VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD

REGULAR MEETING
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Third Street Firehouse Greenport, New York

April 4, 2019
4:00 p.m.

B E F O R E:
MARY GIVEN - CHAIRWOMAN

BRADLEY BURNS - MEMBER

NOAH THOMAS - MEMBER

WALTER FOOTE - MEMBER
JOHN COTUNGO - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

ROBERT CONNOLLY - PLANNING BOARD ATTORNEY
KRISTINA LINGG - CLERK TO THE BOARD

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REGULAR SESSION - 4-4-19

CHAIRWOMAN GIVEN: We're going to commence the April 4, 2019 Village of Greenport Planning Board Regular Session. It is 4 o'clock.

Item Number 1, 222 Manor Place.

Motion to accept the findings and determinations for applicant Landmark Group for the amended site plan review.

Designated Suffolk County Tax Map
Number 1001-2-2-41.01.
I so move.

Do I have a second?

MR. COTUGNO: Second.

CHAIRWOMAN GIVEN: All those in favor?
MR. FOOTE: Aye.

MR. THOMAS: Aye.
MR. COTUGNO: Aye.
CHAIRWOMAN GIVEN: Motion carried.

Item Number 2, 409 Main Street.
Motion to accept the findings and determinations for applicant J\&J Impact Hospitality LLC for the amended site plan review.

Designated Suffolk County Tax Map

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number 1001-4-7-12.
I so move.
Do I have a second?

MR. THOMAS: Second.
CHAIRWOMAN GIVEN: All those in favor?
MR. FOOTE: Aye.
MR. COTUGNO: Aye.
MR. THOMAS: Aye.
Motion carried.
Item Number 3, 300 Main Street.
Public hearing for site plan approval
for Sterling Square LLC, the south building.
Represented by Architect Robert Brown.
The applicant is proposing to change the use from retail to assembly.

The property is located in the Commercial Retail District and is also located in the Historic District.

Designated Suffolk County Tax Map number 1001-4-7-29.1.

Good evening, Rob.
MR. BROWN: Good evening. Rob Brown, Architect.

I think it's fairly self-explanatory.

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If there are any questions, I'd be happy to try to address them.
(Mr. Burns arrives to the meeting.)

MR. COTUGNO: It says change of use, which I guess you're changing the use from restaurant to an assembly space.

MR. BROWN: No.

It was retail space.

MR. COTUGNO: It was retail on the second floor?

MR. BROWN: No.

This is the first floor. The space that had been occupied by a store called Open Space.

MR. COTUGNO: Oh, right, right.

MR. BROWN: Turning that into an assembly space for meetings and just a party space, really. There would be no food preparation there. Any food preparation would be done in the restaurant.

CHAIRWOMAN GIVEN: Do you have your plan, have you looked at them?

MR. FOOTE: I looked at that.

CHAIRWOMAN GIVEN: Do you have any

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questions?
May I pass this the Walter (handing).
Do you have your plan of the proposed change of use?

MR. BURNS: No.
CHAIRWOMAN GIVEN: It's okay because it's only the public hearing, we're really to hear from the public.

MR. THOMAS: The public has to make comments, right?

CHAIRWOMAN GIVEN: If anyone does. Really, this is for the public.

MR. CONNOLLY: Unless you have some specific questions.

CHAIRWOMAN GIVEN: Right.
MR. FOOTE: Would you do me a favor, this is the first time I'm looking at the plans; can you explain it to me?

I'm very familiar with that area, so you can say this is where Open Space used to be and --

MR. BROWN: Okay. This was Open Space, right here.

MR. FOOTE: Okay.
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Where is the courtyard?

MR. BROWN: The courtyard is here.

MR. FOOTE: Okay.

It's basically just gonna be used for large parties?

MR. BROWN: Um-hum.

MR. FOOTE: No kitchen?

MR. BROWN: This puts it in context for the whole property.

MR. FOOTE: Okay.
MR. BROWN: This is the restaurant and this is the space.

MR. FOOTE: Okay.

Thank you.

MR. BROWN: Sure.

CHAIRWOMAN GIVEN: I'm going to ask the public, the audience, if anyone wishes to speak.

Is there is anyone in the audience that wishes to speak in favor or in opposition of the application, any comments?
(No response.)

Okay.

I'm going to make a motion that we

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close the public hearing.
Do I have a second?
MR. THOMAS: Second.

CHAIRWOMAN GIVEN: All those in favor?

MR. FOOTE: Aye.
MR. COTUGNO: Aye.
MR. THOMAS: Aye.
MR. BURNS: Aye.
CHAIRWOMAN GIVEN: Okay.
That's pretty much the business of this evening; it was strictly the public hearing.

MR. BROWN: There is no chance that you could --

CHAIRWOMAN GIVEN: No.
MR. BROWN: -- make a determination today?

CHAIRWOMAN GIVEN: No. I strictly feel that --

Rob, am I inbounds on this? How do I proceed?

I just felt it was a public hearing.
MR. CONNOLLY: When there's a public hearing, the Board generally waits until the next meeting to deliberate on the

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application.
AUDIENCE SPEAKER: The next month or is there an --

CHAIRWOMAN GIVEN: End of this month.
MR. PALLAS: End of April would be the Board's opportunity to deliberate on it. It would be put on for a vote the following week, assuming there are no issues.

MR. FOOTE: Is there any reason --
CHAIRWOMAN GIVEN: That's the process, Rob.

MR. FOOTE: Okay.
There's no way we can just take it to a vote right now?

CHAIRWOMAN GIVEN: Because that's not how --

I'm trying the follow procedure. I don't like setting precedents. And the procedure is what Paul just explained and Rob just explained, so I want to follow procedure.

Am I in line?
MR. CONNOLLY: As the chairwoman of the Board, you set the procedure.

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CHAIRWOMAN GIVEN: Okay.

That's how I'm going to proceed.

MR. FOOTE: Okay.

CHAIRWOMAN GIVEN: Thank you.

Item Number 4, 207 Front.

A public hearing for a site plan approval for Front \& Third LLC.

Represented by Daniel Pennessi. Dennis McDermot (phonetic) will be speaking on his behalf.

The applicant is proposing seasonal outdoor seating.

The property is located in the Commercial Retail District and is not located in the Historic District.

It's designated Suffolk County Tax Map number 1001-5-4-5.

MR. McDERMOT: Hi, I'm Dennis McDermot.

CHAIRWOMAN GIVEN: Everyone has their
information on this?

MR. THOMAS: Yes.

CHAIRWOMAN GIVEN: Again, it's pretty
much the public hearing for the public to comment unless anyone has a specific

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 question for Dennis or a concern.

Again, you will have an opportunity to do the deliberation at the next meeting as well. Don't feel you have to do it tonight.

Anything?
MR. COTUGNO: Can I say something?
CHAIRWOMAN GIVEN: Please.

MR. COTUGNO: My biggest concern is the people from the restaurant's seating area or waiter staff using the public sidewalk; and I know you left a three-foot aisle, so that three-foot aisle --

MR. McDERMOT: Right. There is a three-foot aisle between the building and that row of tables for staff.

MR. COTUGNO: -- can't read the numbers. Those aren't table numbers, they're just twos, but I think the last one, people couldn't get out of there, so they're sitting in the corner up against the building to the right.

MR. McDERMOT: I'm not sure if it's
shown on the plan right now, but on the
sidewalk side of those tables, it will be a

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metal and canvas barrier that will prevent anybody from exiting towards the street.

MR. COTUGNO: What I'm saying is, the person sitting at the table adjacent to the building, I'm sorry the tables aren't numbered, but the table to the right, adjacent to the building, if you're sitting there, how do you get out of the chair?

MR. McDERMOT: You know, I'm not sure how clearly that is drawn, but it should be a table of four with access and egress on either side of the table.

MR. COTUGNO: Maybe you should correct that for the next meeting because it seems like the person couldn't possibly get out of that chair or get into the chair.

MR. FOOTE: Are you saying the chair closest to the sidewalk or --

MR. COTUGNO: No.
CHAIRWOMAN GIVEN: By the movie theater side, the double table.

MR. FOOTE: I think on the plan, there is plenty of space where the table closer to the building is. Really the table -- I

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assume everybody is going to have to squeeze out on the side and not on the sidewalk side because you have a barrier.

MR. COTUGNO: There's a barrier there.
MR. McDERMOT: We could easily move the table right up against the building and people could come around the sidewalk side to behind the -- I don't think -- in general, that shouldn't really be an issue, getting in and out of that table.

MR. COTUGNO: Well, the total distance to the barrier is six-foot-five so the table, I guess, would be no more than twenty-four inches. That would be four feet, so you would have two feet if it's shoved right up against the building.

MR. McDERMOT: That should be plenty of room to get around to the back of the table.

MR. COTUGNO: Yeah, if the tables are no more than two feet.

MR. McDERMOT: Yeah. We don't want the tables too big.

CHAIRWOMAN GIVEN: You don't have a specific size table in mind?

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MR. McDERMOT: They haven't been spelled out yet, no.

CHAIRWOMAN GIVEN: I think that's going to come into play.

Right?
MR. COTUGNO: Yes.
CHAIRWOMAN GIVEN: Absolutely.
I think that's information that's
needed to make an informed decision.

MR. FOOTE: Looks like the total
distance is six-feet-five inches from the side of the building to the barrier; and you've got three feet. So that leaves a total of, you know, for the walkway, that means the difference is three-feet-five inches, so for the -- that's plenty of room to play with it seems like.

MR. THOMAS: I would assume if they find it too tight, they'll just --

CHAIRWOMAN GIVEN: And again, this is strictly a public hearing. Our deliberation and discussion on this would take place at the next meeting. It's truly just a public hearing. That's is the agenda item.

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MR. THOMAS: Everyone was talking about it so --

MR. FOOTE: Just trying to help.

CHAIRWOMAN GIVEN: So you would like the table size?

MR. COTUGNO: Yeah.

I'd also like to know what the barriers are gonna look like.

MR. McDERMOT: Okay.

CHAIRWOMAN GIVEN: Okay.
You'll get that information to us?

MR. McDERMOT: Yes.

CHAIRWOMAN GIVEN: Now, I'm just going to ask, Dennis, if anyone in the audience wishes to speak on behalf of this application.

Chatty.

MS. ALAN: Chatty Alan, Third Street.
I just -- I'm in favor of this. You know.

I think it will enhance that corner to begin with. And if you look down Front Street, a lot of the restaurants do have outdoor seating.

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And the way that this a hotel was built, I don't see the problem.

Anything that you ask them to do, they're gonna do because they care about this Village. They care about the people here. And I think it will be nice. As someone who has the bird's eye view of it every day, you know, I think it will actually look nice there, so I'm in favor of it.

Thank you.

CHAIRWOMAN GIVEN: Thank you.

Anyone else wishing to speak on behalf of this application?
(No response.)

Okay.

I make a motion the close the public hearing.

MR. COTUGNO: Second.

CHAIRWOMAN GIVEN: All those in favor?

MR. FOOTE: Aye.

MR. THOMAS: Aye.

MR. COTUGNO: Aye.

MR. BURNS: Aye.

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CHAIRWOMAN GIVEN: So, again, the public hearing is closed. And we'll get that information from you, and we'll deliberate at our next meeting.

MR. McDERMOT: Thank you.
CHAIRWOMAN GIVEN: Thank you, Dennis. On item Number 5, 48 Front Street, we really just --

Continuation of pre-submission conference for site plan approval for 48 Front Street, LLC, Greenhill Kitchen.

Represented by Robert Brown.
The applicant is proposing an additional kitchen and storage, as well as a live performance space on the second floor.

The property is located in the Commercial Retail District. This property is not located in the Historic District.

It's designated Suffolk County Tax Map number 1001-4-10-32.

As everybody is aware, I have recused myself from this application, and you need to proceed. And I just don't know if you have any, Noah or John --

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MR. PALLAS: I apologize, Madam Chair. There is an error on the wording of this.

They have withdrawn the original application which did include the kitchen and storage. This application is only for the live performance space. The wording about additional kitchen and storage does not apply to this.

I apologize for the error.

MR. COTUGNO: This is a change of use also?

MR. BROWN: Technically, yes. They're both assembly spaces as per the code. They both would be considered assembly spaces except we're asking to include live music as part of the second floor.

MR. COTUGNO: I'm just thinking, as per the code, it's probably not really a technical change of use for the primary use because it's still gonna sell food up there.

It's still a restaurant on the second floor?

MR. BROWN: Mostly bar, but yes, some food.

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MR. COTUGNO: The music is just a secondary use?

MR. BROWN: Yes.

MR. COTUGNO: If the music were the only use, you would have to have it handicapped accessible.

MR. BURNS: Yeah.

MR. FOOTE: Will it be arranged with tables or is it going to be like --

CHAIRWOMAN GIVEN: I'm sorry. Excuse me. I'm not sure if John got his question answered.

MR. FOOTE: I'm sorry.

MR. BROWN: Yes.

MR. COTUGNO: The primary use will
still be a restaurant on the second floor?

MR. BROWN: Well, primarily a bar space. I mean, you know, it's a restaurant space except for the nights that they have live music. In which case, there will be more room made for people to listen to the music, but primarily it's the same.

I mean I personally would argue that having live music up there does not really

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change the use. It's just an enhancement to that use.

MR. COTUGNO: That's why I asked if they're still gonna sell food up there as well.

MR. BROWN: Yes.
MR. COTUGNO: It's not gonna be a concert hall?

MR. BROWN: No. No. No fixed seating or anything like that, no.

MR. COTUGNO: How many nights are they gonna have the music?

MR. BROWN: I believe the intention is just on the weekends. I don't want to speak for the owner, but that is the impression that I have, during the summer.

MR. COTUGNO: During what hours, hours of operation of music?

MR. BROWN: I believe the owner submitted a letter explaining that. I don't have that information offhand.

In any case, it's clear that he would comply with any noise regulations in the Village.

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MR. FOOTE: John, are you finished?

MR. COTUGNO: Yes.

MR. FOOTE: I'd like to know what the hours are. If the Village could provide us with that information on what the code permits.

MR. PALLAS: I don't know that there is a limitation in the code.

MR. FOOTE: I propose that we discuss a limitation as a Board so that in the interest of the community, making sure it's reasonable.

MR. BROWN: If I may, I would sulbmit that the overriding consideration would be the noise level, that as long as they're complying with the code in terms of noise levels, that it shouldn't matter what time.

MR. FOOTE: I brought that up at the last hearing, and they have already assured us that it would comply with that.

But beyond that, I think there is a separate interest in knowing it's not going on until 4:00 in the morning. I think it's in the Village's interest that that not

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happen.
Also, I just want to go back to this concept, so it's live music. Is it, do they envision people sitting around tables listening to live music or people, standing room?

MR. BROWN: Both.

MR. FOOTE: So is there a discussion of the capacity limitation?

MR. BROWN: Yes, that's on the drawings.

MR. FOOTE: Do you happen to know what it is?

MR. BROWN: I don't have that off hand.
MR. FOOTE: Okay.
So is it beyond what the normal
capacity would be if it was just for seating around tables?

MR. BROWN: Yes, it is.
MR. FOOTE: That's been submitted in --
MR. BROWN: Yes, it's --
MR. FOOTE: -- compliance.
MR. BROWN: Yes, it's in compliance with the code and documented on the plan.

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MR. FOOTE: Okay.
MR. BROWN: Off the top of my head, if it's seating at a table, it's fifteen-square feet per person. If it's standing, it's seven-square feet per person.

MR. FOOTE: So it's gonna be --
MR. BROWN: -- limitation.

MR. FOOTE: -- how many tables are arranged?

MR. BROWN: Yes.
MR. FOOTE: And the expectation is they would have some variability depending upon the given night?

MR. BROWN: Yes.
MR. FOOTE: Okay.
MR. CONNOLLY: Do you want to set the public hearing?

CHAIRWOMAN GIVEN: Make that motion to schedule the public hearing.

MR. COTUGNO: So I make a motion to schedule a public hearing for the site plan approval or 48 Front Street, LLC, Greenhill Kitchen represented by Robert Brown for May 2, 2019 at 4 o'clock.

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Do I have a second?
MR. THOMAS: Second.
MR. COTUGNO: All those in favor?

MR. FOOTE: Aye.
MR. THOMAS: Aye.
MR. COTUGNO: Aye.
MR. BURNS: Aye.
MR. BROWN: Thank you very much.
CHAIRWOMAN GIVEN: Item number 6, 47
Front Street.
Continuation of pre-submission
conference for site plan approval for ASCM Property LLC, Deepwater Grill.

Represented by Architect Robert Brown.
The applicant is proposing minor
interior renovations as well as awning replacement.

The property is located in the Waterfront Commercial District and is not located in the Historic District.

Designated Suffolk County Tax Map Number 1001-5-4-19.

Again, I have recused myself from this application as well.

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MR. THOMAS: I'm good.

MR. FOOTE: I have nothing. All my questions were answered last time.

CHAIRWOMAN GIVEN: The name change, does that have to be incorporated?

MR. PALLAS: It's on the drawings, so I think once you approve the site plan, it become part of that site plan.

MR. COTUGNO: The only thing I'd like to see, maybe for the public hearing is a sample of what this canopy is going to look like.

MR. BROWN: Yes, I will get that.

It's my understanding that it would be basically the same material, but I will verify that and get you a sample.

MR. COTUGNO: Yeah, I'd like to know what we're getting.

MR. BROWN: The only other difference would be, it wouldn't say Deepwater Grill.

MR. COTUGNO: Yeah, I understand that part. I'd just like to see a sample.

MR. BROWN: Of course.

MR. COTUGNO: So with that, I'll make a

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    motion to schedule a public hearing for site
    plan approval for ASCM Property LLC
    Deepwater Grill represented by Robert Brown
    for May 2, 2019 at 4:00 p.m.
    Do I have a second?
    MR. FOOTE: Second.
    MR. COTUGNO: All those in favor?
    MR. FOOTE: Aye.
    MR. THOMAS: Aye.
    MR. COTUGNO: Aye.
    MR. BURNS: Aye.
    MR. BROWN: Thank you very much.
    CHAIRWOMAN GIVEN: Item Number 9,
motion the adjourn at 4:25.
    Do I have a second?
    MR. THOMAS: Second.
    CHAIRWOMAN GIVEN: All those in favor?
    MR. FOOTE: Aye.
    MR. COTUGNO: Aye.
    MR. THOMAS: Aye.
    MR. BURNS: Aye.
    CHAIRWOMAN GIVEN: Motion carried.
    (Time Noted: 4:25 p.m.)
    Flynn Stenography & Transcription Service
        (631) 727-1107
``` hand this 4th day of April, 2019.


STEPHANIE O'KEEFFE
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\end{tabular} & \[
\begin{array}{lll}
\text { begin [1] } & 14 / 23 \\
\text { behalf [3] } & 9 / 11 & 14 / 16 \\
\hline
\end{array}
\] \\
\hline 207 [1] 9/6 & \multirow[t]{2}{*}{15/15 16/23 17/5 17/6 23/25 apply [1] 17/9} & behind [1] 12/9 \\
\hline 222 [1] 2/6 & & believe [2] 19/14 19/20 \\
\hline 29.1 [1] 3/21 & approval [6] 3/12 9/8 16/11 & between [1] 10/15 \\
\hline 3 & \[
\begin{gathered}
22 / 2323 / 1325 / 3 \\
\text { approve [1] } 24 / 8
\end{gathered}
\] & beyond [2] 20/22 21/17 \\
\hline 300 [1] 3/11 & \multirow[t]{2}{*}{\[
\begin{aligned}
& \text { April [5] 1/8 } 2 / 3 \text { 8/6 } 26 / 10 \\
& 26 / 16 \\
& \text { April } 4 \text { [1] } 2 / 3
\end{aligned}
\]} & biggest [1] 10/ \\
\hline 32 [1] 16/21 & & bird's [1] 15/8 \\
\hline 4 & \multirow[t]{2}{*}{Architect [3] 3/14 3/24 23/15 are [9] 4/2 8/9 11/18 12/20 14/9} & blood [1] 26/12 \\
\hline 409 [1] 2/20 & & BOARD [7] 1/4 1/19 1/20 2/4 7/24 8/25 20/11 \\
\hline 41.01 [1] 2/11 & \multirow[t]{2}{*}{19/12 20/2 20/5 22/9} & \multirow[t]{2}{*}{Board's [1] 8/7} \\
\hline 47 [1] 23/10 & & \\
\hline 48 [3] 16/8 16/11 22/23 & \[
\begin{aligned}
& \text { area [2] } 5 / 2010 / 10 \\
& \text { aren't [2] 10/18 11/6 }
\end{aligned}
\] & both [3] 17/14 17/15 21/8 BRADLEY [1] 1/13 \\
\hline 4:00 [3] 1/9 20/24 25/5 & argue [1] 18/24 & \multirow[t]{3}{*}{\begin{tabular}{l}
brought [1] 20/19 \\
Brown [6] 3/14 3/23 16/13 \\
22/24 23/15 25/4 \\
building [9] 3/13 10/15 10/22
\end{tabular}} \\
\hline 4:25 [2] 25/15 25/24 4th [1] 26/16 & around [4] 12/8 12/19 21/5
21/19 & \\
\hline 4th [1] 26/16 & arranged [2] 18/9 22/10 & \\
\hline
\end{tabular}
\begin{tabular}{|c|c|c|}
\hline B & & \\
\hline building 12/7 12/ built [1] BURNS business & COTUNGO [1] could [4] 7/14 couldn't [2] 10/20 COUNTY [8] 1/3 & evening [3] \(3 / 223 / 2\) every [1] 15/9 everybody [2] 12/2 \\
\hline C & & \\
\hline \multirow[t]{28}{*}{```
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\hline & & expectation [1] 22/12 \\
\hline & \[
\begin{aligned}
& \text { Daniel [1] 9/9 } \\
& \text { day [2] 15/9 } 26 / 16 \\
& \text { decision [1] 13/10 } \\
& \text { Deepwater [3] } 23 / 14 \\
& 25 / 4
\end{aligned}
\] & explain [1] 5/19 explained [2] 8/20 8/ explaining [1] 19/21 explanatory [1] 3/25 \\
\hline & & \\
\hline & \[
\begin{aligned}
& \text { Dennis [5] 9/9 9/19 10/2 } 1 \text { 16/7 } \\
& \hline 1
\end{aligned}
\] &  \\
\hline & designated [6] 2/10 2/25 3/20 9/17 16/20 23/22 & \[
\begin{aligned}
& \text { favor [11] } 2 / 153 / 65 / 176 \\
& 7 / 514 / 2015 / 1015 / 2123 / \\
& 25 / 825 / 18
\end{aligned}
\] \\
\hline & & feel [2] 7 \\
\hline & determinations [2] & feet [8] 12 \\
\hline & & \begin{tabular}{l}
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felt [1] 7/22
\end{tabular} \\
\hline & & fifteen [1] 22 \\
\hline & & fifteen-squ \\
\hline & distance [2] 12/12 13/12 & findings [2] \\
\hline & District [8] 3/18 3/19 9/15 9/16
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\hline & do & \\
\hline & 5/17151515 & first [2] 4/13 5/18 \\
\hline & 14/24 15/4 15/5 21/4 21/13 & \[
\begin{aligned}
& \text { five [3] } 12 / 1313 / 12 \\
& \text { fixed [1] } 19 / 10
\end{aligned}
\] \\
\hline & docume & floor [6] 4/11 4/13 16/16 17/17 \\
\hline & does [4] & 17/23 18/1 \\
\hline & don't [11] 8/19 10/5 12/9 12/210 & follow [2] 8/18 \\
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20/8 21/15 & \\
\hline & & \\
\hline & & foot [4] 10/12 10/13 10/1 \\
\hline & & 1 \\
\hline & & \[
\begin{aligned}
& \text { FOOTE [1] } \\
& \text { four [3] } 1
\end{aligned}
\] \\
\hline & during [2] & [ [7] 9/6 9/8 14/23 16/8 \\
\hline & & \\
\hline & & G \\
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\end{tabular} & \[
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& \text { general [1] } 12 / 10 \\
& \text { generally [1] } 7 / 24 \\
& \text { get [9] 10/20 11/9 11/16 } 11 / 17 \\
& 12 / 1914 / 1216 / 324 / 1424 / 17
\end{aligned}
\] \\
\hline
\end{tabular}

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