

VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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Station One Firehouse
Third & South Streets
Greenport, NY, 11944

March 15, 2021

6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

DINNI GORDON - MEMBER

ABSENT:

JACK REARDON- MEMBER

ROBERT CONNOLLY - ZONING BOARD ATTORNEY

PAUL PALLAS - VILLAGE ADMINISTRATOR

AMANDA AURICHIO - SECRETARY TO THE BOARD

1 (*The meeting was called to order at 6:05 p.m.*)

2 CHAIRMAN SALADINO: This is the Village of
3 Greenport Zoning Board of Appeals regular
4 meeting. We're at Station One. It's also via
5 Go-To-Meeting for listening and viewing and
6 comments. I'm sure everyone that's -- has that
7 link.

8 Item No. 1 is -- and also, just to explain
9 to the public. Under normal circumstances
10 there's five members to the Zoning Board. Since
11 one of the members has passed, the Mayor is
12 considering a replacement. And one of our
13 members mentioned last month that he had some
14 personal stuff to do this evening. Since the
15 meeting was changed from tomorrow to today, he
16 wasn't able to -- because of the Village election
17 tomorrow, he wasn't able to do it then.

18 So we have a quorum, we're going to push
19 forward. So, Item --

20 ADMINISTRATOR PALLAS: Mr. Chair, if I may
21 just add one -- one other comment that would go
22 to anyone that's on the Go-To-Meeting. Any
23 comments on any particular application should be
24 sent in via the chat function; at the appropriate
25 point I will read off those comments.

1 CHAIRMAN SALADINO: Okay, for those that
2 the camera wasn't on the Village Administrator.
3 Anybody that's listening at home that's
4 participating via Go-To-Meeting, any comments,
5 you'll submit them via the chat function and at
6 the appropriate time he'll relay them to us for
7 consideration. All right?

8 Anything else? Okay. Anything else?

9 MEMBER CORWIN: No.

10 CHAIRMAN SALADINO: Okay. Item No. 1 is
11 motion to accept the minutes of the
12 February 16th, 2021 Zoning Board of Appeals
13 meeting. So moved.

14 MEMBER CORWIN: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MEMBER CORWIN: Aye.

17 MEMBER GORDON: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item No. 2 is a motion to approve the
20 minutes of the January 19th, 2021 Zoning Board of
21 Appeals meeting. So moved.

22 MEMBER CORWIN: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER CORWIN: Aye.

25 MEMBER GORDON: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 Item No. 3 is a motion to schedule the next
3 Zoning Board of Appeals meeting for April 20th,
4 2021, at 6 PM at Station One Firehouse, Third and
5 South Streets, Greenport, New York, 11944.

6 So moved.

7 MEMBER CORWIN: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MEMBER GORDON: Aye.

10 MEMBER CORWIN: Aye.

11 CHAIRMAN SALADINO: And I'll vote aye.

12 Item No. 4 and Item No. 5 we're going to
13 put a pin in for this month because -- because of
14 some administrative stuff, the paperwork just
15 didn't get out in time. So Item No. 4 and Item
16 No. 5 for findings and determinations on
17 Washington Avenue and Sixth Street, we're going
18 to take up next month.

19 Item No. 6 is 511 Carpenter Street. It's a
20 public hearing regarding the area variances
21 applied for by Jenna and Donald Williams,
22 represented by Isaac Rae Studios. This property
23 is located in the R-2 (One and Two-Family)
24 District and is located in the Historic District.

25 (1) The plan shows a proposed third floor

1 addition. This would require an area variance
2 for a third story.

3 (2) The plans shows the lot coverage is
4 2,505 square feet, or 52%. This would require an
5 area variance for a 22% lot coverage increase.

6 (3) The plan shows the front yard of the
7 two-story building setback to be 1-foot,
8 6-inches; this would require a front yard setback
9 area variance of 28-feet, 6-inches.

10 (4) The plan shows the front yard setback
11 of -- The plans show the front yard setback of
12 1-foot, 6-inches, this would require a side yard
13 -- that's not right, but I'm going to read it
14 anyway. The plan shows a front yard setback of
15 1-foot, 6-inches, this would require a side yard
16 setback area variance of 8-feet, 6-inches.

17 (5) The plan shows the front yard setback
18 of 1-foot, 6-inches on the north side and 3-feet,
19 4-inches on the south side. This would require a
20 combined side yard setback area variance of
21 20-feet, 4-inches.

22 (6) The plan shows the front yard setback
23 of 5-feet, 6-inches. This would require a rear
24 yard setback area variance of 24-feet, 6-inches.

25 The Suffolk County Tax Map No. Is

1 1001-4-3-32.

2 I'm going to ask the Clerk; this was
3 noticed?

4 MS. AURICHIO: Yes.

5 CHAIRMAN SALADINO: And we have the
6 mailings?

7 MS. AURICHIO: Yes.

8 CHAIRMAN SALADINO: We didn't ask for
9 expanded mailings with this or anything, right?

10 MS. AURICHIO: No.

11 CHAIRMAN SALADINO: Okay. We have a
12 mailing to 510 Carpenter LLC, Post Office
13 Box 389, Cutchogue, NY, 11935. We have John
14 Woodhouse, Post Office Box 360, Orient,
15 NY, 11957; John Kerbs, 510 Main Street,
16 Greenport, NY, 11944; Breakwater Properties, 4317
17 Bergen Avenue, Mattituck, NY, 11952; Rebecca
18 Miller, 512 Carpenter Street, Greenport, NY,
19 11944; Waloski & Weinman, Carol Waleski Weiman,
20 516 Main Street, Greenport, NY, 11944; Jeffrey
21 Rosa, 297 Burkran Road, Locust Valley, NY, 11560;
22 Kevin Heaney, 790 Riverside Drive, New York, NY,
23 10032; Jenna Williams, 13 Hansen Place, Sea
24 Cliff, NY; Deborah Siegel, 151 West Neck Road,
25 Southampton, NY, 11968; Maria Cardalena, 8402 4th

1 Avenue, Brooklyn, NY, 11209; 502 Carpenter LLC,
2 Post Office Box 389, Cutchogue, NY; J. Mac Cato,
3 500 Main Street, Greenport, New York, 11944.

4 I'm exhausted already. Is the applicant
5 here?

6 MS. WILLIAMS: Yes.

7 CHAIRMAN SALADINO: Name and address for
8 the stenographer.

9 MS. WILLIAMS: Hi. I'm Jenna Williams.

10 MR. CLAY COFFEY: Hello. Isaac Clay Coffey
11 from Isaac Rae Studio, the architect.

12 CHAIRMAN SALADINO: Anything you want to
13 tell us?

14 MS. WILLIAMS: Yes.

15 MR. CLAY COFFEY: Sure. So we'd just like
16 to go through and kind of address the disapproval
17 notice.

18 So, for the first plans in the Building
19 Highway Department for the area variance, the max
20 height of the building, there's never been a
21 change to the max height of the building. So the
22 addition to the third floor is interior to the
23 space. So the envelope, kind of vertical
24 envelope of the building is going to remain the
25 same. There's no dormer proposed, there's no

1 addition of the ceiling, it's just an interior
2 renovation to make a habitable third floor.

3 That habitable third floor will have a new
4 stair, it will have -- that is kind of an egress
5 code required stair, plus it will also have a
6 full sprinkler system to make that third floor
7 habitable. And the building plan is being put
8 into habitable square footage calculations as the
9 ceiling height that's in there and we have over
10 50% of the square footage of the habitable room
11 that is about seven feet or taller.

12 For point two, the lot coverage
13 requirements, the max lot coverage. So we are
14 proposing an addition of 20 square feet in lot
15 coverage, so it would take it from 2005.05 to
16 2005.25. The percentage of coverage would stay
17 the same because of the -- it's such a minor
18 addition. That 20-square foot addition would
19 connect it to structures on site. The reason
20 we're proposing to do that is to try and legalize
21 the ground floor as a habitable space. The
22 current ground floor is not habitable.

23 So by creating this internal space and
24 applying for the variance, we're hoping to
25 combine the two spaces through this vertical

1 envelope and kind of create a contiguous space
2 there.

3 The front yard setback. Again, we're not
4 proposing becoming more non-compliant, so we're
5 not proposing to build out the front yard in any
6 way that was not wanted. The connector setback
7 is 26 feet from the street. Also it doesn't need
8 a front yard setback, but it's less than what's
9 currently there.

10 The side yard setback. So the side yard
11 setback, again, this is a very similar thing.
12 We're not proposing adding to the side of the
13 building, it's just about trying to make the
14 existing building envelope and wide.

15 The combined side yard setback -- again,
16 we're not proposing changing the footprint, we're
17 just, you know -- proposing changing the
18 footprint to the interior of the building between
19 the two buildings.

20 For the rear yard setback, that setback
21 currently -- there's a deck in that setback
22 that's non-compliant, existing, preexisting
23 non-compliant. The goal is to reduce the size of
24 that deck. The deck is an 8-foot 6 deep and
25 would be, you know, I think like seven feet less

1 than what's currently there. So the goal is to
2 basically re-add that deck in a more compliant
3 way so that that rear yard setback would
4 basically be -- at least on the deck would be
5 greater than what it currently is.

6 CHAIRMAN SALADINO: Is -- while you're
7 here, my question for the Building Department
8 would be is the non-compliant deck, the deck that
9 was built without permit, is that computed -- was
10 that computed into the square footage of lot
11 coverage?

12 MR. CLAY COFFEY: It's not a roof
13 structure, so it's not part of the contiguous
14 roof structure. So it's not -- it's not in our
15 lot coverage calculation currently.

16 The lot coverage calculation is for the
17 roof structure property.

18 CHAIRMAN SALADINO: So the answer's no.

19 MR. CLAY COFFEY: Our lot coverage
20 calculations for the roof structure is the
21 structures that are contiguous inside of the
22 roof. The deck was not part of that calculation.

23 CHAIRMAN SALADINO: Is the new deck?

24 MR. CLAY COFFEY: The new deck is not part
25 of that calculation.

1 CHAIRMAN SALADINO: Do we have the square
2 foot for the new deck?

3 MR. CLAY COFFEY: Yes. It is 20-foot-6 by
4 8-foot-6, including a new stair that goes down.

5 CHAIRMAN SALADINO: You must have a high
6 opinion of my ability to do that math in my mind.

7 (*Laughter*)

8 MR. CLAY COFFEY: I don't have it off the
9 top of my head either.

10 CHAIRMAN SALADINO: So 8 x 20?

11 MR. CLAY COFFEY: Yeah, it's roughly --

12 CHAIRMAN SALADINO: 160, 170 square feet?

13 MR. CLAY COFFEY: Something like that,
14 yeah, 240.

15 CHAIRMAN SALADINO: Okay.

16 And the other thing I would ask is -- at
17 the site inspection we kind of touched base on
18 this about do we have any idea why that ground
19 floor -- and I believe we asked the Building
20 Department. If we have any idea why that ground
21 floor was desig -- we understand the accessory
22 building, why that was considered non-habitable
23 space. I mean, that was mentioned in the -- on
24 the CO, that it would be non-habitable studio
25 space. But the ground floor of the building is

1 designated non-habitable space. Do we have any
2 idea why?

3 The concern -- my concern, I can't speak
4 for my colleagues. My concern would be did the
5 Zoning Board, back in the day, see something,
6 whether it be great on gas or toxic chemicals, or
7 it used to be a laundry mat or something that
8 would designate that spot non-habitable. Do you
9 have any information for us?

10 MS. WILLIAMS: We do not. We FOIL
11 requested through the Building Department and the
12 minutes were not located. So, we also are
13 interested into figuring out the rationale, but
14 it seemed like it's a bit of a mystery.

15 CHAIRMAN SALADINO: And the Building
16 Department?

17 ADMINISTRATOR PALLAS: I thought we were
18 able to find the minutes; I apologize, we didn't
19 get them to your attention. I had a conversation
20 with the code enforcement officer who reviewed
21 them and it indicated that it was -- there was no
22 specific reason other than the space was going to
23 be used for studio, I believe. But it was at the
24 request of the applicant as opposed to some
25 condition that was set as part of the approval,

1 as I understand it.

2 CHAIRMAN SALADINO: Okay. And -- okay,
3 thank you.

4 MS. WILLIAMS: Thank you

5 CHAIRMAN SALADINO: Is there any member
6 from the public that would like to speak to this
7 application? Name and address for the
8 stenographer.

9 MS. MILLER: Hi, guys. Rebecca Miller. 512
10 Carpenter street, Greenport, New York. Hi.

11 I just wanted to express my support for
12 this application. It's great to see investment
13 and the love for this property that has stood
14 largely empty on our street for a long time, so I
15 hope that you'll let it move ahead.

16 CHAIRMAN SALADINO: Thank you.

17 MR. HEANEY: Yeah, my name is Kevin Heaney,
18 506 Carpenter Street. I'm very happy to hear
19 that the third floor expansion is not going
20 outside of the envelope. But I do want to bring
21 to the attention that there is no parking for
22 this facility at this point in time.

23 This will be moving into being a two-family
24 house, 502 Carpenter Street, which is now
25 two-family with seven cars parked in his

1 backyard, one parked on -- in front of the house
2 itself. The other --

3 CHAIRMAN SALADINO: Excuse me. I'm sorry.
4 You said this property would be going to
5 two-family?

6 MS. WILLIAMS: No

7 MR. HEANEY: There's a second access being
8 built in to the third floor.

9 MR. CLAY COFFEY: No.

10 MR. HEANEY: -- egress staircase. When it
11 turns over, we are faced with the likelihood of
12 it becoming a two-family house.

13 CHAIRMAN SALADINO: I'm sorry if I
14 misunderstood.

15 MR. HEANEY: Okay. I'm concerned that
16 there is no arrangement made for what is already
17 a bloated street. That's it.

18 CHAIRMAN SALADINO: Thank you.

19 MR. CLAY COFFEY: Can I quickly add
20 something else --

21 CHAIRMAN SALADINO: Of course.

22 MR. CLAY COFFEY: -- just to clarify?

23 So the proposal is for a single-family
24 residence. It's not proposed to be a two-family
25 residence. The egress stair is interior to the

1 space, so there's no exterior stair that would go
2 to the third floor. It's purely an interior
3 egress stair that legalizes what's already there.
4 There's an existing shift ladder that doesn't
5 work, so that's where the egress stair is. But
6 the space is contiguous, there's no provision to
7 create a separate exterior entry.

8 CHAIRMAN SALADINO: I just think the
9 concern was that if and when it ever -- we know
10 you guys are going to stay in Greenport forever.

11 MS. WILLIAMS: Yep.

12 CHAIRMAN SALADINO: But if and when it ever
13 turns over, you know, the outside staircase to
14 the deck with access to the second floor would
15 also give them access to the loft area.

16 MR. CLAY COFFEY: We'd also be also
17 required then to come back to the Zoning Board to
18 be turned into a two-family --

19 CHAIRMAN SALADINO: We certainly understand
20 that, but we understand the concern of the
21 neighbors also.

22 MR. CLAY COFFEY: I understand.

23 MEMBER CORWIN: Just to follow up on that.
24 I don't --

25 CHAIRMAN SALADINO: Mr. Coffey? I'm sorry.

1 MEMBER CORWIN: I don't believe it would
2 require going back to the Building Department to
3 call it a two-family and somehow fit two families
4 in there. So that brings up the question would
5 the owner be willing to have a covenant that says
6 it's just a one-family house. Because the zoning
7 allows two families.

8 MR. CLAY COFFEY: Understood. I just -- I
9 wonder because of the point that you brought up
10 that it doesn't have current on-street parking,
11 if by then making it a two-family dwelling would
12 also trigger a use variance --

13 CHAIRMAN SALADINO: It wouldn't be a use
14 variance, but it would --

15 MR. CLAY COFFEY: An area variance.

16 CHAIRMAN SALADINO: It would be -- it would
17 be required that the -- to go to a two-family,
18 you would have to comply with both parking.

19 And while you're here, my question to you
20 was that -- I think everyone's willing to admit
21 that this is a preexisting, non-conforming
22 building; correct? Dinny?

23 MEMBER GORDON: Sure.

24 CHAIRMAN SALADINO: And it has a conforming
25 use. But the Village puts a dollar figure on

1 repair or on damaged or fire damaged on these
2 buildings, and if the dollar figure is at 50% or
3 more than 50% of the cost of the renovation, you
4 would have to comply with bulk and parking.

5 So the concern -- we're all familiar with
6 Carpenter Street. The concern on Carpenter
7 Street is -- could be for the neighbors parking.
8 You know, so that's something that we want to be
9 up front with you about that we're going to have
10 to consider, you know.

11 MR. CLAY COFFEY: And, I mean, I think we
12 understand that. I think what we're just -- what
13 we're proposing is a single-family use.

14 CHAIRMAN SALADINO: Okay.

15 MR. CLAY COFFEY: We're not proposing a
16 two-family use.

17 CHAIRMAN SALADINO: Okay.

18 MEMBER CORWIN: But you're not interested
19 in the covenant.

20 MR. CLAY COFFEY: Well, I would have to
21 confer with the homeowner.

22 MS. WILLIAMS: We would be willing to
23 discuss it. It's not ideal to add a covenant
24 onto the property, but we have no intention of
25 selling. We moved our family up here to raise

1 them, so we will be using --

2 MEMBER CORWIN: The answer to my question
3 is no.

4 MR. CLAY COFFEY: I think she said she
5 would have to -- her husband is not here today,
6 so I think she would have to --

7 MS. WILLIAMS: We'd have to discuss that.

8 CHAIRMAN SALADINO: Understandably; that's
9 certainly understandable. Okay, thanks.

10 ADMINISTRATOR PALLAS: Mr. Chairman? If I
11 may. This is unrelated to the application. I've
12 been requested by the folks that are on the
13 Go-to-Meeting platform for the Board Members to
14 speak a little closer to the microphone, please.

15 CHAIRMAN SALADINO: Sorry. Is there anyone
16 else from the public that would like to speak to
17 this application? (Brief Pause). Anyone at
18 home?

19 ADMINISTRATOR PALLAS: I have no comments
20 from the public on this application,
21 Mr. Chairman.

22 CHAIRMAN SALADINO: What's the pleasure of
23 the Board? Do we want to -- do we want to close
24 this? The options are we can close this public
25 hearing, we can keep the public hearing open for

1 10 days and accept written comments, or we can
2 keep the public hearing open and wait for an
3 answer for the applicant to discuss between the
4 -- the two applicants to discuss whether they're
5 open to the suggestion of adding the covenant to
6 keep this a one-family dwelling. What are we
7 thinking?

8 MEMBER GORDON: Well, I'm struck that we
9 don't have any letters that object, we don't have
10 any serious overall opposition to the project.
11 Perhaps we should close the hearing. Unless --
12 actually, I'd like to know if David feels
13 strongly enough about the covenant requirement,
14 that's a reason to keep it open.

15 MEMBER CORWIN: I don't see any reason to
16 keep the public hearing open.

17 MEMBER GORDON: Then I make a motion to
18 close the public hearing.

19 MEMBER CORWIN: I will second it.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER CORWIN: Aye.

22 MEMBER GORDON: Aye.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 Item No. 7 is 511 Carpenter Street.

25 Discussion and possible motion on the area

1 variances applied for by Jenna and Donald
2 Williams to the property located at 511 Carpenter
3 Street, Greenport, NY, 11944. The Suffolk County
4 Tax Map No stays the same at 1001-4-3-32.
5 Comments?

6 MEMBER GORDON: My only question really
7 is -- perhaps I should have asked --

8 MS. MAHONEY: Can you speak into the
9 microphone, please?

10 MEMBER GORDON: Sorry. I should have asked
11 this when the architect was there, and maybe
12 he'll come back. I'm unclear about the use of
13 the accessory building, and I guess I would like
14 to know a little more about that to have a sense
15 of the whole.

16 Some of these variances are for
17 modifications of that little building and, you
18 know, all we saw was a very small space with dogs
19 barking.

20 MR. CLAY COFFEY: Right. So that space
21 is -- they have five kids and that space is
22 really considered as an extra bedroom for the
23 kids and also a kind of playroom for the kids as
24 well.

25 So, the reality of that structure, it's to

1 make it a bedroom and kind of playroom for the
2 kids

3 MS. WILLIAMS: Sorry, just to clarify.
4 It's just a spare bedroom so that if our parents
5 came to visit they could stay there. It would
6 not be an every day bedroom, but mostly a
7 playroom, den, you know, living space for
8 children.

9 CHAIRMAN SALADINO: Which kind of makes
10 sense, but on the plans that's not how it's
11 reflected. On the plans I see a third living
12 room. I'm -- there's some big houses in
13 Greenport and not many people have three living
14 rooms. Could you kind of explain that for us?

15 MS. WILLIAMS: Well, we have a living room
16 in the main part of the house, I don't know the
17 third one that you're referencing. But this
18 area, maybe it would be more accurately described
19 as a den or a playroom.

20 CHAIRMAN SALADINO: Well, the only --

21 MS. WILLIAMS: A living room for kids.

22 CHAIRMAN SALADINO: The only reason I bring
23 it up is because it's on your plan.

24 MR. CLAY COFFEY: Sure, and I think that
25 it's -- I mean, maybe it's a naming thing that we

1 can relabel for you. I mean, essentially what
2 their desire is is that it's a flex space for
3 their kids and a playroom for their kids.

4 CHAIRMAN SALADINO: Well, you can
5 understand our concern. I mean, you know, you
6 have a 5,000 square foot house that has three
7 living rooms. Greenport has a short-term rental
8 law. You know, there's always the potential,
9 when this Board or a different board sees, you
10 know, a third living room or a third living
11 space.

12 MS. WILLIAMS: I see, yeah.

13 CHAIRMAN SALADINO: That it might become,
14 you know, a short-term rental or --

15 MS. WILLIAMS: I understand. That's not
16 our intention. And also, to alleviate that
17 concern, hopefully, the space connecting the two
18 house would make it -- you know, so it's all one
19 space. It would be -- it's not like an easily
20 apportioned area, and there's no kitchen in
21 there, you know.

22 CHAIRMAN SALADINO: Well, there is a
23 kitchen now, isn't there?

24 MS. WILLIAMS: There's a sink but there's
25 no kitchen.

1 MR. CLAY COFFEY: There's no proposed
2 kitchen or a kitchenette in that space at all.
3 So the plans show just a bathroom, a bedroom and
4 another flex-room that we can relabel as kids
5 playroom.

6 CHAIRMAN SALADINO: Well, you just have to
7 understand from this --

8 MS. WILLIAMS: Sure.

9 CHAIRMAN SALADINO: We kind of see this a
10 lot. And from this Board's point of view, the
11 fact that you have a small connecting space,
12 everybody's been in hotel rooms that have
13 adjoining rooms, the door looks and what happens
14 in the other room doesn't happen in the next-door
15 room. So the fact that there's a small
16 connecting space doesn't -- doesn't --

17 MS. WILLIAMS: It doesn't erase that, sure.

18 CHAIRMAN SALADINO: Well, it doesn't ease
19 our fears also.

20 MS. WILLIAMS: Okay.

21 CHAIRMAN SALADINO: So that's something
22 we'll -- I think maybe we should talk about.
23 Anyone else have anything? David? Dinny?

24 MEMBER CORWIN: Well, the one thing would
25 be good if you could address is the question of

1 parking.

2 MS. WILLIAMS: So, there's no actual place
3 to create parking on the lot, the building takes
4 up basically the entire lot. We did add that
5 little parking slip, sort of cutout in front of
6 the house to try to alleviate that concern, but
7 we don't have a lot of other options open to us.

8 MEMBER CORWIN: What about turning the
9 building to the south into a garage; is that
10 something you'd consider?

11 MS. WILLIAMS: We had not considered that.
12 We do, again, have five kids, and so space is a
13 premium to us and we would like to keep it as the
14 kids' play space.

15 CHAIRMAN SALADINO: Well, it -- I'm sorry,
16 David.

17 MEMBER CORWIN: It's all right.

18 CHAIRMAN SALADINO: In all fairness to the
19 Village, it is a 5,000 square foot house. And
20 you do live on a small block with -- in a village
21 that parking is a premium, especially during
22 adverse conditions and stuff.

23 I don't want you to think that we're
24 opposed to this project. You know, if I'm giving
25 you an opinion, please. But we do have to look

1 out for the -- there are some questions that
2 we're obligated to answer. There's a
3 five-question test that we're obligated to answer
4 and this is going to come up in that. So, you
5 know, better to ask it now and square it away now
6 and see what you're willing to compromise with
7 than to do it later.

8 MR. CLAY COFFEY: As a single-family house
9 with preexisting, nonconforming parking, there --
10 it's -- I mean, I guess that's how we would like
11 for it to be used, right, it's a single-family
12 house with preexisting non-conforming parking.
13 I'm not sure that the square footage of the house
14 increases the parking load.

15 CHAIRMAN SALADINO: Well, if we're going to
16 go by that portion of the Code, we weren't going
17 to -- we weren't going to technically enforce
18 that portion of the Code, 150-20. If -- you
19 know, it is a pre-existing, non-conforming house
20 with a conforming use. The Code says you're not
21 allowed to enlarge it. So by adding that studio
22 space, by adding that walkway, you're actually
23 enlarging the property which technically would be
24 in violation of the Code.

25 So for us to ask you what are you going to

1 -- not that we're going to opine about it one way
2 or the other, we're going to give our opinion
3 about it one way or the other, but I think it's
4 reasonable for us to ask you that. And if you
5 want to bring that up, then we'll talk about
6 that.

7 MR. CLAY COFFEY: I think our only point is
8 that it said single-family; it's a single-family
9 house. There's no proposed -- they're not
10 proposing to rent it, they're not proposing to do
11 it as a two-family.

12 CHAIRMAN SALADINO: No, we understand that
13 and we believe you. We believe you with that.
14 But also, we're also -- everyone in this room is
15 intimately familiar with that part of Greenport,
16 that street to have -- we have to assume you own
17 a car?

18 MS. WILLIAMS: We do.

19 CHAIRMAN SALADINO: Most people own a car.

20 MEMBER GORDON: Only one?

21 MS. WILLIAMS: No, we own two cars.

22 CHAIRMAN SALADINO: So now you have to have
23 two cars -- you've got to get two cars off the
24 street on a street that has no parking on one
25 side of it. Actually, your side, I don't believe

1 there's parking on that side of the street.

2 MS. WILLIAMS: You're correct.

3 CHAIRMAN SALADINO: So, it is a concern for
4 us. I think it's something we might have to
5 think about a minute or two.

6 MEMBER GORDON: I think it's a wonderful
7 project with lots of possibilities and a few
8 little problems. But I do think the parking is a
9 little problem and that we should -- we should
10 regard this with some balance.

11 CHAIRMAN SALADINO: Restrict them to one
12 car?

13 (*Laughter*)

14 MEMBER GORDON: (Laughter) No.

15 CHAIRMAN SALADINO: David?

16 MEMBER CORWIN: I don't know at this point
17 in time. I need more input.

18 CHAIRMAN SALADINO: Well, the public
19 hearing is closed.

20 MEMBER CORWIN: I don't think it was going
21 to come from the public hearing. We're just
22 going back and forth with the owner now.

23 CHAIRMAN SALADINO: Well, let me ask you,
24 is there a compromise that can think that would
25 -- is there something -- is it -- I don't want to

1 sound flippant about it; is it like your way or
2 the highway?

3 MR. CLAY COFFEY: Well, I think -- so I
4 think there's a couple of things that are at
5 play. That side building is not designed as a
6 garage currently.

7 CHAIRMAN SALADINO: Well, we don't know
8 what it was designed for when it was built.

9 MR. CLAY COFFEY: Well, it doesn't have
10 garage doors on it. It's not like we're -- it's
11 not an easy conversion necessarily for the
12 homeowner. Some of the things that we've been
13 trying to do is be very budget minded on how
14 we're approaching renovation, right. So, part of
15 that is by not increasing certain aspects of it,
16 right, I think if you look at the floor plans,
17 they're pretty smart in terms of what we're
18 actually proposing.

19 The -- if we were to convert that into a
20 garage, then we're basically tearing off the
21 entire front of that building and reconstructing
22 it so that it can accept a garage door which it
23 doesn't currently have.

24 So I think he -- I mean, there is some --
25 I mean, there is some financial impact that would

1 be -- you know, they would have to consider.

2 CHAIRMAN SALADINO: Is the construction
3 continuing at the house now? Is the reno -- is
4 there any renovation going on at the house now?
5 We saw some --

6 MR. CLAY COFFEY: They've repaired heating
7 and are working on heating because the existing
8 system is failed, but there's no current
9 construction happening in the house. They've
10 painted, they've, you know, decorated, but
11 there's no -- you know, the downstairs build-out
12 was what it was when they bought it.

13 CHAIRMAN SALADINO: I thought I read in
14 your narrative that you inherited it.

15 MS. WILLIAMS: No.

16 CHAIRMAN SALADINO: No?

17 MR. CLAY COFFEY: They inherited a
18 non-conforming space.

19 CHAIRMAN SALADINO: Okay.

20 (*Laughter*)

21 MR. CLAY COFFEY: It's not -- they didn't
22 inherit the property.

23 CHAIRMAN SALADINO: Oh, I -- for some
24 reason it was conveyed to me that you inherited
25 the property.

1 Well, let me ask you this. And -- would it
2 be an undue hardship for you, for you to wait --
3 we have 62 days to make this decision.

4 MS. WILLIAMS: Okay.

5 CHAIRMAN SALADINO: We never do, we never
6 take it. We never take 62 days to make a
7 decision, but we do have it. Would it be an
8 undue hardship for you for this Board to take an
9 additional 30 days to let the fourth member come,
10 add his input and -- would that be something you
11 would be open to?

12 We're -- I'm asking you because we would
13 like to be fair.

14 MS. WILLIAMS: Yes.

15 CHAIRMAN SALADINO: You know, and right now
16 there seems to be some question about how this
17 variance -- these variances would go. Perhaps
18 with 30 days more time for this Board to consider
19 it with the input from the fourth member, we can
20 come to a --

21 MEMBER GORDON: Would we have another site
22 visit, or a site visit for the fourth member?

23 CHAIRMAN SALADINO: I don't think -- I
24 don't think we would be -- we would need it.
25 Jack, I'm sure if we got in touch with the

1 applicant --

2 MS. WILLIAMS: Yeah, of course.

3 CHAIRMAN SALADINO: It wouldn't be
4 unreasonable for them if he requires it, if he
5 needs it. So, before we -- these three members
6 decide anything, would that be something for you
7 to --

8 MS. WILLIAMS: Yeah. I mean yes, we would
9 be open to that. We are eager to, of course,
10 move the project along. But if we think that the
11 fourth member is going to help the process, then
12 I think --

13 CHAIRMAN SALADINO: Only because it would
14 give -- only because it would give us -- you
15 know, as simple as this application might seem,
16 there are some things that we have to consider
17 that -- and we do have to consider the neighbors.

18 MS. WILLIAMS: Yep.

19 CHAIRMAN SALADINO: We do have to consider
20 the Village. The five questions that we're going
21 to -- that we're required to ask, the
22 five-question test, parking is going to be part
23 of it and the size of the property is going to be
24 part of that, how it fits into the neighborhood
25 is part of that.

1 If it's not an undo hardship, I would -- I
2 would like to perhaps, you know, give you our
3 decision next month. Were you going to say
4 something?

5 MEMBER CORWIN: (Shook head no.)

6 CHAIRMAN SALADINO: And we would have the
7 input of the fourth member, or we could vote
8 tonight; I'm not sure -- I'm not sure how that
9 would work for you guys.

10 MS. WILLIAMS: Yeah, we can make it 30
11 days, just to get everyone comfortable.

12 CHAIRMAN SALADINO: I'm sorry, the public
13 hearing is closed.

14 MS. MILLER: (Inaudible)

15 CHAIRMAN SALADINO: But we're -- we're not
16 that strict here, if you have something you would
17 like to say.

18 MS. MILLER: Oh, I just was wondering if
19 you extended it if you were going to reopen the
20 public hearing.

21 CHAIRMAN SALADINO: No. No, we're just
22 asking the applicant if it would be an undue
23 hardship for her to wait 30 days --

24 MS. MILLER: Yes, I understood that.

25 CHAIRMAN SALADINO: -- for our decision;

1 even though by law we're allowed 62 days to make
2 the decision.

3 MS. MILLER: I understand.

4 MR. CLAY COFFEY: Would we be allowed to
5 supply additional information in that period of
6 time?

7 CHAIRMAN SALADINO: Absolutely.

8 MR. CLAY COFFEY: All right.

9 CHAIRMAN SALADINO: Absolutely, as the
10 applicant

11 MR. CLAY COFFEY: Right.

12 CHAIRMAN SALADINO: The public hearing is
13 closed, so the public don't get a shot at it
14 anymore.

15 MS. WILLIAMS: Right.

16 CHAIRMAN SALADINO: But as the applicant,
17 any information that you --

18 MR. CLAY COFFEY: Okay, great.

19 CHAIRMAN SALADINO: You're willing to give
20 us to help us make the right decision --

21 MR. CLAY COFFEY: Sure.

22 CHAIRMAN SALADINO: -- would be
23 appreciated, so.

24 MS. WILLIAMS: Okay.

25 CHAIRMAN SALADINO: Okay. Thank you.

1 MS. WILLIAMS: Thank you.

2 MR. CLAY COFFEY: Great. Thank you.

3 CHAIRMAN SALADINO: Is that okay?

4 MEMBER CORWIN: I'm okay with that, yes.

5 MEMBER GORDON: Yeah.

6 MR. CLAY COFFEY: Thank you.

7 CHAIRMAN SALADINO: Thank you.

8 MEMBER CORWIN: Good night.

9 CHAIRMAN SALADINO: I had an agenda.

10 Since everyone is still here, I'm guessing
11 this is what we're waiting for.

12 Item No. 8 is 123 Sterling Avenue. A
13 public hearing regarding the area and use
14 variances applied for by 123 Sterling Avenue
15 Corp., represented by Paul Pawlowski. The
16 property is located in the Waterfront Commercial
17 District and is located in the Historic District.
18 This property requires an area and use variance.

19 (1) The uses that are proposed require the
20 modification of the Stipulation of Settlement,
21 and the approval of the Board of Trustees,
22 Planning Board, Zoning Board of Appeals, and the
23 Sterling Neighborhood Association must approve
24 the changes in the uses on the premises that are
25 not conforming with the Stipulation of

1 Settlement.

2 (2) The plans show proposed conversion of
3 stipulated approved garage space on the first
4 floor being converted into an outdoor parking --
5 an indoor parking garage. Indoor parking garages
6 are not a permitted use, conditional use or a
7 special use in the (W-C) Waterfront Commercial
8 District. This would require a use variance.

9 (3) The plan shows a proposed conversion of
10 stipulated approved open space on the second
11 floor being converted into storage space. I
12 believe --

13 MEMBER GORDON: Excuse me. Can I
14 interrupt?

15 CHAIRMAN SALADINO: Of course.

16 MEMBER GORDON: This is not -- this number
17 three item is no longer relevant, as we have been
18 asked to change that so that -- because the plans
19 to keep the storage -- what would have been the
20 storage space on the second floor open, which
21 improves circulation and eliminates one of the
22 variances and is generally, I think, what we all
23 support.

24 CHAIRMAN SALADINO: I was going to say --

25 MEMBER GORDON: I'm sorry

1 CHAIRMAN SALADINO: (Laughter) I was going
2 to say that the applicant withdrew the one use
3 variance for the conversion of that open space on
4 the second floor to storage space.

5 (4) And the fourth thing is the reduction
6 of Waterfront Commercial use is an expansion of
7 the variance relief that was granted by the
8 Zoning Board of Appeals in conjunction with the
9 Stipulation of Settlement and requires an area
10 variance.

11 The Suffolk County Tax Map No is
12 1001-3-5-16.4 and 16.5. I'm going to ask the
13 Clerk, this was properly noticed?

14 MS. AURICHIO: Yes.

15 CHAIRMAN SALADINO: And we have the
16 mailings?

17 (Brief Pause)

18 Don't you have these on a sheet of paper?
19 I'll just read these. Joseph Flotteron; am I
20 getting that right?

21 MS. ALLEN: Flotteron.

22 CHAIRMAN SALADINO: I'm sorry?

23 MS. ALLEN: Flotteron, that's right.

24 CHAIRMAN SALADINO: Okay. Joseph
25 Flotteron, 127 Sterling Avenue, Greenport, NY,

1 11944; Christine McCabe, 128 Sterling Avenue,
2 Greenport, NY, 11944; 123 sterling LLC, Post
3 Office Box 1086, Westhampton Beach, NY; Priscilla
4 Johnson, 130 Ludlam Place, Greenport, NY; Village
5 of Greenport, 236 3rd Street, Greenport, NY;
6 123 Sterling Avenue LLC, Post Office Box 1086,
7 Weshampton Beach, NY; James Getches, 5251 Country
8 Squire Way, Fort Collins, Colorado -- tough
9 commute. Alexander Ciaputa?

10 MS. SCHNEPEL: Ciaputa.

11 CHAIRMAN SALADINO: Ciaputa, One Scarsdale
12 Road, Tuckahoe, NY; Richard Harper, 143 Sterling
13 Avenue, Greenport, NY; James Kelley, 844 Sudbury
14 Road, Concord, MA; James Gleason, 132 Kroemer
15 Avenue, Riverhead, NY; George Limperis, 264
16 Liberty Street, San Francisco, CA; Charles
17 Edwards, 139 Sterling Avenue, Greenport, NY;
18 Greenport Gardens LLC, 5720 Route 25A, Wading
19 River, NY, 11792; Nancy M Tumavick -- am I
20 getting that right -- Trust, C/O Frank Polistena,
21 Post Office Box 667, Mattituck, NY, 11952; Isaac
22 Israel, 889 Harrison Avenue, Riverhead, NY.

23 And we read those before. Thank you.

24 Is the applicant here?

25 MR. PAWLOWSKI: Good evening. Paul

1 Pawlowski, 123 Sterling. I'm here to answer any
2 questions you may have to clear up the
3 application before you.

4 We're here asking for the parking relief
5 along Sterling Avenue and to amend the approved
6 garage to allow for indoor parking. As you know,
7 we removed the request for second floor storage.
8 So as the applicant and owner, I'm here to answer
9 any questions you have.

10 And our goal is -- it's simply to improve
11 the site, not only for ourselves as the owners
12 but for the future owners within the property,
13 the neighborhood and also Village residents.
14 We feel what we're asking for will improve
15 traffic flow, will improve just overall
16 navigation to the dinghy dock and the
17 neighborhood itself.

18 We feel the curbs, sidewalks and green
19 space will be a great improvement. We could meet
20 the code requirements for all Building Department
21 aspects when it comes to ventilation, fire
22 sprinklers, alarms.

23 And we fully understand and respect that
24 there's been a lot of time, effort, emotions and
25 decisions made since 2003, '04, '07, on.

1 So, however I can answer any questions, I'm happy
2 to do so. And we have a common goal with the SNA
3 to improve the site that's before us. And again,
4 I'm here to answer any questions you may have.

5 CHAIRMAN SALADINO: Thank you. We're going
6 to have a couple for you, Paul.

7 MR. PAWLOWSKI: Okay.

8 CHAIRMAN SALADINO: But we're going to let
9 the public, if they -- is there anyone from the
10 public that would like to comment on this -- at
11 this public hearing?

12 Name and address for the stenographer.

13 MS. WADE: Randy Wade, 6th Street in
14 Greenport. So after the two contract
15 developments at Fifth Street and Sterling Cove
16 (inaudible), the decision was made that
17 Waterfront Commercial reflecting the heritage of
18 having a working waterfront was an important
19 thing, worth having a waterfront revitalization
20 plan, worth having a code definition, Waterfront
21 Commercial. It is either to provide jobs, could
22 be working waterfront jobs, or to allow the
23 public to have access to the space even if they
24 have to pay a fee, even if it's a private club.
25 If there -- the goal was to not have it

1 privatized so that there would be a barrier and
2 it would sort of be deadened.

3 So the majority of the Village is
4 residentially zoned, so there really isn't that
5 much Waterfront Commercial left and it's really
6 on the water. There's some that should not be
7 called out on First Street where they don't have
8 any waterfront access, but this is an actual
9 waterfront property.

10 So my question is since part of the
11 proposed -- one of my many questions. Part of
12 proposal is to divide up to either use the
13 private parking as an accessory to the
14 residential, but also to divide up two-thirds of
15 the ground floor space into 12 units to be sold
16 to a market rate unit with a private bathroom,
17 with a sink in a kitchen, with no outside
18 entryway except the shared entry-way with the
19 residential.

20 So to me, that sounds like an accessory to
21 residential use; they would require a variance
22 from you. My question is are you going to be
23 waiting for the Planning Board to determine if
24 you should decide on that variance, or is this
25 something that you, in your own judgment, would

1 be able to say to the applicant if it's not just
2 about the parking. If you're going to make it
3 private and residential, the whole first floor,
4 then that would all need to be considered by the
5 ZBA.

6 CHAIRMAN SALADINO: The applicant's plan
7 shows the 12 suites on the first floor. The
8 building -- the building -- the Description of
9 Uses of the building -- and this is the
10 applicant's document. The Description of Uses of
11 the building is the building will have Waterfront
12 Commercial operation on the first floor.

13 The reason behind the use variance is, is
14 that residential accessory parking is not an
15 approved or conditional use in the Waterfront
16 Commercial District. That's the reason. Not
17 indoor parking, outdoor parking; that's the
18 reason for the use variance.

19 The applicant's plans shows 12 Waterfront
20 Commercial units on the first floor; am I getting
21 that right?

22 MR. PAWLOWSKI: Correct.

23 CHAIRMAN SALADINO: Twelve. The Zoning
24 Board has to assume that that's his plan, to rent
25 that to Waterfront Commercial tenants. We would

1 leave it to the build -- in my opinion, I'm going
2 to talk to my colleagues about it that still have
3 a better answer for you. I would leave it to the
4 Building Department to decide if whoever is
5 renting one of those Waterfront Commercial units
6 is, in fact, a Waterfront Commercial operation,
7 be it boat sales or yacht broker or whatever one
8 of the 12 --

9 MS. WADE: The Developer has already stated
10 publicly that each unit will be offered for sale
11 to a resident. So each unit at 600 feet, or
12 whatever, is going to be much smaller than the
13 residential use. So if there's an owner of an
14 apartment and they have -- they also own a small
15 space that's on the ground floor that's
16 accessible through the interior, how is that not
17 an accessory to the residential use? And not --
18 it wouldn't be open to the public.

19 CHAIRMAN SALADINO: Because it would have
20 to have a permitted or a conditional use for them
21 to get a CO for it.

22 MS. WADE: He's calling it a yacht club.
23 Can a yacht club be an individual private use of
24 that space to be like kind of a guest suite or
25 whatever; that's my question.

1 CHAIRMAN SALADINO: I -- Randy, right now
2 we're kind of -- I'll be honest with you, I'm not
3 sure if a yacht club can be -- how many people or
4 what it takes to become. I don't know what it
5 takes to become a yacht club; I would leave it to
6 the attorney.

7 MR. CONNOLLY: There's no definition in the
8 Code for a yacht club, so.

9 CHAIRMAN SALADINO: I would leave it to the
10 attorney, the Zoning Attorney and the Village
11 Attorney and the Building Department to square
12 that away. Yacht club is a permitted use.

13 MS. WADE: I would say look at the
14 definition of residential, look at the definition
15 of home office, look at the definition of office
16 that goes in the --

17 CHAIRMAN SALADINO: Well, we're looking at
18 the definition of Waterfront Commercial. We're
19 looking at what --

20 MS. WADE: And if it's privately owned to
21 be privately used, I would say that's a home
22 office. You would have to look -- if that's the
23 similar thing that would be to the Code. You
24 couldn't -- you can call, you know, a horse a
25 duck, a duck a horse, you can call anything

1 anything you want. But to be -- to carry it
2 through logically, you would be looking at things
3 in the Code that would be similar and it would be
4 a home office.

5 CHAIRMAN SALADINO: Well, I'm looking at --
6 I'm looking at what's required under the modified
7 plan in the stipulation and it says, "The
8 building will have Waterfront Commercial
9 operations on the" front -- "on the first floor."
10 Whoever rents those units are going to have to
11 satisfy someone that they're a legitimate
12 Waterfront Commercial operation.

13 MS. WADE: It might have to be the Planning
14 Board.

15 CHAIRMAN SALADINO: It doesn't say --

16 MS. WADE: That's my question. Maybe it's
17 the Planning Board that gets more involved in
18 these details then.

19 CHAIRMAN SALADINO: I would ask the --

20 MR. CONNOLLY: If it's not going to be used
21 for a commercial Waterfront -- Waterfront
22 Commercial use, it would be a violation of the
23 site plan.

24 MS. WADE: Right.

25 MR. CONNOLLY: It would be, you know, an

1 enforcement issue at that point.

2 MS. WADE: Okay.

3 The other thing is as for the angled
4 parking on-street, that -- the Stip said that
5 this is not the be-all and end-all to reviews,
6 that it should have gone through -- you know, it
7 was expected it would go through further reviews.

8 So, the idea that angled parking going
9 across, whether there's a sidewalk or not, would
10 have ever been approved in 2007 indicates it was
11 not looked up for safety. And I can assure you
12 it has not been looked up for safety now and
13 it'll be something that the Planning Board really
14 should do as part of the site plan review.

15 So to say that it's -- I don't think it's
16 really within the power of the developer to give
17 up that angled parking because it's something
18 that -- you know, the -- a municipality can
19 decide. It's a ministerial action to decide what
20 is safe on the street and where the curb cuts
21 should be. And so that's why, you know, that's
22 not really a trade-off or anything. Though, I
23 would be sympathetic to, you know, trade-offs
24 with on-street outdoor parking to accommodate
25 whatever is needed, but not -- you know, angled

1 parking should not be there period, and nor
2 should indoor parking in Waterfront Commercial
3 for the reasons that I stated.

4 CHAIRMAN SALADINO: Did -- I lost track.
5 I thought somebody was talking over you, I'm
6 sorry. The decision of this Board --

7 MS. WADE: YeaH.

8 CHAIRMAN SALADINO: -- on the use variance
9 will determine if that angled parking stays or if
10 the indoor parking will be -- that 5,000 square
11 feet of Waterfront Commercial space will become
12 residential accessory use. That's the --

13 MS. WADE: I'm sorry, I spent 20 years
14 looking at environmental impact statements, only
15 the transportation sections of them and also
16 trying to design streets that would not require
17 an environmental impact statement and I know that
18 these are ministerial actions that can be
19 determined at any time. And you're deciding it
20 or not, the angled parking needs to be eliminated
21 period.

22 CHAIRMAN SALADINO: But not by this Board.

23 MS. WADE: Not by this Board. You always
24 say yes or no to what's in front of you, I
25 totally understand that. But you did say the

1 angled parking will stay if you don't allow it to
2 go into the building and I'm telling you --

3 CHAIRMAN SALADINO: Well, there'd be no
4 modification to the -- if this Board decides --
5 Just so we're all on the same page. If this
6 Board decides that the use variance fails, the
7 modification to the stipulation, as far as this
8 Board's concerned, would not be approved.

9 What happens after that as far as angled
10 parking is -- is up to the --

11 MS. WADE: Right.

12 CHAIRMAN SALADINO: Whatever deal -- I
13 don't even know what the option is after that, to
14 be honest with you.

15 MS. WADE: It's very simple, it could
16 either be the Village engineer, Paul Pallas, or
17 it could be the Planning Board that would say --
18 and by the way, there is a SEQRA determination
19 that said pedestrian safety would not be
20 impacted, and yet having all of the cars crossing
21 that sidewalk, you can't say pedestrian safety
22 would not be impacted. So --

23 CHAIRMAN SALADINO: Well, we're not the
24 lead agency. Normally I thought we would have
25 been.

1 MS. WADE: Well, a determination was
2 already made way back when. And all I'm saying
3 is that would be moot if we were to look at it.
4 Because pedestrian safety is affected, and either
5 Paul Pallas or the Planning Board should decide
6 We're not going to allow angled parking, thank
7 you very much

8 CHAIRMAN SALADINO: The -- okay.

9 MS. WADE: I understand --

10 CHAIRMAN SALADINO: What's in front of this
11 Board is the four-question test of a use
12 variance. Does this application rise to the
13 level of granting a use variance? That's what
14 it's about.

15 MS. WADE: Right, right. But I don't think
16 you have to imagine that there can't be more
17 compromises made through the Boards. You know,
18 there can be some concessions or whatever, and
19 you could still deny that you have indoor parking
20 in the garage. The parking can be dealt with
21 separately, you could send it back. You know,
22 the Planning Board's going to be looking at it,
23 they can figure this out.

24 CHAIRMAN SALADINO: Okay. But you're
25 asking -- (laughter). We could certainly -- at

1 the end of this process we could certainly make
2 comments.

3 The Planning Board obviously is going to
4 get a record of this meeting; they should anyway.
5 I'm kind of curious why there was no coordinated
6 review with this. Maybe I'll ask the Village
7 Administrator?

8 ADMINISTRATOR PALLAS: It will be sent out
9 shortly, Mr. Chairman.

10 CHAIRMAN SALADINO: So that -- okay.
11 So, there will be --

12 MS. WADE: Right.

13 CHAIRMAN SALADINO: Because it's an
14 Unlisted Action, because it's adjacent to a
15 Historic District, the standards of 25% of what
16 it would normally be, so, under SEQRA. So, the
17 building is 45,000 square feet?

18 MR. PAWLOWSKI: (Inaudible).

19 CHAIRMAN SALADINO: Fifteen thousand each
20 floor?

21 MR. PAWLOWSKI: Forty-two thousand.

22 CHAIRMAN SALADINO: So any project 100,000
23 square feet in a village less than 100,000
24 people, you reduce that to 25%, so 25,000 square
25 feet. An Unlisted Action becomes a Type I

1 Action, so, and a Type I Action requires a
2 coordinated review.

3 MS. WADE: Oh, that's why you're asking
4 about it. That's a good point. That's a very
5 good point.

6 CHAIRMAN SALADINO: Thank you

7 MS. WADE: Thank you. Oh, you're so smart.
8 Okay, sorry to take up so much time. I think I
9 made my point. Thank you.

10 CHAIRMAN SALADINO: Okay. Is there anyone
11 else from the public that would like to speak?
12 Name and address for the stenographer.

13 MS. MUNDUS: My name is Pat Mundus. My
14 address is 182 Sterling Street in Greenport.

15 And first of all, I would just like to say
16 thank you to Mr. Pallas and to the other Village
17 Administration for putting together this
18 in-person/Go-To-Meeting hybrid. People have been
19 begging for this for the last year and I thank
20 you very much for pulling it together.

21 I have been on Sterling Street for
22 13 years. That intersection where Sterling
23 Street and Sterling Avenue come together, I
24 assume you were there today on a review, you saw
25 it with your own eyes. That intersection,

1 14 years ago when this site plan was approved,
2 was a very different place. There was not
3 hardscaping, there were no curbs on the side
4 where there's a new house with landscaping
5 plants, fences, there's now a fence on the other
6 side.

7 And I just want to clear something up.
8 Everybody keeps talking about angled parking on
9 Sterling Avenue; I don't think that's exactly
10 correct. Here is a copy of the site plan from
11 the original stipulation; it's probably stapled
12 in the back of your packet there, the Stipulation
13 Agreement. It shows parking head-on in what is
14 now presently a no parking zone already, there's
15 no parking there. Straight in, so that means
16 that any of these 12 cars that, if this scheme is
17 not altered, would have to back directly into the
18 intersection of this. This is taken from the
19 roof; I hope you saw that today or yesterday,
20 whenever you were visiting.

21 CHAIRMAN SALADINO: We didn't go on the
22 roof --

23 MS. MUNDUS: Okay.

24 CHAIRMAN SALADINO: -- today.

25 MS. MUNDUS: Well, can I -- is it okay for

1 me to step forward?

2 CHAIRMAN SALADINO: Sure.

3 MS. MUNDUS: Okay. Here's a photograph
4 taken from the roof, straight down onto the
5 intersection. That yellow portion of the curb is
6 this yellow portion of the site plan. So --
7 sorry I had to get close to give you those.
8 So what I'm --

9 CHAIRMAN SALADINO: We're all vaccinated.

10 (*Laughter*)

11 MS. MUNDUS: Good. So what I'm saying is
12 12 cars on the intersection, backing in, pulling
13 out and backing in all day long, is going to make
14 an already impossible intersection a hundred
15 times more impossible.

16 And I'm the last person who would generally
17 agree in allowing Commercial Waterfront to be
18 used for indoor parking, because I'm a maritime
19 professional myself. But in this case, because
20 we're talking about a bad plan from 14 years ago
21 being built already, it's the lesser of two
22 evils, really. And getting that parking anywhere
23 else is, in my opinion, a necessity.

24 Right now if you drive through that
25 intersection and you meet the UPS truck, just two

1 trucks, one has to stop and back up so they can
2 go through. So try to take that scenario and
3 have 12 cars backing out into that intersection
4 and it's poor planning, period.

5 The thing about the commercial waterfront,
6 to expand a little bit on what Randy was talking
7 about, the elevation of the ground floor is only
8 7.2, it's not legal for any residential use at
9 all, period.

10 In the mediation and the letter of support
11 that the SBNA, which I was a hard worker on that,
12 we insisted on deep covenant that makes the
13 ground floor absolutely positively not to be used
14 for residential.

15 And then what I understand from Mr.
16 Pawlowski is that there is going to be an
17 offering agreement, I think it's called. I'm not
18 sure about the legal, correct words, but that
19 also is going to be written into a long-term deed
20 covenant. So there's no way that anyone could
21 use those as apartments. If they do, it's
22 illegal, shut town, he could get sued, period.

23 Now, 12 units on the remaining 10,000
24 square feet, if this plan's allowed to remove
25 5,000 for parking, 10,000 square feet is a

1 substantial amount of Commercial Waterfront.
2 So that allows me to be okay with reducing that
3 5,000 or 4,000, whatever it is, feet for parking
4 because still 10,000 feet remains. That to me
5 shows that the intention and the spirit of the
6 Commercial Waterfront usage is being met. I
7 don't know what it's going to be either; mini
8 yacht clubs, artist studios? Those are all
9 permitted uses, what he's talking about.

10 To answer Randy's question, there are lots
11 and lots of little, small yacht clubs all over
12 Greenport. There's the Chinese Yacht Club,
13 there's the Triangle Yacht Club, there's, you
14 know, all kinds of sailing clubs and
15 associations. There's one 200 feet down the
16 street from me, calls himself a yacht club.

17 There's the Poor Man's Yacht Club, right
18 next door to the property we're talking about.
19 Who knows? (Laughter). Are they legitimate?
20 Are they what we normally perceive as a yacht
21 club with a flag pole and shooting colors every
22 day at sunset? No, but they're clubs. They
23 function as a yacht club whether they're a formal
24 flag-waving American yacht club or not. People
25 meet there, that's what Paul is trying to say.

1 Those units are going to be for artist studios,
2 for clubs, whatever they're going to be used for.

3 Now, parking. What I don't understand is
4 the parking requirements for a Commercial
5 Waterfront is required, I am assuming, for how,
6 many square feet requires one parking place?

7 MR. PAWLOWSKI: Three hundred.

8 MS. MUNDUS: Three hundred, okay. But --

9 CHAIRMAN SALADINO: Three hundred square
10 feet is --

11 MS. MUNDUS: One parking place equals
12 300 square feet, okay.

13 CHAIRMAN SALADINO: But --

14 MS. MUNDUS: So here's the semantics
15 problem, as I was trying to explain last month.
16 If Mr. Pawlowski is going to have the same people
17 own Commercial Waterfront space -- 300 feet, one
18 parking place -- they are exactly the same people
19 who are also residents who are required, again,
20 to have a certain amount of parking places for
21 residential.

22 That also allows me, in my own code of
23 ethics, to say okay, they're already the owners
24 of both properties. I mean, Greenport sooner or
25 later is going to have to deal with this parking

1 thing instead of kicking the can down the road.
2 I know it's not in the Code. I know how
3 difficult it is for everybody to be the first
4 board to have to make a decision on something
5 that's not explicitly in the Code for you to
6 follow. But I'm just saying, you know, as you
7 consider this whole thing, please, please look at
8 it as the lesser of all evils. That's all.
9 Thank you very much

10 CHAIRMAN SALADINO: Just to respond. First
11 of all, I don't think we've looked at ourselves
12 as the first board to have to deal with this.

13 As luck would have it, as luck would have
14 it, any decision that this Board makes for a use
15 variance is mandated by New York State Village
16 Law. So, depending on the narrative that we
17 receive from the applicant, that'll be -- we can
18 either do it or be enjoined from doing it by New
19 York State Law. So it's not like we're going to
20 be breaking new ground here. It's --

21 MS. MUNDUS: Well, I guess what I meant to
22 say is that you would be breaking new ground
23 philosophically in Greenport, because nobody has
24 talked about indoor parking --

25 CHAIRMAN SALADINO: Well, this Board -- I

1 could tell you right now, this Board's not
2 prepared to violate the law.

3 MS. MUNDUS: Okay.

4 CHAIRMAN SALADINO: So --

5 MS. MUNDUS: But here's the -- this is a
6 semantics thing.

7 CHAIRMAN SALADINO: (Laughter) No it's not.

8 MS. MUNDUS: Okay. There's nothing in our
9 present Code that address indoor parking;
10 correct?

11 CHAIRMAN SALADINO: This is not about
12 indoor parking. It's about a resident -- it's
13 about residential accessory parking --

14 MS. MUNDUS: Okay.

15 CHAIRMAN SALADINO: -- in the Waterfront
16 Commercial District.

17 MS. MUNDUS: Okay.

18 CHAIRMAN SALADINO: And there is something
19 in our Code about that.

20 MS. MUNDUS: Okay. So it has nothing to do
21 with the indoor portion of this dialogue.

22 CHAIRMAN SALADINO: I don't see it that --
23 I don't see it that way.

24 MS. MUNDUS: Okay.

25 CHAIRMAN SALADINO: Me personally; my

1 colleagues might have a different opinion.

2 MS. MUNDUS: Okay.

3 CHAIRMAN SALADINO: But to me, it's the --
4 it's delusion of Waterfront Commercial property
5 for a use that's not permitted or conditioned.

6 MS. MUNDUS: Okay.

7 CHAIRMAN SALADINO: Or even accessory.

8 MS. MUNDUS: The other part of the lesser
9 of all evils discussion from my point of view is
10 that if those 12 parking places are not allowed
11 to be indoor in that Commercial Waterfront space,
12 they're going to be somewhere else on the
13 property.

14 We've spent the last two years trying to
15 work with the developer to make the project less
16 of an impact on the neighborhood. That means
17 that those parking places, as Paul's plan is --
18 Mr. Pawlowski's plan is right now, have included
19 more hedges, more fencing, more green space.

20 We -- you know, our group, SBNA, has been
21 negotiating and talking and voting amongst
22 ourselves, the rules of democracy take a long
23 time. All of our members are just really
24 interested in the least amount of impact on the
25 neighborhood; more green space and less parking

1 in our intersection is the bottom line, that's
2 what we're hoping for.

3 So thank you very much for considering this
4 difficult problem.

5 CHAIRMAN SALADINO: Thank you.

6 MEMBER GORDON: Could I ask a question,
7 Pat?

8 MS. MUNDUS: Yeah.

9 MEMBER GORDON: Perhaps I didn't really
10 understand your Description of where the
11 parking -- where the parking would be, where the
12 cars would back out into the street; that's
13 something I care a lot about, too.

14 But it seemed to me, as we made the site
15 visit, that what I saw was a substantial space in
16 front of the area where the indoor parking would
17 occur, where the cars who are along the side
18 could exit and not -- you know, that there was
19 really quite a lot of space and that they
20 wouldn't be exiting backing out. Why do you
21 think they would have to back out?

22 MS. MUNDUS: I was going by the original
23 stipulation site plan which shows the parking
24 places head-on on Sterling Avenue across where
25 it's presently -- where is the thing I just gave

1 you?

2 CHAIRMAN SALADINO: Here.

3 MR. PAWLOWSKI: I'll explain that in
4 detail.

5 MS. MUNDUS: Okay. Here's how it is in the
6 original stipulation. Right here, see how
7 they're all head-in right here? The parking is
8 physically on the 123 Sterling property, but they
9 have to park, drive straight in through the
10 intersection. This yellow line that I put on the
11 drawing is right here on the photograph. So in
12 other words, right here are all a line of head-in
13 parking places. You see how narrow that is. In
14 order to get out of this parking place you have
15 to back out, straight out. It's not even angled
16 which would make it a little easier.

17 MEMBER GORDON: You can't go down here?
18 Well, okay.

19 MS. MUNDUS: Unless the Village is talking
20 about maybe making one of those streets one-way
21 and then it ties into the problem of the previous
22 application.

23 MEMBER GORDON: I'm truly asking for
24 information.

25 MS. MUNDUS: Yes.

1 MEMBER GORDON: Because it seemed to me
2 when we looked that the cars would simply go up
3 here and come out there, but --

4 MS. MUNDUS: This is the stipulation.

5 MEMBER GORDON: Perhaps we can --

6 MS. MUNDUS: This is what's been approved.

7 MEMBER GORDON: Okay. Well, maybe we can
8 get Mr. Pawlowski to address this. Because I
9 agree, it's very, very important --

10 MS. MUNDUS: Yes.

11 MEMBER GORDON: -- that people not back out
12 into that narrow space.

13 MS. MUNDUS: I mean, my street, I can
14 barely get out of my driveway, never mind just
15 the way things are without -- it's tiny, it's
16 basically a de facto --

17 MS. MAHONEY: Can you speak into the
18 microphone, please.

19 MS. MUNDUS: Excuse me. What I was saying
20 is that Sterling Street, as it is now, without
21 the extra burden of this project, is already a de
22 facto one-way street.

23 If a landscaping truck, a UPS truck, even
24 the mail truck stops, everybody has to stop till
25 he moves because you can barely get around him.

1 So, we're building a big monster here if you let
2 that parking pull out into the very intersection
3 on Sterling Street.

4 MEMBER GORDON: Okay

5 CHAIRMAN SALADINO: Is there any -- Paul,
6 before --

7 MR. PAWLOWSKI: Yes.

8 CHAIRMAN SALADINO: Maybe we'll let the
9 public. Is there anyone else from the public
10 that would like to speak?

11 MR. MACKEN: Yes. Hi. Yes, my name is
12 Frank Macken, 138 Sterling Avenue. I would just
13 like to point out that the project is on Sterling
14 Avenue, not Sterling Street. Sterling Avenue is
15 quite a bit wider. However, I have to say that
16 the -- this project, as you all know, has been
17 very controversial. It has never gone before the
18 Zoning Board, it has never gone before the
19 Planning Board for review, it's the largest
20 building ever built in Greenport, it's never been
21 subject to these kind of reviews.

22 So, that hangover from a sketch of a
23 stipulation that was done in 2007 which shows
24 angled parking in front of the building, as Randy
25 pointed out, would probably not be approved,

1 simply just because it's impractical where you
2 have the two streets, the narrow Sterling Street
3 and Sterling Avenue coming together.

4 I also want to point out that nowhere at
5 any time on any of the renderings that the
6 developer has presented over the last two years,
7 at least two years, has shown that parking there.
8 In fact, he doesn't want it there and it very
9 likely would not be there because Planning would
10 not review it or would not allow it and nobody
11 actually wants it there.

12 So, it's a bit of a false flag to say that
13 removing this on-street angled parking, you know,
14 indoors is the only solution, because it's not
15 really a problem in any case.

16 The issue which is before you is the -- as
17 you said, is whether you allow commercial,
18 Waterfront Commercial space to be converted into
19 residential accessory space. And I would just
20 like to point out that there is ample parking on
21 the site, in any case. You don't need an indoor
22 space.

23 But curiously enough, Mr. Pawlowski, on his
24 latest site plan proposal, has actually removed
25 an equal number of parking spaces from the

1 parking area along Ledlum place, there are 12
2 parking spaces which he now proposes to replace
3 with green space; I mean, a large mound of green
4 space and trees and who knows what the hell else.
5 But I think parking is a lot more important for
6 this.

7 And so, I mean, this whole -- the only
8 reason he wants to put indoor parking in there is
9 so he can make an extra buck when he's selling
10 his apartments upstairs. And the only reason --
11 and also, this thing about the indoor parking,
12 whet you've got here is -- this is a very -- this
13 goes back to the stipulation. It was achieved
14 after legal battles and neighborhood battles
15 where people are concerned, there was going to be
16 a high rise boat storage there. Please remember
17 that this was a working site, a working
18 waterfront site less than 20 years ago.

19 So, we're -- what we're talking about here
20 is crucial for the remaining Waterfront
21 Commercial space -- areas in Greenport. Whatever
22 you decide will be a precedent. What's being
23 proposed here at the moment is a lot of those
24 5,000 square feet of what he calls a garage, and
25 that's debatable, your -- is the other 10,000

1 square feet which is to be divided into these 12
2 little units. So you've got 12, it's like, you
3 know, Seven Dwarfs, 12 little yacht clubs. I
4 mean, it's absurd. And to have them sold along
5 with the units upstairs is just -- that is
6 residential accessory.

7 So now -- so I'm curious. I know you
8 explained it, but apparently you're not being
9 allowed to review the variance or they haven't
10 asked you to review this as a variance, but to me
11 that is a variance. Waterfront Commercial, we
12 all know what that is and we all know how
13 important that is for Greenport; it's vital to
14 maintain this.

15 So we're talking about 15,000 square feet
16 of Waterfront Commercial for a stipulation that
17 stipulated a commercial -- Waterfront Commercial
18 building; a commercial building with residential
19 space up above.

20 Now, I know that the legal agreement in
21 2007 specified, you know, created all kinds of
22 variances and just cut right through the
23 Waterfront Code and chopped it up in various
24 ways. But it was the principal behind it, we
25 were told, and this project has been basically

1 rammed down our throats on the basis that it's a
2 legal stipulation that cannot be changed and it's
3 for a mixed-use building, bah, bah, bah, bah. So
4 now we have the developer who this is the fourth
5 time that he's come. He came in here and said,
6 I'm building the stipulation, I've got the right
7 to build it, and four times he has tried to amend
8 it. He wanted to get rid of -- he wanted to
9 expand the residential units, he wanted to get
10 rid of the affordable housing and he wanted to --

11 MR. PAWLOWSKI: (Inaudible).

12 MR. MACKEN: Please. And he didn't, these
13 are -- and he was shot down each time. So now
14 he's back trying to convert this -- the whole
15 thing with that 10,000 square feet. Normally
16 what you have when you have a residential
17 building, as everybody knows, has any idea about
18 real estate, is that that's commercial space.
19 Then you give it to a broker, the broker tries to
20 rent it out and you get various people proposing
21 different types of business which then come
22 before either you or the Planning Board,
23 certainly.

24 I mean, Mr. {Mueller} from the Industry
25 Standard, or whatever it's called now, he had to

1 go before the Planning Board to get approval for
2 a -- for a name change, just to change the name.

3 So, I mean, this is -- we have to preserve
4 the Code. We have to maintain the Code and we
5 have to make sure that when we call it Waterfront
6 Commercial, we're damn sure that what's going in
7 there is Waterfront Commercial, not some vague,
8 you know, Oh, my wife's a potter, I'm an artist
9 or this or that; you know, a vague kind of
10 definition that nobody knows what it's going to
11 be. And everybody knows that an artist studio is
12 basically an Air BNB unit, especially if it's got
13 a bathroom and a kitchen.

14 So that then comes out to enforcement;
15 whose going to enforce it? You know, I mean, are
16 we going to hire agents to go around
17 investigating the different units and stuff like
18 that? I mean, it's just absurd. You've got 12
19 different bathrooms in this place. You know,
20 there shouldn't be more than like two or three to
21 serve a -- in normal commercial spaces like that
22 they have shared bathrooms for people that -- and
23 the other thing is that the only access to this,
24 unlike every other building which is a mixed-use,
25 the only access to the so-called commercial space

1 as he proposes it is through the residential
2 lobby.

3 And the other thing, one other thing I'll
4 point out is that there are -- if you look at
5 that building now, from the original plans and
6 the original stipulation, it has been altered.
7 There are no doors other than a stair exit door.
8 There are no doors on the water side, there's no
9 access to the water side from the building.
10 There's no access to the street other than
11 through the residential lobby.

12 The building has been altered, we've been
13 told that there are no approved plans and
14 apparently -- you know, the one who is
15 supervising it is the engineer who actually works
16 for the developer, his company has worked for the
17 developer. So it's not being supervised, the
18 plans are been altered numerous times. Whole
19 stairways have been moved and that's never come
20 up for review.

21 So basically we're saying -- and I have to
22 point out that SBNA does not represent the people
23 on Sterling Avenue and does not represent our
24 views. We had a meeting with them when issue of
25 mediation came up and this was on the table and

1 we said No, you cannot approve this. You cannot
2 support the division into indoor parking and
3 these divided things. They said, Oh, okay. No,
4 we won't do that; and then here they are.

5 So, I mean, basically this is -- I just
6 feel this. I mean, me and my neighbors just feel
7 that it's crucial, and anybody who really cares
8 about Greenport going forward. You know, if this
9 is allowed to go ahead, it will drive his
10 proposal and similar proposals. This is just the
11 first, and in ten years time we'll look back and
12 say That was the one. That's the one that drove
13 a stake through the Waterfront Commercial Code
14 and made it possible for all of -- in a domino
15 effect, all the rest of the waterfront. Now
16 they're working waterfront to be converted into
17 residential.

18 Basically what Mr. Pawlowski has come up
19 with is an all-residential building; residential
20 parking, residential spaces be there -- no, all
21 residential spaces, those little units in there.
22 It's just -- it's just absurd. That's
23 basically -- people need to remember, and I urge
24 my colleagues from -- my neighbors from the SBNA
25 to remember, Waterfront Commercial is not a dirty

1 word. Waterfront Commercial is what makes
2 Greenport different and it means jobs. Other
3 than a parking attendant, he's got nothing to
4 offer. We're talking about jobs. We've had to
5 fight to get the -- to get them to agree to
6 support affordable housing on-site.

7 So, I mean, this is -- this won't -- after
8 everything that we've gone through with this --
9 you know, over the last, whatever, 14 years or
10 more with this building, the very least that
11 Greenport should get out of this is viable, new
12 Waterfront Commercial space.

13 We actually have an adjacent property owner
14 who runs a waterfront business and he wants to
15 rent space in there. He's just one of many.
16 It's not going to be heavy, it'll be like marine
17 use but it has to be marine use. It has to be
18 marine related, it can't be just somebody writing
19 something on a piece of paper and saying Oh well,
20 you know, I have an interest in boats or pictures
21 of boats or something like that; I mean, that's
22 just absurd.

23 So it has to mean something. If we're
24 going to defend and preserve Waterfront
25 Commercial, it has to mean something. Thank you.

1 Thank you for listening.

2 CHAIRMAN SALADINO: Thank you. Is there
3 anyone else that would like to speak?

4 MR. HARPER: I do. I'm Rick Harper, I'm
5 coowner of 143 Sterling Avenue, adjoining lot.
6 And I have one thing I just want to say before I
7 start into this. When we talk about these
8 stipulations on some of these approvals, I just
9 want to make sure everybody understands what I
10 say. None of this is an admission that any of
11 this stuff is valid, that it was properly done,
12 it was all in place and everything was properly
13 done and that the current owner has the right to
14 use the stipulation and to build his property.
15 That's another issue, we're going to focus on
16 what was happening here..

17 I got a notice in the mail, registered
18 mail. It states that there's a proposal for a
19 use variance to change the use from Waterfront
20 Commercial to -- it says indoor parking because
21 indoor park is not a permitted use under the
22 Code. I assume that's all correct; if he wants
23 to say that, that's fine.

24 Then it goes on to say that what we're
25 really doing here is we're just changing a

1 variance that was granted in the stipulation back
2 in 2007. And my understanding is a variance
3 requires a showing, a demonstration of undue
4 burden of compliance with the Zoning Law; is that
5 correct?

6 CHAIRMAN SALADINO: Where -- what
7 information do you have that says --

8 MR. HARPER: You read it out before.
9 It's the last paragraph on this. I don't have
10 glasses, I can't read it to you (laughter).

11 MR. PAWLOWSKI: It's the legal notice that
12 was sent out.

13 MR. HARPER: The legal notice.

14 CHAIRMAN SALADINO: Oh, the notice for the
15 public hearing.

16 MR. HARPER: Yeah.

17 CHAIRMAN SALADINO: The notice for the
18 public hearing said there was a variance issued
19 in 2007?

20 MR. HARPER: Yes. There was never a
21 variance issued for Mr. Resnik, no. Mr. Resnik
22 couldn't get a variance because he couldn't show
23 undue hardship, and neither can this owner.

24 Resnik already had a plan to build a boat
25 rack, a boatyard there; it was economically

1 viable. He was willing to go along with that.
2 He was going to do that and then the neighbors
3 opposed it and then he said what he really wanted
4 which was residential development, but there was
5 never a variance granted for that.

6 CHAIRMAN SALADINO: I have to be honest
7 with you, if it says that, and since it's over my
8 name, I'm kind of embarrassed by that because I'm
9 one here to admit that no variance was ever
10 issued.

11 MR. HARPER: Okay. What I really was
12 trying to get to is this is couched in terms of,
13 Well, I'm just changing the variance from one
14 variance to another variance, and that means we
15 can just use the hardship that the original
16 variance applicant got. We didn't show much, we
17 didn't have to. He got this whole thing through
18 without going through the whole variance process,
19 and we just want to perpetuate that.

20 Now, the second thing is we've been shown
21 this. Where's the hardship? He stood up and
22 made a statement here; where's the hardship?
23 Isn't that the heart of this? There's supposed
24 to be a hardship with complying with the law?
25 I don't care what benefit you bestow on the

1 neighbors or what you think you're doing for the
2 neighbors, you've got to show a hardship.
3 How many times has he said, I'll build the
4 stipulation? Four, at least. Forget about it;
5 I'll build the stipulation, I can do it, it's
6 economically viable. And we've already built the
7 thing without these approvals.

8 Where is the hardship? And who's going to
9 demonstrate that it's here? Are we going to
10 contrive it? We didn't have to do it before
11 because we had a settlement of a lawsuit; that
12 was not a variance.

13 CHAIRMAN SALADINO: We have -- we have
14 brung the applicant, now -- so everybody here
15 understands, the question of self-created
16 hardship --

17 MR. HARPER: Yep

18 CHAIRMAN SALADINO: -- is a lot different
19 for an area variance than it is for a use
20 variance.

21 MR. HARPER: Use variance is supposed to be
22 difficult to obtain, correct?

23 CHAIRMAN SALADINO: Use variance has a
24 very, very high standard to meet.

25 MR. HARPER: Yes.

1 CHAIRMAN SALADINO: So, when you say
2 where's the hardship, right now we don't have an
3 answer to that because the public hearing is
4 still going on. We have the applicant's
5 narrative. When this public hearing closes, this
6 Board will discuss the four questions for the use
7 variance test that the applicant provided us.
8 And by New York State Village Law, if they don't
9 meet the standard, this Board is obligated to
10 deny the variance.

11 MR. HARPER: Okay.

12 CHAIRMAN SALADINO: If they do meet the
13 standard -- I don't want to --

14 MR. HARPER: I understand, you haven't
15 talked about this yet.

16 CHAIRMAN SALADINO: But if they --

17 MR. HARPER: We haven't seen any evidence
18 yet.

19 CHAIRMAN SALADINO: Well, we have the
20 applicant's narrative --

21 MR. HARPER: Okay.

22 CHAIRMAN SALADINO: -- and we're going to
23 discuss that at some point in the proceedings,
24 I'm assuming after the public hearing closes.
25 So, that's one of the questions the applicant

1 will have to answer; is this a self-created
2 hardship.

3 MR. HARPER: Can I ask another question
4 along the same lines? Suppose there was nothing
5 on that property today and the developer came in
6 with this entire plan, with the parking
7 downstairs, with this variance in it, a variation
8 in it, would this Board entertain a use variance
9 for that?

10 CHAIRMAN SALADINO: I can't speak for my
11 colleagues. I can't speak for the Board, but I
12 would have a hard time --

13 MR. HARPER: Thank you. So it shouldn't be
14 any different --

15 CHAIRMAN SALADINO: -- to be honest with
16 you.

17 MR. HARPER: -- doing this or doing that,
18 correct? There should be the same consideration?

19 CHAIRMAN SALADINO: We can't cast --
20 listen, we -- nobody here was on -- were you on
21 the Zoning Board in 2007?

22 MEMBER CORWIN: No.

23 CHAIRMAN SALADINO: Nobody was here on the
24 Zoning Board in 2007. What happened in 2007
25 happened -- for whatever reason, happened in

1 2007.

2 MR. HARPER: You believe that --

3 CHAIRMAN SALADINO: Boards that came after
4 that -- both Planning, Zoning, HBC -- operate in
5 a different manner. We don't pay -- questionable
6 decisions vote, we take -- that's how this Board
7 operates.

8 MR. HARPER: This is an aberration, I get
9 that. It's not a variance, we all agree to that.
10 No variance was granted. And I'm not exactly
11 sure what this is; maybe we'll find others deep
12 in thought on it. But --

13 CHAIRMAN SALADINO: There is a variance in
14 question here. There is a variance applied for
15 here.

16 MR. HARPER: There is a variance that has
17 been applied for.

18 CHAIRMAN SALADINO: Applied for.

19 MR. HARPER: And it's a use variance.

20 CHAIRMAN SALADINO: Well, this, too;
21 there's an area variance and a use variance.

22 MR. HARPER: The use variance is the one
23 that's the most concerning, I think, because
24 they're supposed to be tougher to get. A lot
25 more consideration goes into this because you're

1 basically taking the written Code without showing
2 any -- why it shouldn't apply.

3 And this is almost like it's a
4 nonconforming use. You can't go outside the
5 corner of what you've done. There's more like
6 that than there is a variance.

7 I think the Board should take that into
8 consideration, that this was never approved.
9 This was put through as part of the stipulation.
10 Not everybody agreed with it, not everybody
11 agrees with it today. It was done, there wasn't
12 a lot of input from people into it. And, again,
13 this hearing like this was bypassed through that
14 whole process. We may not even be here today if
15 that hadn't happened.

16 CHAIRMAN SALADINO: That -- (laughter).

17 MR. HARPER: (Laughter).

18 CHAIRMAN SALADINO: I'm not going to offer
19 my opinion on that, but that's your opinion.
20 That certainly is -- and you're certainly
21 entitled to it.

22 MR. HARPER: Thank you. And as Mr. Macken
23 said, this has been going on an incredibly long
24 time. And --

25 CHAIRMAN SALADINO: Well, we've all been

1 here an incredibly long time (laughter).

2 MR. HARPER: I got that. And, you know,
3 when this property was sold --

4 CHAIRMAN SALADINO: So, we're well aware.

5 MR. HARPER: When this property was sold
6 there was immediately, Let's do something else;
7 let's figure out how to do that; let's amend the
8 stipulation, and that's been subject to some
9 controversy as to whether that's even doable or
10 not, legally. Is that how you fix this? Do you
11 amend the stipulation? Do you have to go through
12 a whole process, a whole new application?

13 CHAIRMAN SALADINO: The thing -- well.

14 MR. HARPER: And we never had a forum to
15 bring that issue up before, because it's never
16 been before this Board before, until now.

17 CHAIRMAN SALADINO: Well, this Board
18 is charged with what's in front of it on the
19 Notice of Disapproval, that's what we're going to
20 take into consideration. Third story, condos in
21 Waterfront Commercial and a host of other things.
22 We're not going to open up the stipulation.

23 MR. HARPER: That's fine. That's fine.

24 CHAIRMAN SALADINO: We're going to take
25 into consid -- the only thing we're going to take

1 into consideration are the things that are on
2 this Notice of Disapproval. Whatever happens
3 with that, with those variances, would either
4 make -- our approval of a modification would send
5 it -- if we approve the variances it would go to
6 the next step, it would go to Planning, HBC and
7 the Village Board. If this -- if these variances
8 aren't sustained, then our approval --

9 MR. HARPER: Oh, yeah. Okay.

10 CHAIRMAN SALADINO: -- would become moot.

11 MR. HARPER: Right.

12 CHAIRMAN SALADINO: There would be no
13 approval of the stipulation, but only because
14 it's tied in to the variance, the relief that the
15 applicant's asking from this Board.

16 MR. HARPER: Right. No, and that's what
17 you should be acting on, what's in front of you.

18 CHAIRMAN SALADINO: Okay.

19 MR. HARPER: I think you'd be hard pressed
20 to find the harm. Okay, thank you

21 CHAIRMAN SALADINO: Sure.

22 Is there anyone else from the public that
23 would like to speak?

24 MR. BRENNAN: Good evening. My name is
25 Patrick Brennan, I live at 620 First Street and I

1 also operate a Waterfront Commercial business
2 here in the Village.

3 I'm here before you tonight in support of
4 both the SBNA and the project developer, and
5 that's because over the past six months my wife
6 and I have been working as voluntary mediators
7 between the SBNA and the developer.

8 And just a couple of things I want to go
9 over, but first I want to echo Pat Mundus' thanks
10 to the Board and to the Clerk and to the
11 Administrator for making this kind of dual
12 meeting in-person and virtual meeting.

13 The context of the Stipulation of Agreement
14 is important. And I understand from last month's
15 meeting that you kind of wanted to -- if I
16 understood you correctly, you wanted to tease
17 apart the Stipulation from the variance
18 discussion a little bit. But the context of the
19 Stipulation and the history of this project is
20 important, and what's permitted on that site and
21 what's currently being built is a direct outcome
22 of that Stipulation Agreement.

23 So, that agreement prescribed a very
24 specific development, a building, a site plan,
25 the mixed-use aspect. And that agreement was

1 crafted by the Village and it was endorsed by the
2 then property owner, the SBNA, the Village
3 Trustees, the Planning Board and the Zoning Board
4 of Appeals.

5 Now, I just want to explain the mediation,
6 because you might say why would anyone want to
7 mediate a dispute between the developer and the
8 Neighborhood Association. When I watched the
9 August, 2020 Trustees meeting, there was a
10 breakdown in communication between the developer
11 and the SBNA. And I thought that's a shame,
12 because if there's an opportunity to improve on
13 this project and those parties can't communicate,
14 then it's going to be a missed opportunity; a
15 missed opportunity to make the Village better.

16 And that Stipulation Agreement specifically
17 requires the SBNA and the developer to reach
18 agreement for any proposed modifications; so
19 either it's a modification before your Board or
20 the Planning Board, they have to be in agreement.
21 And these public hearings are not an ideal forum
22 for communities to reach consensus on things,
23 because this is a difficult format, it's not
24 really a discussion.

25 So, my wife and I suggested to the

1 developer and the SBNA and some members of the
2 Village Trustees that perhaps mediating would
3 facilitate a more constructive dialogue and try
4 to restore some trust among the parties. But
5 ultimately the goal would be to try to improve
6 the outcome of this project for the entire
7 Village.

8 Our goals for mediation was really just to
9 encourage the best possible outcome, and those
10 outcomes included identifying what the project
11 challenges were -- I'm not going to get into the
12 details because I sent you this earlier today --
13 identifying the project opportunities; but most
14 importantly, identifying what was a shared
15 interest between the SBNA and the developer.

16 And all the parties have expressed a broad
17 support or preserving the Village character,
18 trying to improve the site plan, reducing the
19 impact of parking and traffic on adjacent
20 streets, protecting the affordable housing
21 component of the project, and addressing the
22 impacts from commercial -- Waterfront Commercial
23 use.

24 And the parties put a lot of work into
25 trying to reach consensus. There was a lot time

1 invested between the developer and the SBNA, and
2 within the SBNA itself to try to discuss these
3 items and develop their priorities and reach
4 areas of compromise.

5 There was always an understanding that the
6 Village has its process and all the Village
7 Boards would ultimately weigh in on any proposal.
8 But it would also be more productive if the SBNA
9 and the developer could try to reach a basic
10 understanding outside of one of these meetings,
11 prior to Board review.

12 So for the most part, what is being asked
13 of you today, what's being contemplated as
14 modification, are a result of that mediation, a
15 result of the understanding of agreement that was
16 reached between SBNA and developer. I just want
17 to make sure that your Board was aware of the
18 work that was put into that between the two
19 parties and that they're trying to compromise and
20 come up with something that's satisfactory to
21 all. And also understanding that there's a
22 larger Village interest at hand and that this
23 Board -- this Board would be looking out for
24 that.

25 CHAIRMAN SALADINO: You -- and that's

1 laudable. But you realize that any agreement
2 between two private parties doesn't effect how
3 this Board reacts or acts upon the Code. The
4 Code effects the 2300 people of Greenport, not
5 the 20 people that live on Sterling Street who
6 signed or belong to that particular organization.
7 Our responsibility is to the entire Village.

8 MR. BRENNAN: Yeah, I completely understand
9 that, and I agree with that. But despite what
10 this Board decides, they are obligated to reach
11 an agreement between the two parties. So both
12 things have to happen for any modification on
13 this project. Your Board or any other board
14 would have to agree or permit it and those two
15 parties have to reach agreement; that's what the
16 stipulation requires, so.

17 CHAIRMAN SALADINO: This Board looks at it
18 -- we're single-focused, we're single-minded.
19 Our focus is not what effects -- not the
20 negotiation process between the SBNA and the
21 developer or not the site plan review by the
22 Planning Board; our job is to look at zoning.
23 So, if everything, if all the dominos line up and
24 zoning is approved, then we understand.

25 We certainly understand the process that

1 all the signatories of the Stipulation have to
2 sign off on any modification. But like good
3 union members that we are, we don't cross crafts,
4 we don't get involved with the SBNA, we don't get
5 involved with Planning or Historic, and certainly
6 not the Village Board.

7 You know, so -- you know, we understand our
8 obligation, we understand the responsibility that
9 we have. So, to suggest that all members have to
10 sign off is kind -- we understand that. We
11 understand that.

12 MR. BRENNAN: Yeah. I think -- I
13 completely agree and understand your position as
14 well. I just wanted to bring you up to speed on
15 the work that was done in the community between
16 the parties prior to coming to the Board. Thank
17 you.

18 MEMBER GORDON: Well, I thought -- excuse
19 me, John. I thought your report was helpful in
20 some ways for what it didn't say. I mean, you
21 said in your report, which you sent just today.
22 It's also a little much to expect us to absorb it
23 when we only got it today and it's six pages
24 long.

25 CHAIRMAN SALADINO: I didn't even get it

1 today. I apologize, I didn't check my mail.

2 MEMBER GORDON: But you say, "The very
3 basic building plans and elevations are somewhat
4 vague on design intent."

5 MR. BRENNAN: Yes.

6 MEMBER GORDON: And that seemed to me to
7 be -- you know, when we put that together with
8 the fact that we -- there's a lot of old data
9 that we don't have. We are then put, I think, in
10 a position of having a very, very narrow set of
11 influences to consider when we're looking at
12 this.

13 And that drives us back to, you know,
14 Sections 150, 1180 C, D, E, F and G. And I'm, in
15 a way, just reinforcing what John was saying,
16 that we're stuck with this.

17 MR. BRENNAN: Uh-huh.

18 MEMBER GORDON: But I think the work that
19 you did also contributes to that by saying we are
20 -- we are given here a vagueness as to the intent
21 of what was really supposed to happen.

22 It's old, it's vague, so we're sort of, you
23 know, up a shit creek

24 (*Laughter*)

25 MR. BRENNAN: Understood

1 MEMBER GORDON: Sorry! Sorry, it just
2 popped out (laughter).

3 CHAIRMAN SALADINO: What did you say?
4 (Laughter).

5 MR. BRENNAN: Understood. Thank you

6 MEMBER GORDON: So, sorry.

7 MR. BRENNAN: Good night. Thank you

8 CHAIRMAN SALADINO: Sure. Is there anyone
9 else that would like to speak?

10 MS. MUNDUS: Can I speak again?

11 CHAIRMAN SALADINO: We're going to let
12 Chatty speak first. And just to -- just to warn
13 everybody. I know everybody wants to speak, I
14 know we're going to let everybody, that's the way
15 this Board works, everybody will get their say.
16 But after Chatty speaks we're going to stop five
17 minutes, let the stenographer --

18 MS. MAHONEY: Thank you.

19 CHAIRMAN SALADINO: -- and let the Board
20 perhaps use the bathroom. Name and address
21 for the stenographer.

22 MS. ALLEN: Yep. Chatty Allen, 3rd Street.
23 I'm in support of this variance with the parking
24 garage. I mean, we had an application prior that
25 we're talking about parking in the same

1 neighborhood.

2 I mean, I grew up on these streets. I grew
3 up back in the 60s when we were a true working
4 waterfront. Unfortunately, not so much. You
5 know, and it's sad, as someone that's been here
6 since the 60s, you know, to see our waterfront
7 dwindle. And some things come in that, no, I
8 don't agree with.

9 But this project I have been following
10 since Mr. Pawlowski took it over. A lot of
11 meetings I went home very upset by things that
12 are being said, accusations that are being thrown
13 out, people basically being said -- told they're
14 lying that, No, that's not what you're going to
15 do. You know, everyone's here to follow what's
16 in the Code and what they're supposed to be
17 doing.

18 I know that curve, try doing it in a school
19 bus, not an easy intersection to go through or
20 even to turn on to Carpenter Street. Those
21 streets are very -- you know, I would not want to
22 have to back a car out. I lived on Sterling
23 Street, I don't know, 25, 30 years ago. My Aunt
24 and Uncle were on Sterling when I was a little
25 kid. I never liked pulling in their driveways

1 because backing out -- you know. So you can get
2 parking where it's safer and have more greenery.

3 I mean, I took a ride one day just to see
4 what this project looked like, because I haven't
5 been in that neighborhood in a while, and to me
6 it's coming along nice. And it actually took me
7 back to when we first started these meetings and
8 people were complaining about the height and
9 everything. And I'm heading and I'm going, Wait,
10 those houses are even taller than what this
11 building is. I couldn't even see the building
12 til I almost got to the curb because of the
13 height of the new houses that are there; to me
14 they're new, they weren't there when I was a
15 little kid.

16 The downstairs, if it's supposed to be
17 Waterfront Commercial, that's what will be in
18 there, otherwise he's going to be taken to court.
19 That's what -- you know, if that's what's
20 approved, that's what's going to be there.

21 I like the idea of getting cars away from
22 the street. The less traffic you have the
23 better. I commend him. Everything that's been
24 thrown at him, he comes back and tries to work
25 with that neighborhood. And yeah, it's going to

1 be difficult getting out of Waterfront Commercial
2 because unfortunately we don't have that much
3 here anymore. And that's a sad fact, you know,
4 especially from someone who grew up. You know, I
5 used to go out on the fishing boat when I was,
6 you know, I think from like eight years up. You
7 know, working on the water, going scalloping. We
8 don't see that as much anymore because other
9 things have come in and taken away from our
10 waterfront.

11 But to say this building is going to be our
12 downfall, no, it's not. It's not. And I
13 think -- you know, that's what the ZBA is here
14 for, is to look at everything. I don't think
15 it's so much a hardship that this is for the
16 underground, whatever you want to call, parking.
17 I think it's more trying to say, Okay, what's
18 best for everyone. Not just that one little
19 block, but for in the Village itself. A lot of
20 people walk down there. It's a nice place to
21 walk, it's a nice area. I think it's more
22 encompassing everybody. And I really hope you
23 think about this and approve this, because I
24 think it is what's in the best interest of the
25 Village. Thank you.

1 CHAIRMAN SALADINO: Thank you.

2 We're going to take a few minutes here, 10
3 minutes, so everybody can -- we apologize but the
4 public hearing is still open. I expect one or
5 two people will -- the applicant will rebut some
6 of the stuff. We're going to give the
7 stenographer a chance to relax a few minutes and
8 perhaps the Board will use the mens room, the
9 facilities. So we're adjourned for ten minutes?

10 MEMBER CORWIN: Five.

11 (*Laughter*)

12 CHAIRMAN SALADINO: We're adjourned for 10
13 minutes. For approximately five minutes, but
14 don't worry about it if it's more than five.

15 (*The meeting was recessed at 8:01 p.m.*)

16 *****

17 (*The meeting was reconvened at 8:10 p.m.*)

18 CHAIRMAN SALADINO: Folks, David told me
19 our ten minutes is up. So Chatty last spoke. Is
20 there anyone else from the public that would like
21 to speak? Name and address for the record; for
22 the stenographer, please.

23 MS. SCHNEPEL: Ellen Schnepel, 165 Sterling
24 Street, and I'm Chair of the SBNA. I can't speak
25 as articulately as my colleague Pat Mundus has,

1 but I would like to speak on some issues that
2 relate to the history of the project that may not
3 be known.

4 First of all, in terms of our Neighborhood
5 Association, we're not just a few people who are
6 NIMBYs. We have an association of about 60
7 members, 50 to 60 members, 40 of whom may be
8 families. The number of people in the
9 association are somewhat fluid. Whenever you
10 have any kind of neighborhood activity,
11 neighborhood activism, there are people who come
12 and go, there are people who are very vocal,
13 particularly in criticism, and they don't want to
14 do any work. Okay? So the project's up and
15 going and now we hear the criticism.

16 The mediation that took place was something
17 that was agreed to democratically by our members.
18 Maybe one or two did not want it, one or two out
19 of the whole association. And of those one or
20 two, one served on our Legal Engineering
21 Committee for a time after saying he wasn't in
22 favor of the mediation; and the other sat on the
23 Design Committee even though this person was not
24 in favor of mediation. So this whole thing of,
25 you know, there's a group that's not behind this

1 mediation is moot.

2 Many of us took part in it, it was
3 democratically run, it took time. We've been
4 working on this since September. Our objective
5 at that time was not to bring the building down.
6 The building was already being constructed.

7 We faced the 2007 Stipulation Agreement,
8 the cards were dealt. What we wanted in terms of
9 the mediation was the best possible for our
10 neighborhood that we could get under some very
11 difficult circumstances.

12 There was no way that we were going to go
13 back to a fish factory, there was no way we were
14 going to go back to an empty lot. And the
15 neighbors that complained and want to buy the
16 property now had 12 friggin years to do that and
17 didn't. All this criticism is coming after the
18 fact. No one came forward, raised the money.
19 We looked into Peconic Land Trust, all sorts of
20 environmental groups, to purchase this property
21 to do something with it that would be good for
22 Greenport and for our neighborhood; no one came
23 forward.

24 The Stipulation Agreement had been signed,
25 sealed and delivered in 2007. Had Raskin built

1 it when he thought he would in 2007, we wouldn't
2 be here. The market went south, Raskin didn't
3 want to build if he couldn't make any money. And
4 in 2018 he came back with a larger project, we
5 fought it, and in 2019 the property was purchased
6 by Mr. Pawlowski.

7 Our mediation was designed to make the
8 aesthetics of the building better for the
9 neighborhood and to hold down the density of the
10 number of condos. We also were very much in
11 favor of the affordable and we let that be known
12 to the developer that that would have to be
13 written in to some kind of covenant.

14 So that's where we are at this moment. I
15 don't see us going back in time. I think we're
16 at a point where Pat very cogently spoke in favor
17 of the parking off the lot into the garage. That
18 will ameliorate that particular part of Sterling
19 Avenue, it will get the problem of parking off of
20 that lot right there and the aesthetics will
21 change with trees and so forth.

22 I've heard complaints; Why should we
23 approve -- this is the Neighborhood Association,
24 a couple of members; Why should we approve
25 parking inside? It'll just increase the value of

1 the property, increase the value of the condo.
2 And my response is, So you'd rather have it look
3 terrible outside just so you wouldn't have an
4 aesthetically pleasing or more valuable property.
5 We all, whether it's Sterling Avenue or Sterling
6 Street, want something that's going to be
7 appropriate to the neighborhood as best it can
8 be.

9 Already there are problems with traffic.
10 I think there was a letter sent by John Mansini
11 of Sterling Street to the Board of Trustees to
12 that effect. I think all of us would like a
13 traffic study to make sure what we should do in
14 terms of improving the traffic flows and patterns
15 that will happen with it once the residents are
16 in there. But I think the Neighborhood
17 Association was very much in favor,
18 democratically decided that we were in favor of
19 parking inside. Yes, there was no parking inside
20 and anywhere else in Greenport, but parking is a
21 major issue in the Village. And if the Village
22 doesn't deal with it now, believe me, you're
23 going to be dealing with it down the road.

24 Pushing 12 spaces or 12 cars into a garage
25 to make the outside more aesthetically pleasing

1 with landscape and diminishing Waterfront
2 Commercial by 4,000 square feet; to my way of
3 thinking, we're not giving up a lot. Greenport
4 is not giving up a lot. The rest of the space
5 will be Waterfront Commercial, the Village will
6 make sure it's Waterfront Commercial, and so far
7 the conditional uses of that or how it can be
8 used are stipulated in the Code and it will be
9 followed.

10 So just in closing, I want to say our
11 Neighborhood Association supports these changes.
12 And though we know that we don't decide on it, we
13 wanted this approval and review process. We
14 wanted it to go through the Board of Trustees,
15 the ZBA, the Planning Board, we wanted it and we
16 also said we will abide by how you decide.
17 Thank you.

18 CHAIRMAN SALADINO: Thank you.

19 Is there anyone else that would like to
20 speak? State your name for the record.

21 MS. MUNDUS: Pat Mundus, Sterling Street,
22 182 Sterling Street again.

23 I just -- it occurred to me that this is
24 not just -- this is like a soul searching moment
25 for Greenport, because I hate to tell you but the

1 ship has already sailed on this Commercial
2 Waterfront thing. Okay?

3 If Greenport had wanted, in the last decade
4 since this Stipulation Agreement was brought --
5 drawn up, to continue real commitment to working
6 waterfront, they would not have eliminated
7 everything.

8 I'm from Montauk, I can tell you exactly
9 what's required for working waterfront. Okay?
10 It's -- you have to have fuel, you have to have
11 commercial dockage, you have to have ice houses,
12 you have to have loading docks and all that
13 stuff. Greenport has decided, way before we all
14 came together, that that was not part of their
15 priorities.

16 The Code is taking a long time to catch up;
17 it still hasn't caught up. Because I would like
18 to remind everybody that the permitted uses for a
19 Commercial Waterfront, number one on the list,
20 public and private yacht clubs, marinas and
21 docking facilities. It goes on to all the other
22 things that, yes, we have the romantic attachment
23 to our working waterfront roots; fishing,
24 shucking, that's with an S-H, shucking.

25 (*Laughter*)

1 Shellfish processing, seafood plants, it
2 goes on and on. That ship has sailed, that's
3 never going to happen.

4 That particular piece of property is unique
5 not just because it's in the middle of a
6 residential neighborhood, which Greenport has a
7 lot of those problems -- Commercial Waterfront
8 with residential areas -- you can't even use the
9 waterfront there. It has a face dock that's
10 right on the inlet, I don't know how many other
11 meetings we've gone to where we discuss how can
12 that property be used. It can't really be used
13 as Commercial Waterfront.

14 So, for anybody who says that an artist
15 studio, private club, yacht club, it's right here
16 in the Code, okay. I don't think we're asking
17 for, you know, an exception to the Commercial
18 Waterfront. It's never going to be fishing, it's
19 never going to be fish processing. What they
20 were thinking 14 years ago is completely
21 different than the economic and the societal
22 forces in Greenport today. Thank you.

23 CHAIRMAN SALADINO: What -- what -- just to
24 respond to that from a resident's point of view,
25 not from a member of the Zoning Board's point of

1 view, is that -- first of all, that argument
2 shouldn't be made here, it should be made at the
3 Village Board meeting because we don't legislate
4 here, number one.

5 MS. MUNDUS: That's true. But I'm hoping
6 that there are people who are watching this on
7 television, and I think that's a really important
8 crux of the problem that we're dealing with with
9 our Code problem.

10 CHAIRMAN SALADINO: The second point I
11 would like to make is the Code. The Waterfront
12 Commercial District, as unimportant as you tried
13 to make it right now with what you're saying as
14 far as the ship sailing, it's still defiable,
15 it's still the barrier to unfettered development of
16 the waterfront. There are -- and until it's
17 changed, it'll remain that way.

18 There are properties, three acres at a ship
19 yard, two-and-a-half acres that a current law
20 firm might decide they don't want to run a
21 restaurant anymore, they might want to put
22 condominiums there in the same community as the
23 ship yard. It's the Waterfront Commercial that
24 protects the Village from that unfettered
25 development.

1 So as unimportant as it might seem to the
2 neighbors on Sterling Avenue or Sterling Street
3 and the delusion of it, to the Village of the
4 whole, me personally, I think it's an important
5 thing. And until it's changed --

6 MS. MUNDUS: I am fully -- thank you for
7 your interpretation. I am fully aware that the
8 bull work against condo and recreational use of
9 the waterfront.

10 My house was in Commercial Waterfront. I
11 personally to this day live next to a boat yard.
12 I look out my kitchen window, what do I see?
13 Three cranes. Okay? I am not opposed to
14 Commercial Waterfront, and I don't like to be
15 pigeon-hold either pro or against Commercial
16 Waterfront. Because we all know that's the whole
17 problem with the whole East End; Commercial
18 Waterfront has been dissolved and used for
19 residential use.

20 This is a situation that was already
21 approved, it's already mixed-use. It's a
22 hermaphrodite which forces us to really look at
23 this project. It's not going to ever be
24 commercial fishing there, it's not going to be
25 most of the things on the Commercial Waterfront

1 use, because it was already a paradoxical plan in
2 the very first time that the thing was written.

3 Why anybody would think that both building,
4 yacht yard, construction, any of that marine
5 stuff, would be compatible with residential use
6 right upstairs is mind-boggling. And here we are
7 trying to solve the problems that were brought up
8 14 years ago.

9 I'm just saying, you know, for the greater
10 good of the whole thing, which is not just
11 Sterling Street and it's not just 20 people and
12 it's not just a few people who are going to take
13 advantage by having an art studio downstairs.
14 That's part of -- that's part of the Code.
15 It's in Commercial Waterfront, permitted uses.

16 So, I just hope that when you look at this
17 conundrum, that you think about the whole big
18 picture put together. More green space, less
19 traffic, and you're still going to wind up with
20 10,000 square feet of Waterfront Commercial,
21 which God knows what it could be used for on that
22 property.

23 MR. PAWLOWSKI: Hello, again.

24 CHAIRMAN SALADINO: You've been waiting a
25 long time to get up there.

1 MR. PAWLOWSKI: I just want to clarify a
2 few things. You had a question on the angled
3 parking and how that really worked. Originally
4 you thought they would come out of the east side
5 of the building and go out.

6 If you remember on our site visit today
7 that fence that -- that temporary fence that
8 bordered all of Sterling?

9 MEMBER GORDON: Uh-huh.

10 MR. PAWLOWSKI: That is where the 21
11 head-in, not angled, parking spaces would be.
12 So you would pull a car in, it would face due
13 south and it would be the north to south. The
14 entire length of our building, from where you
15 were standing all the way down to the dinghy dock
16 would be those parking spaces, and that is what
17 we were referring to as cars being parked and
18 then reversing immediately onto Sterling.

19 With that said, the parking spaces are
20 18-foot long by Code. The back of the car --

21 CHAIRMAN SALADINO: Wait, wait, wait.
22 No, that's wrong.

23 MR. PAWLOWSKI: Or 20-foot.

24 CHAIRMAN SALADINO: Okay.

25 MR. PAWLOWSKI: Twenty-foot, sorry. Summer

1 '18, Summer -- it depends on the Village or town.
2 Twenty-foot, the back of the car would be
3 touching Sterling Street. So that -- I just want
4 to clear it up that those 21 spots would be
5 lining, not how it is today. How it is today,
6 there's a curb and cars sit parallel.

7 MEMBER GORDON: Right. But my question is
8 so how do you -- the thing that I thought Pat
9 raised was how do you get out of the parking
10 space? I mean, you come in to that north, south
11 and you're facing south and you're ready to
12 leave.

13 MR. PAWLOWSKI: Yup.

14 MEMBER GORDON: So --

15 MR. PAWLOWSKI: You back in --

16 MEMBER GORDON: -- you back out onto the
17 street?

18 MR. PAWLOWSKI: Correct.

19 MEMBER GORDON: Or you back out into --

20 MR. PAWLOWSKI: So your car --

21 MEMBER GORDON: -- a little alley way.

22 MR. PAWLOWSKI: There's no alley way. As
23 it's approved right now, the back bumper of the
24 car is touching Sterling Avenue and then from the
25 back bumper to the rest is on our property. How

1 we're proposing is completely different where it
2 would curbing, green space, sidewalk and our
3 internal property alley way.

4 MEMBER GORDON: Right, great.

5 MR. PAWLOWSKI: So as it's approved it's 21
6 head-in parking spots.

7 Every single application before any Board
8 of this village has been a Plan A which is
9 approved and a Plan B which is proposed. So the
10 the assumption that I'm only showing proposed,
11 that is accurate, that's what I'm asking for.
12 But I'm also identifying what's approved here.

13 MEMBER GORDON: Sure, yes.

14 MR. PAWLOWSKI: Period. It's in every
15 application, you show what you're proposing.
16 So there's nothing hidden here, everything is
17 transparent.

18 MEMBER GORDON: Okay.

19 MR. PAWLOWSKI: I've been before certain
20 boards; this is the first time, or last month was
21 the first time I've been before the ZBA. Every
22 single time that I've either been before a work
23 session format or a planning board or a village
24 board, it's to identify proposed changes. And
25 every single one of those proposed changes still

1 had affordable housing component to it and a
2 purpose to improve. Never once was that -- ever
3 once in any meeting, in any minutes, proposed to
4 be taken off the agenda. It's been on the agenda
5 and been asked for to improve.

6 We are here today, as we were when I first
7 bought the property in 2018 and a half, is for
8 proposed amendments and not one of them was not
9 discussed with the SBNA prior. Every single time
10 we've come before you I've either met with them,
11 come to some sort of an understanding, and every
12 time it was withdrawn is because I knew that it
13 would not be supported by the Neighborhood
14 Association at certain times. So why move
15 forward? We need every signature.

16 We've had a mediator involved. Every
17 single time there was a common goal to improve
18 something that Frank Macken signed off on in the
19 stipulation. He's a signature.

20 MR. MACKEN: No, no.

21 MS. SCHNEPEL: No, he's not.

22 MR. PAWLOWSKI: Not a signature?

23 No? Every single time we're here to
24 improve. And now we're here before the ZBA
25 because I've made a commitment to go through the

1 process of every board, village, ZBA, Planning,
2 to get to this signature. And what we're here
3 for today is very, very simple. Your job is not
4 simple, but in terms of what we're asking for,
5 it's a parking amendment and a parking variance
6 and a use variance based on parking.

7 MEMBER GORDON: Yeah.

8 MR. PAWLOWSKI: Based on parking, in a
9 garage that's already approved. And I was
10 corrected today, it is a garage that's approved,
11 not a storage garage, a garage that's already
12 approved, and I fully understand that.

13 You're here as the ZBA to protect not Paul
14 Pawlowski, not the SBNA, to the Village. I could
15 guarantee you -- I've spent the last two years of
16 my life, I've averaged 60 hours a week on the
17 site and I have seen more Village residents go to
18 that dinghy dock than any neighbor.

19 This is not about Paul Pawlowski or padding
20 my pockets. I will live in one of these units.
21 It's not about Paul Pawlowski the developer, it's
22 about Paul Pawlowski the neighbor. Bought a
23 property with permits intact and every single
24 time I've been here to amend and approve. And we
25 have a simple thing before us, because that's

1 what I've done. I've learned what was
2 desirable, what was not, what needed to be
3 respected. This Stipulation had been respected,
4 but there's always room for improvement and
5 that's why we're here tonight. And the
6 improvement lies between a use variance and a
7 parking request.

8 When it comes to use of this property, we
9 are not diluting it in the least. Those cars or
10 that kayak or that boat or that -- whatever it
11 has to do with that marina property will still be
12 in that approved garage, without effecting one
13 inch of the rest of the Waterfront Commercial
14 space. Okay?

15 As far as respecting Ms. Wade's and Frank,
16 I fully -- this property is extremely
17 scrutinized, and I understand the microscope I'm
18 under. And I don't think the ship has sailed. I
19 firmly believe that whether we want to admit it
20 or not, what was thought about 14 years ago or
21 however -- how long ago was actually progressive.
22 Because it's not Sterling Cove that's all
23 residential on the Waterfront Commercial, it is a
24 mixed-use.

25 I could guarantee you that that first floor

1 will be used as a permissible use. And I'm
2 saying that because I understand the microscope
3 I'm under, and I'm not going to take the
4 \$16 million chance that I'm investing in your
5 Village to go against that law.

6 And I will protect my \$16 million chance.
7 Okay? And the reason I bring up that money is
8 because that's my entire life on the line on one
9 property, and you think I'm going to take a
10 chance? I'm not. And I'm actually sick of the
11 accusations. And you're not here to answer or --
12 you're here on a use variance. But I am
13 absolutely sick of the accusations that are put
14 before me.

15 And I will tell you this, and it's on
16 record, that this will be used as a Waterfront
17 Commercial space. And it is a hybrid; it's not
18 Sterling Cove and it's certainly not all
19 Waterfront Commercial. Because no one wants only
20 Sterling Cove and only Waterfront Commercial has
21 failed, the lumber yard failed, the oyster
22 factory failed. And now we're 15 years later and
23 it is only residential neighborhood and we're
24 still protecting what the Village Board is here
25 to do and that's Waterfront Commercial.

1 We will have a hybrid, we will have an
2 incubator. I'm going to own one of these yacht
3 clubs. And you know what? I cannot wait to
4 invite the Village -- to have a maritime
5 conference room. Whether it's for Wooden
6 Boatworks or whether it's for Greenport High
7 School that have a conference in my yacht club,
8 or a neighbor that wants to host some sort of
9 Waterfront Commercial conference.

10 I'm saying this publicly, I've written it.
11 But I will tell you right now, I'm invested in
12 your community. This project is a hybrid. This
13 project does not mean the ship has sailed. This
14 project means we can have the best of both worlds
15 and that's what that prop -- that's what that
16 entire neighborhood is. And we will be the first
17 ones, the first property owner on that
18 neighborhood to respect the Waterfront
19 Commercial. Okay? There will be an active
20 Waterfront Commercial of 10,000 to 15,000 square
21 foot on that first floor. We're excited.

22 And yes, don't diminish the art studio or
23 the gallery. Because I'll tell you right now, if
24 you walk down Main Street there's a half of dozen
25 of them that are doing very well, and the reason

1 why this place is so popular. But we will hit
2 every -- every -- we will identify Waterfront
3 Commercial, we will do what's permissible. But
4 more importantly than that, we will sustain
5 Waterfront Commercial, from now and for the
6 future, and it hasn't been ever sustained; we
7 will do that.

8 So I ask you, not for Paul Pawlowski, not
9 for the SBNA, I ask you for the Village; give
10 that person the opportunity to walk on the
11 sidewalk and not behind 21 cars. And set the
12 precedent to make the next developer that buys
13 Stidd's, that buys Clarke's property to have
14 indoor parking. Because if you don't, they're
15 going to have to sit on the street and there's
16 not going to be enough, and you could have both
17 worlds.

18 This is my entire livelihood. I am a
19 commercial landlord. And I know what it means to
20 have a commercial tenant, I know what parking
21 means. I know that we meet the Code for parking
22 no matter what you decide.

23 MEMBER GORDON: Uh-huh.

24 MR. PAWLOWSKI: We are the exception to the
25 Village when it comes to parking. We are

1 complete the exception. We meet the Code and
2 we're asking to improve the neighborhood so that
3 they don't have to look at 21 cars.

4 So yes, you have a huge job, and I think I
5 meet every five questions to the letter of the
6 law. And the hardship isn't just for Paul
7 Pawlowski, it's for the neighborhood and the
8 Village by allowing those 21 cars.

9 And so this is an opportunity to set a
10 massive precedent. I know the owner of Stidd's,
11 and you know what? I probably will partner up
12 with him and he's going to do the right thing,
13 and I guarantee you you're going to want us to do
14 indoor parking.

15 So, please, trust that I've come before
16 every board to do the right thing, not only for
17 myself. I'm a neighbor, whether you want it or
18 not, and we're looking to improve and that's what
19 we're going to do regardless. We're going to
20 improve the dinghy dock, we're going to improve
21 the landscaping, we're going to improve the green
22 space; we're going to improve. And it's is the
23 only thing after two years, \$35,000 a month
24 holding time. At the end of day, as an applicant
25 I'm only here for a parking variance and a use

1 variance. Why? To improve.

2 CHAIRMAN SALADINO: Paul, before you sit --

3 (*Mr. Pawlowski sat down*)

4 Before you sit.

5 Has any member of this Board suggested that
6 you were being less than honest on any of your
7 applications?

8 MR. PAWLOWSKI: Wasn't guided just -- these
9 comments are towards everyone.

10 CHAIRMAN SALADINO: But this evening.

11 MR. PAWLOWSKI: You guys have been
12 wonderful. Thank you. But I heard a lot of
13 accusations over the last few years and I'm done
14 with it, as a neighbor

15 CHAIRMAN SALADINO: As far as the last two
16 years, we've seen you professionally 30 days ago.

17 MR. PAWLOWSKI: Yes, correct.

18 CHAIRMAN SALADINO: This Board was accused
19 -- just to answer your question. I mean, I
20 understand you've been going through this,
21 \$35,000 a day, a week, or however long.

22 MR. PAWLOWSKI: Uh-huh.

23 CHAIRMAN SALADINO: Whatever the cost is to
24 you. It was suggested by some members from the
25 municipality that there's too much foot-dragging

1 going on, there's too much -- the process was
2 changed just to get you in front of the Board
3 sooner.

4 Nothing you've said just now -- we've
5 done -- in defense of myself and my colleagues.
6 We've disputed it when neighbors said you weren't
7 going to do what you're going to do, we said we'd
8 leave it up to the Building Department to do
9 their enforcement, we'll leave it up to the
10 attorney. So for you to suggest -- just to set
11 the record straight.

12 MR. PAWLOWSKI: Uh-huh

13 CHAIRMAN SALADINO: It's not the Zoning
14 Board that held you up.

15 MR. PAWLOWSKI: No, not at all.

16 CHAIRMAN SALADINO: You came to us 31 days
17 ago. It's not the Zoning Board that's costing
18 you money, yet, maybe.

19 (*Laughter*)

20 It's -- so, I just wanted to get that on
21 the record. And I do have a question for you.

22 MR. PAWLOWSKI: Shoot.

23 CHAIRMAN SALADINO: We spoke this afternoon
24 at the site visit and you told me that the
25 required amount of parking that you had, you

1 needed was 61 spaces.

2 MR. PAWLOWSKI: So, on-site -- if I could
3 just hit on that point -- we need three -- one
4 space per 300 square feet. If we do get this
5 approval for the parking garage area that would
6 accommodate 12 spaces, we need 53 spots for the
7 commercial space and the residential space. We
8 have 60 physical spots, so we meet the Code by
9 excess of seven if we get this variance.

10 To answer your question, it's not one per
11 150, it's one per 300 square feet.

12 CHAIRMAN SALADINO: What -- when we spoke,
13 we asked the total number of spaces on the
14 property, and I believe the number was over 80.

15 MR. PAWLOWSKI: Eighty-three spots
16 currently.

17 CHAIRMAN SALADINO: So there's 83 spots --

18 MR. PAWLOWSKI: That's 81 spots currently,
19 60 and 21 along Sterling.

20 CHAIRMAN SALADINO: Eighty-one spots
21 currently.

22 MR. PAWLOWSKI: Correct.

23 CHAIRMAN SALADINO: And you need 61. So
24 you could provide parking for the commercial
25 aspect and the residents without using that 5,000

1 square feet?

2 MEMBER GORDON: No, no.

3 MR. PAWLOWSKI: No, not correct. No, the
4 only way this --

5 MEMBER GORDON: You're only using the 21
6 spaces in the --

7 CHAIRMAN SALADINO: No.

8 MR. PAWLOWSKI: No, no. To answer your
9 question, if we -- the only way the Code
10 requirement is at 53 is if you deem that parking,
11 not commercial space. If we require that 12
12 spots of commercial space to be commercial space,
13 then we would need an additional --

14 CHAIRMAN SALADINO: Well, where does the 81
15 come from?

16 MR. PAWLOWSKI: That is what we have
17 approved currently today.

18 CHAIRMAN SALADINO: Without using that
19 5,000 square feet.

20 MR. PAWLOWSKI: Correct.

21 CHAIRMAN SALADINO: And that's including
22 the 21 spaces.

23 MR. PAWLOWSKI: Correct.

24 CHAIRMAN SALADINO: So, if you were to --
25 and you say you need 61.

1 MR. PAWLOWSKI: Yup. I need 53 spaces by
2 Code.

3 CHAIRMAN SALADINO: So what is it I'm not
4 getting? Can't you remove that 22 spaces from
5 Sterling and still meet the requirement that you
6 have?

7 MR. PAWLOWSKI: No, then what do we call
8 that 5,000 square foot parking garage?

9 CHAIRMAN SALADINO: Waterfront Commercial
10 space.

11 MR. PAWLOWSKI: Then I don't meet the
12 requirement. It goes hand-in-hand.

13 CHAIRMAN SALADINO: You know, I just --
14 I just --

15 MR. PAWLOWSKI: So we need 81 spots if you
16 deem that 5,000 square foot commercial space
17 versus commercial garage space for parking.
18 So it's -- that's to answer your question.

19 And then the hardship becomes do we -- we
20 need efficient parking for the commercial use and
21 for the residential use. There's no way it's
22 efficient to walk roughly 160-square foot -- 160
23 linear foot to the side door and over 300 feet to
24 the front door from the rear parking lot. But to
25 answer your question --

1 CHAIRMAN SALADINO: We don't do (Inaudible)
2 and we don't do efficiency.

3 MR. PAWLOWSKI: But as far as Code, the
4 only way we are in the code is if that five --
5 4800-square foot of garage is deemed for parking
6 spaces. If it's considered a parking space or a
7 garage -- there's two different codes. So that
8 12-car space in that -- it would alleviate that
9 responsibility of having that much parking
10 requirements.

11 CHAIRMAN SALADINO: Okay. And the last
12 question I have for you is -- it's related to
13 parking, but -- looking at your plans, did you
14 kind of read the Code?

15 MR. PAWLOWSKI: Yes.

16 CHAIRMAN SALADINO: Because I'm looking at
17 -- I'm looking at your plans here and you have
18 parking spaces -- none of these parking spaces
19 meet Code, the indoor parking. They're 18-feet
20 long, some of them are 8 feet 10 inches wide,
21 some of them are less than 9 feet, some is 8 feet
22 9 inches.

23 MR. PAWLOWSKI: There's two sets of parking
24 stall requirements, those do meet Code. There's
25 two sizes that meet Code for parking.

1 CHAIRMAN SALADINO: What code is that?

2 MR. PAWLOWSKI: New York State and Village.

3 CHAIRMAN SALADINO: I thought I was
4 familiar with the Village Code. The Village Code
5 says 10 x 20

6 MR. PAWLOWSKI: It depends on the use,
7 then.

8 CHAIRMAN SALADINO: (Laughter) I don't --
9 you're going to have to show that to me someplace
10 in the Code because --

11 MR. PAWLOWSKI: We will meet Building
12 Department and Village Code if needed.

13 CHAIRMAN SALADINO: But if you go by these
14 plans, if you go by these plans, you don't get 12
15 parking spaces.

16 MR. PAWLOWSKI: We do. So I will rectify
17 that with the architects and the Building
18 Department.

19 CHAIRMAN SALADINO: Okay, thanks.

20 Oh, I forgot. Sorry.

21 ADMINISTRATOR PALLAS: Mr. Chair, we have
22 just at this moment only two comments, or --
23 yeah, two comments. The first is from someone
24 who is listed as dispatch; "Most people living
25 down there do not" --

1 CHAIRMAN SALADINO: Wait, wait, wait. Are
2 we going to take anonymous comments?

3 MS. ALLEN: No.

4 CHAIRMAN SALADINO: Chatty says no

5 (*Laughter*)

6 I personally don't think we should. We've
7 never taken anonymous comments before. Anybody
8 that's ever made a comment to this Board at a
9 public hearing had to identify themselves. So,
10 as far as dispatch -- I don't know what dispatch
11 means. Is that Mr. Dispatch or Benny Dispatch?

12 ADMINISTRATOR PALLAS: All I have is that.

13 CHAIRMAN SALADINO: Perhaps he'll call back
14 or they'll call back. I'm not going to take an
15 anonymous comment.

16 ADMINISTRATOR PALLAS: The second comment
17 is from Katie {Miraglio}, 143 Sterling Avenue:
18 "Hello, Mr. Pallas and members of the Board. I
19 live on Sterling Avenue. I agree with Frank and
20 Rick Harper as far as parking goes, there is a
21 huge lot on Ludlam attached to the huge structure
22 that was originally the parking lot. Also, it is
23 imperative to keep a big enough Waterfront
24 Commercial space to allow for a real Waterfront
25 Commercial business. If we lose this Waterfront

1 Commercial, every piece of the waterfront in
2 Greenport will turn into condos and Greenport
3 will be lost forever. Given that this thing has
4 been built already and should never have been
5 approved in the first place, we should now take
6 the steps to preserve what's left. Thank you.

7 Katie {Miraglio}, 143 Sterling Avenue."

8 CHAIRMAN SALADINO: Did Dispatch write
9 back, or no?

10 ADMINISTRATOR PALLAS: No.

11 CHAIRMAN SALADINO: I apologize to the
12 folks at home. We don't allow that here,
13 especially at a public hearing. And I don't --
14 I think the members agree --

15 MEMBER GORDON: You're right.

16 CHAIRMAN SALADINO: -- you should at least
17 identify yourself, you know.

18 So, the public hearing is still open.
19 Anybody before we decide what we're going to do?
20 Ms. Brennan. Name and address for the
21 stenographer.

22 MS. BRENNAN: Hi. Cynthia Brennan --

23 MS. MAHONEY: Can you speak closer to the
24 mic?

25 MS. BRENNAN: Oh, sure. Cynthia Brennan,

1 620 1st Street. Wife of Patrick Brennan who
2 spoke before about being part of the mediating
3 between Mr. Pawlowski and the SBNA.

4 Given our efforts in this for the past
5 several months, I am quite familiar with
6 documents, both what had been approved previously
7 and what's been proposed.

8 And to the question you had about the
9 parking. The 81 previously approved parking
10 spaces were really based on the full ground
11 floor, the 1500 square feet divided by 300, and
12 then 25 and a half spaces designated to the
13 residential units. It also had been applied to
14 the previously marina structure that had been
15 approved and proposed. So, that also had
16 parking.

17 CHAIRMAN SALADINO: The marina structure;
18 we're talking about the storage building?

19 MS. BRENNAN: Yeah, the separate building
20 that's not on the building permit anymore to be
21 built. So that also had parking that was
22 designated, so that brought it to the 81.
23 So, obviously, since that separate building isn't
24 there anymore, that reduced it, and then that
25 reduction happening by essentially not counting

1 the indoor parking twice. So when you take -- if
2 you put indoor parking, you wouldn't then also
3 count it towards the overall parking
4 requirements. Does that make sense?

5 (No Response)

6 One might assume. I mean, I guess you
7 could. If you wanted to still call it Waterfront
8 Commercial and count it towards parking
9 requirements you could. But the assumption would
10 be that if you're parking something there, you
11 wouldn't then count that towards more parking.
12 So that's how that notion brought it from roughly
13 81 as approved down to approximately 60, and that
14 was just to -- because I did spend a lot of time
15 looking at those numbers.

16 And then the other thing I just wanted to
17 question really about was what I think Rick, I
18 don't remember your last name, brought up about
19 this idea that the Zoning Board had previously
20 approved a variance and, you know, as it was
21 written in the denial. So I just -- it just puts
22 a question out there as to what exactly that
23 previous variance may have been and if there's
24 sort of an assumption that one might assume that
25 those 21 cars parked directly head-in on Sterling

1 Avenue would also have required some type of
2 variance for such a long curb cut.

3 So given that there were not variances
4 granted when the stipulation was done 14 years
5 ago, it just begs the question that there are
6 probably a whole variety of things that could
7 have required variances, but there is no --

8 CHAIRMAN SALADINO: You think?

9 MS. BRENNAN: -- actual language, or actual
10 variances that were ever granted.

11 So I just think that there is this tricky
12 situation with the Stipulation being the sort of
13 default document that somehow has gotten itself
14 to supercede any variances that didn't happen
15 14 years ago.

16 CHAIRMAN SALADINO: The Stipulation -- if
17 I'm getting it right, and perhaps you can
18 correct -- the attorney, Rob, can correct me if
19 I'm wrong.

20 The Description of Uses is not in dispute.
21 I mean, these are the -- this is your document,
22 this is the Description of Uses for the property.

23 MS. BRENNAN: Uh-huh.

24 CHAIRMAN SALADINO: The Stipulation just
25 agrees -- just emphasizes, just acknowledges the

1 agreement between Village, Zoning, Planning, and
2 it doesn't -- it doesn't list any land use in the
3 Stipulation. It just agrees to the -- it just
4 acknowledges that these five entities are signing
5 off on this modified plan that -- from the 2003
6 plan, or the 2001 --

7 MS. BRENNAN: '07.

8 CHAIRMAN SALADINO: -- plan that became the
9 modified plan in 2003, and then was signed off on
10 by a judge that basically said, Well, if you guys
11 agree, I agree, you know.

12 So, the only thing that this Board has to
13 go on is the Description of Uses that -- and
14 that's what we'll use.

15 MS. BRENNAN: Right.

16 CHAIRMAN SALADINO: I mean, and the only
17 thing that effects us really is two, five and
18 six; the building will have Waterfront Commercial
19 operations on the front floor, on the first
20 floor.

21 It goes on to explain prices and flip tax
22 and that --

23 MS. BRENNAN: Oh, for the affordable units.

24 CHAIRMAN SALADINO: -- doesn't effect us.

25 MS. BRENNAN: Right.

1 CHAIRMAN SALADINO: That's not land use.

2 MS. BRENNAN: The one thing earlier in that
3 Stipulation document, I believe it's on page six,
4 and --

5 CHAIRMAN SALADINO: I only have two pages.

6 MS. BRENNAN: Oh. Really? Oh.

7 CHAIRMAN SALADINO: As far as the
8 Description of the Uses.

9 MS. MUNDUS: That's separate from the
10 Stipulation.

11 CHAIRMAN SALADINO: No, I understand that.

12 MS. BRENNAN: The Description of Uses was
13 an attachment to the full legal document of the
14 Stipulation. And on page six of that document,
15 which, if I'm correct, I think was written by the
16 Village Attorney in 2007. It states that -- and
17 this is in a section where it's describing the
18 ZBA's part within this, because I believe that
19 the ZBA had some legal action and this was part
20 of how the Stipulation was arrived at. It states
21 that this property is unique because of it being
22 bisected by the WC District and the R-2 District.

23 So it acknowledges right in the Stipulation
24 the uniqueness of this particular property which
25 probably goes on to influence how and why this

1 particular stipulation came about. So --

2 CHAIRMAN SALADINO: Well, the Residential
3 District off Ludlam, that was the basis of an
4 Article 78, I believe, right? That it was a
5 preexisting use.

6 MR. HARPER: It was a non-conforming use.

7 MS. BRENNAN: It was a non-conforming --

8 CHAIRMAN SALADINO: A preexisting,
9 non-conforming use. So, that doesn't make what
10 happened on this property unique.

11 MS. BRENNAN: No.

12 CHAIRMAN SALADINO: The Stipulation is what
13 made this property. And I'm not even admitting
14 it's unique --

15 MS. BRENNAN: Well, I think both -- yeah.

16 CHAIRMAN SALADINO: -- you know, because I
17 don't want to -- I don't want to -- because we're
18 going to have to talk about that, it's one of the
19 questions.

20 MS. BRENNAN: Right. So, anyway, that was
21 just a couple of thoughts I had. Thank you for
22 your time.

23 CHAIRMAN SALADINO: Thank you. Yes?

24 ADMINISTRATOR PALLAS: Mr. Chair. That
25 individual identified themselves; 305 5th Avenue,

1 and the comments -- the comment is "Most people
2 living down there do not know that tractor
3 trailers were always on those streets when plocks
4 and Winter harbor fisheries were operating."

5 CHAIRMAN SALADINO: Okay.

6 ADMINISTRATOR PALLAS: That is -- there are
7 no further comments on the Board meeting at this
8 time.

9 CHAIRMAN SALADINO: Okay.

10 What -- what's the pleasure of this Board?
11 Are we going to close this public hearing? Are
12 we going to --

13 MEMBER CORWIN: I make a motion that we
14 close the public hearing.

15 MEMBER GORDON: Second.

16 (*Laughter*)

17 CHAIRMAN SALADINO: That answers that.
18 All in favor?

19 MEMBER GORDON: Aye.

20 MEMBER CORWIN: Aye.

21 CHAIRMAN SALADINO: And I'll vote aye.

22 It's been a while, I have an agenda here
23 someplace.

24 There are a few things that -- Item No. 9
25 on the agenda is a discussion and possible motion

1 on the area and use variances applied for on 123
2 Sterling Avenue Corp, for the property located at
3 123 Sterling Avenue, Greenport, NY, and the
4 Suffolk County Tax Map is still the same at
5 1001-3-5-16.4 and 16.5.

6 I apologize for the late hour, folks, but
7 this is an important application and this is
8 going to take a minute.

9 We all know that a use variance is of much,
10 much higher standard than an area variance, and
11 the Zoning Board doesn't have much latitude.

12 Just to -- just for the public, the members
13 know this, I'm pretty sure the attorney knows
14 this. This is from -- this is from -- this
15 particular publication is from New York State
16 Conference of Mayors & Municipal Officials.
17 These pages are from the Department of State,
18 Coon's which is the outline, the --

19 MEMBER CORWIN: The Attorney to the
20 Department of State.

21 CHAIRMAN SALADINO: The attorney who
22 dictates how zoning boards are governed. Use
23 variance; "A use variance has been defined as one
24 which permits a use of land which is proscribed
25 by zoning regulations, thus a variance which

1 permits a commercial use in a Residential
2 District which permits a multiple dwelling in a
3 district limited to single-family homes, or which
4 permits an industrial use in a district limited
5 to commercial uses is a use variance."

6 "A use variance shall mean that the
7 authorization by the Zoning Board of Appeals for
8 the use of land for a purpose which is otherwise
9 not allowed or is prohibited by applicable zoning
10 regulations."

11 It goes on to explain that these rules have
12 been known by a famous case, the Otto Rules, and
13 the first three questions that are part of the
14 test are from -- codified from those rules. The
15 last one, I think the fourth requirement in the
16 above language is based on a court decision.

17 So the first question is in terms of
18 reasonable -- the applicant cannot realize a
19 reasonable return. "No such use variance shall
20 be granted by a Board of Appeals without a
21 showing by the applicant that the applicable
22 zoning regulations and restrictions have caused
23 unnecessary hardship." That's the key to a use
24 variance, unnecessary hardship.

25 "In order to prove such an unnecessary

1 hardship, the applicant shall demonstrate to the
2 Board of Appeals that for each and every
3 permitted use under the zoning regulations for
4 the particular district where the property is
5 located the applicant cannot realize a reasonable
6 return, provided that a lack of return is
7 substantial as demonstrated by competent
8 financial evidence; that the alleged hardship
9 relating to the property in question is unique
10 and does not apply to a substantial portion of
11 the district or neighborhood," which would mean
12 that every other property in the Waterfront
13 Commercial isn't subject to the same rules.

14 "That the requested use variance, if
15 granted, will not alter the essential character
16 of the neighborhood."

17 And lastly, the fourth question, "That the
18 alleged hardship had not been self-created."

19 "It's noted that the overall statutory test
20 for the issuance of use variances remains
21 unnecessary hardship."

22 We have -- we have -- and now for the
23 Board, we have Mr. Pawlowski's narrative. And
24 question number one, we're not going to vote;
25 we're going to talk about this first and then

1 vote on the floor?

2 MEMBER GORDON: That seem to me the right
3 order of things.

4 CHAIRMAN SALADINO: Okay. And this is the
5 applicant's narrative. "In terms of reasonable
6 return, we are currently approved for garage
7 space that does not permit indoor parking."
8 We've decided that indoor parking is not the
9 issue here.

10 The effect -- "This effects that return on
11 investment as if we are to permit parking, then
12 we feel this will increase our chances to alter
13 parking that is in close proximity to commercial
14 and residential space. This request is with the
15 area request to remove parking along Sterling
16 Avenue for this specific area and use of the
17 building, AKA garage. By limiting the garage
18 space to storage only, it'll be roughly a
19 \$100,000 negative impact."

20 I would ask my colleagues that if the
21 applicant can rent -- refresh my memory,
22 12-units, 12 Waterfront Commercial units?

23 MR. PAWLOWSKI: (Nodded head in the
24 affirmative).

25 CHAIRMAN SALADINO: If the applicant can

1 rent 12 Waterfront commercial units in that
2 space, why wouldn't there be a reasonable return
3 to rent -- to expect a reasonable return if he
4 was to rent four or five more units in that 5,000
5 square feet. So that 5,000 square feet, if used
6 as Waterfront Commercial, would be able to
7 generate a reasonable return; am I getting that
8 right?

9 MEMBER GORDON: Well, then you would have
10 to have more -- then, as I understand it, you
11 would have to have more parking spaces. No, you
12 could require -- you could then give him a
13 variance on the number of parking spaces overall.

14 CHAIRMAN SALADINO: Well, right now we're
15 talking about a use variance. If it requires
16 more parking, then perhaps the application should
17 be a parking variance.

18 MEMBER GORDON: Well, it could add a
19 parking variance. But I would ask a different --
20 put it a different way. I would ask how do you
21 calculate the \$100,000 negative impact.

22 CHAIRMAN SALADINO: It's his statement, I
23 don't know.

24 MEMBER CORWIN: Well, he mentions
25 reasonable data. So someplace -- the data has to

1 come from somebody competent in doing this kind
2 of stuff on a piece of paper, I would say.

3 CHAIRMAN SALADINO: It says, "The mere fact
4 that the property owner may suffer a reduction in
5 value of property because of the zoning
6 regulations, or the fact that another permitted
7 use may allow the sale of a property for a better
8 price or permit a larger property does not
9 justify the granting of a variance on the grounds
10 of unnecessary hardship. It's been held that
11 only by actual dollars and cents proof can lack
12 of reasonable return be shown." And it gives you
13 case law, Everett vs. Johnson.

14 So, the fact that Paul says he would lose
15 \$100,000, we would need more proof than that.
16 We need a dollar and cent -- actual dollar and
17 cent proof to that.

18 "In order to demonstrate hardship, the
19 petitioner has had the burden of showing that the
20 land in question cannot yield a reasonable return
21 if used for each and every purpose allowed in
22 that zone." So you would have to show this
23 Board, the applicant would have to show this
24 Board that for each and every permitted use in
25 the Waterfront Commercial District, you couldn't

1 realize a reasonable return.

2 The second question of the four questions
3 in the use variance test is the "alleged hardship
4 related to the property is unique and does not
5 apply to most of the parcels in the same zoning
6 district or neighborhood." The applicant
7 disputes that; he says, "This property is unique
8 because we have the indoor parking space to
9 achieve this and we have the property size to
10 achieve this and we do not need any street
11 parking. The request is unique because the
12 nature of this multi-family." It doesn't answer
13 the question. The question is does each and
14 every property in the Waterfront Commercial
15 District have to live up to these standards.
16 What makes this property -- it's -- what makes it
17 unique, it's not, because every other property in
18 the district has to live up to the same standards
19 of the Code, so.

20 MEMBER GORDON: But you couldn't subject
21 other parcels in the district to these standards
22 because we just don't -- I mean, this is a unique
23 piece of property in the sense that it's very,
24 very large, it's got this dual identity in the
25 two kinds of districts, even before the developer

1 came to work on it. What does -- he says, "We
2 have the indoor space to achieve this and the
3 property size to achieve this, as no other
4 property that we might be looking at in Greenport
5 would have."

6 CHAIRMAN SALADINO: But we're -- we're
7 confusing the issue here. This is not about --
8 this is not about having the space to provide
9 parking, this is about the utilization of
10 Waterfront Commercial space for residential
11 accessory use. We're not talking about we have
12 the time.

13 MEMBER GORDON: So you don't think that
14 people are going to park -- you think -- well,
15 that's actually a good question for him, is are
16 the only people parking -- if we allow it
17 indoors, will it only be the residents upstairs
18 or will it also be people who come and are using
19 the commercial space as downstairs?

20 CHAIRMAN SALADINO: I --

21 MS. SCHNEPEL: That could be one in the
22 same, no?

23 CHAIRMAN SALADINO: I don't know.

24 MEMBER CORWIN: But that hasn't been
25 presented or discussed.

1 CHAIRMAN SALADINO: I don't know. Can we
2 go to the next one?

3 MEMBER GORDON: (Laughter).

4 CHAIRMAN SALADINO: The requested use
5 variance, if granted, will not alter the
6 essential character of the neighborhood.

7 "Use variance will not alter the character
8 of the neighborhood; in fact, it will offer many
9 benefits to the neighborhood over the current
10 site plans. We offer sidewalks to the waterfront
11 by hiding cars, improved traffic, offer more
12 green space, walk safely to the public waterfront
13 and" --

14 MEMBER GORDON: It's too bad that we can't
15 give different weights to these questions.
16 Because in my mind, the weight of that third is
17 very important. I mean, certainly it's correct
18 that we're going to -- that if this project
19 happened with the indoor parking you would hide
20 cars, which we have plenty of parking. I mean,
21 everybody would agree, I think it's better to
22 hide the cars, it's better to have no backing up
23 into the street, all of that.

24 So, to me, that's more important than the
25 question of the reasonable return question.

1 But we are not allowed to weigh the questions
2 differently; is that correct? I'm asking.

3 CHAIRMAN SALADINO: That's correct. Here's
4 a -- in response to this, New York State has
5 decided, it says, "Court had held that the
6 applicant will fail this third test if it is
7 shown that the proposed project would stimulate a
8 process which, in time, would completely divert
9 the neighborhood's complexion." In other words,
10 the proposed project need not in and of itself
11 alter the character of the neighborhood if it is
12 shown that the project would set a pattern for
13 future development and would, in time, alter the
14 neighborhood's character.

15 MEMBER GORDON: But there's no room left in
16 the neighborhood for future developments of any
17 significance.

18 CHAIRMAN SALADINO: On that Plot there's no
19 room, but there's plenty of room in other
20 sections of the Waterfront Commercial District.

21 MEMBER GORDON: But not in that
22 neighborhood.

23 CHAIRMAN SALADINO: Well, it's talking
24 about a district.

25 MEMBER CORWIN: The marina, certainly

1 somebody could come along and say, I want to
2 build a house there. So there's that space.

3 CHAIRMAN SALADINO: The last question --
4 the last question is the alleged hardship has not
5 been self-created. And the response is,
6 "The request is not self-created as the Sterling
7 Avenue parking was part of the stipulation site
8 plan negotiated in 2007 by the previous owners of
9 the property. The current owner, with the
10 support of the Sterling Basin Neighborhood
11 Association, has made these proposed improvements
12 to modify the approved site plan and our goal is
13 to work with the Village Boards to benefit the
14 community."

15 According to New York State, self-created
16 fact and a hardship, "It's well settled that a
17 use variance cannot be granted where the
18 unnecessary hardship complained of has been
19 created by the applicant, or where she or he
20 acquired the property knowing of the existence of
21 the condition he or she now complains of," in
22 carriage -- in this case law, Carriage Works vs.
23 Enterprise.

24 In addressing self-created hardship, the
25 Appeals Court stated, "The courts should not be

1 placed in a position of having to guarantee the
2 investments of careless land buyers. The same
3 advice should apply to Zoning Boards of Appeals."

4 The question with this question number four
5 is did you read the stipulation before you bought
6 the property?

7 MR. PAWLOWSKI: (No Response).

8 CHAIRMAN SALADINO: Just as a pause here,
9 Mr. Pallas. There's no SEQRA? We don't have to
10 do SEQRA?

11 MR. CONNOLLY: No, it's going to be
12 coordinated review, the Trustees are the Lead
13 Agency.

14 CHAIRMAN SALADINO: The Trustees or the
15 Planning Board?

16 MR. CONNOLLY: The Trustees, I believe.

17 ADMINISTRATOR PALLAS: The Trustees are
18 declared the Lead Agency.

19 CHAIRMAN SALADINO: So we don't have to do
20 SEQRA.

21 That's the way it is as far as the use
22 variance.

23 The area variance, I'm -- I thought I was
24 familiar with the Code. I would ask the Village
25 Administrator -- we could read it, you know. I

1 don't know -- I don't know where in the Code it
2 says we differentiate the size of the spaces for
3 different businesses or different uses. But I'm
4 reasonably certain, after a laborious process for
5 the project down the street that had to do with
6 parking, that 18-feet long and 8 feet 9-inches
7 wide isn't a legal parking space in the Village
8 of Greenport. So I'm not even sure we can
9 address this area variance.

10 The variance is for 12 parking spaces, none
11 of them are legal. What are we -- what are we
12 doing? What are we going to do?

13 MEMBER CORWIN: We may have to go down the
14 questions and answer them and then have a motion
15 whether this is accepted or not. Or --

16 CHAIRMAN SALADINO: I'm sorry.

17 MEMBER CORWIN: It's getting late. We
18 could always say we need some more time to think
19 about this and do it next month.

20 CHAIRMAN SALADINO: I don't -- I'm not sure
21 if another little while here that we should --
22 you know, there's a lot of people waiting for an
23 answer here. I don't think we should.

24 I'm going to give the -- and it's perfectly
25 appropriate, too, to let the applicant -- do you

1 want to address any of this? Any place you want,
2 Paul. I know you're tired of standing up.

3 MR. PAWLOWSKI: No, I'm -- from the -- from
4 the last meeting to this meeting, I put forth my
5 best effort to answer those questions based on
6 what's approved and what we're trying to achieve.
7 So I appreciate that question and I've done my
8 best.

9 CHAIRMAN SALADINO: I tried to give you the
10 book. I tried to give you the book.

11 MR. PAWLOWSKI: It wouldn't change my
12 answer, so I'm trying to achieve what I can.

13 CHAIRMAN SALADINO: You can't tell us that.

14 (*Laughter*)

15 MR. PAWLOWSKI: (Inaudible).

16 CHAIRMAN SALADINO: All right. We'll go
17 through the four questions for the use variance.
18 I have them here. I tried to abbreviate the
19 questions once and David called me on it, and I
20 have to read them.

21 MEMBER GORDON: I have a process question.

22 CHAIRMAN SALADINO: Sure.

23 MEMBER GORDON: I really don't know the
24 answer. If we -- if we vote negatively on one of
25 the questions, is it -- because with area

1 variance, if you vote negatively on one or two of
2 the questions you can still vote positively on
3 the final question.

4 CHAIRMAN SALADINO: I have the answer.

5 MEMBER GORDON: I was sure you would.

6 (*Laughter*)

7 CHAIRMAN SALADINO: I have the answer to
8 that.

9 MEMBER CORWIN: Well, John -- while the
10 Chairman's looking for the answer, I just want to
11 note that these use questions, I don't think they
12 really have a yes or no answer. They're really
13 difficult questions to turn into yes or no.

14 MEMBER GORDON: Uh-huh.

15 CHAIRMAN SALADINO: A final word on use
16 variances, hopefully. "The rules laid down in
17 the statutes and any applicable cases are
18 requirements. They must be used by Zoning Boards
19 of Appeals in reviewing applications for use
20 variances. Furthermore, the Board must find that
21 each of the elements of the test have been met by
22 the applicant."

23 MEMBER GORDON: That's what I was afraid
24 of.

25 (*Laughter*)

1 CHAIRMAN SALADINO: It goes on to say,
2 "No administrative body may destroy the general
3 scheme of a zoning law by granting variances
4 indiscriminantly?" Did you write that?

5 (*Laughter*)

6 MR. CONNOLLY: No.

7 CHAIRMAN SALADINO: All right. We're going
8 to -- we don't have to do SEQRA, so -- I'm going
9 to borrow David's book here.

10 All right. The first question, "The
11 applicant cannot realize a reasonable return
12 provided that the lack of return is substantial
13 as demonstrated by competent financial evidence."
14 I'll start with Dinny.

15 MEMBER GORDON: And the question is has the
16 applicant --

17 CHAIRMAN SALADINO: Met that.

18 MEMBER GORDON: -- met that. No.

19 CHAIRMAN SALADINO: David?

20 MEMBER GORDON: No. I think that there is
21 a reasonable return involved in this project and
22 we haven't seen competent financial evidence.
23 So, no.

24 CHAIRMAN SALADINO: I'm -- I'm not sure I
25 understand the applicant's answer or where the

1 \$100,000 negative impact comes from. I do know
2 that if he has plans to rent 12 units, there
3 would be an expected reasonable return if you --
4 or one of the permitted uses. So, I'm going to
5 vote no also.

6 "The alleged hardship relating to the
7 property in question is unique and does not apply
8 to a substantial portion of the district or
9 neighborhood." Dinny?

10 MEMBER GORDON: Yes.

11 CHAIRMAN SALADINO: David?

12 MEMBER CORWIN: Yes, it is a unique
13 situation.

14 CHAIRMAN SALADINO: I'm going to vote no; I
15 disagree. I think it applies to the overwhelming
16 majority of the Waterfront Commercial properties
17 in the Waterfront Commercial District.

18 Number three is that "The requested use
19 variance, if granted, will not alter the
20 essential character of the neighborhood." Dinny?

21 MEMBER GORDON: Yes, it will not.

22 (*Laughter*)

23 That's how it's stated.

24 CHAIRMAN SALADINO: Will not alter.

25 MEMBER GORDON: In other words, a vote for

1 the applicant's position is a yes vote, it will
2 not alter.

3 CHAIRMAN SALADINO: Okay. David?

4 MEMBER CORWIN: I'm going to say no. The
5 character of the neighborhood of that particular
6 piece of property was supposed to be Waterfront
7 Commercial, is going to be Waterfront Commercial.
8 And using that parking inside the building, I
9 think, will hurt Waterfront Commercial use of
10 that property.

11 CHAIRMAN SALADINO: "The requested use, if
12 granted, will not alter the essential character
13 of the neighborhood." I have to go back to
14 Coon's here and use his -- that it's not only
15 that particular neighborhood, it's that
16 neighborhood in the future and other
17 neighborhoods in the Waterfront Commercial
18 District. So, I'm going to vote no also.

19 And the last question is that "The alleged
20 hardship has not been self-created." And
21 that's -- Dinny?

22 MEMBER GORDON: Yes, it has not been
23 self-created.

24 CHAIRMAN SALADINO: David?

25 MEMBER CORWIN: Well, this question is

1 impossible to answer yes or no. I originally
2 said no, I changed my answer to yes. If Dinny is
3 saying -- Diana is saying no, is that your
4 answer?

5 MEMBER GORDON: No, I'm saying yes, the
6 alleged hardship has not been self-created, and I
7 think that because he bought this after the
8 Stipulation. I mean, if anybody -- if anybody's
9 hardship was self-created, it was the previous
10 owner.

11 CHAIRMAN SALADINO: Well, by -- well, let
12 me ask you, maybe you'll change my vote. By
13 buying the property with this Stipulation
14 attached to it, knowing that that space was
15 reserved for Waterfront Commercial space, will
16 use that 15,000 square feet. Knowing that 15,000
17 square feet was reserved for Waterfront
18 Commercial space and entering into a contract and
19 buying it, wouldn't -- and now looking for relief
20 from that provision; doesn't that constitute a
21 self-created hardship?

22 MEMBER GORDON: Well, I think you can only
23 conclude that if you really rejected the overall
24 design of the mixed-use, mixed-district property.

25 CHAIRMAN SALADINO: I don't understand --

1 MEMBER GORDON: That was there when he
2 purchased -- when he purchased it.

3 CHAIRMAN SALADINO: Well, we're going by --
4 we're going by -- we have to go by -- we're not
5 allowed to open up the document, we were told
6 that. That this document would -- it was
7 suggested by other boards that we can't open up
8 the document, which we only have to address
9 what's in front of us. And right now what's in
10 front of us and what was bought was a piece of
11 property that had designated 15,000 square feet
12 of Waterfront Commercial space attached to it.

13 MEMBER GORDON: Well, it's pretty hard to
14 ignore the history.

15 CHAIRMAN SALADINO: Okay. Okay. I was
16 kind of hoping you would change my mind, but,
17 David?

18 MEMBER CORWIN: I'm going to answer no in
19 saying it was not -- not been self-created. No,
20 it has, in fact, been self-created.

21 CHAIRMAN SALADINO: I agree. I agree this
22 is a self-created hardship. I mean, when Paul
23 bought this property he knew it was attached, I'm
24 sure he knew what was allowed and what wasn't
25 allowed. And if this was an area variance, I

1 mean, we could skip over this.

2 The next question is -- are you going to
3 make a motion to --

4 MEMBER CORWIN: If you want, I will make a
5 motion. I make a motion that we approve the
6 allowed use in the Waterfront Commercial
7 District, the first level of that building, as a
8 parking space, an inside parking space.

9 CHAIRMAN SALADINO: Wait, before I second
10 this. Wouldn't it be clearer if we just decided
11 if we were going to grant the use variance or
12 not?

13 MEMBER CORWIN: I'll do a do-over. I take
14 that back.

15 (*Laughter*)

16 CHAIRMAN SALADINO: Just to make -- listen,
17 I'm sure there might be -- only because -- David,
18 not that I don't like your motion. It's just
19 that if there's judicial review or an involved
20 party would like an Administrative Law Judge to
21 look at this decision or -- I think to make our
22 decision as plain as possible would be the
23 better -- what do you think, Rob?

24 MR. CONNOLLY: I think you should make a
25 motion to approve or deny the use variance.

1 MEMBER CORWIN: So I make a motion to
2 approve the use variance. I'm sorry, I meant --
3 we'll try for three.

4 (*Laughter*)

5 I make a motion to deny the use variance of
6 the first level of that building as indoor
7 parking space in the Waterfront Commercial
8 District.

9 CHAIRMAN SALADINO: I'm not going to second
10 that. I think you just overstated it.

11 MEMBER CORWIN: No second? So somebody
12 else makes a motion.

13 CHAIRMAN SALADINO: I'm going to make a
14 motion we approve the use variance.

15 MEMBER GORDON: Second.

16 CHAIRMAN SALADINO: I'll take a roll call
17 vote. David?

18 MEMBER CORWIN: No.

19 CHAIRMAN SALADINO: Dinny?

20 MEMBER GORDON: Yes.

21 CHAIRMAN SALADINO: I'm going to vote no.

22 MR. PAWLOWSKI: That was weird.

23 CHAIRMAN SALADINO: I think -- I'm just not
24 sure -- the first question failed unanimously; I
25 don't know how we could have voted to approve it.

1 So, you know, that's my vote.

2 I'm going to ask the attorney; does -- is
3 it -- or maybe the Building Department. The area
4 variance becomes moot?

5 ADMINISTRATOR PALLAS: I mean, I'll
6 certainly defer to the attorney on that question,
7 but it does appear to me that that's the case,
8 yes.

9 MR. CONNOLLY: If the area variance was
10 for -- specifically for the use of a --

11 MS. MAHONEY: Can you state that on the
12 record? I can't hear you.

13 Mr. CONNOLLY: If the area variance was
14 specifically for the use of the indoor parking,
15 then it would be moot.

16 CHAIRMAN SALADINO: All right, so we're not
17 going to address the area variance.

18 A question for the attorney is do we still
19 have to -- even though both variances -- the use
20 variance has been denied, the area variance is
21 moot. Do we still have to make comment about
22 modifying the Stipulation? That kind of seems
23 moot; no?

24 MR. CONNOLLY: I wouldn't think so, no.

25 CHAIRMAN SALADINO: Okay. I think that

1 that -- that's it for us as far as this property.

2 Item No. 10 is any other Zoning Board of
3 Appeals business that might come before this
4 Board. If anybody's got something to say, now's
5 the time to say it.

6 (No Response)

7 No? And then Item No. 11 is a motion to
8 adjourn. So moved

9 MEMBER CORWIN: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MEMBER CORWIN: Aye.

12 MEMBER GORDON: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

14 (*The meeting was adjourned at 9:31 p.m.*)

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

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, ALISON MAHONEY, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on March 15, 2021, at Station One
13 Firehouse, Third & South Streets, Greenport, NY
14 11944.

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

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 29th day of March, 2021.

21

22

Alison Mahoney

23

24

25

A				
abbreviate 142:18	actual 24:2 40:8 124:9,9 134:11,16	affordable 66:10 70:6 83:20 95:11	121:12 134:7 136:16	121:19 147:8
aberration 77:8	add 2:21 14:19 17:23 24:4 30:10	106:1 125:23	allowed 25:21 33:1 33:4 53:24 58:10	anybody's 147:8 152:4
abide 97:16	133:18	afraid 143:23	65:9 69:9 130:9	anymore 33:14 91:3,8 100:21
ability 11:6	adding 9:12 19:5 25:21,22	afternoon 114:23	134:21 138:1	122:20,24
able 2:16,17 12:18 41:1 133:6	addition 5:1 7:22 8:1,14,18,18	agency 47:24 140:13,18	148:5,24,25 149:6	anyway 5:14 49:4 127:20
ABSENT 1:19	additional 30:9 33:5 116:13	agenda 34:9 106:4 106:4 128:22,25	allowing 52:17 112:8	apart 81:17
absolutely 33:7,9 53:13 109:13	address 7:7,16 13:7 23:25 39:12 50:12	agents 67:16	allows 16:7 54:2 55:22	apartment 42:14
absorb 86:22	50:14 57:9 61:8	ago 51:1 52:20 64:18 89:23 99:20	alter 131:15 132:12 137:5,7 138:11,13	apartments 53:21 64:10
absurd 65:4 67:18 69:22 70:22	88:20 92:21	102:8 108:20,21	145:19,24 146:2	apologize 12:18 87:1 92:3 121:11
accept 3:11 19:1 28:22	121:20 141:9	113:16 114:17	146:12	129:6
accepted 141:15	142:1 148:8	124:5,15	altered 51:17 68:6 68:12,18	apparently 65:8 68:14
access 14:7 15:14 15:15 39:23 40:8	151:17	agree 52:17 61:9 70:5 77:9 85:9,14	AMANDA 1:24	Appeals 1:4 2:3 3:12,21 4:3 34:22
67:23,25 68:9,10	addressing 83:21 139:24	86:13 89:8 120:19	ameliorate 95:18	36:8 82:4 130:7
accessible 42:16	adjacent 49:14 70:13 83:19	121:14 125:11,11	amend 38:5 66:7 79:7,11 107:24	130:20 131:2
accessory 11:21 20:13 40:13,20	adjoining 23:13 71:5	137:21 148:21,21	amendment 107:5	139:25 140:3
41:14 42:17 46:12	adjourn 152:8	agreed 78:10 93:17	amendments 106:8	143:19 152:3
57:13 58:7 63:19	adjourned 92:9,12 152:14	agreement 51:13 53:17 65:20 81:13	American 54:24	appear 151:7
65:6 136:11	Administration 50:17	81:22,23,25 82:16	amount 54:1 55:20 58:24 114:25	applicable 130:9,21 143:17
accommodate 45:24 115:6	administrative 4:14 144:2 149:20	82:18,20 84:15	ample 63:20	applicant 7:4 12:24 19:3 31:1 32:22
accurate 105:11	Administrator 1:23 2:20 3:2 12:17	85:1,11,15 94:7	angled 45:3,8,17,25 46:9,20 47:1,9	33:10,16 36:2
accurately 21:18	18:10,19 49:7,8	94:24 98:4 125:1	48:6 51:8 60:15	37:24 38:8 41:1
accusations 89:12 109:11,13 113:13	81:11 119:21	agrees 78:11 124:25 125:3	62:24 63:13 103:2 103:11	56:17 73:16 74:14
accused 113:18	120:12,16 121:10	ahead 13:15 69:9	anonymous 120:2,7 120:15	75:7,25 92:5
achieve 135:9,10 136:2,3 142:6,12	127:24 128:6	Air 67:12	answer 18:2 19:3 25:2,3 38:1,8 39:1	112:24 130:18,21
achieved 64:13	140:17,25 151:5	AKA 132:17	39:4 42:3 54:10	131:1,5 132:21,25
acknowledges 124:25 125:4 126:23	admission 71:10	alarms 38:22	75:3 76:1 109:11	134:23 135:6
acquired 139:20	admit 16:20 73:9 108:19	Alexander 37:9	113:19 115:10	138:6 139:19
acres 100:18,19	admitting 127:13	Alison 153:7,22	116:8 117:18,25	141:25 143:22
acting 80:17	advantage 102:13	all-residential 69:19	135:12 141:14,23	144:11,16
action 45:19 49:14 49:25 50:1,1 126:19 153:16	adverse 24:22	alleged 131:8,18 135:3 139:4 145:6	142:5,12,24 143:4	applicant's 41:6,10 41:19 75:4,20
actions 46:18	advice 140:3	146:19 147:6	143:7,10,12	80:15 132:5
active 110:19	aesthetically 96:4 96:25	Allen 36:21,23 88:22,22 120:3	144:25 147:1,2,4 148:18	144:25 146:1
activism 93:11	aesthetics 95:8,20	alleviate 22:16 24:6 118:8	answer's 10:18	applicants 19:4
activity 93:10	affirmative 132:24	alley 104:21,22 105:3	answers 128:17	application 2:23 13:7,12 18:11,17
acts 85:3		allow 38:6 39:22 47:1 48:6 63:10	anybody 3:3 69:7 99:14 102:3 120:7	18:20 31:15 38:3 48:12 60:22 79:12
		63:17 120:24		88:24 105:7,15 129:7 133:16

applications 113:7 143:19	91:21 115:5 129:1 129:10 132:15,16 140:23 141:9 142:25 148:25 151:3,9,13,17,20	114:10 124:18 126:16 129:13,19 129:21 151:2,6,18	bad 52:20 137:14 bah 66:3,3,3,3 balance 27:10 barely 61:14,25 barking 20:19 barrier 40:1 100:15 base 11:17 based 107:6,8 122:10 130:16 142:5 basic 84:9 87:3 basically 10:2,4 24:4 28:20 61:16 65:25 67:12 68:21 69:5,18,23 78:1 89:13 125:10 Basin 139:10 basis 66:1 127:3 bathroom 23:3 40:16 67:13 88:20 bathrooms 67:19 67:22 battles 64:14,14 be-all 45:5 Beach 37:3,7 becoming 9:4 14:12 bedroom 20:22 21:1,4,6 23:3 begging 50:19 begs 124:5 believe 11:19 12:23 16:1 26:13,13,25 35:12 77:2 96:22 108:19 115:14 126:3,18 127:4 140:16 belong 85:6 benefit 73:25 139:13 benefits 137:9 Benny 120:11 Bergen 6:17 best 83:9 91:18,24 94:9 96:7 110:14 142:5,8 bestow 73:25 better 25:5 42:3 82:15 90:23 95:8 134:7 137:21,22	149:23 big 21:12 62:1 102:17 120:23 bisected 126:22 bit 12:14 53:6 62:15 63:12 81:18 bloated 14:17 block 24:20 91:19 blood 153:16 BNB 67:12 board 1:4,22,24 2:3 2:10 3:12,20 4:3 12:5 15:17 18:13 18:23 22:9,9 30:8 30:18 34:21,22,22 36:8 40:23 41:24 44:14,17 45:13 46:6,22,23 47:4,6 47:17 48:5,11 49:3 56:4,12,14 56:25 62:18,19 66:22 67:1 75:6,9 76:8,11,21,24 77:6 78:7 79:16 79:17 80:7,15 81:10 82:3,3,19 82:20 84:11,17,23 84:23 85:3,10,13 85:13,17,22 86:6 86:16 88:15,19 92:8 96:11 97:14 97:15 100:3 105:7 105:23,24 107:1 109:24 112:16 113:5,18 114:2,14 114:17 120:8,18 123:19 125:12 128:7,10 129:11 130:7,20 131:2,23 134:23,24 140:15 143:20 152:2,4 Board's 23:10 47:8 48:22 57:1 99:25 boards 48:17 77:3 84:7 105:20 129:22 139:13 140:3 143:18 148:7 boat 42:7 64:16
applied 4:21 20:1 34:14 77:14,17,18 122:13 129:1	areas 64:21 84:4 99:8 argument 100:1 arrangement 14:16 arrived 126:20 art 102:13 110:22 Article 127:4 articulately 92:25 artist 54:8 55:1 67:8,11 99:14 asked 11:19 20:7 20:10 35:18 65:10 84:12 106:5 115:13 asking 30:12 32:22 38:4,14 48:25 50:3 60:23 80:15 99:16 105:11 107:4 112:2 138:2 aspect 81:25 115:25 aspects 28:15 38:21 association 34:23 82:8 93:5,6,9,19 95:23 96:17 97:11 106:14 139:11 associations 54:15 assume 26:16 41:24 50:24 71:22 123:6 123:24 assuming 55:5 75:24 assumption 105:10 123:9,24 assure 45:11 attached 120:21 147:14 148:12,23 attachment 98:22 126:13 attendant 70:3 attention 12:19 13:21 attorney 1:22 43:6 43:10,10,11	August 82:9 Aunt 89:23 AURICHIO 1:24 6:4,7,10 36:14 authorization 130:7 Avenue 4:17 6:17 7:1 34:12,14 36:25 37:1,6,13 37:15,17,22 38:5 50:23 51:9 59:24 62:12,14,14 63:3 68:23 71:5 95:19 96:5 101:2 104:24 120:17,19 121:7 124:1 127:25 129:2,3 132:16 139:7 averaged 107:16 aware 79:4 84:17 101:7 aye 3:16,17,18,24 3:25 4:1,9,10,11 19:21,22,23 128:19,20,21 152:11,12,13	back 12:5 15:17 16:2 20:12 27:22 48:2,21 51:12,17 53:1 59:12,21 60:15 61:11 64:13 66:14 69:11 72:1 87:13 89:3,22 90:7,24 94:13,14 95:4,15 103:20 104:2,15,16,19,23 104:25 120:13,14 121:9 146:13 149:14 backing 52:12,13 53:3 59:20 90:1 137:22 backyard 14:1	
applies 145:15 apply 78:2 131:10 135:5 140:3 145:7 applying 8:24 apportioned 22:20 appreciate 142:7 appreciated 33:23 approaching 28:14 appropriate 2:24 3:6 96:7 141:25 approval 12:25 34:21 67:1 80:4,8 80:13 97:13 115:5 approvals 71:8 74:7 approve 3:19 34:23 69:1 80:5 91:23 95:23,24 107:24 149:5,25 150:2,14 150:25 approved 35:3,10 38:5 41:15 45:10 47:8 51:1 61:6 62:25 68:13 78:8 85:24 90:20 101:21 104:23 105:5,9,12 107:9 107:10,12 108:12 116:17 121:5 122:6,9,15 123:13 123:20 132:6 139:12 142:6 approximately 92:13 123:13 April 4:3 architect 7:11 20:11 architects 119:17 area 4:20 5:1,5,9 5:16,20,24 7:19 15:15 16:15 19:25 21:18 22:20 34:13 34:18 36:9 59:16 64:1 74:19 77:21	B B 1:14 105:9 back 12:5 15:17 16:2 20:12 27:22 48:2,21 51:12,17 53:1 59:12,21 60:15 61:11 64:13 66:14 69:11 72:1 87:13 89:3,22 90:7,24 94:13,14 95:4,15 103:20 104:2,15,16,19,23 104:25 120:13,14 121:9 146:13 149:14 backing 52:12,13 53:3 59:20 90:1 137:22 backyard 14:1	bad 52:20 137:14 bah 66:3,3,3,3 balance 27:10 barely 61:14,25 barking 20:19 barrier 40:1 100:15 base 11:17 based 107:6,8 122:10 130:16 142:5 basic 84:9 87:3 basically 10:2,4 24:4 28:20 61:16 65:25 67:12 68:21 69:5,18,23 78:1 89:13 125:10 Basin 139:10 basis 66:1 127:3 bathroom 23:3 40:16 67:13 88:20 bathrooms 67:19 67:22 battles 64:14,14 be-all 45:5 Beach 37:3,7 becoming 9:4 14:12 bedroom 20:22 21:1,4,6 23:3 begging 50:19 begs 124:5 believe 11:19 12:23 16:1 26:13,13,25 35:12 77:2 96:22 108:19 115:14 126:3,18 127:4 140:16 belong 85:6 benefit 73:25 139:13 benefits 137:9 Benny 120:11 Bergen 6:17 best 83:9 91:18,24 94:9 96:7 110:14 142:5,8 bestow 73:25 better 25:5 42:3 82:15 90:23 95:8 134:7 137:21,22		

72:24 91:5 101:11 108:10 boats 70:20,21 Boatworks 110:6 boatyard 72:25 body 144:2 book 142:10,10 144:9 borded 103:8 borrow 144:9 bottom 59:1 bought 29:12 106:7 107:22 140:5 147:7 148:10,23 Box 6:13,14 7:2 37:3,6,21 breakdown 82:10 breaking 56:20,22 Breakwater 6:16 Brennan 80:24,25 85:8 86:12 87:5 87:17,25 88:5,7 121:20,22,22,25 121:25 122:1,19 124:9,23 125:7,15 125:23,25 126:2,6 126:12 127:7,11 127:15,20 Brief 18:17 36:17 bring 13:20 21:22 26:5 79:15 86:14 94:5 109:7 brings 16:4 broad 83:16 broker 42:7 66:19 66:19 Brooklyn 7:1 brought 16:9 98:4 102:7 122:22 123:12,18 brung 74:14 buck 64:9 budget 28:13 build 9:5 42:1 66:7 71:14 72:24 74:3 74:5 95:3 139:2 build-out 29:11 building 5:7 7:18 7:20,21,24 8:7	9:13,14,18 10:7 11:19,22,25 12:11 12:15 16:2,22 20:13,17 24:3,9 28:5,21 38:20 41:8,8,9,11,11 42:4 43:11 44:8 47:2 49:17 62:1 62:20,24 65:18,18 66:3,6,17 67:24 68:5,9,12 69:19 70:10 81:24 87:3 90:11,11 91:11 94:5,6 95:8 102:3 103:5,14 114:8 119:11,17 122:18 122:19,20,23 125:18 132:17 146:8 149:7 150:6 151:3 buildings 9:19 17:2 built 10:9 14:8 28:8 52:21 62:20 74:6 81:21 94:25 121:4 122:21 bulk 17:4 bull 101:8 bumper 104:23,25 burden 61:21 72:4 134:19 Burkran 6:21 bus 89:19 business 66:21 70:14 81:1 120:25 152:3 businesses 141:3 buy 94:15 buyers 140:2 buying 147:13,19 buys 111:12,13 bypassed 78:13	calculations 8:8 10:20 call 16:3 43:24,25 67:5 91:16 117:7 120:13,14 123:7 150:16 called 2:1 40:7 53:17 66:25 142:19 calling 42:22 calls 54:16 64:24 camera 3:2 car 26:17,19 27:12 89:22 103:12,20 104:2,20,24 Cardalena 6:25 cards 94:8 care 59:13 73:25 careless 140:2 cares 69:7 Carol 6:19 Carpenter 4:19 6:12,18 7:1 13:10 13:18,24 17:6,6 19:24 20:2 89:20 carriage 139:22,22 carry 44:1 cars 13:25 26:21,23 26:23 47:20 51:16 52:12 53:3 59:12 59:17 61:2 90:21 96:24 103:17 104:6 108:9 111:11 112:3,8 123:25 137:11,20 137:22 case 52:19 63:15,21 130:12 134:13 139:22 151:7 cases 143:17 cast 76:19 catch 98:16 Cato 7:2 caught 98:17 caused 130:22 ceiling 8:1,9 cent 134:16,17 cents 134:11 certain 28:15 55:20	105:19 106:14 141:4 certainly 15:19 18:9 48:25 49:1 66:23 78:20,20 85:25 86:5 109:18 137:17 138:25 151:6 certify 153:9,15 Chair 2:20 92:24 119:21 127:24 Chairman 1:15 2:2 3:1,10,15,18,23 4:1,8,11 6:5,8,11 7:7,12 10:6,18,23 11:1,5,10,12,15 12:15 13:2,5,16 14:3,13,18,21 15:8,12,19,25 16:13,16,24 17:14 17:17 18:8,10,15 18:21,22 19:20,23 21:9,20,22 22:4 22:13,22 23:6,9 23:18,21 24:15,18 25:15 26:12,19,22 27:3,11,15,18,23 28:7 29:2,13,16 29:19,23 30:5,15 30:23 31:3,13,19 32:6,12,15,21,25 33:7,9,12,16,19 33:22,25 34:3,7,9 35:15,24 36:1,15 36:22,24 37:11 39:5,8 41:6,23 42:19 43:1,9,17 44:5,15,19 46:4,8 46:22 47:3,12,23 48:8,10,24 49:9 49:10,13,19,22 50:6,10 51:21,24 52:2,9 55:9,13 56:10,25 57:4,7 57:11,15,18,22,25 58:3,7 59:5 60:2 62:5,8 71:2 72:6 72:14,17 73:6 74:13,18,23 75:1	75:12,16,19,22 76:10,15,19,23 77:3,13,18,20 78:16,18,25 79:4 79:13,17,24 80:10 80:12,18,21 84:25 85:17 86:25 88:3 88:8,11,19 92:1 92:12,18 97:18 99:23 100:10 102:24 103:21,24 113:2,10,15,18,23 114:13,16,23 115:12,17,20,23 116:7,14,18,21,24 117:3,9,13 118:1 118:11,16 119:1,3 119:8,13,19 120:1 120:4,13 121:8,11 121:16 122:17 124:8,16,24 125:8 125:16,24 126:1,5 126:7,11 127:2,8 127:12,16,23 128:5,9,17,21 129:21 132:4,25 133:14,22 134:3 136:6,20,23 137:1 137:4 138:3,18,23 139:3 140:8,14,19 141:16,20 142:9 142:13,16,22 143:4,7,15 144:1 144:7,17,19,24 145:11,14,24 146:3,11,24 147:11,25 148:3 148:15,21 149:9 149:16 150:9,13 150:16,19,21,23 151:16,25 152:10 152:13 Chairman's 143:10 challenges 83:11 chance 92:7 109:4 109:6,10 chances 132:12 change 7:21 35:18 67:2,2 71:19
---	---	---	---	---

95:21 142:11 147:12 148:16 changed 2:15 66:2 100:17 101:5 114:2 147:2 changes 34:24 97:11 105:24,25 changing 9:16,17 71:25 73:13 character 83:17 131:15 137:6,7 138:11,14 145:20 146:5,12 charged 79:18 Charles 37:16 chat 2:24 3:5 Chatty 88:12,16,22 92:19 120:4 check 87:1 chemicals 12:6 children 21:8 Chinese 54:12 chopped 65:23 Christine 37:1 Ciaputa 37:9,10,11 circulation 35:21 circumstances 2:9 94:11 clarify 14:22 21:3 103:1 Clarke's 111:13 Clay 7:10,10,15 10:12,19,24 11:3 11:8,11,13 14:9 14:19,22 15:16,22 16:8,15 17:11,15 17:20 18:4 20:20 21:24 23:1 25:8 26:7 28:3,9 29:6 29:17,21 33:4,8 33:11,18,21 34:2 34:6 clear 38:2 51:7 104:4 clearer 149:10 Clerk 6:2 36:13 81:10 Cliff 6:24 close 18:23,24	19:11,18 52:7 128:11,14 132:13 closed 27:19 32:13 33:13 closer 18:14 121:23 closes 75:5,24 closing 97:10 club 39:24 42:22,23 43:3,5,8,12 54:12 54:13,16,17,21,23 54:24 99:15,15 110:7 clubs 54:8,11,14,22 55:2 65:3 98:20 110:3 code 8:5 12:20 25:16,18,20,24 38:20 39:20 43:8 43:23 44:3 55:22 56:2,5 57:9,19 65:23 67:4,4 69:13 71:22 78:1 85:3,4 89:16 97:8 98:16 99:16 100:9 100:11 102:14 103:20 111:21 112:1 115:8 116:9 117:2 118:3,4,14 118:19,24,25 119:1,4,4,10,12 135:19 140:24 141:1 codes 118:7 codified 130:14 Coffey 7:10,10,15 10:12,19,24 11:3 11:8,11,13 14:9 14:19,22 15:16,22 15:25 16:8,15 17:11,15,20 18:4 20:20 21:24 23:1 25:8 26:7 28:3,9 29:6,17,21 33:4,8 33:11,18,21 34:2 34:6 cogently 95:16 colleague 92:25 colleagues 12:4 42:2 58:1 69:24	76:11 114:5 132:20 Collins 37:8 Colorado 37:8 colors 54:21 combine 8:25 combined 5:20 9:15 come 15:17 20:12 25:4 27:21 30:9 30:20 50:23 61:3 66:5,21 68:19 69:18 84:20 89:7 91:9 93:11 103:4 104:10 106:10,11 112:15 116:15 134:1 136:18 139:1 152:3 comes 38:21 67:14 90:24 108:8 111:25 145:1 comfortable 32:11 coming 63:3 86:16 90:6 94:17 commend 90:23 comment 2:21 39:10 120:8,15,16 128:1 151:21 comments 2:6,23 2:25 3:4 18:19 19:1 20:5 49:2 113:9 119:22,23 120:2,7 128:1,7 commercial 34:16 35:7 36:6 39:17 39:21 40:5 41:12 41:16,20,25 42:5 42:6 43:18 44:8 44:12,21,22 46:2 46:11 52:17 53:5 54:1,6 55:4,17 57:16 58:4,11 63:17,18 64:21 65:11,16,17,17,18 66:18 67:6,7,21 67:25 69:13,25 70:1,12,25 71:20 79:21 81:1 83:22 83:22 90:17 91:1	97:2,5,6 98:1,11 98:19 99:7,13,17 100:12,23 101:10 101:14,15,17,24 101:25 102:15,20 108:13,23 109:17 109:19,20,25 110:9,19,20 111:3 111:5,19,20 115:7 115:24 116:11,12 116:12 117:9,16 117:17,20 120:24 120:25 121:1 123:8 125:18 130:1,5 131:13 132:13,22 133:1,6 134:25 135:14 136:10,19 138:20 145:16,17 146:7,7 146:9,17 147:15 147:18 148:12 149:6 150:7 commitment 98:5 106:25 Committee 93:21 93:23 common 39:2 106:17 communicate 82:13 communication 82:10 communities 82:22 community 86:15 100:22 110:12 139:14 commute 37:9 company 68:16 compatible 102:5 competent 131:7 134:1 144:13,22 complained 94:15 139:18 complaining 90:8 complains 139:21 complaints 95:22 complete 112:1 completely 85:8 86:13 99:20 105:1	138:8 complexion 138:9 compliance 72:4 compliant 10:2 comply 16:18 17:4 complying 73:24 component 83:21 106:1 compromise 25:6 27:24 84:4,19 compromises 48:17 computed 10:9,10 concern 12:3,3,4 15:9,20 17:5,6 22:5,17 24:6 27:3 concerned 14:15 47:8 64:15 concerning 77:23 concessions 48:18 conclude 147:23 Concord 37:14 condition 12:25 139:21 conditional 35:6 41:15 42:20 97:7 conditioned 58:5 conditions 24:22 condo 96:1 101:8 condominiums 100:22 condos 79:20 95:10 121:2 confer 17:21 conference 110:5,7 110:9 129:16 conforming 16:24 25:20 34:25 confusing 136:7 conjunction 36:8 connect 8:19 connecting 22:17 23:11,16 connector 9:6 CONNOLLY 1:22 43:7 44:20,25 140:11,16 144:6 149:24 151:9,13 151:24 consensus 82:22
---	--	--	---	--

83:25	Corp 34:15 129:2	coverage 5:3,5 8:12	149:17 150:17	defend 70:24
consid 79:25	correct 16:22 27:2	8:13,15,16 10:11	David's 144:9	defense 114:5
consider 17:10	41:22 51:10 53:18	10:15,16,19	day 12:5 21:6 52:13	defer 151:6
24:10 29:1 30:18	57:10 71:22 72:5	crafted 82:1	54:22 90:3 101:11	defiable 100:14
31:16,17,19 56:7	74:22 76:18	crafts 86:3	112:24 113:21	defined 129:23
87:11	104:18 113:17	cranes 101:13	153:20	definition 39:20
consideration 3:7	115:22 116:3,20	create 9:1 15:7 24:3	days 19:1 30:3,6,9	43:7,14,14,15,18
76:18 77:25 78:8	116:23 124:18,18	created 65:21	30:18 32:11,23	67:10
79:20 80:1	126:15 137:17	139:19	33:1 113:16	delivered 94:25
considered 11:22	138:2,3 153:11	creating 8:23	114:16	delusion 58:4 101:3
20:22 24:11 41:4	corrected 107:10	creek 87:23	de 61:16,21	democracy 58:22
118:6	correctly 81:16	criticism 93:13,15	deadened 40:2	democratically
considering 2:12	CORWIN 1:16 3:9	94:17	deal 47:12 55:25	93:17 94:3 96:18
59:3	3:14,16,22,24 4:7	cross 86:3	56:12 96:22	demonstrate 74:9
constitute 147:20	4:10 15:23 16:1	crossing 47:20	dealing 96:23 100:8	131:1 134:18
constructed 94:6	17:18 18:2 19:15	crucial 64:20 69:7	dealt 48:20 94:8	demonstrated
construction 29:2,9	19:19,21 23:24	crux 100:8	debatable 64:25	131:7 144:13
102:4	24:8,17 27:16,20	curb 45:20 52:5	Deborah 6:24	demonstration
constructive 83:3	32:5 34:4,8 76:22	90:12 104:6 124:2	decade 98:3	72:3
contains 153:10	92:10 128:13,20	curbing 105:2	decide 31:6 40:24	den 21:7,19
contemplated	129:19 133:24	curbs 38:18 51:3	42:4 45:19,19	denial 123:21
84:13	136:24 138:25	curious 49:5 65:7	48:5 64:22 97:12	denied 151:20
context 81:13,18	141:13,17 143:9	curiously 63:23	97:16 100:20	density 95:9
contiguous 9:1	145:12 146:4,25	current 8:22 16:10	111:22 121:19	deny 48:19 75:10
10:13,21 15:6	148:18 149:4,13	29:8 71:13 100:19	decided 96:18	149:25 150:5
continue 98:5	150:1,11,18 152:9	137:9 139:9	98:13 132:8 138:5	Department 7:19
continuing 29:3	152:11	currently 9:9,21	149:10	10:7 11:20 12:11
contract 39:14	cost 17:3 113:23	10:1,5,15 28:6,23	decides 47:4,6	12:16 16:2 38:20
147:18	costing 114:17	81:21 115:16,18	85:10	42:4 43:11 114:8
contributes 87:19	couched 73:12	115:21 116:17	deciding 46:19	119:12,18 129:17
contrive 74:10	count 123:3,8,11	132:6	decision 30:3,7	129:20 151:3
controversial 62:17	counting 122:25	curve 89:18	32:3,25 33:2,20	depending 56:16
controversy 79:9	Country 37:7	cut 65:22 124:2	39:16 46:6 56:4	depends 104:1
conundrum 102:17	County 1:2 5:25	Cutchogue 6:13 7:2	56:14 130:16	119:6
conversation 12:19	20:3 36:11 129:4	cutout 24:5	149:21,22	described 21:18
conversion 28:11	153:5	cuts 45:20	decisions 38:25	describing 126:17
35:2,9 36:3	couple 28:4 39:6	Cynthia 121:22,25	77:6	Description 41:8
convert 28:19	81:8 95:24 127:21		deck 9:21,24,24	41:10 59:10
66:14	course 14:21 31:2,9	D	10:2,4,8,8,22,23	124:20,22 125:13
converted 35:4,11	35:15	D 87:14	10:24 11:2 15:14	126:8,12
63:18 69:16	court 90:18 130:16	damaged 17:1,1	declared 140:18	desig 11:21
conveyed 29:24	138:5 139:25	damn 67:6	decorated 29:10	design 46:16 87:4
Coon's 129:18	153:7	data 87:8 133:25	deed 53:19	93:23 147:24
146:14	courts 139:25	133:25	deem 116:10	designate 12:8
coordinated 49:5	Cove 39:15 108:22	David 1:16 19:12	117:16	designated 12:1
50:2 140:12	109:18,20	23:23 24:16 27:15	deemed 118:5	122:12,22 148:11
coowner 71:5	covenant 16:5	92:18 142:19	deep 9:24 53:12	designed 28:5,8
copy 51:10	17:19,23 19:5,13	144:19 145:11	77:11	95:7
corner 78:5	53:12,20 95:13	146:3,24 148:17	default 124:13	desirable 108:2

desire 22:2	144:14 145:9,20	document 41:10	easier 60:16	45:1 67:14 114:9
despite 85:9	146:21 147:2	124:13,21 126:3	easily 22:19	engineer 47:16
destroy 144:2	150:19	126:13,14 148:5,6	east 101:17 103:4	68:15
detail 60:4	direct 81:21	148:8	easy 28:11 89:19	Engineering 93:20
details 44:18 83:12	directly 51:17	documents 122:6	echo 81:9	enjoined 56:18
determination	123:25	dogs 20:18	economic 99:21	enlarge 25:21
47:18 48:1	dirty 69:25	doing 56:18 71:25	economically 72:25	enlarging 25:23
determinations	disagree 145:15	74:1 76:17,17	74:6	entering 147:18
4:16	disapproval 7:16	89:17,18 110:25	Edwards 37:17	Enterprise 139:23
determine 40:23	79:19 80:2	134:1 141:12	effect 69:15 85:2	entertain 76:8
46:9	discuss 17:23 18:7	dollar 16:25 17:2	96:12 125:24	entire 24:4 28:21
determined 46:19	19:3,4 75:6,23	134:16,16	132:10	76:6 83:6 85:7
develop 84:3	84:2 99:11	dollars 134:11	effecting 108:12	103:14 109:8
developer 42:9	discussed 106:9	domino 69:14	effects 85:4,19	110:16 111:18
45:16 58:15 63:6	136:25	dominos 85:23	125:17 132:10	entities 125:4
66:4 68:16,17	discussion 19:25	don;e 108:1	efficiency 118:2	entitled 78:21
76:5 81:4,7 82:7	58:9 81:18 82:24	Donald 4:21 20:1	efficient 117:20,22	entry 15:7
82:10,17 83:1,15	128:25	door 23:13 28:22	effort 38:24 142:5	entry-way 40:18
84:1,9,16 85:21	dispatch 119:24	54:18 68:7 117:23	efforts 122:4	entryway 40:18
95:12 107:21	120:10,10,11,11	117:24	egress 8:4 14:10,25	envelope 7:23,24
111:12 135:25	121:8	doors 28:10 68:7,8	15:3,5	9:1,14 13:20
development 73:4	dispute 82:7 124:20	dormer 7:25	eight 91:6	environmental
81:24 100:15,25	disputed 114:6	downfall 91:12	Eighty-one 115:20	46:14,17 94:20
138:13	disputes 135:7	downstairs 29:11	Eighty-three	equal 63:25
developments	dissolved 101:18	76:7 90:16 102:13	115:15	equals 55:11
39:15 138:16	district 4:24,24	136:19	either 11:9 39:21	erase 23:17
dialogue 57:21 83:3	34:17,17 35:8	dozen 110:24	40:12 47:16 48:4	especially 24:21
Diana 147:3	41:16 49:15 57:16	drawing 60:11	54:7 56:18 66:22	67:12 91:4 121:13
dictates 129:22	100:12 126:22,22	drawn 98:5	80:3 82:19 101:15	essential 131:15
different 22:9 51:2	127:3 130:2,3,4	drive 6:22 52:24	105:22 106:10	137:6 145:20
58:1 66:21 67:17	131:4,11 134:25	60:9 69:9	election 2:16	146:12
67:19 70:2 74:18	135:6,15,18,21	drives 87:13	elements 143:21	essentially 22:1
76:14 77:5 99:21	138:20,24 145:8	driveway 61:14	elevation 53:7	122:25
105:1 118:7	145:17 146:18	driveways 89:25	elevations 87:3	estate 66:18
133:19,20 137:15	149:7 150:8	drove 69:12	eliminated 46:20	ethics 55:23
141:3,3	districts 135:25	dual 81:11 135:24	98:6	evening 2:14 37:25
differentiate 141:2	divert 138:8	duck 43:25,25	eliminates 35:21	80:24 113:10
differently 138:2	divide 40:12,14	due 103:12	Ellen 92:23	Everett 134:13
difficult 56:3 59:4	divided 65:1 69:3	Dwarfs 65:3	embarrassed 73:8	everybody 51:8
74:22 82:23 91:1	122:11	dwelling 16:11 19:6	emotions 38:24	56:3 61:24 66:17
94:11 143:13	division 69:2	130:2	emphasizes 124:25	67:11 71:9 74:14
diluting 108:9	do-over 149:13	dwindle 89:7	empty 13:14 94:14	78:10,10 88:13,13
diminish 110:22	doable 79:9	<hr/>	encompassing	88:14,15 91:22
diminishing 97:1	dock 38:16 99:9	E	91:22	92:3 98:18 137:21
dinghy 38:16	103:15 107:18	E 1:14,14 87:14	encourage 83:9	everybody's 23:12
103:15 107:18	112:20	153:1	end-all 45:5	everyone's 16:20
112:20	dockage 98:11	eager 31:9	endorsed 82:1	89:15
DINNI 1:17	docking 98:21	earlier 83:12 126:2	enforce 25:17 67:15	evidence 75:17
Dinny 16:22 23:23	docks 98:12	ease 23:18	enforcement 12:20	131:8 144:13,22

evils 52:22 56:8
 58:9
exactly 51:9 55:18
 77:10 98:8 123:22
exception 99:17
 111:24 112:1
excess 115:9
excited 110:21
excuse 14:3 35:13
 61:19 86:18
exhausted 7:4
existence 139:20
existing 9:14,22
 15:4 29:7
exit 59:18 68:7
exiting 59:20
expand 53:6 66:9
expanded 6:9
expansion 13:19
 36:6
expect 86:22 92:4
 133:3
expected 45:7
 145:3
explain 2:8 21:14
 55:15 60:3 82:5
 125:21 130:11
explained 65:8
explicitly 56:5
express 13:11
expressed 83:16
extended 32:19
exterior 15:1,7
extra 20:22 61:21
 64:9
extremely 108:16
eyes 50:25

F

F 1:14 87:14 153:1
face 99:9 103:12
faced 14:11 94:7
facilitate 83:3
facilities 92:9 98:21
facility 13:22
facing 104:11
fact 23:11,15 42:6
 63:8 87:8 91:3
 94:18 134:3,6,14

137:8 139:16
 148:20
facto 61:16,22
factory 94:13
 109:22
fail 138:6
failed 29:8 109:21
 109:21,22 150:24
fails 47:6
fair 30:13
fairness 24:18
false 63:12
familiar 17:5 26:15
 119:4 122:5
 140:24
families 16:3,7 93:8
family 17:25
famous 130:12
far 47:7,9 97:6
 100:14 108:15
 113:15 118:3
 120:10,20 126:7
 140:21 152:1
favor 3:15,23 4:8
 19:20 93:22,24
 95:11,16 96:17,18
 128:18 152:10
fears 23:19
February 3:12
fee 39:24
feel 38:14,18 69:6,6
 132:12
feels 19:12
feet 5:4 8:11,14 9:7
 9:25 11:12 42:11
 46:11 49:17,23,25
 53:24,25 54:3,4
 54:15 55:6,10,12
 55:17 64:24 65:1
 65:15 66:15 97:2
 102:20 115:4,11
 116:1,19 117:23
 118:20,21,21
 122:11 133:5,5
 141:6 147:16,17
 148:11
fence 51:5 103:7,7
fences 51:5
fencing 58:19

Fifteen 49:19
Fifth 39:15
fight 70:5
figure 16:25 17:2
 48:23 79:7
figuring 12:13
final 143:3,15
financial 28:25
 131:8 144:13,22
find 12:18 77:11
 80:20 143:20
findings 4:16
fine 71:23 79:23,23
fire 17:1 38:21
Firehouse 1:7 4:4
 153:13
firm 100:20
firmly 108:19
first 7:18 35:3 40:7
 41:3,7,12,20 44:9
 50:15 56:3,10,12
 69:11 80:25 81:9
 88:12 90:7 93:4
 100:1 102:2
 105:20,21 106:6
 108:25 110:16,17
 110:21 119:23
 121:5 125:19
 130:13,17 131:25
 144:10 149:7
 150:6,24
fish 94:13 99:19
fisheries 128:4
fishing 91:5 98:23
 99:18 101:24
fit 16:3
fits 31:24
five 2:10 20:21
 24:12 31:20 88:16
 92:10,13,14 112:5
 118:4 125:4,17
 133:4
five-question 25:3
 31:22
fix 79:10
flag 54:21 63:12
flag-waving 54:24
flex 22:2
flex-room 23:4

flip 125:21
flippant 28:1
floor 4:25 7:22 8:2
 8:3,6,21,22 11:19
 11:21,25 13:19
 14:8 15:2,14
 28:16 35:4,11,20
 36:4 38:7 40:15
 41:3,7,12,20
 42:15 44:9 49:20
 53:7,13 108:25
 110:21 122:11
 125:19,20 132:1
Flotteron 36:19,21
 36:23,25
flow 38:15
flows 96:14
fluid 93:9
focus 71:15 85:19
FOIL 12:10
folks 18:12 92:18
 121:12 129:6
follow 15:23 56:6
 89:15
followed 97:9
following 89:9
foot 8:18 11:2 22:6
 24:19 110:21
 117:8,16,22,23
 118:5
foot-dragging
 113:25
footage 8:8,10
 10:10 25:13
footprint 9:16,18
forces 99:22 101:22
foregoing 153:10
forever 15:10 121:3
Forget 74:4
forgot 119:20
formal 54:23
format 82:23
 105:23
Fort 37:8
forth 27:22 95:21
 142:4
Forty-two 49:21
forum 79:14 82:21
forward 2:19 52:1

69:8 94:18,23
 106:15
fought 95:5
four 66:7 74:4 75:6
 133:4 135:2 140:4
 142:17
four-question
 48:11
fourth 30:9,19,22
 31:11 32:7 36:5
 66:4 130:15
 131:17
Francisco 37:16
Frank 37:20 62:12
 106:18 108:15
 120:19
friggin 94:16
front 5:6,8,10,11
 5:14,17,22 9:3,5,8
 14:1 17:9 24:5
 28:21 44:9 46:24
 48:10 59:16 62:24
 79:18 80:17 114:2
 117:24 125:19
 148:9,10
fuel 98:10
full 8:6 122:10
 126:13
fully 38:23 101:6,7
 107:12 108:16
function 2:24 3:5
 54:23
further 45:7 128:7
 153:15
Furthermore
 143:20
future 38:12 111:6
 138:13,16 146:16

G

G 87:14
gallery 110:23
garage 24:9 28:6,10
 28:20,22 35:3,5
 38:6 48:20 64:24
 88:24 95:17 96:24
 107:9,10,11,11
 108:12 115:5
 117:8,17 118:5,7

132:6,17,17
garages 35:5
Gardens 37:18
gas 12:6
general 144:2
generally 35:22
 52:16
generate 133:7
George 37:15
Getches 37:7
getting 36:20 37:20
 41:20 52:22 90:21
 91:1 117:4 124:17
 133:7 141:17
give 15:15 26:2
 31:14,14 32:2
 33:19 45:16 52:7
 66:19 92:6 111:9
 133:12 137:15
 141:24 142:9,10
given 87:20 121:3
 122:4 124:3
gives 134:12
giving 24:24 97:3,4
glasses 72:10
Gleason 37:14
go 2:21 7:16 15:1
 16:17 25:16 30:17
 45:7 47:2 51:21
 53:2 60:17 61:2
 67:1,16 69:9 73:1
 78:4 79:11 80:5,6
 81:8 89:19 91:5
 93:12 94:12,14
 97:14 103:5
 106:25 107:17
 109:5 119:13,14
 125:13 137:2
 141:13 142:16
 146:13 148:4
Go-To-Meeting 2:5
 2:22 3:4 18:13
goal 9:23 10:1
 38:10 39:2,25
 83:5 106:17
 139:12
goals 83:8
God 102:21
goes 11:4 43:16

64:13 71:24 77:25
 98:21 99:2 117:12
 120:20 125:21
 126:25 130:11
 144:1
going 2:18 4:12,17
 5:13 6:2 7:24
 12:22 13:19 14:4
 15:10 16:2 17:9
 25:4,15,16,17,25
 26:1,2 27:20,22
 29:4 31:11,20,22
 31:23 32:3,19
 35:24 36:1,12
 39:5,8 40:22 41:2
 42:1,12 44:10,20
 45:8 48:6,22 49:3
 52:13 53:16,19
 54:7 55:1,2,16,25
 56:19 58:12 59:22
 64:15 67:6,10,15
 67:16 69:8 70:16
 70:24 71:15 73:2
 73:18 74:8,9 75:4
 75:22 78:18,23
 79:19,22,24,25
 82:14 83:11 88:11
 88:14,16 89:14
 90:9,18,20,25
 91:7,11 92:2,6
 93:15 94:12,14
 95:15 96:6,23
 99:3,18,19 101:23
 101:24 102:12,19
 109:3,9 110:2
 111:15,16 112:12
 112:13,19,19,20
 112:21,22 113:20
 114:1,7,7 119:9
 120:2,14 121:19
 127:18 128:11,12
 129:8 131:24,25
 136:14 137:18
 140:11 141:12,24
 144:7,8 145:4,14
 146:4,7,18 148:3
 148:4,18 149:2,11
 150:9,13,21 151:2
 151:17

good 23:25 34:8
 37:25 50:4,5
 52:11 80:24 86:2
 88:7 94:21 102:10
 136:15
GORDON 1:17
 3:17,25 4:9 16:23
 19:8,17,22 20:6
 20:10 26:20 27:6
 27:14 30:21 34:5
 35:13,16,25 59:6
 59:9 60:17,23
 61:1,5,7,11 62:4
 86:18 87:2,6,18
 88:1,6 103:9
 104:7,14,16,19,21
 105:4,13,18 107:7
 111:23 116:2,5
 121:15 128:15,19
 132:2 133:9,18
 135:20 136:13
 137:3,14 138:15
 138:21 142:21,23
 143:5,14,23
 144:15,18,20
 145:10,21,25
 146:22 147:5,22
 148:1,13 150:15
 150:20 152:12
gotten 124:13
governed 129:22
grant 149:11
granted 36:7 72:1
 73:5 77:10 124:4
 124:10 130:20
 131:15 137:5
 139:17 145:19
 146:12
granting 48:13
 134:9 144:3
great 12:6 13:12
 33:18 34:2 38:19
 105:4
greater 10:5 102:9
green 38:18 58:19
 58:25 64:3,3
 102:18 105:2
 112:21 137:12
greenery 90:2

Greenport 1:1,9
 2:3 4:5 6:16,18,20
 7:3 13:10 15:10
 20:3 21:13 22:7
 26:15 36:25 37:2
 37:4,5,5,13,17,18
 39:14 50:14 54:12
 55:24 56:23 62:20
 64:21 65:13 69:8
 70:2,11 85:4
 94:22 96:20 97:3
 97:25 98:3,13
 99:6,22 110:6
 121:2,2 129:3
 136:4 141:8
 153:13
grew 89:2,2 91:4
ground 8:21,22
 11:18,20,25 40:15
 42:15 53:7,13
 56:20,22 122:10
grounds 134:9
group 58:20 93:25
groups 94:20
guarantee 107:15
 108:25 112:13
 140:1
guess 20:13 25:10
 56:21 123:6
guessing 34:10
guest 42:24
guided 113:8
guys 13:9 15:10
 32:9 113:11
 125:10

H

habitable 8:2,3,7,8
 8:10,21,22
half 106:7 110:24
 122:12
hand 84:22 153:20
hand-in-hand
 117:12
hangover 62:22
Hansen 6:23
happen 23:14
 85:12 87:21 96:15
 99:3 124:14

happened 76:24,25
 76:25 78:15
 127:10 137:19
happening 29:9
 71:16 122:25
happens 23:13 47:9
 80:2
happy 13:18 39:1
harbor 128:4
hard 53:11 76:12
 80:19 148:13
hardscaping 51:3
hardship 30:2,8
 32:1,23 72:23
 73:15,21,22,24
 74:2,8,16 75:2
 76:2 91:15 112:6
 117:19 130:23,24
 131:1,8,18,21
 134:10,18 135:3
 139:4,16,18,24
 145:6 146:20
 147:6,9,21 148:22
harm 80:20
Harper 37:12 71:4
 71:4 72:8,13,16
 72:20 73:11 74:17
 74:21,25 75:11,14
 75:17,21 76:3,13
 76:17 77:2,8,16
 77:19,22 78:17,22
 79:2,5,14,23 80:9
 80:11,16,19
 120:20 127:6
Harrison 37:22
hate 97:25
HBC 77:4 80:6
he'll 3:6 20:12
 120:13
head 11:9 32:5
 132:23
head-in 60:7,12
 103:11 105:6
 123:25
head-on 51:13
 59:24
heading 90:9
Heaney 6:22 13:17
 13:17 14:7,10,15

hear 13:18 93:15 151:12	89:11 121:12	ignore 148:14	increases 25:14	interested 12:13
heard 95:22 113:12	homeowner 17:21	illegal 53:22	increasing 28:15	17:18 58:24
hearing 4:20 18:25	28:12	imagine 48:16	incredibly 78:23	153:17
18:25 19:2,11,16	homes 130:3	immediately 79:6	79:1	interior 7:22 8:1
19:18 27:19,21	honest 43:2 47:14	103:18	incubator 110:2	9:18 14:25 15:2
32:13,20 33:12	73:6 76:15 113:6	impact 28:25 46:14	indicated 12:21	42:16
34:13 39:11 72:15	hope 13:15 51:19	46:17 58:16,24	indicates 45:10	internal 8:23 105:3
72:18 75:3,5,24	91:22 102:16	83:19 132:19	indiscriminantly	interpretation
78:13 92:4 120:9	hopefully 22:17	133:21 145:1	144:4	101:7
121:13,18 128:11	143:16	impacted 47:20,22	individual 42:23	interrupt 35:14
128:14	hoping 8:24 59:2	impacts 83:22	127:25	intersection 50:22
hearings 82:21	100:5 148:16	imperative 120:23	indoor 35:5,5 38:6	50:25 51:18 52:5
heart 73:23	horse 43:24,25	important 39:18	41:17 46:2,10	52:12,14,25 53:3
heating 29:6,7	host 79:21 110:8	61:9 64:5 65:13	48:19 52:18 56:24	59:1 60:10 62:2
heavy 70:16	hotel 23:12	81:14,20 100:7	57:9,12,21 58:11	89:19
hedges 58:19	hour 129:6	101:4 129:7	59:16 63:21 64:8	intimately 26:15
height 7:20,21 8:9	hours 107:16	137:17,24	64:11 69:2 71:20	invested 84:1
90:8,13	house 13:24 14:1	importantly 83:14	71:21 111:14	110:11
held 114:14 134:10	14:12 16:6 21:16	111:4	112:14 118:19	investigating 67:17
138:5	22:6,18 24:6,19	impossible 52:14	123:1,2 132:7,8	investing 109:4
hell 64:4	25:8,12,13,19	52:15 147:1	135:8 136:2	investment 13:12
Hello 7:10 102:23	26:9 29:3,4,9 51:4	impractical 63:1	137:19 150:6	132:11
120:18	101:10 139:2	improve 38:10,14	151:14	investments 140:2
help 31:11 33:20	houses 21:12 90:10	38:15 39:3 82:12	indoors 63:14	invite 110:4
helpful 86:19	90:13 98:11	83:5,18 106:2,5	136:17	involved 44:17 86:4
hereunto 153:19	housing 66:10 70:6	106:17,24 112:2	industrial 130:4	86:5 106:16
heritage 39:17	83:20 106:1	112:18,20,20,21	Industry 66:24	144:21 149:19
hermaphrodite	huge 112:4 120:21	112:22 113:1	influence 126:25	Isaac 4:22 7:10,11
101:22	120:21	improved 137:11	influences 87:11	37:21
Hi 7:9 13:9,10	hundred 52:14	improvement	information 12:9	Israel 37:22
62:11 121:22	55:7,8,9	38:19 108:4,6	33:5,17 60:24	issuance 131:20
hidden 105:16	hurt 146:9	improvements	72:7	issue 45:1 63:16
hide 137:19,22	husband 18:5	139:11	inherit 29:22	68:24 71:15 79:15
hiding 137:11	hybrid 50:18	improves 35:21	inherited 29:14,17	96:21 132:9 136:7
high 11:5 64:16	109:17 110:1,12	improving 96:14	29:24	issued 72:18,21
74:24 110:6		in-person 81:12	inlet 99:10	73:10
higher 129:10	I	in-person/Go-To...	input 27:17 30:10	issues 93:1
highway 7:19 28:2	ice 98:11	50:18	30:19 32:7 78:12	it'll 45:13 70:16
hire 67:16	idea 11:18,20 12:2	inaudible 32:14	inside 10:21 95:25	95:25 100:17
Historic 4:24 34:17	45:8 66:17 90:21	39:16 49:18 66:11	96:19,19 146:8	132:18
49:15 86:5	123:19	118:1 142:15	149:8	item 2:8,19 3:10,19
history 81:19 93:2	ideal 17:23 82:21	inch 108:13	insisted 53:12	4:2,12,12,15,15
148:14	identified 127:25	inches 118:20,22	inspection 11:17	4:19 19:24 34:12
hit 111:1 115:3	identify 105:24	included 58:18	intact 107:23	35:17 128:24
hold 95:9	111:2 120:9	83:10	intent 87:4,20	152:2,7
holding 112:24	121:17	including 11:4	intention 17:24	items 84:3
home 3:3 18:18	identifying 83:10	116:21	22:16 54:5	
43:15,21 44:4	83:13,14 105:12	increase 5:5 95:25	interest 70:20	J
	identity 135:24	96:1 132:12	83:15 84:22 91:24	J 7:2

Jack 1:20 30:25
James 37:7,13,14
January 3:20
Jeffrey 6:20
Jenna 4:21 6:23 7:9
 20:1
job 85:22 107:3
 112:4
jobs 39:21,22 70:2
 70:4
John 1:15 6:13,15
 86:19 87:15 96:10
 143:9
Johnson 37:4
 134:13
Joseph 36:19,24
judge 125:10
 149:20
judgment 40:25
judicial 149:19
justify 134:9

K

Katie 120:17 121:7
kayak 108:10
keep 18:25 19:2,6
 19:14,16 24:13
 35:19 120:23
keeps 51:8
Kelley 37:13
Kerbs 6:15
Kevin 6:22 13:17
key 130:23
kicking 56:1
kid 89:25 90:15
kids 20:21,23,23
 21:2,21 22:3,3
 23:4 24:12
kids' 24:14
kind 7:16,23 8:4
 9:1 11:17 20:23
 21:1,9,14 23:9
 42:24 43:2 49:5
 62:21 67:9 73:8
 81:11,15 86:10
 93:10 95:13
 118:14 134:1
 148:16 151:22
kinds 54:14 65:21

135:25
kitchen 22:20,23
 22:25 23:2 40:17
 67:13 101:12
kitchenette 23:2
knew 106:12
 148:23,24
know 9:17,25 15:9
 15:13 17:8,10
 19:12 20:14,18
 21:7,16 22:5,8,10
 22:14,18,21 24:24
 25:5,19 27:16
 28:7 29:1,10,11
 30:15 31:15 32:2
 38:6 43:4,24
 44:25 45:6,18,21
 45:23,25 46:17
 47:13 48:17,21
 54:7,14 56:2,2,6
 58:20 59:18 62:16
 63:13 65:3,7,12
 65:12,20,21 67:8
 67:9,15,19 68:14
 69:8 70:9,20 79:2
 86:7,7 87:7,13,23
 88:13,14 89:5,6
 89:15,18,21,23
 90:1,19 91:3,4,6,7
 91:13 93:25 97:12
 99:10,17 101:16
 102:9 110:3
 111:19,20,21
 112:10,11 117:13
 120:10 121:17
 123:20 125:11
 127:16 128:2
 129:9,13 133:23
 136:23 137:1
 140:25 141:1,1,2,2
 142:2,23 145:1
 150:25 151:1
knowing 139:20
 147:14,16
known 93:3 95:11
 130:12
knows 54:19 64:4
 66:17 67:10,11
 102:21 129:13

Kroemer 37:14

L

laborious 141:4
lack 131:6 134:11
 144:12
ladder 15:4
laid 143:16
land 94:19 125:2
 126:1 129:24
 130:8 134:20
 140:2
landlord 111:19
landscape 97:1
landscaping 51:4
 61:23 112:21
language 124:9
 130:16
large 64:3 135:24
largely 13:14
larger 84:22 95:4
 134:8
largest 62:19
lastly 131:17
late 129:6 141:17
latest 63:24
latitude 129:11
laudable 85:1
laughter 11:7 27:13
 27:14 29:20 36:1
 48:25 52:10 54:19
 57:7 72:10 78:16
 78:17 79:1 87:24
 88:2,4 92:11
 98:25 114:19
 119:8 120:5
 128:16 137:3
 142:14 143:6,25
 144:5 145:22
 149:15 150:4
laundry 12:7
law 22:8 33:1 56:16
 56:19 57:2 72:4
 73:24 75:8 100:19
 109:5 112:6
 134:13 139:22
 144:3 149:20
lawsuit 74:11
lead 47:24 140:12

140:18
learned 108:1
leave 42:1,3 43:5,9
 104:12 114:8,9
Ledlum 64:1
left 40:5 121:6
 138:15
legal 53:8,18 64:14
 65:20 66:2 72:11
 72:13 93:20
 126:13,19 141:7
 141:11
legalize 8:20
legalizes 15:3
legally 79:10
legislate 100:3
legitimate 44:11
 54:19
length 103:14
lesser 52:21 56:8
 58:8
let's 79:6,7,7
letter 53:10 96:10
 112:5
letters 19:9
level 48:13 149:7
 150:6
Liberty 37:16
lies 108:6
life 107:16 109:8
liked 89:25
likelihood 14:11
limited 130:3,4
limiting 132:17
Limperis 37:15
line 59:1 60:10,12
 85:23 109:8
linear 117:23
lines 76:4
lining 104:5
link 2:7
list 98:19 125:2
listed 119:24
listen 76:20 149:16
listening 2:5 3:3
 71:1
little 18:14 20:14
 20:17 24:5 27:8,9
 53:6 54:11 60:16
 65:2,3 69:21
 81:18 86:22 89:24
 90:15 91:18
 104:21 141:21
live 24:20 80:25
 85:5 101:11
 107:20 120:19
 135:15,18
lived 89:22
livelihood 111:18
living 21:7,11,13,15
 21:21 22:7,10,10
 119:24 128:2
LLC 6:12 7:1 37:2
 37:6,18
load 25:14
loading 98:12
lobby 68:2,11
located 4:23,24
 12:12 20:2 34:16
 34:17 129:2 131:5
Locust 6:21
loft 15:15
logically 44:2
long 13:14 52:13
 58:22 78:23 79:1
 86:24 98:16
 102:25 103:20
 108:21 113:21
 118:20 124:2
 141:6
long-term 53:19
longer 35:17
look 24:25 28:16
 43:13,14,15,22
 48:3 56:7 68:4
 69:11 85:22 91:14
 96:2 101:12,22
 102:16 112:3
 149:21
looked 45:11,12
 56:11 61:2 90:4
 94:19
looking 43:17,19
 44:2,5,6 46:14
 48:22 84:23 87:11
 112:18 118:13,16
 118:17 123:15
 136:4 143:10

147:19
looks 23:13 85:17
lose 120:25 134:14
lost 46:4 121:3
lot 5:3,5 8:12,13,14
 10:10,15,16,19
 23:10 24:3,4,7
 38:24 59:13,19
 64:5,23 71:5
 74:18 77:24 78:12
 83:24,25 87:8
 89:10 91:19 94:14
 95:17,20 97:3,4
 99:7 113:12
 117:24 120:21,22
 123:14 141:22
lots 27:7 54:10,11
love 13:13
luck 56:13,13
Ludlam 37:4
 120:21 127:3
lumber 109:21
lying 89:14

M

M 37:19
MA 37:14
Mac 7:2
Macken 62:11,12
 66:12 78:22
 106:18,20
Mahoney 20:8
 61:17 88:18
 121:23 151:11
 153:7,22
mail 61:24 71:17,18
 87:1
mailing 6:12
mailings 6:6,9
 36:16
main 6:15,20 7:3
 21:16 110:24
maintain 65:14
 67:4
major 96:21
majority 40:3
 145:16
making 16:11
 60:20 81:11

Man's 54:17
mandated 56:15
manner 77:5
Mansini 96:10
Map 5:25 20:4
 36:11 129:4
March 1:11 153:12
 153:20
Maria 6:25
marina 108:11
 122:14,17 138:25
marinas 98:20
marine 70:16,17,18
 102:4
maritime 52:18
 110:4
market 40:16 95:2
marriage 153:17
massive 112:10
mat 12:7
math 11:6
matter 111:22
 153:18
Mattituck 6:17
 37:21
max 7:19,21 8:13
Mayor 2:11
Mayors 129:16
McCabe 37:1
mean 11:23 17:11
 21:25 22:1,5
 25:10 28:24,25
 31:8 55:24 61:13
 64:3,7 65:4 66:24
 67:3,15,18 69:5,6
 70:7,21,23,25
 86:20 88:24 89:2
 90:3 104:10
 110:13 113:19
 123:6 124:21
 125:16 130:6
 131:11 135:22
 137:17,20 147:8
 148:22 149:1
 151:5
means 51:15 58:16
 70:2 73:14 110:14
 111:19,21 120:11
meant 56:21 150:2

mediate 82:7
mediating 83:2
 122:2
mediation 53:10
 68:25 82:5 83:8
 84:14 93:16,22,24
 94:1,9 95:7
mediator 106:16
mediators 81:6
meet 38:19 52:25
 54:25 74:24 75:9
 75:12 111:21
 112:1,5 115:8
 117:5,11 118:19
 118:24,25 119:11
meeting 2:1,4,15
 3:13,21 4:3 49:4
 68:24 81:12,12,15
 82:9 92:15,17
 100:3 106:3 128:7
 142:4,4 152:14
meetings 84:10
 89:11 90:7 99:11
member 1:16,17,20
 3:9,14,16,17,22
 3:24,25 4:7,9,10
 13:5 15:23 16:1
 16:23 17:18 18:2
 19:8,15,17,19,21
 19:22 20:6,10
 23:24 24:8,17
 26:20 27:6,14,16
 27:20 30:9,19,21
 30:22 31:11 32:5
 32:7 34:4,5,8
 35:13,16,25 59:6
 59:9 60:17,23
 61:1,5,7,11 62:4
 76:22 86:18 87:2
 87:6,18 88:1,6
 92:10 99:25 103:9
 104:7,14,16,19,21
 105:4,13,18 107:7
 111:23 113:5
 116:2,5 121:15
 128:13,15,19,20
 129:19 132:2
 133:9,18,24
 135:20 136:13,24

137:3,14 138:15
 138:21,25 141:13
 141:17 142:21,23
 143:5,9,14,23
 144:15,18,20
 145:10,12,21,25
 146:4,22,25 147:5
 147:22 148:1,13
 148:18 149:4,13
 150:1,11,15,18,20
 152:9,11,12
members 2:10,11
 2:13 18:13 31:5
 58:23 83:1 86:3,9
 93:7,7,17 95:24
 113:24 120:18
 121:14 129:12
memory 132:21
mens 92:8
mentioned 2:13
 11:23
mentions 133:24
mere 134:3
met 54:6 106:10
 143:21 144:17,18
mic 121:24
microphone 18:14
 20:9 61:18
microscope 108:17
 109:2
middle 99:5
Miller 6:18 13:9,9
 32:14,18,24 33:3
million 109:4,6
mind 11:6 61:14
 137:16 148:16
mind-boggling
 102:6
minded 28:13
mini 54:7
ministerial 45:19
 46:18
minor 8:17
minute 27:5 129:8
minutes 3:11,20
 12:12,18 88:17
 92:2,3,7,9,13,13
 92:19 106:3
Miraglio 120:17

121:7
missed 82:14,15
misunderstood
 14:14
mixed-district
 147:24
mixed-use 66:3
 67:24 81:25
 101:21 108:24
 147:24
modification 34:20
 47:4,7 80:4 82:19
 84:14 85:12 86:2
modifications
 20:17 82:18
modified 44:6
 125:5,9
modify 139:12
modifying 151:22
moment 64:23
 95:14 97:24
 119:22
money 94:18 95:3
 109:7 114:18
monster 62:1
Montauk 98:8
month 2:13 4:13,18
 32:3 55:15 105:20
 112:23 141:19
month's 81:14
months 81:5 122:5
moot 48:3 80:10
 94:1 151:4,15,21
 151:23
motion 3:11,19 4:2
 19:17,25 128:13
 128:25 141:14
 149:3,5,5,18,25
 150:1,5,12,14
 152:7
mound 64:3
move 13:15 31:10
 106:14
moved 3:13,21 4:6
 17:25 68:19 152:8
moves 61:25
moving 13:23
Mueller 66:24
multi-family

135:12
multiple 130:2
Mundus 50:13,13
 51:23,25 52:3,11
 55:8,11,14 56:21
 57:3,5,8,14,17,20
 57:24 58:2,6,8
 59:8,22 60:5,19
 60:25 61:4,6,10
 61:13,19 88:10
 92:25 97:21,21
 100:5 101:6 126:9
Mundus' 81:9
Municipal 129:16
municipality 45:18
 113:25
mystery 12:14

N

N 153:1
name 7:7 13:7,17
 39:12 50:12,13
 62:11 67:2,2 73:8
 80:24 88:20 92:21
 97:20 121:20
 123:18
naming 21:25
Nancy 37:19
narrative 29:14
 56:16 75:5,20
 131:23 132:5
narrow 60:13 61:12
 63:2 87:10
nature 135:12
navigation 38:16
necessarily 28:11
necessity 52:23
Neck 6:24
need 9:7 27:17
 30:24 41:4 63:21
 69:23 106:15
 115:3,6,23 116:13
 116:25 117:1,15
 117:20 134:15,16
 135:10 138:10
 141:18
needed 45:25 108:2
 115:1 119:12
needs 31:5 46:20

negative 132:19
 133:21 145:1
negatively 142:24
 143:1
negotiated 139:8
negotiating 58:21
negotiation 85:20
neighbor 107:18,22
 110:8 112:17
 113:14
neighborhood
 31:24 34:23 38:13
 38:17 58:16,25
 64:14 82:8 89:1
 90:5,25 93:4,10
 93:11 94:10,22
 95:9,23 96:7,16
 97:11 99:6 106:13
 109:23 110:16,18
 112:2,7 131:11,16
 135:6 137:6,8,9
 138:11,16,22
 139:10 145:9,20
 146:5,13,15,16
neighborhood's
 138:9,14
neighborhoods
 146:17
neighbors 15:21
 17:7 31:17 69:6
 69:24 73:2 74:1,2
 94:15 101:2 114:6
neither 72:23
never 7:20 30:5,5,6
 61:14 62:17,18,20
 68:19 72:20 73:5
 78:8 79:14,15
 89:25 99:3,18,19
 106:2 120:7 121:4
new 1:2 4:5 6:22
 7:3 8:3 10:23,24
 11:2,4 13:10 51:4
 56:15,18,20,22
 70:11 75:8 79:12
 90:13,14 119:2
 129:15 138:4
 139:15 153:3,8
next-door 23:14
nice 90:6 91:20,21

night 34:8 88:7
NIMBYs 93:6
Nodded 132:23
non-compliant 9:4
 9:22,23 10:8
non-conforming
 16:21 25:12,19
 29:18 127:6,7,9
non-habitable
 11:22,24 12:1,8
nonconforming
 25:9 78:4
normal 2:9 67:21
normally 47:24
 49:16 54:20 66:15
north 5:18 103:13
 104:10
Notary 153:8
note 143:11
noted 131:19
notice 7:17 71:17
 72:11,13,14,17
 79:19 80:2
noticed 6:3 36:13
notion 123:12
now's 152:4
number 35:16
 63:25 93:8 95:10
 98:19 100:4
 115:13,14 131:24
 133:13 140:4
 145:18
numbers 123:15
numerous 68:18
NY 1:9 6:13,15,16
 6:17,18,20,21,22
 6:24,25 7:1,2 20:3
 36:25 37:2,3,4,5,7
 37:12,13,15,17,19
 37:21,22 129:3
 153:13

O

O 1:14 153:1
object 19:9
objective 94:4
obligated 25:2,3
 75:9 85:10
obligation 86:8

obtain 74:22
obviously 49:3
 122:23
occur 59:17
occurred 97:23
offer 70:4 78:18
 137:8,10,11
offered 42:10
offering 53:17
office 6:12,14 7:2
 37:3,6,21 43:15
 43:15,22 44:4
officer 12:20
Officials 129:16
Oh 29:23 32:18
 50:3,7 67:8 69:3
 70:19 72:14 80:9
 119:20 121:25
 125:23 126:6,6
okay 3:1,8,10 6:11
 11:15 13:2,2
 14:15 17:14,17
 18:9 23:20 29:19
 30:4 33:18,24,25
 34:3,4 36:24 39:7
 45:2 48:8,24
 49:10 50:8,10
 51:23,25 52:3
 54:2 55:8,12,23
 57:3,8,14,17,20
 57:24 58:2,6 60:5
 60:18 61:7 62:4
 69:3 73:11 75:11
 75:21 80:9,18,20
 91:17 93:14 98:2
 98:9 99:16 101:13
 103:24 105:18
 108:14 109:7
 110:19 118:11
 119:19 128:5,9
 132:4 146:3
 148:15,15 151:25
old 87:8,22
on-site 70:6 115:2
on-street 16:10
 45:4,24 63:13
once 96:15 106:2,3
 142:19
one-family 16:6

19:6
one-way 60:20
 61:22
ones 110:17
open 18:25 19:2,5
 19:14,16 24:7
 30:11 31:9 35:10
 35:20 36:3 42:18
 79:22 92:4 121:18
 148:5,7
operate 77:4 81:1
operates 77:7
operating 128:4
operation 41:12
 42:6 44:12
operations 44:9
 125:19
opine 26:1
opinion 11:6 24:25
 26:2 42:1 52:23
 58:1 78:19,19
opportunities
 83:13
opportunity 82:12
 82:14,15 111:10
 112:9
opposed 12:24
 24:24 73:3 101:13
opposition 19:10
option 47:13
options 18:24 24:7
order 2:1 60:14
 130:25 132:3
 134:18
organization 85:6
Orient 6:14
original 51:11
 59:22 60:6 68:5,6
 73:15
originally 103:3
 120:22 147:1
Otto 130:12
outcome 81:21 83:6
 83:9 153:18
outcomes 83:10
outdoor 35:4 41:17
 45:24
outline 129:18
outside 13:20 15:13

40:17 78:4 84:10
96:3,25
overall 19:10 38:15
123:3 131:19
133:13 147:23
overstated 150:10
overwhelming
145:15
owned 43:20
owner 16:5 27:22
38:8 42:13 70:13
71:13 72:23 82:2
110:17 112:10
134:4 139:9
147:10
owners 38:11,12
55:23 139:8
oyster 109:21

P

p.m 1:12 2:1 92:15
92:17 152:14
packet 51:12
padding 107:19
page 47:5 126:3,14
pages 86:23 126:5
129:17
painted 29:10
Pallas 1:23 2:20
12:17 18:10,19
47:16 48:5 49:8
50:16 119:21
120:12,16,18
121:10 127:24
128:6 140:9,17
151:5
paper 36:18 70:19
134:2
paperwork 4:14
paradoxical 102:1
paragraph 72:9
parallel 104:6
parcels 135:5,21
parents 21:4
park 60:9 71:21
136:14
parked 13:25 14:1
103:17 123:25
parking 13:21

16:10,18 17:4,7
24:1,3,5,21 25:9
25:12,14 26:24
27:1,8 31:22 35:4
35:5,5 38:4,6
40:13 41:2,14,17
41:17 45:4,8,17
45:24 46:1,2,9,10
46:20 47:1,10
48:6,19,20 51:8
51:13,14,15 52:18
52:22 53:25 54:3
55:3,4,6,11,18,20
55:25 56:24 57:9
57:12,13 58:10,17
58:25 59:11,11,16
59:23 60:7,13,14
62:2,24 63:7,13
63:20,25 64:1,2,5
64:8,11 69:2,20
70:3 71:20 76:6
83:19 88:23,25
90:2 91:16 95:17
95:19,25 96:19,19
96:20 103:3,11,16
103:19 104:9
105:6 107:5,5,6,8
108:7 111:14,20
111:21,25 112:14
112:25 114:25
115:5,24 116:10
117:8,17,20,24
118:5,6,9,13,18
118:18,19,23,25
119:15 120:20,22
122:9,9,16,21
123:1,2,3,8,10,11
132:7,8,11,13,15
133:11,13,16,17
133:19 135:8,11
136:9,16 137:19
137:20 139:7
141:6,7,10 146:8
149:8,8 150:7
151:14
part 10:13,22,24
12:25 21:16 26:15
28:14 31:22,24,25
40:10,11 45:14

58:8 78:9 84:12
94:2 95:18 98:14
102:14,14 122:2
126:18,19 130:13
139:7
participating 3:4
particular 2:23
85:6 95:18 99:4
126:24 127:1
129:15 131:4
146:5,15
particularly 93:13
parties 82:13 83:4
83:16,24 84:19
85:2,11,15 86:16
153:16
partner 112:11
party 149:20
passed 2:11
Pat 50:13 59:7 81:9
92:25 95:16 97:21
104:8
Patrick 80:25 122:1
pattern 138:12
patterns 96:14
Paul 1:23 34:15
37:25 39:6 47:16
48:5 54:25 62:5
107:13,19,21,22
111:8 112:6 113:2
134:14 142:2
148:22
Paul's 58:17
pause 18:17 36:17
140:8
Pawlowski 34:15
37:25 38:1 39:7
41:22 49:18,21
53:16 55:7,16
60:3 61:8 62:7
63:23 66:11 69:18
72:11 89:10 95:6
102:23 103:1,10
103:23,25 104:13
104:15,18,20,22
105:5,14,19
106:22 107:8,14
107:19,21,22
111:8,24 112:7

113:3,8,11,17,22
114:12,15,22
115:2,15,18,22
116:3,8,16,20,23
117:1,7,11,15
118:3,15,23 119:2
119:6,11,16 122:3
132:23 140:7
142:3,11,15
150:22
Pawlowski's 58:18
131:23
pay 39:24 77:5
Peconic 94:19
pedestrian 47:19
47:21 48:4
people 21:13 26:19
43:3 49:24 50:18
54:24 55:16,18
61:11 64:15 66:20
67:22 68:22 69:23
78:12 85:4,5
89:13 90:8 91:20
92:5 93:5,8,11,12
100:6 102:11,12
119:24 128:1
136:14,16,18
141:22
perceive 54:20
percentage 8:16
perfectly 141:24
period 33:5 46:1,21
53:4,9,22 105:14
permissible 109:1
111:3
permit 10:9 85:14
122:20 132:7,11
134:8
permits 107:23
129:24 130:1,2,4
permitted 35:6
42:20 43:12 54:9
58:5 71:21 81:20
98:18 102:15
131:3 134:6,24
145:4
perpetuate 73:19
person 52:16 93:23
111:10

personal 2:14
personally 57:25
101:4,11 120:6
petitioner 134:19
philosophically
56:23
photograph 52:3
60:11
physical 115:8
physically 60:8
picture 102:18
pictures 70:20
piece 70:19 99:4
121:1 134:2
135:23 146:6
148:10
pigeon-hold 101:15
pin 4:13
place 6:23 24:2
37:4 51:2 55:6,11
55:18 60:14 64:1
67:19 71:12 91:20
93:16 111:1 121:5
142:1
placed 140:1
places 55:20 58:10
58:17 59:24 60:13
plain 149:22
plan 4:25 5:6,10,14
5:17,22 8:7 21:23
35:9 39:20 41:6
41:24 44:7,23
45:14 51:1,10
52:6,20 58:17,18
59:23 63:24 72:24
76:6 81:24 83:18
85:21 102:1 105:8
105:9 125:5,6,8,9
139:8,12
plan's 53:24
planning 34:22
40:23 44:13,17
45:13 47:17 48:5
48:22 49:3 53:4
62:19 63:9 66:22
67:1 77:4 80:6
82:3,20 85:22
86:5 97:15 105:23
107:1 125:1

140:15
plans 5:3,11 7:18
 21:10,11 23:3
 28:16 35:2,18
 41:19 68:5,13,18
 87:3 118:13,17
 119:14,14 137:10
 145:2
plants 51:5 99:1
platform 18:13
play 24:14 28:5
playroom 20:23
 21:1,7,19 22:3
 23:5
please 18:14 20:9
 24:25 56:7,7
 61:18 64:16 66:12
 92:22 112:15
pleasing 96:4,25
pleasure 18:22
 128:10
plenty 137:20
 138:19
plocks 128:3
Plot 138:18
plus 8:5
PM 4:4
pockets 107:20
point 2:25 8:12
 13:22 16:9 23:10
 26:7 27:16 45:1
 50:4,5,9 58:9
 62:13 63:4,20
 68:4,22 75:23
 95:16 99:24,25
 100:10 115:3
pointed 62:25
pole 54:21
Polistena 37:20
poor 53:4 54:17
popped 88:2
popular 111:1
portion 25:16,18
 52:5,6 57:21
 131:10 145:8
position 86:13
 87:10 140:1 146:1
positively 53:13
 143:2

possibilities 27:7
possible 19:25
 69:14 83:9 94:9
 128:25 149:22
Post 6:12,14 7:2
 37:2,6,21
potential 22:8
potter 67:8
power 45:16
pre-existing 25:19
precedent 64:22
 111:12 112:10
preexisting 9:22
 16:21 25:9,12
 127:5,8
premises 34:24
premium 24:13,21
prepared 57:2
prescribed 81:23
present 57:9
presented 63:6
 136:25
presently 51:14
 59:25
preserve 67:3 70:24
 121:6
preserving 83:17
pressed 80:19
pretty 28:17 129:13
 148:13
previous 60:21
 123:23 139:8
 147:9
previously 122:6,9
 122:14 123:19
price 134:8
prices 125:21
principal 65:24
prior 84:11 86:16
 88:24 106:9
priorities 84:3
 98:15
Priscilla 37:3
private 39:24 40:13
 40:16 41:3 42:23
 85:2 98:20 99:15
privately 43:20,21
privatized 40:1
pro 101:15

probably 51:11
 62:25 112:11
 124:6 126:25
problem 27:9 55:15
 59:4 60:21 63:15
 95:19 100:8,9
 101:17
problems 27:8 96:9
 99:7 102:7
proceedings 75:23
 153:11
process 31:11 49:1
 73:18 78:14 79:12
 84:6 85:20,25
 97:13 107:1 114:1
 138:8 141:4
 142:21
processing 99:1,19
productive 84:8
professional 52:19
professionally
 113:16
progressive 108:21
prohibited 130:9
project 19:10 24:24
 27:7 31:10 49:22
 58:15 61:21 62:13
 62:16 65:25 81:4
 81:19 82:13 83:6
 83:10,13,21 85:13
 89:9 90:4 93:2
 95:4 101:23
 110:12,13,14
 137:18 138:7,10
 138:12 141:5
 144:21
project's 93:14
proof 134:11,15,17
prop 110:15
properly 36:13
 71:11,12
properties 6:16
 55:24 100:18
 145:16
property 4:22
 10:17 13:13 14:4
 17:24 20:2 25:23
 29:22,25 31:23
 34:16,18 38:12

40:9 54:18 58:4
 58:13 60:8 70:13
 71:14 76:5 79:3,5
 82:2 94:16,20
 95:5 96:1,4 99:4
 99:12 102:22
 104:25 105:3
 106:7 107:23
 108:8,11,16 109:9
 110:17 111:13
 115:14 124:22
 126:21,24 127:10
 127:13 129:2
 131:4,9,12 134:4
 134:5,7,8 135:4,7
 135:9,14,16,17,23
 136:3,4 139:9,20
 140:6 145:7 146:6
 146:10 147:13,24
 148:11,23 152:1
proposal 14:23
 40:12 63:24 69:10
 71:18 84:7
proposals 69:10
proposed 4:25 7:25
 14:24 23:1 26:9
 34:19 35:2,9
 40:11 64:23 82:18
 105:9,10,24,25
 106:3,8 122:7,15
 138:7,10 139:11
proposes 64:2 68:1
proposing 8:14,20
 9:4,5,12,16,17
 17:13,15 26:10,10
 28:18 66:20 105:1
 105:15
proscribed 129:24
protect 107:13
 109:6
protecting 83:20
 109:24
protects 100:24
prove 130:25
provide 39:21
 115:24 136:8
provided 75:7
 131:6 144:12
provision 15:6

147:20
proximity 132:13
public 2:9 4:20
 13:6 18:16,20,24
 18:25 19:2,16,18
 27:18,21 32:12,20
 33:12,13 34:13
 39:9,10,11,23
 42:18 50:11 62:9
 62:9 72:15,18
 75:3,5,24 80:22
 82:21 92:4,20
 98:20 120:9
 121:13,18 128:11
 128:14 129:12
 137:12 153:8
publication 129:15
publicly 42:10
 110:10
pull 62:2 103:12
pulling 50:20 52:12
 89:25
purchase 94:20
purchased 95:5
 148:2,2
purely 15:2
purpose 106:2
 130:8 134:21
push 2:18
Pushing 96:24
put 4:13 8:7 60:10
 64:8 78:9 83:24
 84:18 87:7,9
 100:21 102:18
 109:13 123:2
 133:20 142:4
puts 16:25 123:21
putting 50:17

Q

question 10:7 16:4
 16:19 18:2 20:6
 23:25 30:16 40:10
 40:22 42:25 44:16
 54:10 59:6 74:15
 76:3 77:14 103:2
 104:7 113:19
 114:21 115:10
 116:9 117:18,25

118:12 122:8 123:17,22 124:5 130:17 131:9,17 131:24 134:20 135:2,13,13 136:15 137:25,25 139:3,4 140:4,4 142:7,21 143:3 144:10,15 145:7 146:19,25 149:2 150:24 151:6,18 questionable 77:5 questions 25:1 31:20 38:2,9 39:1 39:4 40:11 75:6 75:25 112:5 127:19 130:13 135:2 137:15 138:1 141:14 142:5,17,19,25 143:2,11,13 quickly 14:19 quite 59:19 62:15 122:5 quorum 2:18	140:5,25 142:20 ready 104:11 real 66:18 98:5 120:24 reality 20:25 realize 85:1 130:18 131:5 135:1 144:11 really 20:6,22 40:4 40:5 45:13,16,22 52:22 58:23 59:9 59:19 63:15 69:7 71:25 73:3,11 82:24 83:8 87:21 91:22 99:12 100:7 101:22 103:3 122:10 123:17 125:17 126:6 142:23 143:12,12 147:23 rear 5:23 9:20 10:3 117:24 REARDON- 1:20 reason 8:19 12:22 19:14,15 21:22 29:24 41:13,16,18 64:8,10 76:25 109:7 110:25 reasonable 26:4 130:18,19 131:5 132:5 133:2,3,7 133:25 134:12,20 135:1 137:25 144:11,21 145:3 reasonably 141:4 reasons 46:3 Rebecca 6:17 13:9 rebut 92:5 receive 56:17 recessed 92:15 reconstructing 28:21 reconvened 92:17 record 49:4 92:21 97:20 109:16 114:11,21 151:12 recreational 101:8 rectify 119:16 reduce 9:23 49:24	reduced 122:24 reducing 54:2 83:18 reduction 36:5 122:25 134:4 referencing 21:17 referring 103:17 reflected 21:11 reflecting 39:17 refresh 132:21 regard 27:10 regarding 4:20 34:13 regardless 112:19 registered 71:17 regular 1:5 2:3 regulations 129:25 130:10,22 131:3 134:6 reinforcing 87:15 rejected 147:23 relabel 22:1 23:4 relate 93:2 related 70:18 118:12 135:4 153:15 relating 131:9 145:6 relax 92:7 relay 3:6 relevant 35:17 relief 36:7 38:4 80:14 147:19 remain 7:24 100:17 remaining 53:23 64:20 remains 54:4 131:20 remember 64:16 69:23,25 103:6 123:18 remind 98:18 remove 53:24 117:4 132:15 removed 38:7 63:24 removing 63:13 renderings 63:5 reno 29:3	renovation 8:2 17:3 28:14 29:4 rent 26:10 41:24 66:20 70:15 132:21 133:1,3,4 145:2 rental 22:7,14 renting 42:5 rents 44:10 reopen 32:19 repair 17:1 repaired 29:6 replace 64:2 replacement 2:12 report 86:19,21 Reporter 153:7 represent 68:22,23 represented 4:22 34:15 request 12:24 38:7 108:7 132:14,15 135:11 139:6 requested 12:11 18:12 131:14 137:4 145:18 146:11 require 5:1,4,8,12 5:15,19,23 16:2 34:19 35:8 40:21 46:16 116:11 133:12 required 8:5 15:17 16:17 31:21 44:6 55:5,19 98:9 114:25 124:1,7 requirement 19:13 116:10 117:5,12 130:15 requirements 8:13 38:20 55:4 118:10 118:24 123:4,9 143:18 requires 31:4 34:18 36:9 50:1 55:6 72:3 82:17 85:16 133:15 reserved 147:15,17 residence 14:24,25 resident 42:11	57:12 resident's 99:24 residential 40:14 40:19,21 41:3,14 42:13,17 43:14 46:12 53:8,14 55:21 57:13 63:19 65:6,18 66:9,16 68:1,11 69:17,19 69:20,21 73:4 99:6,8 101:19 102:5 108:23 109:23 115:7 117:21 122:13 127:2 130:1 132:14 136:10 residentially 40:4 residents 38:13 55:19 96:15 107:17 115:25 136:17 Resnik 72:21,21,24 respect 38:23 110:18 respected 108:3,3 respecting 108:15 respond 56:10 99:24 response 96:2 123:5 138:4 139:5 140:7 152:6 responsibility 85:7 86:8 118:9 rest 69:15 97:4 104:25 108:13 restaurant 100:21 restore 83:4 Restrict 27:11 restrictions 130:22 result 84:14,15 return 130:19 131:6,6 132:6,10 133:2,3,7 134:12 134:20 135:1 137:25 144:11,12 144:21 145:3 reversing 103:18 review 45:14 49:6 50:2,24 62:19
R				
R 1:14 153:1 R-2 4:23 126:22 rack 72:25 Rae 4:22 7:11 raise 17:25 raised 94:18 104:9 rammed 66:1 Randy 39:13 43:1 53:6 62:24 Randy's 54:10 Raskin 94:25 95:2 rate 40:16 rationale 12:13 re-add 10:2 reach 82:17,22 83:25 84:3,9 85:10,15 reached 84:16 reacts 85:3 read 2:25 5:13 29:13 36:19 37:23 72:8,10 118:14				

63:10 65:9,10 68:20 84:11 85:21 97:13 140:12 149:19 reviewed 12:20 reviewing 143:19 reviews 45:5,7 62:21 revitalization 39:19 Richard 37:12 Rick 71:4 120:20 123:17 rid 66:8,10 ride 90:3 right 3:7 5:13 6:9 20:20 24:17 25:11 28:14,16 30:15 33:8,11,15,20 36:20,23 37:20 41:21 43:1 44:24 47:11 48:15,15 49:12 52:24 54:17 57:1 58:18 60:6,7 60:11,12 65:22 66:6 71:13 75:2 80:11,16 95:20 99:10,15 100:13 102:6 104:7,23 105:4 110:11,23 112:12,16 121:15 124:17 125:15,25 126:23 127:4,20 132:2 133:8,14 142:16 144:7,10 148:9 151:16 rise 48:12 64:16 River 37:19 Riverhead 37:15 37:22 Riverside 6:22 road 6:21,24 37:12 37:14 56:1 96:23 Rob 124:18 149:23 ROBERT 1:22 roll 150:16 romantic 98:22 roof 10:12,14,17,20 10:22 51:19,22 52:4	room 8:10 21:12,15 21:21 22:10 23:14 23:15 26:14 92:8 108:4 110:5 138:15,19,19 rooms 21:14 22:7 23:12,13 roots 98:23 Rosa 6:21 roughly 11:11 117:22 123:12 132:18 Route 37:18 rules 58:22 130:11 130:12,14 131:13 143:16 run 94:3 100:20 runs 70:14 <hr/> S <hr/> S-H 98:24 sad 89:5 91:3 safe 45:20 safely 137:12 safer 90:2 safety 45:11,12 47:19,21 48:4 sailed 98:1 99:2 108:18 110:13 sailing 54:14 100:14 SALADINO 1:15 2:2 3:1,10,15,18 3:23 4:1,8,11 6:5 6:8,11 7:7,12 10:6 10:18,23 11:1,5 11:10,12,15 12:15 13:2,5,16 14:3,13 14:18,21 15:8,12 15:19,25 16:13,16 16:24 17:14,17 18:8,15,22 19:20 19:23 21:9,20,22 22:4,13,22 23:6,9 23:18,21 24:15,18 25:15 26:12,19,22 27:3,11,15,18,23 28:7 29:2,13,16 29:19,23 30:5,15	30:23 31:3,13,19 32:6,12,15,21,25 33:7,9,12,16,19 33:22,25 34:3,7,9 35:15,24 36:1,15 36:22,24 37:11 39:5,8 41:6,23 42:19 43:1,9,17 44:5,15,19 46:4,8 46:22 47:3,12,23 48:8,10,24 49:10 49:13,19,22 50:6 50:10 51:21,24 52:2,9 55:9,13 56:10,25 57:4,7 57:11,15,18,22,25 58:3,7 59:5 60:2 62:5,8 71:2 72:6 72:14,17 73:6 74:13,18,23 75:1 75:12,16,19,22 76:10,15,19,23 77:3,13,18,20 78:16,18,25 79:4 79:13,17,24 80:10 80:12,18,21 84:25 85:17 86:25 88:3 88:8,11,19 92:1 92:12,18 97:18 99:23 100:10 102:24 103:21,24 113:2,10,15,18,23 114:13,16,23 115:12,17,20,23 116:7,14,18,21,24 117:3,9,13 118:1 118:11,16 119:1,3 119:8,13,19 120:1 120:4,13 121:8,11 121:16 122:17 124:8,16,24 125:8 125:16,24 126:1,5 126:7,11 127:2,8 127:12,16,23 128:5,9,17,21 129:21 132:4,25 133:14,22 134:3 136:6,20,23 137:1 137:4 138:3,18,23	139:3 140:8,14,19 141:16,20 142:9 142:13,16,22 143:4,7,15 144:1 144:7,17,19,24 145:11,14,24 146:3,11,24 147:11,25 148:3 148:15,21 149:9 149:16 150:9,13 150:16,19,21,23 151:16,25 152:10 152:13 sale 42:10 134:7 sales 42:7 San 37:16 sat 93:22 113:3 satisfactory 84:20 satisfy 44:11 saw 20:18 29:5 50:24 51:19 59:15 saying 48:2 52:11 56:6 61:19 68:21 70:19 87:15,19 93:21 100:13 102:9 109:2 110:10 147:3,3,5 148:19 says 16:5 25:20 44:7 71:20 72:7 73:7 99:14 119:5 120:4 134:3,14 135:7 136:1 138:5 141:2 SBNA 53:11 58:20 68:22 69:24 81:4 81:7 82:2,11,17 83:1,15 84:1,2,8 84:16 85:20 86:4 92:24 106:9 107:14 111:9 122:3 scalloping 91:7 Scarsdale 37:11 scenario 53:2 schedule 4:2 scheme 51:16 144:3 Schnepel 37:10 92:23,23 106:21	136:21 school 89:18 110:7 scrutinized 108:17 Sea 6:23 seafood 99:1 sealed 94:25 searching 97:24 second 3:14,22 4:7 14:7 15:14 19:19 35:10,20 36:4 38:7 73:20 100:10 120:16 128:15 135:2 149:9 150:9 150:11,15 152:9 SECRETARY 1:24 section 126:17 sections 46:15 87:14 138:20 see 12:5 13:12 19:15 21:11 22:12 23:9 25:6 57:22 57:23 60:6,13 89:6 90:3,11 91:8 95:15 101:12 seen 75:17 107:17 113:16 144:22 sees 22:9 self-created 74:15 76:1 131:18 139:5 139:6,15,24 146:20,23 147:6,9 147:21 148:19,20 148:22 selling 17:25 64:9 semantics 55:14 57:6 send 48:21 80:4 sense 20:14 21:10 123:4 135:23 sent 2:24 49:8 72:12 83:12 86:21 96:10 separate 15:7 122:19,23 126:9 separately 48:21 September 94:4 SEQRA 47:18 49:16 140:9,10,20 144:8
---	--	---	--	---

serious 19:10	shut 53:22	137:10 139:7,12	103:13 104:10,11	88:13 92:21,24
serve 67:21	sick 109:10,13	situation 101:20	153:13	93:1 97:20 121:23
served 93:20	side 5:12,15,18,19	124:12 145:13	Southampton 6:25	speaks 88:16
session 1:5 105:23	5:20 9:10,10,12	six 81:5 86:23	space 7:23 8:21,23	special 35:7
set 12:25 87:10	9:15 26:25,25	125:18 126:3,14	9:1 11:23,25 12:1	specific 12:22
111:11 112:9	27:1 28:5 51:3,6	Sixth 4:17	12:22 15:1,6	81:24 132:16
114:10 138:12	59:17 68:8,9	size 9:23 31:23	20:18,20,21 21:7	specifically 82:16
153:19	103:4 117:23	135:9 136:3 141:2	22:2,11,17,19	151:10,14
setback 5:7,8,10,11	sidewalk 45:9	sizes 118:25	23:2,11,16 24:12	specified 65:21
5:14,16,17,20,22	47:21 105:2	sketch 62:22	24:14 25:22 29:18	speed 86:14
5:24 9:3,6,8,10,11	111:11	skip 149:1	35:3,10,11,20	spend 123:14
9:15,20,20,21	sidewalks 38:18	slip 24:5	36:3,4 38:19	spent 46:13 58:14
10:3	137:10	small 20:18 23:11	39:23 40:15 42:15	107:15
sets 118:23	Siegel 6:24	23:15 24:20 42:14	42:24 46:11 55:17	spirit 54:5
settled 139:16	sign 86:2,10	54:11	58:11,19,25 59:15	spoke 92:19 95:16
settlement 34:20	signatories 86:1	smaller 42:12	59:19 61:12 63:18	114:23 115:12
35:1 36:9 74:11	signature 106:15	smart 28:17 50:7	63:19,22 64:3,4	122:2
seven 8:11 9:25	106:19,22 107:2	SNA 39:2	64:21 65:19 66:18	spot 12:8
13:25 65:3 115:9	signed 85:6 94:24	so-called 67:25	67:25 70:12,15	spots 104:4 105:6
shame 82:11	106:18 125:9	societal 99:21	97:4 102:18	115:6,8,15,17,18
shared 40:18 67:22	significance 138:17	sold 40:15 65:4	104:10 105:2	115:20 116:12
83:14	signing 125:4	79:3,5	108:14 109:17	117:15
sheet 36:18	similar 9:11 43:23	solution 63:14	112:22 115:4,7,7	sprinkler 8:6
Shellfish 99:1	44:3 69:10	solve 102:7	116:11,12,12	sprinklers 38:22
shift 15:4	simple 31:15 47:15	somebody 46:5	117:10,16,17	square 5:4 8:8,10
ship 98:1 99:2	107:3,4,25	70:18 134:1 139:1	118:6,8 120:24	8:14 10:10 11:1
100:14,18,23	simply 38:10 61:2	150:11	132:7,14,18 133:2	11:12 22:6 24:19
108:18 110:13	63:1	someplace 119:9	135:8 136:2,8,10	25:5,13 43:11
shit 87:23	single 105:7,22,25	128:23 133:25	136:19 137:12	46:10 49:17,23,24
Shook 32:5	106:9,17,23	somewhat 87:3	139:2 141:7	53:24,25 55:6,9
Shoot 114:22	107:23	93:9	147:14,15,18	55:12 64:24 65:1
shooting 54:21	single-family 14:23	sooner 55:24 114:3	148:12 149:8,8	65:15 66:15 97:2
short-term 22:7,14	17:13 25:8,11	sorry 14:3,13 15:25	150:7	102:20 110:20
shortly 49:9	26:8,8 130:3	18:15 20:10 21:3	spaces 8:25 63:25	115:4,11 116:1,19
shot 33:13 66:13	single-focused	24:15 32:12 35:25	64:2 67:21 69:20	117:8,16 122:11
show 5:11 23:3	85:18	36:22 46:6,13	69:21 96:24	133:5,5 147:16,17
35:2 72:22 73:16	single-minded	50:8 52:7 88:1,1,6	103:11,16,19	148:11
74:2 105:15 119:9	85:18	103:25 119:20	115:1,6,13 116:6	Squire 37:8
134:22,23	sink 22:24 40:17	141:16 150:2	116:22 117:1,4	SS 153:4
showing 72:3 78:1	sit 104:6 111:15	sort 24:5 40:2	118:6,18,18	stair 8:4,5 11:4
105:10 130:21	113:2,4	87:22 106:11	119:15 122:10,12	14:25 15:1,3,5
134:19	site 8:19 11:17	110:8 123:24	133:11,13 141:2	68:7
shown 63:7 73:20	30:21,22 38:11	124:12	141:10	staircase 14:10
134:12 138:7,12	39:3 44:23 45:14	sorts 94:19	spare 21:4	15:13
shows 4:25 5:3,6,10	51:1,10 52:6	soul 97:24	speak 12:3 13:6	stairways 68:19
5:14,17,22 35:9	59:14,23 63:21,24	sound 28:1	18:14,16 20:8	stake 69:13
41:7,19 51:13	64:17,18 81:20,24	sounds 40:20	50:11 61:17 62:10	stall 118:24
54:5 59:23 62:23	83:18 85:21 103:6	south 1:8 4:5 5:19	71:3 76:10,11	standard 66:25
shucking 98:24,24	107:17 114:24	24:9 95:2 103:13	80:23 88:9,10,12	74:24 75:9,13

129:10
standards 49:15
 135:15,18,21
standing 103:15
 142:2
stapled 51:11
start 71:7 144:14
started 90:7
state 1:2 56:15,19
 75:8 97:20 119:2
 129:15,17,20
 138:4 139:15
 151:11 153:3,8
stated 42:9 46:3
 139:25 145:23
statement 46:17
 73:22 133:22
statements 46:14
states 71:18 126:16
 126:20
Station 1:7 2:4 4:4
 153:12
statutes 143:17
statutory 131:19
stay 8:16 15:10
 21:5 47:1 71:6
stays 20:4 46:9
stenographer 7:8
 13:8 39:12 50:12
 88:17,21 92:7,22
 121:21
step 52:1 80:6
steps 121:6
sterling 34:12,14
 34:23 36:25 37:1
 37:2,6,12,17 38:1
 38:5 39:15 50:14
 50:21,22,23 51:9
 59:24 60:8 61:20
 62:3,12,13,14,14
 63:2,3 68:23 71:5
 85:5 89:22,24
 92:23 95:18 96:5
 96:5,11 97:21,22
 101:2,2 102:11
 103:8,18 104:3,24
 108:22 109:18,20
 115:19 117:5
 120:17,19 121:7

123:25 129:2,3
 132:15 139:6,10
Stidd's 111:13
 112:10
stimulate 138:7
Stip 45:4
stipulated 35:3,10
 65:17 97:8
stipulation 34:20
 34:25 36:9 44:7
 47:7 51:11,12
 59:23 60:6 61:4
 62:23 64:13 65:16
 66:2,6 68:6 71:14
 72:1 74:4,5 78:9
 79:8,11,22 80:13
 81:13,17,19,22
 82:16 85:16 86:1
 94:7,24 98:4
 106:19 108:3
 124:4,12,16,24
 125:3 126:3,10,14
 126:20,23 127:1
 127:12 139:7
 140:5 147:8,13
 151:22
stipulations 71:8
stood 13:13 73:21
stop 53:1 61:24
 88:16
stops 61:24
storage 35:11,19,20
 36:4 38:7 64:16
 107:11 122:18
 132:18
story 5:2 79:20
straight 51:15 52:4
 60:9,15 114:11
street 4:17,19 6:15
 6:18,20 7:3 9:7
 13:10,14,18,24
 14:17 17:6,7
 19:24 20:3 26:16
 26:24,24 27:1
 37:5,16 39:13,15
 40:7 45:20 50:14
 50:21,23 54:16
 59:12 61:13,20,22
 62:3,14 63:2

68:10 80:25 85:5
 88:22 89:20,23
 90:22 92:24 96:6
 96:11 97:21,22
 101:2 102:11
 104:3,17 110:24
 111:15 122:1
 135:10 137:23
 141:5
streets 1:8 4:5
 46:16 60:20 63:2
 83:20 89:2,21
 128:3 153:13
strict 32:16
strongly 19:13
struck 19:8
structure 10:13,14
 10:17,20 20:25
 120:21 122:14,17
structures 8:19
 10:21
stuck 87:16
studio 7:11 11:24
 12:23 25:21 67:11
 99:15 102:13
 110:22
studios 4:22 54:8
 55:1
study 96:13
stuff 2:14 4:14
 24:22 67:17 71:11
 92:6 98:13 102:5
 134:2
subject 62:21 79:8
 131:13 135:20
submit 3:5
substantial 54:1
 59:15 131:7,10
 144:12 145:8
Sudbury 37:13
sued 53:22
suffer 134:4
Suffolk 1:2 5:25
 20:3 36:11 129:4
 153:5
suggest 86:9 114:10
suggested 82:25
 113:5,24 148:7
suggestion 19:5

suite 42:24
suites 41:7
Summer 103:25
 104:1
sunset 54:22
supercede 124:14
supervised 68:17
supervising 68:15
supply 33:5
support 13:11
 35:23 53:10 69:2
 70:6 81:3 83:17
 88:23 139:10
supported 106:13
supports 97:11
Suppose 76:4
supposed 73:23
 74:21 77:24 87:21
 89:16 90:16 146:6
sure 2:6 7:15 16:23
 21:24 23:8,17
 25:13 30:25 32:8
 32:8 33:21 43:3
 52:2 53:18 67:5,6
 71:9 77:11 80:21
 84:17 88:8 96:13
 97:6 105:13
 121:25 129:13
 141:8,20 142:22
 143:5 144:24
 148:24 149:17
 150:24
sustain 111:4
sustained 80:8
 111:6
sympathetic 45:23
system 8:6 29:8

T

T 153:1,1
table 68:25
take 4:18 8:15 30:6
 30:6,8 50:8 53:2
 58:22 77:6 78:7
 79:20,24,25 92:2
 102:12 109:3,9
 120:2,14 121:5
 123:1 129:8
 149:13 150:16

taken 51:18 52:4
 90:18 91:9 106:4
 120:7 153:12
takes 24:3 43:4,5
talk 23:22 26:5
 42:2 71:7 127:18
 131:25
talked 56:24 75:15
talking 46:5 51:8
 52:20 53:6 54:9
 54:18 58:21 60:19
 64:19 65:15 70:4
 88:25 122:18
 133:15 136:11
 138:23
taller 8:11 90:10
tax 5:25 20:4 36:11
 125:21 129:4
tearing 28:20
tease 81:16
technically 25:17
 25:23
television 100:7
tell 7:13 57:1 97:25
 98:8 109:15
 110:11,23 142:13
telling 47:2
temporary 103:7
ten 69:11 92:9,19
tenant 111:20
tenants 41:25
terms 28:17 73:12
 93:4 94:8 96:14
 107:4 130:17
 132:5
terrible 96:3
test 25:3 31:22
 48:11 75:7 130:14
 131:19 135:3
 138:6 143:21
thank 13:3,4,16
 14:18 33:25 34:1
 34:2,6,7 37:23
 39:5 48:6 50:6,7,9
 50:16,19 56:9
 59:3,5 70:25 71:1
 71:2 76:13 78:22
 80:20 86:16 88:5
 88:7,18 91:25

92:1 97:17,18 99:22 101:6 113:12 121:6 127:21,23 thanks 18:9 81:9 119:19 thing 9:11 11:16 21:25 23:24 36:5 39:19 43:23 45:3 53:5 56:1,7 57:6 59:25 64:11 66:15 67:23 68:3,3 71:6 73:17,20 74:7 79:13,25 93:24 98:2 101:5 102:2 102:10 104:8 107:25 112:12,16 112:23 121:3 123:16 125:12,17 126:2 things 28:4,12 31:16 44:2 61:15 69:3 79:21 80:1 81:8 82:22 85:12 89:7,11 91:9 98:22 101:25 103:2 124:6 128:24 132:3 think 9:25 15:8 16:20 17:11,12 18:4,6 21:24 23:22 24:23 26:3 26:7 27:4,5,6,8,20 27:24 28:3,4,16 28:24 30:23,24 31:10,12 35:22 45:15 48:15 50:8 51:9 53:17 56:11 59:21 64:5 74:1 77:23 78:7 80:19 86:12 87:9,18 91:6,13,14,17,21 91:23,24 95:15 96:10,12,16 99:16 100:7 101:4 102:3 102:17 108:18 109:9 112:4 120:6 121:14 123:17 124:8,11 126:15	127:15 130:15 136:13,14 137:21 141:18,23 143:11 144:20 145:15 146:9 147:7,22 149:21,23,24 150:10,23 151:24 151:25 thinking 19:7 97:3 99:20 third 1:8 4:4,25 5:2 7:22 8:2,3,6 13:19 14:8 15:2 21:11 21:17 22:10,10 79:20 137:16 138:6 153:13 thought 12:17 29:13 46:5 47:24 77:12 82:11 86:18 86:19 95:1 103:4 104:8 108:20 119:3 140:23 thoughts 127:21 thousand 49:19,21 three 21:13 22:6 31:5 35:17 55:7,8 55:9 67:20 100:18 101:13 115:3 130:13 145:18 150:3 throats 66:1 thrown 89:12 90:24 tied 80:14 ties 60:21 till 61:24 time 3:6 4:15 13:14 13:22 27:17 30:18 33:6 38:24 46:19 50:8 58:23 63:5 66:5,13 69:11 76:12 78:24 79:1 83:25 93:21 94:3 94:5 95:15 98:16 102:2,25 105:20 105:21,22 106:9 106:12,17,23 107:24 112:24 123:14 127:22 128:8 136:12	138:8,13 141:18 152:5 times 52:15 66:7 68:18 74:3 106:14 tiny 61:15 tired 142:2 today 2:15 18:5 50:24 51:19,24 76:5 78:11,14 83:12 84:13 86:21 86:23 87:1 99:22 103:6 104:5,5 106:6 107:3,10 116:17 told 65:25 68:13 89:13 92:18 114:24 148:5 tomorrow 2:15,17 tonight 32:8 81:3 108:5 top 11:9 total 115:13 totally 46:25 touch 30:25 touched 11:17 touching 104:3,24 tough 37:8 tougher 77:24 town 53:22 104:1 toxic 12:6 track 46:4 tractor 128:2 trade-off 45:22 trade-offs 45:23 traffic 38:15 83:19 90:22 96:9,13,14 102:19 137:11 trailers 128:3 transcription 153:11 transparent 105:17 transportation 46:15 trees 64:4 95:21 Triangle 54:13 tricky 124:11 tried 66:7 100:12 142:9,10,18 tries 66:19 90:24	trigger 16:12 truck 52:25 61:23 61:23,24 trucks 53:1 true 89:3 100:5 153:11 truly 60:23 trust 37:20 83:4 94:19 112:15 Trustees 34:21 82:3 82:9 83:2 96:11 97:14 140:12,14 140:16,17 try 8:20 24:6 53:2 83:3,5 84:2,9 89:18 150:3 trying 9:13 28:13 46:16 54:25 55:15 58:14 66:14 73:12 83:18,25 84:19 91:17 102:7 142:6 142:12 Tuckahoe 37:12 Tumavick 37:19 turn 89:20 121:2 143:13 turned 15:18 turning 24:8 turns 14:11 15:13 Twelve 41:23 Twenty-foot 103:25 104:2 twice 123:1 two 8:12,25 9:19 16:3,7 19:4 22:17 26:21,23,23 27:5 39:14 52:21,25 58:14 63:2,6,7 67:20 84:18 85:2 85:11,14 92:5 93:18,18,20 107:15 112:23 113:15 118:7,23 118:25 119:22,23 125:17 126:5 135:25 143:1 two-and-a-half 100:19 two-family 4:23	13:23,25 14:5,12 14:24 15:18 16:3 16:11,17 17:16 26:11 two-story 5:7 two-thirds 40:14 type 49:25 50:1 124:1 types 66:21 <hr/> U <hr/> Uh-huh 87:17 103:9 111:23 113:22 114:12 124:23 143:14 ultimately 83:5 84:7 unanimously 150:24 Uncle 89:24 unclear 20:12 underground 91:16 understand 11:21 13:1 15:19,20,22 17:12 22:5,15 23:7 26:12 33:3 38:23 46:25 48:9 53:15 55:3 59:10 75:14 81:14 85:8 85:24,25 86:7,8 86:10,11,13 107:12 108:17 109:2 113:20 126:11 133:10 144:25 147:25 understandable 18:9 Understandably 18:8 understanding 72:2 84:5,10,15 84:21 106:11 understands 71:9 74:15 understood 16:8 32:24 81:16 87:25 88:5 undo 32:1 undue 30:2,8 32:22
---	--	---	---	--

72:3,23
unfettered 100:15,24
unfortunately 89:4
 91:2
unimportant
 100:12 101:1
union 86:3
unique 99:4 126:21
 127:10,14 131:9
 135:4,7,11,17,22
 145:7,12
uniqueness 126:24
unit 40:16 42:10,11
 67:12
units 40:15 41:20
 42:5 44:10 53:23
 55:1 65:2,5 66:9
 67:17 69:21
 107:20 122:13
 125:23 132:22
 133:1,4 145:2
Unlisted 49:14,25
unnecessary
 130:23,24,25
 131:21 134:10
 139:18
unreasonable 31:4
unrelated 18:11
UPS 52:25 61:23
upset 89:11
upstairs 64:10 65:5
 102:6 136:17
urge 69:23
usage 54:6
use 16:12,13,25
 17:13,16 20:12
 25:20 34:13,18
 35:6,6,7,8 36:2,6
 40:12,21 41:13,15
 41:18 42:13,17,20
 42:23 43:12 44:22
 46:8,12 47:6
 48:11,13 53:8,21
 56:14 58:5 70:17
 70:17 71:14,19,19
 71:21 73:15 74:19
 74:21,23 75:6
 76:8 77:19,21,22
 78:4 83:23 88:20

92:8 99:8 101:8
 101:19 102:1,5
 107:6 108:6,8
 109:1,12 112:25
 117:20,21 119:6
 125:2,14 126:1
 127:5,6,9 129:1,9
 129:22,23,24
 130:1,4,5,6,8,19
 130:23 131:3,14
 131:20 132:16
 133:15 134:7,24
 135:3 136:11
 137:4,7 139:17
 140:21 142:17
 143:11,15,19
 145:18 146:9,11
 146:14 147:16
 149:6,11,25 150:2
 150:5,14 151:10
 151:14,19
uses 34:19,24 41:9
 41:10 54:9 97:7
 98:18 102:15
 124:20,22 125:13
 126:8,12 130:5
 141:3 145:4
utilization 136:9

V

vaccinated 52:9
vague 67:7,9 87:4
 87:22
vagueness 87:20
valid 71:11
Valley 6:21
valuable 96:4
value 95:25 96:1
 134:5
variance 5:1,5,9,16
 5:20,24 7:19 8:24
 16:12,14,15 30:17
 34:18 35:8 36:3,7
 36:10 40:21,24
 41:13,18 46:8
 47:6 48:12,13
 56:15 65:9,10,11
 71:19 72:1,2,18
 72:21,22 73:5,9

73:13,14,14,16,18
 74:12,19,20,21,23
 75:7,10 76:7,8
 77:9,10,13,14,16
 77:19,21,21,22
 78:6 80:14 81:17
 88:23 107:5,6
 108:6 109:12
 112:25 113:1
 115:9 123:20,23
 124:2 129:9,10,23
 129:23,25 130:5,6
 130:19,24 131:14
 133:13,15,17,19
 134:9 135:3 137:5
 137:7 139:17
 140:22,23 141:9
 141:10 142:17
 143:1 145:19
 148:25 149:11,25
 150:2,5,14 151:4
 151:9,13,17,20,20
variances 4:20 20:1
 20:16 30:17 34:14
 35:22 65:22 80:3
 80:5,7 124:3,7,10
 124:14 129:1
 131:20 143:16,20
 144:3 151:19
variation 76:7
variety 124:6
various 65:23
 66:20
ventilation 38:21
versus 117:17
vertical 7:23 8:25
viable 70:11 73:1
 74:6
view 23:10 58:9
 99:24 100:1
viewing 2:5
views 68:24
village 1:1,23 2:2
 2:16 3:2 16:25
 24:19,20 31:20
 37:4 38:13 40:3
 43:10 47:16 49:6
 49:23 50:16 56:15
 60:19 75:8 80:7

81:2 82:1,2,15
 83:2,7,17 84:6,6
 84:22 85:7 86:6
 91:19,25 96:21,21
 97:5 100:3,24
 101:3 104:1 105:8
 105:23 107:1,14
 107:17 109:5,24
 110:4 111:9,25
 112:8 119:2,4,4
 119:12 125:1
 126:16 139:13
 140:24 141:7
violate 57:2
violation 25:24
 44:22
virtual 81:12
visit 21:5 30:22,22
 59:15 103:6
 114:24
visiting 51:20
vital 65:13
vocal 93:12
voluntary 81:6
vote 3:18 4:1,11
 19:23 32:7 77:6
 128:21 131:24
 132:1 142:24
 143:1,2 145:5,14
 145:25 146:1,18
 147:12 150:17,21
 151:1 152:13
voted 150:25
voting 58:21
vs 134:13 139:22

W

W-C 35:7
Wade 39:13,13
 42:9,22 43:13,20
 44:13,16,24 45:2
 46:7,13,23 47:11
 47:15 48:1,9,15
 49:12 50:3,7
Wade's 108:15
Wading 37:18
wait 19:2 30:2
 32:23 90:9 103:21
 103:21,21 110:3

120:1,1,1 149:9
waiting 34:11
 40:23 102:24
 141:22
Waleski 6:19
walk 91:20,21
 110:24 111:10
 117:22 137:12
walkway 25:22
Waloski 6:19
want 7:12 13:20
 17:8 18:23,23
 24:23 26:5 27:25
 44:1 51:7 63:4,8
 71:6,9 73:19
 75:13 81:8,9 82:5
 82:6 84:16 89:21
 91:16 93:13,18
 94:15 95:3 96:6
 97:10 100:20,21
 103:1 104:3
 108:19 112:13,17
 127:17,17 139:1
 142:1,1 143:10
 149:4
wanted 9:6 13:11
 66:8,8,9,10 73:3
 81:15,16 86:14
 94:8 97:13,14,15
 98:3 114:20 123:7
 123:16
wants 63:11 64:8
 70:14 71:22 88:13
 109:19 110:8
warn 88:12
Washington 4:17
wasn't 2:16,17 3:2
 78:11 93:21 113:8
 148:24
watched 82:8
watching 100:6
water 40:6 68:8,9
 91:7
waterfront 34:16
 35:7 36:6 39:17
 39:18,19,20,22
 40:5,8,9 41:11,15
 41:19,25 42:5,6
 43:18 44:8,12,21

44:21 46:2,11
 52:17 53:5 54:1,6
 55:5,17 57:15
 58:4,11 63:18
 64:18,20 65:11,16
 65:17,23 67:5,7
 69:13,15,16,25
 70:1,12,14,24
 71:19 79:21 81:1
 83:22 89:4,6
 90:17 91:1,10
 97:1,5,6 98:2,6,9
 98:19,23 99:7,9
 99:13,18 100:11
 100:16,23 101:9
 101:10,14,16,18
 101:25 102:15,20
 108:13,23 109:16
 109:19,20,25
 110:9,18,20 111:2
 111:5 117:9
 120:23,24,25
 121:1 123:7
 125:18 131:12
 132:22 133:1,6
 134:25 135:14
 136:10 137:10,12
 138:20 145:16,17
 146:6,7,9,17
 147:15,17 148:12
 149:6 150:7
way 9:6 10:3 26:1,3
 28:1 37:8 47:18
 48:2 53:20 57:23
 61:15 87:15 88:14
 94:12,13 97:2
 98:13 100:17
 103:15 104:21,22
 105:3 116:4,9
 117:21 118:4
 133:20 140:21
 153:17
ways 65:24 86:20
WC 126:22
we'll 23:22 26:5
 62:8 69:11 77:11
 114:9 125:14
 142:16 150:3
we're 2:4,18 4:12

4:17 8:20,24 9:3,4
 9:12,16,16 17:5,9
 17:12,13,15 24:23
 25:2,3,15 26:1,2
 26:14 27:21 28:10
 28:14,17,20 30:12
 31:20,21 32:15,15
 32:21 33:1 34:11
 38:4,14 39:5,8
 43:2,17,18 47:5
 47:23 48:6 52:9
 52:20 54:18 56:19
 59:2 62:1 64:19
 64:19 65:15 67:6
 68:21 70:4,23
 71:15,24,25 75:22
 79:4,19,22,24,25
 85:18,18 87:11,16
 87:22 88:11,14,16
 88:25 92:2,6,9,12
 93:5 95:15 97:3
 99:16 100:8 105:1
 106:23,24 107:2,4
 108:5 109:22,23
 110:21 112:2,18
 112:19,19,20,21
 112:22 121:19
 122:18 127:17
 131:24,25 133:14
 136:6,6,11 137:18
 142:6 144:7 148:3
 148:4,4 151:16
we've 28:12 56:11
 58:14 68:12 70:4
 70:8 73:20 74:6
 78:25 94:3 99:11
 106:10,16 113:16
 114:4,6 120:6
 132:8
week 107:16
 113:21
weigh 84:7 138:1
weight 137:16
weights 137:15
Weiman 6:19
Weinman 6:19
weird 150:22
went 89:11 95:2
weren't 25:16,17

90:14 114:6
Weshampton 37:7
West 6:24
Westhampton 37:3
WHEREOF
 153:19
whet 64:12
wide 9:14 118:20
 141:7
wider 62:15
wife 81:5 82:25
 122:1
wife's 67:8
Williams 4:21 6:23
 7:6,9,9,14 12:10
 13:4 14:6 15:11
 17:22 18:7 20:2
 21:3,15,21 22:12
 22:15,24 23:8,17
 23:20 24:2,11
 26:18,21 27:2
 29:15 30:4,14
 31:2,8,18 32:10
 33:15,24 34:1
willing 16:5,20
 17:22 25:6 33:19
 73:1
wind 102:19
window 101:12
Winter 128:4
withdrawn 106:12
withdrew 36:2
WITNESS 153:19
wonder 16:9
wonderful 27:6
 113:12
wondering 32:18
Wooden 110:5
Woodhouse 6:14
word 70:1 143:15
words 53:18 60:12
 138:9 145:25
work 15:5 32:9
 58:15 83:24 84:18
 86:15 87:18 90:24
 93:14 101:8
 105:22 136:1
 139:13
worked 68:16

103:3
worker 53:11
working 29:7 39:18
 39:22 64:17,17
 69:16 81:6 89:3
 91:7 94:4 98:5,9
 98:23
works 68:15 88:15
 139:22
worlds 110:14
 111:17
worry 92:14
worth 39:19,20
wouldn't 16:13
 31:3 42:18 59:20
 95:1 96:3 123:2
 123:11 133:2
 142:11 147:19
 149:10 151:24
write 121:8 144:4
writing 70:18
written 19:1 53:19
 78:1 95:13 102:2
 110:10 123:21
 126:15
wrong 103:22
 124:19

X

x 1:3,6 11:10 119:5

Y

yacht 42:7,22,23
 43:3,5,8,12 54:8
 54:11,12,13,16,17
 54:20,23,24 65:3
 98:20 99:15 102:4
 110:2,7
yard 5:6,8,10,11,12
 5:14,15,17,20,22
 5:24 9:3,5,8,10,10
 9:15,20 10:3
 100:19,23 101:11
 102:4 109:21
yeah 11:11,14
 13:17 22:12 31:2
 31:8 32:10 34:5
 46:7 59:8 72:16
 80:9 85:8 86:12
 90:25 107:7

119:23 122:19
 127:15
year 50:19
years 46:13 50:22
 51:1 52:20 58:14
 63:6,7 64:18
 69:11 70:9 89:23
 91:6 94:16 99:20
 102:8 107:15
 108:20 109:22
 112:23 113:13,16
 124:4,15
yellow 52:5,6 60:10
Yep 15:11 31:18
 74:17 88:22
yesterday 51:19
yield 134:20
York 1:2 4:5 6:22
 7:3 13:10 56:15
 56:19 75:8 119:2
 129:15 138:4
 139:15 153:3,9
Yup 104:13 117:1

Z

ZBA 41:5 91:13
 97:15 105:21
 106:24 107:1,13
 126:19
ZBA's 126:18
zone 51:14 134:22
zoned 40:4
zoning 1:4,22 2:3
 2:10 3:12,20 4:3
 12:5 15:17 16:6
 34:22 36:8 41:23
 43:10 62:18 72:4
 76:21,24 77:4
 82:3 85:22,24
 99:25 114:13,17
 123:19 125:1
 129:11,22,25
 130:7,9,22 131:3
 134:5 135:5 140:3
 143:18 144:3
 152:2

0

04 38:25
07 38:25 125:7

1	138 62:12	94:7,25 95:1	45,000 49:17	8
1 2:8 3:10 4:25	139 37:17	126:16 139:8	4800-square 118:5	8 11:10 34:12
34:19	14 51:1 52:20 70:9	2018 95:4 106:7	4th 6:25	118:20,21 141:6
1-foot 5:7,12,15,18	99:20 102:8	2019 95:5	5	8-feet 5:16
10 19:1 92:2,12	108:20 124:4,15	2020 82:9	5 4:12,16 5:17	8-foot 9:24
118:20 119:5	143 37:12 71:5	2021 1:11 3:12,20	5-feet 5:23	8-foot-6 11:4
152:2	120:17 121:7	4:4 153:12,20	5,000 22:6 24:19	8:01 92:15
10,000 53:23,25	15 1:11 109:22	20th 4:3	46:10 53:25 54:3	8:10 92:17
54:4 64:25 66:15	153:12	21 103:10 104:4	64:24 115:25	80 115:14
102:20 110:20	15,000 65:15	105:5 111:11	116:19 117:8,16	81 115:18 116:14
100,000 49:22,23	110:20 147:16,16	112:3,8 115:19	133:4,5	117:15 122:9,22
132:19 133:21	148:11	116:5,22 123:25	50 93:7	123:13
134:15 145:1	150 87:14 115:11	22 117:4	50% 8:10 17:2,3	83 115:17
1001-3-5-16.4	150-20 25:18	22% 5:5	500 7:3	8402 6:25
36:12 129:5	1500 122:11	2300 85:4	502 7:1 13:24	844 37:13
1001-4-3-32 6:1	151 6:24	236 37:5	506 13:18	889 37:22
20:4	16 109:4,6	24-feet 5:24	510 6:12,15	9
10032 6:23	16.5 36:12 129:5	240 11:14	511 4:19 19:24 20:2	9 118:21,22 128:24
1086 37:3,6	160 11:12 117:22	25 89:23 122:12	512 6:18 13:9	9-inches 141:6
11 152:7	160-square 117:22	25% 49:15,24	516 6:20	9:31 152:14
11209 7:1	165 92:23	25,000 49:24	52% 5:4	
11560 6:21	16th 3:12	25A 37:18	5251 37:7	
11792 37:19	170 11:12	26 9:7	53 115:6 116:10	
1180 87:14	18 104:1	264 37:15	117:1	
11935 6:13	18-feet 118:19	28-feet 5:9	5720 37:18	
11944 1:9 4:5 6:16	141:6	297 6:21	5th 127:25	
6:19,20 7:3 20:3	18-foot 103:20	29th 153:20		
37:1,2 153:14	182 50:14 97:22	3	6	
11952 6:17 37:21	19th 3:20	3 4:2 5:6 35:9	6 4:4,19 5:22 9:24	
11957 6:15	1st 122:1	3-feet 5:18	6-inches 5:8,9,12	
11968 6:25	2	30 30:9,18 32:10,23	5:15,16,18,23,24	
12 40:15 41:7,19	2 3:19 5:3 35:2	89:23 113:16	6:00 1:12	
42:8 51:16 52:12	2,505 5:4	300 55:12,17 115:4	6:05 2:1	
53:3,23 58:10	20 8:14 11:10 46:13	115:11 117:23	60 93:6,7 107:16	
64:1 65:1,2,3	64:18 85:5 102:11	122:11	115:8,19 123:13	
67:18 94:16 96:24	119:5	305 127:25	600 42:11	
96:24 115:6	20-feet 5:21	31 114:16	60s 89:3,6	
116:11 119:14	20-foot 103:23	35,000 112:23	61 115:1,23 116:25	
132:22 133:1	20-foot-6 11:3	113:21	62 30:3,6 33:1	
141:10 145:2	20-square 8:18	360 6:14	620 80:25 122:1	
12-car 118:8	200 54:15	389 6:13 7:2	667 37:21	
12-units 132:22	2001 125:6	3rd 37:5 88:22	6th 39:13	
123 34:12,14 37:2,6	2003 38:25 125:5,9	4	7	
38:1 60:8 129:1,3	2005.05 8:15	4 4:12,15 5:10 36:5	7 19:24	
127 36:25	2005.25 8:16	4-inches 5:19,21	7.2 53:8	
128 37:1	2007 45:10 62:23	4,000 54:3 97:2	78 127:4	
13 6:23 50:22	65:21 72:2,19	40 93:7	790 6:22	
130 37:4	76:21,24,24 77:1	4317 6:16		
132 37:14				