18/4 18/18 19/25 20/2 23/13 24/21 27/17 31/20 38/7 60/10 60/11 61/10 63/10 76/11 76/15 76/24 76/25 84/5 86/17 99/21 110/8 111/18 111/22
meetings [2] 31/14 112/9
meets [6] 4/3 31/18 32/23 35/22 52/21 75/7
MEMBER [4] 1/13 1/14 1/15 1/16
members [3] 39/16 59/25 107/15
Memorial [1] 12/8
mention [2] 68/16 69/15
mentioned [2] 48/4 95/19
merchandise [1] 15/21
met [1] 104/17
method [2] 65/3 66/8
middle [1] 45/9
might [13] 14/3 16/24 34/25 43/25 45/11 47/21 48/5 52/7 53/17 65/10 69/14 82/3 87/6
milling [1] 80/22
mind [3] 24/11 73/18 76/2
minimum [6] 24/21 33/24 52/15 54/7 85/20 86/21
minor [1] 82/19
minutes [2] 111/21 112/8
missing [1] 60/12
missteps [1] 12/6
mistaken [2] 30/2 46/3
mixed [1] 51/4
moment [1] 65/6
money [1] 54/2
Monsell [4] 2/9 84/18 85/4 96/15
month [1] 49/14
month's [1] 76/25
Moore's [4] 43/18 45/6 45/16 45/24
more [11] 9/14 14/16 24/6 51/16 54/18 55/6 78/24 83/19 92/14 101/11 102/2
most [2] 60/23 88/19
motion [32] 3/8 21/3 21/14 22/13 40/2 40/13 40/20 41/13 55/24 56/14 61/11 61/21 74/21 77/13 77/17 77/24 78/5 78/12 78/22 84/4 84/14 97/11 97/23 109/2 109/17 110/2 111/20 112/6 112/7 112/18 112/20 113/3
motions [1] 75/11
motorcycle [1] 89/17
move [9] 10/2 15/24 22/11 38/16 49/20 88/13 88/14 90/13 109/5
moved [5] 15/19 89/20 91/9 91/11 91/16
moving [6] 41/18 88/15 88/23 90/24 91/6 99/15
Mr [7] 3/22 64/23 65/18 69/18 95/3 95/15 96/23
Mr. [3] 67/23 74/7 97/2
Mr. Nicholson [1] 97/2
Mr. Pelton [2] 67/23 74/7
Ms [1] 33/19
much [4] 73/4 75/13 93/20 110/5
multifamily [5] 42/17 42/24 43/15 49/8 49/11

M
multifamily-housing [1] 49/11
must [1] 35/5
my [31] 8/12 10/24 12/2 12/3 16/23 19/8 20/19 26/5 26/8 28/19 32/6 32/8 34/3 34/4 34/23 35/25 36/2 37/15 38/6 38/8 59/18 65/17 68/2 75/5 75/10 75/12 83/12 88/25 93/3 93/8 114/13
myself [3] 30/10 48/7 93/18
mystery [1] 72/17

N
name [2] 8/8 51/4
naming [1] 14/20
nature [1] 35/18
necessarily [1] 42/21
necessary [2] 15/3 54/21
need [43] 8/19 16/8 19/2 19/18 19/25 30/7 31/2 33/5 33/6 34/20 38/10 38/17 41/9 45/2 48/19 54/10 55/18 57/17 67/12 67/16 67/23 68/10 68/16 69/6 69/9 71/4 71/8 71/16 75/20 80/18 85/17 87/8 88/20 90/23 96/2 98/19 103/6 103/19 107/7 107/22 108/3 109/2 110/16
needed [1] 18/15
needs [16] 17/21 17/24 53/22 63/24 71/21 72/13 73/9 73/13 80/11 80/13 87/21 87/23 92/7 101/2 103/5 107/21
negative [1] 55/15
neighbor [2] 47/9 47/10
neighbor's [2] 90/14 91/13
neighborhood [2] 90/20 101/12
neighbors [2] 43/23 88/24
neither [2] 5/17 35/14
never [5] 30/10 42/24 73/24 89/15 100/23
new [18] 1/2 1/7 15/14 23/11 37/17 37/19 37/21 37/25 62/16 62/17 64/6 79/19 80/20 84/6 85/15 101/23 102/3 114/5
next [30] 16/25 18/4 20/2 20/11 20/22 21/5 21/6 40/3 40/22 41/3 50/13 55/2 61/3 61/12 61/13 76/16 77/6 84/5 88/25 95/22 95/25 100/9 101/5 105/16 109/8 109/14 109/18 111/3 111/6 111/15
Nicholson [7] 84/20 84/24 87/4 96/23 97/2 98/3 98/7
nine [1] 90/16
no [60] 5/4 5/6 5/22 6/16 6/23 10/25 11/8 13/9 15/4 15/18 17/17 17/18 18/14 19/20 25/13 25/14 26/23 30/8 37/17 39/22 39/23 39/24 43/22 50/12 50/15 51/6 51/10 52/3 55/12 55/18 60/14 65/14 75/3 76/9 83/21 83/25 86/10 86/14 87/21 89/12 92/4 93/2 94/2 94/3 94/17 95/25 97/9 99/2 99/9 99/13 105/10 107/5 107/17 108/24 110/4 110/18 111/19 112/16 112/17 114/11
nod [1] 39/16
noise [1] 81/7
non [1] 30/23
non-bedroom [1] 30/23
noncompliant [1] 23/21
nonconforming [4] 14/2 52/13 52/22 85/20
normally [1] 23/25
north [8] 2/6 41/19 41/22 42/2 43/6 63/6 101/7 110/11
not [125]
Notary [1] 114/4
notated [1] 26/24
notations [1] 34/3
note [2] 5/19 69/23
noted [1] 113/4
notes [10] 14/6 24/16 25/9 34/24 63/23 99/21 103/24 108/6 109/16 114/7
nothing [1] 53/8
November [1] 62/3
now [40] 12/12 21/3 28/14 28/16 29/25 31/18 32/5 33/3 33/9 34/17 36/23 37/22 38/7 42/14 47/24 48/3 58/15 59/17 65/10 65/12 65/23 67/9 67/14 71/14 73/17 74/4 74/18 75/2 75/22

76/19 77/6 79/20 80/2 81/9 81/10 81/12 82/21 91/8 100/23 107/24
number [25] 3/7 3/20 22/11 23/17 33/22 38/22 39/3 41/19 42/12 51/5 51/7 56/16 57/10 61/22 63/20 69/7 72/11 72/21 84/17 85/13 93/10 96/15 97/24 112/7 112/20

O
O'KEEFFE [2] 114/3 114/16
Oakes [1] 3/10
objection [2] 13/19 59/23
obtained [1] 25/18
obviously [1] 107/19
occupied [1] 40/6
October [1] 101/24
off [10] 24/15 28/20 32/21 42/14 63/22 73/12 79/19 90/15 108/7 109/16
offer [2] 49/23 55/20
Oh [3] 27/2 47/11 51/24
okay [42] 3/2 4/6 10/12 13/5 14/10 15/8 17/17 17/20 18/3 19/14 31/11 36/16 37/14 39/18 45/15 47/22 50/19 52/6 53/8 57/21 58/6 58/12 61/2 66/11 74/16 78/8 82/24 83/7 83/17 83/22 88/2 91/18 91/25 95/24 96/3 96/5 97/10 100/11 107/4 107/18 111/2 111/16
old [2] 15/13 56/20
Olinkiewicz [5] 41/21 43/6 94/13 95/3 95/15
once [3] 76/17 90/8 91/8
one [70] 4/19 5/20 7/11 7/12 10/10 10/10 10/13 16/10 16/17 16/20 17/3 17/20 18/2 19/7 23/2 23/3 23/15 24/15 34/2 40/23 42/10 44/23 46/12 46/13 50/11 50/12 50/13 50/14 50/20 50/22 51/12 51/13 56/24 57/15 58/8 60/15 62/9 67/7 68/15 68/19 69/8 69/11 69/24 72/10 72/12 72/17 75/25 80/17 82/2 82/20 85/2 85/10 85/19 86/3 92/8 95/22 96/2 96/3 96/4 96/14 96/18 98/9 98/19 99/4 99/6 99/7 99/12 100/17 112/15 112/17
one-family [7] 23/15 42/10 85/2 85/10 98/9 99/4 99/6
ones [1] 7/18
only [17] 12/24 13/2 16/3 20/12 24/7 27/9 34/13 48/4 53/21 66/20 82/5 89/16 91/21 96/2 96/3 99/3 102/22
open [3] 58/4 69/17 92/9
open-floor-plan [1] 92/9
opened [6] 3/11 8/14 10/20 12/7 12/8 16/4
opening [1] 31/10
operate [3] 9/4 9/11 10/11
operated [2] 9/18 9/21
operation [1] 5/14
opinion [6] 20/3 21/23 39/8 59/18 75/10 75/12
options [1] 63/12
order [2] 11/16 13/17
original [6] 19/8 29/16 29/17 39/13 65/13 65/25
other [19] 14/23 24/4 30/4 31/12 35/15 43/13 44/6 52/23 63/12 68/16 71/23 73/16 83/9 83/12 88/18 103/2 104/6 104/6 111/17
others [1] 18/16
otherwise [2] 33/12 77/5
our [14] 3/25 8/13 11/15 12/8 14/7 18/4 21/5 23/24 27/17 38/11 55/6 76/15 84/5 103/24
out [19] 12/14 12/17 15/20 30/6 48/20 57/19 57/20 68/25 71/7 80/23 89/6 89/16 90/8 94/21 94/23 95/9 95/13 99/15 111/18
outcome [1] 114/12
outdoor [2] 81/6 81/12
outline [1] 5/22
outside [3] 72/8 76/3 76/5
outward [1] 57/16
over [10] 15/20 34/13 34/17 34/18 43/21 46/12 46/13 62/25 66/9 86/19
overall [1] 64/15
overcrowding [2] 29/25 38/3
overhead [2] 14/3 14/13
oversized [2] 43/12 52/14

own [5] 15/21 34/3 37/7 50/22 51/3
owned [1] 99/24
owner [2] 9/15 32/11

P
p.m [2] 1/8 113/4
package [3] 42/3 85/5 98/12
packet [2] 87/17 89/18
PAGE [1] 2/3
paid [2] 9/16 10/13
PALLAS [1] 1/19
papers [1] 44/16
paperwork [6] 11/15 11/17 11/18 13/18 51/9 94/24
parcel [2] 84/21 98/4
parents [2] 93/8 99/14
parents' [1] 44/21
parking [8] 23/3 23/4 25/6 25/18 26/21 27/9 103/17 103/20
parks [2] 46/6 46/22
part [12] 28/19 31/20 64/12 66/18 68/14 69/6 70/5 71/9 75/17 75/21 100/25 105/17
particular [2] 37/2 69/10
particularly [1] 80/19
parties [2] 82/11 114/10
partly [1] 18/19
parts [1] 6/7
party [1] 68/24
partying [2] 68/21 81/6
pass [1] 41/13
path [1] 83/2
patio [2] 63/3 63/13
PAUL [1] 1/19
paved [1] 58/19
pay [3] 33/17 38/21 53/4
Pelton [6] 62/6 64/23 65/18 67/23 69/18 74/7
pending [1] 63/16
people [5] 9/11 68/21 80/22 92/12 92/12
per [4] 44/10 85/23 93/21 110/15
percent [1] 86/22
pergola [15] 63/5 64/3 65/7 65/10 65/11 66/2 66/4 66/15 66/18 67/9 67/13 67/25 68/3 73/20 74/10
perhaps [1] 11/12
period [3] 76/21 77/18 78/12
permanent [3] 64/5 68/10 75/8
permanently [1] 65/14
permission [1] 18/15
permit [6] 11/21 11/21 75/3 94/22 94/23 106/4
permitted [9] 3/13 6/5 6/25 12/22 14/12 42/24 42/25 57/4 99/19
Personally [2] 5/15 13/13
PETER [1] 1/14
phonetic [1] 99/25
photocopied [1] 19/11
photoshopped [1] 18/11
physically [2] 26/7 32/14
pictured [1] 16/15
piece [1] 59/20
pizza [1] 81/11
place [9] 2/9 41/4 50/20 50/21 81/11 84/18 85/4 96/15 105/19
placement [1] 86/2
plan [40] 19/3 19/5 22/14 22/25 25/5 25/21 26/7 26/10 38/22 39/10 39/10 39/13 40/7 40/23 42/4 56/19 61/25 62/2 63/4 63/18 64/15 65/13 69/6 69/13 69/16 71/4 71/18 72/2 81/2 81/20 82/12 85/6 92/9 93/4 98/13 99/20 102/11 102/22 103/2 110/18
planning [16] 1/4 1/20 3/5 18/22 22/15 42/15 47/24 48/8 49/15 49/16 66/25 82/10 87/22 91/6 111/21 112/8
plans [34] 12/3 31/21 32/2 32/9 32/10 32/13 32/22 33/3 33/18 35/4 35/15 35/17 36/23 38/9 38/23 42/4 52/23 53/3 53/5 53/20 65/22 65/22 66/5 71/13 71/21 79/9 79/20 81/9 81/16 82/16 85/6 93/15 98/13 102/5

P
plastic [2] 65/11 67/24
please [3] 8/7 73/18 106/24
pleasure [1] 6/12
pled [1] 9/16
plumbing [2] 54/13 54/18
podium [1] 8/7
point [9] 4/19 12/13 12/17 64/7 66/7 68/2
90/16 90/18 90/19
pole [9] 88/10 88/13 88/23 89/20 89/24 90/4
90/11 91/9 91/11
porch [7] 58/5 58/15 59/16 90/16 105/5
105/11 107/21
positioned [1] 43/16
possibility [1] 45/5
possible [1] 90/7
possibly [2] 45/11 54/25
potential [2] 14/16 14/21
power [3] 88/25 90/10 91/13
pre [19] 41/20 42/3 55/9 55/14 55/16 84/19
85/5 95/6 95/8 95/10 96/6 98/2 98/12 107/12
107/23 109/4 110/13 110/17 110/25
pre-submission [19] 41/20 42/3 55/9 55/14
55/16 84/19 85/5 95/6 95/8 95/10 96/6 98/2
98/12 107/12 107/23 109/4 110/13 110/17
110/25
prefer [1] 54/17
preliminarily [1] 88/12
preliminary [3] 53/3 53/18 53/19
prepared [2] 14/6 36/14
presence [1] 8/12
present [3] 11/18 16/8 100/2
presenting [1] 67/12
Preservation [3] 17/14 63/8 63/25
pretty [4] 70/16 73/3 73/4 89/6
previous [4] 4/9 14/18 32/10 62/2
previously [4] 24/3 46/15 59/22 80/4
primarily [1] 14/15
principal [1] 86/7
prior [5] 8/21 9/5 9/19 79/22 79/24
probably [8] 16/20 16/23 28/8 35/16 82/4
93/11 95/16 95/18
problem [1] 5/15
problematic [1] 65/12
problems [2] 29/24 72/21
proceedings [1] 114/6
process [2] 95/14 100/8
professional [1] 38/13
professionally [1] 36/14
project [16] 42/6 42/16 43/9 44/8 47/20 48/12
48/16 49/8 54/7 63/15 63/24 66/21 85/8 85/17
87/2 98/14
PROKOP [1] 1/18
proof [1] 67/16
proper [1] 8/21
properties [2] 29/25 108/17
property [29] 3/18 23/14 25/15 26/18 42/2
42/9 45/16 45/17 47/2 49/9 50/4 50/17 50/24
51/5 51/11 57/2 57/5 57/6 63/6 64/17 85/3
85/9 86/24 88/22 98/10 98/20 99/24 103/17
105/18
proposal [5] 62/13 62/19 62/24 63/10 82/20
propose [1] 77/9
proposed [14] 3/13 4/2 13/8 42/6 49/8 56/22
62/7 74/5 79/19 84/25 85/8 86/2 98/8 98/14
proposes [3] 41/24 84/21 98/4
proposing [2] 65/6 65/23
provide [7] 14/19 16/9 25/5 32/7 67/16
103/19 109/3
provided [1] 86/19
providing [1] 62/22
provision [1] 21/19
Public [1] 114/4
purchase [4] 84/23 92/18 92/20 98/6
purchased [2] 43/11 52/9
purpose [1] 82/13
purposed [2] 4/15 6/13
purposes [1] 86/16

pursue [1] 49/5
pushed [1] 94/24
pushing [2] 55/2 55/3
put [11] 16/25 18/24 20/21 26/5 44/2 44/12
60/9 60/10 61/12 105/7 109/7
putting [1] 92/13
Q
qualifies [1] 65/15
quality [1] 81/5
quarter [1] 48/17
quarter-of-an-acre [1] 48/17
question [17] 12/15 15/10 16/3 16/5 28/6
28/7 35/25 36/2 36/10 41/8 58/18 58/21 59/18
66/12 72/24 104/10 110/25
questioned [1] 4/13
questions [20] 4/22 8/10 8/16 8/18 13/7
13/10 13/11 16/21 25/8 28/12 43/3 69/24 76/8
82/7 83/19 83/23 87/6 93/25 107/15 110/3
quick [1] 100/4
quiet [1] 75/15
quite [1] 11/10
R
R-1 [5] 42/10 42/17 42/24 43/10 85/10
R-2 [4] 42/25 43/11 45/7 98/21
R1 [7] 23/15 49/9 52/13 52/16 52/20 52/22
85/21
R2 [1] 52/21
raised [1] 70/13
ramp [1] 60/20
ramps [1] 62/21
ratings [1] 67/17
ratio [3] 93/9 103/10 103/12
re [2] 4/15 6/13
re-purposed [2] 4/15 6/13
read [5] 24/15 53/13 63/22 105/7 108/7
reading [1] 103/25
reads [1] 44/15
real [2] 19/20 100/4
really [14] 6/10 7/5 19/2 26/22 30/22 43/2
43/2 60/6 67/14 72/25 73/10 82/19 105/21
110/14
rear [1] 86/4
rearranged [1] 25/20
reason [1] 48/4
reasonable [1] 6/21
reasons [1] 69/8
recall [1] 76/10
receive [1] 81/20
received [6] 9/13 10/19 14/8 23/6 35/5 35/6
recent [2] 9/14 60/23
recollection [1] 10/24
recommend [1] 33/6
recommendation [6] 16/24 19/22 20/19
23/24 24/9 64/10
recommended [1] 64/14
record [1] 114/7
records [1] 106/18
rectify [2] 10/16 12/5
reference [1] 64/8
references [1] 64/7
referencing [1] 37/15
reflected [1] 60/23
regard [2] 13/7 94/13
regardless [1] 6/14
regards [9] 13/20 14/12 14/13 23/21 48/8
68/17 78/23 78/25 108/19
regular [7] 19/24 20/4 20/6 21/5 60/10 60/11
61/10
regulation [1] 26/21
regulations [2] 23/11 86/5
rehearsal [1] 71/6
reject [1] 79/14
rejected [2] 15/6 15/7
related [2] 5/25 114/9
relates [1] 38/2
relatives [1] 103/15

relevant [1] 43/13
relief [1] 85/18
remain [1] 63/16
remediated [1] 79/6
remedy [1] 8/20
remember [1] 70/23
remodel [1] 62/8
removal [2] 99/23 105/5
remove [1] 74/25
removed [11] 74/22 75/11 100/9 101/2
105/11 105/15 105/20 106/3 106/14 107/21
108/14
removing [1] 66/20
rendering [1] 60/23
renovation [1] 62/13
rental [6] 23/2 62/11 92/25 93/3 99/8 99/10
rentals [1] 48/25
reporter [1] 114/4
representative [2] 41/21 76/22
represented [2] 3/10 22/24
representing [2] 56/20 62/5
request [2] 78/7 102/4
requested [2] 22/25 57/12
require [3] 42/7 85/9 98/15
required [11] 14/18 24/22 27/14 31/5 31/6
31/23 54/14 58/18 62/4 85/21 85/25
requirement [2] 27/12 35/22
requirements [5] 18/20 33/25 48/3 64/9
102/2
requisite [1] 54/23
residential [6] 23/16 29/9 42/10 45/10 85/11
98/22
residents [1] 24/18
resolution [2] 22/22 109/10
resolved [2] 18/7 77/11
respect [3] 69/22 74/7 80/19
response [8] 73/6 76/9 83/21 94/2 97/9
107/17 108/24 111/19
restaurant [2] 63/3 79/13
restrictions [2] 22/19 104/25
restrictive [1] 24/6
result [1] 11/25
retail [15] 3/13 3/15 4/2 4/5 4/10 4/16 5/2 5/14
6/5 6/23 7/11 9/14 13/13 13/15 57/3
retain [1] 92/22
retaining [1] 92/23
retractable [3] 62/25 63/13 63/17
retracting [2] 65/4 66/9
revert [1] 79/21
review [8] 56/19 57/8 57/23 61/25 64/9 77/17
78/12 94/14
reviewed [5] 28/3 63/9 63/19 71/20 75/23
revised [1] 81/2
right [42] 8/15 12/10 13/4 27/15 28/16 29/20
36/23 37/12 42/14 45/6 45/9 47/3 47/8 47/12
47/24 48/3 49/10 49/12 50/3 50/9 50/21 51/12
52/7 53/7 54/16 58/15 71/14 75/3 76/19 77/6
80/2 81/9 81/9 83/13 88/9 90/3 94/5 103/18
104/14 105/2 105/6 105/13
riser [1] 54/13
risers [1] 54/19
Robert [2] 62/4 64/21
roof [2] 67/9 67/15
room [43] 23/3 23/10 24/20 27/10 28/14
28/15 28/16 28/18 28/24 29/2 29/3 29/9 29/13
29/16 29/18 29/21 30/3 30/10 30/11 30/12
30/13 30/14 30/15 30/25 31/6 31/7 31/18
31/24 32/4 33/11 34/3 34/11 35/5 36/7 36/17
37/2 37/16 38/9 38/18 39/5 40/25 56/24 92/5
roomers [1] 23/9
rooms [8] 23/8 24/17 33/4 33/22 33/23 39/3
62/11 62/12
rules [1] 37/8
S
safety [4] 14/15 59/7 59/9 71/25
said [13] 22/21 28/21 32/2 33/15 33/23 34/5
47/16 52/4 53/6 100/8 105/4 105/7 105/14

S
sale [2] 6/5 92/16
sales [6] 3/16 4/5 4/10 4/15 6/13 7/12
Salvatore [1] 99/25
same [4] 41/4 95/21 102/25 103/5
Sarah [2] 22/24 25/24
saw [2] 38/9 68/20
say [12] 20/18 20/24 27/6 29/13 31/13 33/10 35/25 73/17 91/5 95/15 96/12 102/7
saying [7] 20/17 36/22 36/23 51/18 67/22 68/8 102/18
says [9] 5/23 12/21 37/24 40/10 51/8 88/9 89/19 103/19 103/22
scheduled [1] 11/19
scrutiny [1] 37/25
se [1] 110/15
Sea [1] 3/9
seafloor [1] 5/12
search [2] 106/22 107/2
seating [4] 62/17 69/17 72/5 81/12
seats [2] 82/21 82/23
second [31] 2/10 9/20 10/13 21/7 21/8 33/10 36/11 37/18 40/13 40/14 56/4 56/8 56/24 61/14 61/15 73/19 77/23 77/25 78/15 78/16 84/7 84/8 97/16 97/17 97/25 98/11 109/19 109/20 111/23 112/10 112/21
second-floor [1] 56/24
secondary [1] 83/15
section [5] 22/20 22/20 86/4 90/22 91/2
see [8] 13/14 18/22 18/25 19/6 27/2 45/13 55/4 82/16
seem [1] 76/14
seems [3] 42/22 73/2 91/20
seen [2] 18/20 104/22
sell [2] 73/7 92/22
seller's [2] 100/7 105/14
selling [1] 7/19
send [1] 49/16
sends [1] 49/18
sense [1] 91/2
sent [2] 23/22 24/12
separate [5] 16/21 72/8 106/22 107/8 107/10
SEQRA [2] 72/20 81/5
served [4] 69/19 70/5 70/8 70/21
service [2] 6/2 6/10
session [4] 1/5 3/5 20/9 21/6
sessions [2] 20/6 20/6
set [5] 22/19 37/8 53/5 83/2 114/13
setback [7] 85/18 85/19 86/3 86/20 90/22 101/10 108/16
settling [1] 9/5
several [4] 11/13 11/14 57/13 62/21
shall [4] 86/8 86/11 86/13 86/15
shape [1] 88/6
share [1] 48/14
she [2] 10/20 32/11
Shelter [1] 48/16
Shipyard [1] 56/20
shop [5] 9/10 9/23 10/22 10/24 51/16
shorthand [1] 114/3
should [39] 3/25 5/19 16/20 20/10 21/22 26/23 33/18 35/17 35/20 36/8 36/11 37/5 38/3 38/21 39/12 44/12 44/17 45/3 49/15 53/12 59/5 59/11 60/7 61/9 64/11 67/10 78/5 79/5 80/16 81/16 82/4 93/11 93/16 95/13 96/8 96/9 96/20 96/21 101/13
shouldn't [6] 36/6 43/2 48/6 74/19 95/16 95/18
show [5] 32/20 34/6 34/8 69/17 102/12
showed [3] 33/4 38/9 54/13
showing [5] 38/18 40/24 72/5 81/9 81/10
shown [1] 101/18
shows [5] 33/7 33/12 39/11 40/8 64/15
side [15] 7/21 19/21 83/9 85/18 85/19 86/3 86/7 86/10 86/13 86/14 86/18 86/20 101/15 102/14 108/17
sidewalk [1] 88/9
sign [20] 11/21 13/23 13/24 13/25 14/2 14/16

15/13 16/13 16/15 17/4 17/15 17/20 17/21 17/23 18/6 18/10 18/24 20/20 20/25 22/7
signage [2] 14/12 16/6
significant [1] 64/11
signs [4] 14/4 14/13 14/23 15/8
Silver [3] 45/19 45/21 45/23
simple [1] 33/14
simply [2] 47/25 49/6
since [3] 18/19 24/25 73/17
single [5] 92/6 105/9 106/22 107/8 107/9
single-family [2] 92/6 105/9
site [23] 19/3 22/14 22/25 24/3 25/5 25/21 26/3 26/7 33/16 42/4 56/19 61/25 62/2 63/18 68/11 69/6 69/16 71/3 72/2 72/11 80/7 85/6 98/13
situation [1] 67/4
six [3] 23/8 24/17 26/17
size [18] 14/14 27/24 36/7 39/6 39/9 40/24 43/15 44/9 50/10 52/2 52/4 52/8 52/8 52/12 52/17 52/22 74/2 102/19
sizes [1] 37/6
sketches [2] 35/19 53/19
skipped [1] 8/14
SLA [1] 73/8
slated [1] 101/24
Sleeping [3] 3/12 4/24 4/25
slightly [2] 4/11 83/3
small [3] 44/2 44/7 92/5
smaller [7] 50/8 50/9 50/13 50/20 51/14 52/4 52/8
snow [1] 75/7
so [115]
socializing [1] 72/8
solid [1] 59/11
some [12] 11/13 30/21 39/16 47/18 48/24 57/5 58/19 66/7 73/13 74/11 84/2 109/10
somebody [5] 31/17 33/10 34/20 70/3 90/10
someone [7] 4/12 14/17 19/7 32/9 32/11 32/18 36/3
something [19] 27/16 29/11 30/4 33/7 33/11 33/13 33/14 36/12 38/11 38/17 71/24 73/12 81/8 82/6 94/10 95/5 100/24 104/19 105/24
somewhat [1] 4/7
soon [1] 40/22
sorry [3] 8/24 27/4 100/21
sort [1] 28/21
south [3] 7/20 97/24 98/10
Southold [2] 43/20 48/22
space [25] 5/2 13/13 13/15 23/4 25/18 26/2 26/6 27/10 28/18 29/10 31/23 31/24 32/20 34/12 51/23 51/25 59/24 62/14 73/11 73/15 80/13 81/23 81/24 82/10 86/22
spaces [9] 25/6 26/13 26/15 26/16 26/17 26/21 79/11 92/4 103/17
speak [3] 25/22 87/2 100/3
speaking [3] 73/17 96/4 100/7
specific [6] 7/5 9/25 36/24 69/17 69/22 81/16
specifically [4] 71/15 75/24 80/15 80/16
specifications [1] 39/11
specified [1] 62/24
spend [1] 54/2
spilling [1] 71/7
split [1] 16/21
spoke [1] 27/16
spoken [1] 88/11
spot [1] 42/23
spout [1] 60/19
square [18] 2/8 24/21 31/10 32/4 34/19 35/22 44/9 44/9 61/22 62/6 68/18 69/11 71/24 85/22 93/10 93/15 104/11 104/12
squeeze [1] 26/22
stamped [4] 32/13 36/13 40/7 53/12
standard [2] 12/20 33/7
starts [2] 90/16 90/17
state [9] 1/2 11/11 23/11 24/6 29/8 30/2 37/25 64/6 114/5
stating [1] 105/15
stenographic [1] 114/7

step [1] 36/11
STEPHANIE [2] 114/3 114/16
steps [1] 8/14
still [9] 39/10 53/22 57/14 57/17 57/22 66/16 100/2 105/12 111/3
stipulation [2] 46/4 46/20
Stirling [3] 2/8 61/22 62/6
store [2] 3/15 16/10
stores [1] 7/13
story [1] 56/23
straight [6] 55/16 89/22 90/3 90/5 91/7 91/15
street [32] 1/6 2/4 2/5 2/6 2/7 2/10 3/7 3/12 7/21 22/12 22/23 25/25 41/19 41/22 42/3 43/6 43/17 43/24 49/10 50/19 56/17 56/21 58/2 58/5 59/16 61/23 81/14 81/15 88/19 97/25 98/11 110/11
stringent [1] 102/2
structural [1] 67/18
structure [8] 64/5 65/15 66/24 67/15 68/10 73/23 74/4 75/8
stuff [3] 44/21 48/25 67/19
subdivided [6] 50/5 50/7 100/22 106/6 106/8 106/15
subdivided [7] 99/19 101/2 101/3 104/17 105/3 106/2 106/10
subject [5] 7/14 22/17 23/10 57/8 106/14
submission [19] 41/20 42/3 55/9 55/14 55/16 84/19 85/5 95/6 95/8 95/10 96/6 98/2 98/12 107/12 107/23 109/4 110/13 110/17 110/25
submit [3] 33/6 64/15 101/13
submits [1] 111/10
submittal [2] 53/11 53/21
submitted [6] 18/9 21/4 55/25 87/11 89/19 89/23
submitting [1] 79/20
Subsection [2] 24/22 101/11
substandard [5] 33/5 33/11 38/10 38/13 38/19
substantive [1] 13/18
such [3] 34/15 65/2 79/4
sufficient [4] 34/4 35/9 67/3 83/9
SUFFOLK [8] 1/2 3/20 23/17 42/12 57/10 63/20 85/13 98/24
suggest [3] 55/7 76/20 111/14
suggestion [3] 35/2 82/4 82/14
Suite [1] 62/14
summoned [1] 9/15
summons [1] 11/23
supercede [1] 48/19
supplies [1] 6/6
supposed [7] 30/22 46/7 53/12 57/15 72/18 105/11 109/5
sure [12] 11/10 13/16 31/9 60/6 65/19 72/3 77/15 94/11 100/5 101/20 106/20 108/4
Surf [4] 9/10 9/22 10/22 10/24
surface [4] 58/14 59/11 59/17 59/19
surprised [1] 54/12
survey [3] 26/11 51/21 90/15
swing [1] 57/15
swings [3] 57/16 57/18 57/20

T
table [2] 84/4 109/18
take [11] 8/7 8/9 44/17 55/6 56/7 79/17 79/18 90/9 94/12 110/21 111/9
taken [6] 9/7 18/6 39/7 79/4 93/14 114/7
takes [1] 91/12
taking [1] 15/20
talk [3] 12/11 43/20 67/23
talked [1] 20/12
talking [10] 48/23 50/25 51/11 51/22 51/25 52/3 59/13 59/15 104/23 106/6
tasting [1] 56/24
Tax [7] 3/20 23/17 42/12 57/10 63/20 85/13 98/24
technical [1] 96/8
technically [1] 104/20
teenagers [1] 103/13

T
tell [6] 26/19 26/20 58/23 70/3 73/10 73/14
temporary [2] 64/6 65/15
ten [6] 26/24 27/2 27/5 52/18 86/21 89/14
ten-foot [1] 86/21
tenant [1] 72/13
tenants [3] 69/11 71/23 72/11
tenths [2] 86/9 86/11
term [1] 27/15
terms [2] 13/17 72/20
than [18] 14/24 24/6 25/16 30/4 50/14 50/20
50/20 50/22 51/12 51/14 52/8 74/5 85/22
85/24 86/11 86/15 86/21 104/6
Thank [14] 8/10 11/5 22/5 22/9 41/6 41/7
56/15 75/13 76/6 84/15 84/16 108/12 110/5
110/6
thanks [1] 106/19
that [344]
that's [62] 16/12 16/14 16/15 18/6 18/18 19/8
19/17 27/11 29/22 30/13 31/2 32/25 34/14
36/12 36/14 38/11 38/15 39/14 43/12 45/2
45/24 46/11 47/21 49/2 49/21 54/13 57/25
59/17 60/12 65/8 65/11 65/19 66/24 69/5 70/5
71/18 71/20 72/4 73/4 74/12 74/14 75/2 75/11
75/12 76/3 76/4 80/10 80/14 81/3 81/7 81/7
81/13 82/14 85/24 93/3 96/11 98/18 103/21
104/14 105/22 108/20 109/4
their [7] 32/19 37/7 39/17 44/20 88/25 89/3
90/15
them [17] 7/9 7/11 7/11 7/12 7/19 14/14 14/19
32/19 34/9 53/25 54/23 57/13 58/23 89/2
104/3 107/7 109/12
then [41] 11/21 17/3 18/19 20/11 26/15 29/3
30/14 32/25 35/16 44/6 46/22 49/17 49/24
51/15 55/3 55/4 55/7 56/2 60/15 61/3 65/14
65/24 68/10 69/9 71/23 75/12 75/15 79/23
80/21 84/6 88/15 89/20 89/21 91/11 96/23
97/2 100/18 108/18 109/9 110/23 111/7
there [130]
there's [16] 4/7 7/10 9/24 26/14 26/14 26/15
27/23 50/8 50/10 71/22 80/6 80/21 81/14
102/4 102/16 103/16
these [10] 10/23 11/23 11/25 26/20 34/10
35/17 61/8 80/24 94/19 95/7
they [56] 8/19 8/20 8/22 8/24 9/4 9/6 9/12
9/12 9/18 9/21 15/5 15/19 17/9 24/13 24/14
25/11 25/20 27/4 33/15 33/24 36/18 39/4
39/12 42/20 46/16 47/21 48/13 48/17 48/19
48/24 50/2 53/12 53/15 53/16 53/17 54/3 58/2
58/3 58/4 58/7 58/15 65/22 72/25 75/20 75/23
79/18 88/11 88/12 89/3 100/8 100/8 102/6
102/11 103/5 103/13 103/15
they're [12] 13/22 26/24 32/12 32/13 53/13
79/17 82/10 102/10 102/15 102/21 102/22
111/3
thing [10] 30/17 31/12 52/23 54/3 66/20
68/16 73/16 80/17 95/21 96/8
things [11] 52/12 53/24 67/7 72/17 72/23
72/24 73/23 75/25 79/14 80/24 102/17
think [50] 4/11 4/12 4/14 6/13 6/14 10/12 11/3
12/18 14/15 15/25 17/4 17/25 19/22 28/2 31/3
31/8 35/10 36/5 37/23 40/10 49/3 49/6 55/10
58/8 59/4 59/6 59/10 59/17 61/9 66/24 67/8
67/11 67/20 69/21 69/23 70/2 70/11 74/14
78/5 79/3 80/11 82/8 90/9 90/23 96/5 96/7
96/19 103/10 108/5 109/4
thinking [1] 20/12
Third [2] 1/6 7/24
thirteen [2] 90/17 90/19
this [129]
those [5] 7/13 11/25 27/3 53/2 68/11
thought [5] 18/18 32/17 36/10 45/11 98/16
thoughts [5] 4/22 13/12 48/12 93/25 107/16
thousand [1] 52/18
three [13] 23/8 24/7 24/17 26/14 26/22 39/20
61/4 90/16 90/18 90/19 103/13 112/15 112/18
through [6] 13/23 30/14 30/18 43/20 47/3
49/20

Thursday [3] 21/6 41/3 61/13
tickets [1] 8/23
time [16] 21/2 22/8 22/16 28/4 54/6 55/6 55/6
57/5 65/2 73/13 74/11 76/21 78/25 83/20
107/25 113/4
timeframe [1] 77/22
timelines [1] 11/12
title [2] 106/23 107/2
today [5] 8/23 9/3 11/22 12/3 14/9
told [6] 9/11 49/15 70/15 73/23 73/24 73/25
tonight [9] 8/10 12/5 16/17 31/15 72/22 72/22
104/4 106/19 110/11
too [4] 19/13 20/21 87/22 103/11
took [2] 38/14 41/12
tools [1] 6/7
top [1] 91/14
total [4] 26/17 62/11 86/6 86/12
totally [1] 90/24
towards [1] 45/23
town [3] 45/8 45/18 88/11
transient [2] 23/9 24/18
transition [1] 15/12
trees [1] 88/21
trellis [1] 63/2
tremendous [2] 43/19 44/19
tried [1] 10/16
true [1] 114/6
trustees [6] 46/7 46/19 49/4 49/14 49/19 55/3
try [2] 12/5 109/9
trying [2] 35/12 95/12
turning [1] 90/8
twenty [2] 26/24 27/5
two [18] 8/22 9/2 10/5 16/16 16/21 26/15 44/3
44/6 44/23 52/12 56/23 73/23 82/21 82/23
98/21 103/20 105/8 112/18
two-bedroom [1] 44/23
two-family [2] 98/21 105/8
two-story [1] 56/23
typo [2] 98/16 98/18

U
ultimately [2] 35/3 36/19
uncovered [1] 74/18
under [13] 12/18 12/20 21/19 27/12 29/8
29/23 30/2 31/3 37/24 39/8 60/20 84/22 98/5
undersized [1] 86/6
understand [16] 17/12 18/21 31/16 35/24
36/22 38/20 38/25 43/4 43/8 43/9 67/22 68/7
68/13 72/4 74/8 76/24
understanding [2] 26/8 65/17
understood [2] 74/15 102/24
unit [1] 62/10
units [4] 52/24 62/8 62/9 62/23
unlabeled [1] 82/7
unless [1] 103/12
unofficially [1] 39/8
until [11] 9/6 9/12 11/22 18/6 19/25 20/4
73/12 74/25 84/5 106/2 109/18
up [27] 3/24 16/4 18/24 27/23 29/22 33/19
44/12 45/12 45/22 46/15 47/2 49/13 51/4 53/9
56/5 58/4 58/9 58/11 58/22 80/5 81/11 81/14
88/5 90/24 105/22 107/6 108/19
updated [1] 99/20
upon [4] 24/20 54/4 82/9 99/23
upstairs [2] 44/7 92/13
us [17] 14/19 23/19 54/10 54/11 55/11 58/22
72/16 73/10 79/7 87/13 87/24 95/4 104/18
106/3 106/24 110/3 110/15
use [54] 3/8 3/13 3/14 4/2 4/3 4/4 4/9 4/11
4/16 5/7 5/10 5/14 6/5 6/15 6/23 6/25 9/14
11/21 12/15 12/21 12/23 13/8 13/8 16/3 16/18
17/2 19/21 21/18 21/19 22/16 23/5 24/16
28/15 29/9 29/16 30/3 30/23 37/21 39/19
39/21 40/7 58/7 58/23 59/24 68/17 69/25
71/22 72/19 72/19 81/17 81/23 82/11 99/18
99/19
used [9] 6/7 12/22 35/6 36/18 70/24 71/14
71/16 80/12 82/13

uses [5] 7/6 12/17 12/20 57/3 79/10
using [4] 28/15 28/17 101/9 102/2
utility [6] 88/10 88/13 89/24 90/4 91/8 91/11

V
vacant [6] 57/5 84/17 84/21 85/16 97/24 98/4
valid [1] 106/2
variance [9] 15/2 17/10 23/12 24/14 39/4
42/22 85/18 86/22 87/8
variances [5] 15/5 42/7 85/9 98/15 98/19
ventilation [1] 76/2
venue [1] 49/5
verification [2] 67/18 91/3
verified [2] 24/23 36/3
verify [3] 34/21 36/9 101/15
verifying [1] 36/7
version [1] 19/13
very [8] 7/5 28/25 30/16 30/19 75/13 81/16
92/5 110/5
viable [2] 65/3 66/8
view [2] 5/21 68/2
VILLAGE [39] 1/2 1/18 1/19 1/21 3/4 10/17
14/13 14/20 14/24 17/9 22/21 23/10 23/22
24/5 24/5 31/17 33/4 35/7 35/7 39/7 39/7
42/11 43/14 43/21 44/6 45/17 46/6 46/6 46/19
46/21 47/20 48/21 51/4 51/9 57/7 70/3 85/11
98/22 101/20
violates [1] 86/3
violation [3] 9/5 65/16 80/3
violations [4] 9/3 11/24 11/25 12/2
visit [3] 26/3 33/16 103/15
visits [1] 11/15
visually [1] 101/15
vote [14] 19/24 20/2 20/7 20/8 20/10 20/11
40/3 40/21 41/12 76/19 78/3 96/21 112/16
112/17
voted [2] 21/5 110/18

W
wait [3] 19/25 20/4 33/10
waiting [2] 57/22 87/19
walk [1] 30/12
walking [1] 69/2
walkway [1] 80/21
wall [1] 18/2
want [18] 7/7 12/13 13/16 25/22 45/13 55/5
59/6 60/14 63/22 69/15 73/16 74/17 79/18
81/22 86/25 88/3 90/9 108/14
wanted [5] 20/18 31/13 64/19 94/9 95/4
wants [6] 4/19 71/19 74/10 74/12 96/24
100/24
was [125]
wasn't [6] 10/17 10/19 11/22 28/19 73/22
100/14
water [5] 12/25 13/3 62/17 80/20 82/21
waterfront [11] 3/14 4/14 4/16 5/4 5/8 5/12
6/16 6/24 7/2 7/14 7/25
way [15] 4/19 5/16 5/20 10/2 12/16 18/23
37/11 54/24 57/19 58/19 69/4 71/14 71/16
82/24 114/11
ways [1] 45/22
WC [2] 3/14 7/15
we [182]
we'll [4] 33/9 104/3 108/10 111/13
we're [19] 3/2 5/21 18/23 20/7 20/8 36/5
36/15 57/22 61/2 70/14 72/18 76/14 79/8
81/21 87/18 99/15 106/18 107/24 109/5
We've [1] 59/21
week [18] 20/11 20/14 20/22 40/4 40/22
44/25 61/3 61/13 76/16 77/6 100/10 105/16
109/8 109/14 109/18 111/4 111/6 111/15
week's [1] 16/25
weigh [1] 46/7
well [20] 5/3 11/22 13/22 26/4 27/10 28/4
29/4 30/9 37/6 44/25 55/8 65/10 65/22 71/4
72/2 81/3 81/24 87/24 99/17 102/16
were [28] 8/22 8/24 9/2 10/6 10/9 12/2 14/5
14/6 14/23 25/14 25/20 27/3 28/17 46/16

W

were... [14] 57/14 68/21 73/23 73/24 73/25 75/18 75/19 79/4 86/23 91/6 101/18 102/8 103/23 108/6

what [80] 4/23 5/23 5/23 8/20 8/25 10/4 10/9 10/14 11/20 15/13 17/6 18/9 18/18 19/10 20/7 20/8 28/15 29/16 30/7 30/24 31/2 32/15 33/20 35/9 36/5 36/22 37/24 38/2 38/4 48/4 49/25 51/11 51/14 51/18 52/16 55/4 58/24 59/5 59/6 60/6 60/16 65/23 66/14 67/22 68/4 68/7 71/21 72/25 73/10 73/14 74/2 74/5 75/24 77/20 79/8 79/11 79/21 79/24 79/25 80/3 80/5 80/11 81/8 81/17 81/17 81/21 82/16 82/17 91/8 91/23 95/13 95/14 96/7 96/19 96/23 102/8 103/21 103/25 104/7 110/11

what's [4] 17/9 47/7 89/10 100/20

whatever [10] 30/5 30/24 30/25 33/8 33/19 71/6 75/22 81/25 82/11 105/2

whatnot [1] 32/13

whatsoever [1] 6/17

when [15] 28/3 30/12 32/7 34/24 43/11 46/16 53/16 54/5 63/19 64/10 73/21 81/20 89/23 91/11 102/7

where [15] 9/10 9/15 10/7 10/13 11/14 14/23 29/24 39/14 45/14 47/12 47/23 56/6 72/23 81/11 101/4

WHEREOF [1] 114/13

Whereupon [1] 39/16

whether [12] 4/8 4/13 5/10 5/13 5/25 45/2 49/17 56/6 64/4 73/6 74/11 80/14

which [17] 21/6 23/25 31/10 31/21 44/5 48/16 56/2 57/8 58/2 63/2 64/15 76/12 84/22 91/14 96/15 98/5 106/13

While [1] 101/22

Who [1] 75/6

whoever [4] 31/25 34/21 53/10 69/12

whole [10] 27/7 27/8 37/23 44/7 44/16 54/3 58/5 64/16 68/18 73/20

why [7] 34/8 34/14 49/21 72/15 92/2 92/7 94/18

width [5] 85/23 86/10 86/17 89/10 89/12

widths [1] 86/18

will [24] 8/15 18/21 21/15 22/6 33/10 38/24 40/21 42/6 54/3 63/19 65/19 76/12 81/18 85/8 85/17 88/14 91/14 96/23 98/15 99/5 99/9 101/23 105/15 105/19

wind [1] 67/19

window [6] 31/4 31/9 37/5 41/9 76/12 76/17

windows [4] 37/8 102/5 102/7 102/19

WINGATE [2] 1/21 33/19

within [10] 3/18 5/11 23/14 24/4 42/8 100/9 101/14 105/16 114/4 114/6

without [6] 7/16 39/10 54/18 54/22 55/21 60/7

WITNESS [1] 114/13

woman [1] 10/15

won't [1] 37/10

wood [3] 63/5 66/23 99/23

Woods [4] 43/18 45/6 45/16 45/25

worded [1] 58/9

wording [1] 3/23

work [10] 1/5 3/5 9/8 20/6 20/9 30/6 37/10 48/20 84/2 111/13

working [2] 18/21 91/22

works [1] 22/8

worth [1] 54/6

would [93] 5/13 6/15 8/2 11/11 12/16 12/18 15/23 16/23 17/5 17/7 17/10 17/13 20/19 27/22 29/10 29/11 31/5 31/8 33/5 36/9 37/14 40/4 41/9 42/15 42/18 42/20 42/22 44/2 47/25 48/8 48/13 48/21 49/24 50/2 52/11 54/22 55/7 55/18 55/25 56/2 57/16 59/12 60/9 60/16 64/24 65/2 65/5 65/16 65/24 66/10 66/18 68/3 68/14 69/6 69/9 69/12 70/25 71/4 71/8 71/14 71/16 71/19 73/16 73/24 76/19 76/20 76/25 77/4 77/5 77/7 77/13 78/11 82/8 82/15 87/8 88/13 88/17 88/19 89/5 89/13 89/20 90/18 96/25 97/14 106/13 106/24 108/3 108/14

109/7 110/16 110/21 110/21 111/9

wouldn't [2] 10/18 94/7

write [2] 8/7 28/21

wrong [3] 12/19 57/19 57/20

wrote [1] 3/24

Y

yard [5] 26/3 59/20 86/10 86/14 101/9

yards [2] 86/7 86/13

yeah [6] 19/12 43/5 49/22 50/16 76/13 98/18

year [2] 27/17 54/6

years [1] 33/8

yes [42] 6/4 6/22 7/17 14/8 15/15 21/21 21/24 21/25 22/2 22/3 22/4 26/12 28/8 28/25 37/8 41/5 41/11 41/14 41/17 45/22 47/5 47/6 47/14 52/6 52/19 55/22 61/4 64/20 66/6 66/19 68/13 83/16 87/3 87/25 91/10 94/6 95/23 96/18 99/5 106/25 107/13 110/9

YORK [5] 1/2 1/7 23/11 64/6 114/5

you [153]

you're [35] 4/20 15/20 20/24 21/18 28/14 30/22 36/22 36/22 37/15 37/22 50/18 51/18 51/19 59/13 59/15 65/23 65/24 67/12 67/22 68/6 68/8 72/16 75/22 79/11 79/20 87/7 87/12 90/25 93/5 94/4 102/18 104/23 105/24 106/3 106/6

you've [1] 73/4

your [25] 8/7 15/21 28/6 28/7 28/15 29/9 31/21 31/25 32/2 33/3 33/18 36/7 49/23 50/18 50/19 50/21 51/15 55/6 69/14 73/6 82/20 93/12 94/14 105/22 108/21

Z

ZBA [25] 17/11 23/13 23/22 24/12 25/2 33/21 33/23 38/7 39/3 42/19 48/5 49/25 55/17 87/9 87/11 87/14 87/17 87/19 96/2 97/3 97/15 100/13 100/17 104/22 110/21

zone [4] 3/15 7/2 23/16 57/4

zoned [2] 42/17 49/9

zoning [16] 23/7 24/19 26/3 31/14 31/20 42/10 42/23 48/19 48/23 49/7 49/17 49/18 52/15 85/21 95/17 99/22