


REGULAR SESSION - 4-5-2018

CHAIRWOMAN GIVEN: I'm going to
open the April 5, 2018 Regular Session
of the Village of Greenport Planning
Board at 4:07 p.m.
Item number 1, 411 First Street.
Can you hear me?
Before I start, I'd just like to
ask my members to speak into the microphone, both Jay and the
stenographer have asked that of us last week, they could not hear us clearly. Thank you.

Item number 1, 411 First Street.
Motion to schedule a public
hearing for the site plan review of
Kirk Services LLC, represented by David Murray.

The application is for the approval of a conversion from a
residential use to a commercial use for
the property located at 411 First
Street.
The property is located in a
Commercial Retail District and is

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REGULAR SESSION - 4-5-2018 designated Suffolk County tax map number 1001-4-6-35.

I make a motion to schedule a public hearing for May 3, 2018.

Do I have a second?
MR. COTUNGO: Second.
CHAIRWOMAN GIVEN: All those in
favor?

MR. COTUNGO: Aye.
MR. FOOTE: Aye.
CHAIRWOMAN GIVEN: Motion carried.

Item number 2, 222 Manor Place, discussion and possible motion on the application of the Landmark Group.

The applicant is proposing to reopen the medical building located at 222 Manor Place. The property is located in the One-Family Residential District and is not located in the Historic District.

The property is designated Suffolk County tax map number 1001-2-2-41.1.

I ask the members if they have reviewed the resolution that was typed Flynn Stenography \& Transcription Service (631) 727-1107

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    up of which I'm going to read the
    conditions; have you had time to look
    at that, Walter?
    MR. FOOTE: Yes.
    CHAIRWOMAN GIVEN: John?
    MR. COTUNGO: Yes.
    CHAIRWOMAN GIVEN: Okay, so I'm
going to read the conditions that will
apply.
    General conditions, all HVAC
systems and cabinets shall be located
in the rear of the property and shall
be screened so as not to be visible
from the adjacent and abutting
properties.
    The installation and/or use of
dusk-to-dawn lighting fixtures, whether
located on or off premises and used to
illuminate the subject property shall
not be permitted.
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All lighting shall be shielded and all outdoor lighting shall project downward and light sources shall not be visible to adjacent and abutting Flynn Stenography \& Transcription Service (631) 727-1107

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properties or roadways in conformance
with the dark sky laws.
    The garbage containers shall be
screened so as not to be visible from
the adjacent and abutting properties.
    Existing trees shall be protected
where practical from damage, including
bridging of pavement and/or alternative
paving where tree roots impact meeting.
    Limit hours of operations to 8:00
a.m. to 6:00 p.m. Monday through
Friday, notwithstanding the foregoing:
The medical use shall be permitted to
remain open until 8:00 p.m. one night a
week, hours on Saturday shall be
limited to 9:00 a.m. to 1:00 p.m.
    And contain any and all required
approvals from any involved or
interested departments or agencies.
    Items to be submitted slash
completed as a condition of approval:
The landowner shall file a notarized
affidavit indicating compliance with
the conditions of site plan approval as
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set forth herein and any deviations shall require review and approval by the Village of Greenport Planning Board.

Six complete sets of all plans shall be submitted for Planning Board's signature with the conditions of approval affixed to each sheet of the plans. The standard statement agreeing to complete said work and signed by the applicant. Said plans must be submitted and the required statement signed within 90 days of the date of the aforementioned resolution, otherwise said resolution shall be deemed null and void.

A cash deposit in the amount of $\$ 30,000$ in lieu of parking as provided for in the September 7, 2017 resolution of the Village of Greenport Planning Board.

Those are the conditions that will be attached to the approval should it be done tonight. And there will be a Flynn Stenography \& Transcription Service (631) 727-1107

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resolution that needs to be updated;
the one that you have there, there's
just a minor change on the date of the plans as indicated in here has to be changed to April 2nd, the ones that we have in front of us now.

Do I have a motion --

MR. FOOTE: I'm sorry for interrupting.

CHAIRWOMAN GIVEN: That's okay.

MR. FOOTE: So the plans that this proposal involves are the plans that are dated --

CHAIRWOMAN GIVEN: What we're
voting --

MR. FOOTE: -- April 2nd, but this resolution said January --

CHAIRWOMAN GIVEN: And I just said
that --

MR. FOOTE: Okay, revise it.

CHAIRWOMAN GIVEN: That's correct.

Do I have a motion in regards to

222 Manor Place?

MR. COTUNGO: Yes.

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MS. BERRY: I thought there was going to be discussion, you're going right to a resolution?

CHAIRWOMAN GIVEN: Yes.

MS. BERRY: I'd like to raise two issues that weren't on the resolution for you to consider.

One is the fence around the property, it's vague, it says chain link or stockade; so I think that should be qualified with, from what, you know, how it relates to neighbors and what they want.

And the other is, there had been a request in that the fence not extend as far forward because it impacts either side so that the fence end on one side, maybe at the end of his driveway because he can't open his door with the fence there, and on the other, where it ends at the end of his house, so he can get access to the side of his house, it's nine inches from the boundary.

So one is to terminate the fence Flynn Stenography \& Transcription Service (631) 727-1107

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at a place that is workable for the
neighbor and the other is to determine
the actual nature of the fence, is it
stockade or chain link and, you know,
to verify that. So I think the fence
issue hasn't been resolved.
    And then the other thing, which I
mentioned at the last meeting, this
whole site plan was dependent, and the
site plan was calculated on a number of
doctors, medical professionals that are
seeing patients, and as I mentioned
before, there's real potential in this
plan to increase that; so I would also
put a stipulation that it is contingent
upon a site plan based on five doctors
because the whole parking situation is
based on that, and if it exceeds that
in the future, there would be violation
of the site plan, and would need to
come back to the Board.
CHAIRWOMAN GIVEN: Do any members
have any comment on the fence first?
MR. FOOTE: I agree. I think that
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there should be a -- I mentioned this in my e-mail to you guys. I feel that there should be some qualitative control over what the fence is. There has to be a written -- I'm not sure, were you suggesting that the neighbors have input on it; is that what you're suggesting?

MR. COTUNGO: Have they spoken about the fence at a public hearing?

MS. BERRY: It's been in a lot of the correspondence.

MR. FOOTE: I think, to me that seems reasonable, as long as everybody's acting reasonably, you know, in terms of, it's not an issue about whether there is going to be a fence, but that it's gotta be something that's reasonable in terms of its location and style. I don't have a problem with that.

MS. BERRY: I think it's a
combination of a couple of factors, usual aesthetics and also impact on Flynn Stenography \& Transcription Service (631) 727-1107REGULAR SESSION - 4-5-2018
their use of their property.

I think those are the two issues.

MR. COTUNGO: What have the
neighbors opted for? I don't recall.

CHAIRWOMAN GIVEN: I feel this is all news to me, I mean, to this extent. I mean, these plans have been before us with this --

MS. BERRY: And I have mentioned it before in my notes and --

CHAIRWOMAN GIVEN: I just don't understand why it's coming up at the eleventh hour in such a degree.

MS. BERRY: Because it wasn't
addressed and there --

CHAIRWOMAN GIVEN: Well, there were many opportunities for it to have been addressed.

MS. BERRY: And I mentioned it many times.

CHAIRWOMAN GIVEN: Okay. You guide us, correct?

MS. BERRY: Yes.
CHAIRWOMAN GIVEN: You suggest

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things to us?

MS. BERRY: Right.

CHAIRWOMAN GIVEN: Okay.

MS. BERRY: So that's what I'm
doing, that for you to consider
whether, what you're going to do with
that because it hasn't been addressed, those two items.

CHAIRWOMAN GIVEN: I don't feel -I mean, I can understand to tell us whether it's going to be stockade or chain link, that I can understand tonight. I would like -- that I can understand, but I just --

MR. CONNOLLY: Does the Board have any feelings on whether they prefer the stockade or chain link?

MR. COTUNGO: I prefer a chain
link fence, it's less -- it's more aesthetically pleasing from the street, but I don't live next door or behind
them. That's why I asked if the neighbors had a strong opinion. I
personally would go for the chain link.

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CHAIRWOMAN GIVEN: I don't know if you answered his question directly on if the neighbors had a preference as to what fence.

MS. BERRY: I saw different things on, I think around the parking, I saw the neighbor behind definitely wanted something where he couldn't see. He was actually asking for something heavier to deal with sound too, but I would think stockade would probably be preferred, and I would actually think where the parking lot --

CHAIRWOMAN GIVEN: Okay, but the neighbor is not here to tell us, you're just telling us what you think is preferred.

MS. BERRY: There is, if you would like to ask.

MR. CONNOLLY: No, you can't. The public hearing is closed.

CHAIRWOMAN GIVEN: No, it's over.
MS. BERRY: Okay.
MR. CONNOLLY: The neighbor in the

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back, I remember they wanted an
eight-foot high fence which is in
violation of the code.

CHAIRWOMAN GIVEN: Right.

MS. BERRY: No, but I think
whether it's transparent or not is an issue, especially where the parking is.

MR. COTUNGO: So it could be a combination, so I would recommend the stockade fence on the rear and the two sides where the parking is, and chain link on the remainder of the two sides.

MS. BERRY: And you may not even need a fence where the chain link is because I really think it's the parking area that's the most offensive for the neighbors.

MR. FOOTE: Are we talking just about the back boundary or all the way around?

MS. BERRY: The back and the sides around the parking, my personal opinion is it should probably be a solid fence so that people are not seeing the cars. Flynn Stenography \& Transcription Service (631) 727-1107

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MR. FOOTE: Right.
MS. BERRY: It softens, you know, with shrubbery and whatnot, but after the parking lot, there may not even be a need for the fence.

The thing is, from two points on the sidelines, having a fence there actually impedes the adjacent property's use of their property.

CHAIRWOMAN GIVEN: As long as it's on the property line, I mean as long as it's on the property line, they're doing what's asked of them.

Am I accurate?
MS. BERRY: I know, but we're looking at nonconformance situations here, so some consideration of their condition, I think is warranted.

CHAIRWOMAN GIVEN: I just don't --
MS. BERRY: It would actually be cheaper for the owner, you know, so I don't see why that would be a problem, but.

CHAIRWOMAN GIVEN: Does anyone Flynn Stenography \& Transcription Service (631) 727-1107
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> conditions?
want to add a condition on in regards to the fence to the already existing

MR. FOOTE: Well, the existing condition says it's either gonna be chain link or stockade?

CHAIRWOMAN GIVEN: It doesn't say that, the plans do.

MR. FOOTE: Okay.
So what is the --
CHAIRWOMAN GIVEN: It doesn't -- I don't believe that there is, we had it and it got crossed off because it was on the -- I'll show you.

After consulting with Rob, these three were omitted (indicating on a document).

MR. FOOTE: It just seems to me
that the purpose of the fence particularly on the two sides is really to help respect the privacy of the neighbors, so why can't we, or can we draft it so that the selection of the style of fence will be the decision of Flynn Stenography \& Transcription Service (631) 727-1107

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the neighbor that's affected by it; why don't we just write that in?

MR. CONNOLLY: That is a really bad precedent to set.

MR. FOOTE: I'm sorry?
MR. CONNOLLY: That's a really bad precedent to set.

MR. FOOTE: Why?

MR. CONNOLLY: Because it's not this Board's job to get --

MR. FOOTE: But it's just not -we already have plans that say it's gonna be one or the other, just simply ask the, you know, the owner going over to the neighbor and saying, which fence do you want; do you want this or do you want that?

MR. COTUNGO: It's not a good idea.

CHAIRWOMAN GIVEN: I agree.

MR. FOOTE: But if we all had, during the public hearing, taken note of it, we wouldn't even have it, we would know what they want, but because Flynn Stenography \& Transcription Service (631) 727-1107
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there and they --
of the formalities here, we're not --
    CHAIRWOMAN GIVEN: They were up

MR. FOOTE: But right now, I don't know personally what fence they would prefer, I just don't know.

MR. COTUNGO: I think around the parking area they definitely prefer a stockade fence.

My only question is if you need the fence on the two sides, that would be chain link, the only purpose of having it is --

MR. FOOTE: Why do you think it should be chain link on the sides?

MR. COTUNGO: Because aesthetically, it doesn't look good, a stockade fence might --

MR. FOOTE: You see, you're giving your feeling about aesthetics, it's really more important what the neighbor feels because the ones affected by it, I mean, it's their aesthetic, they're the ones who are gonna be looking at it Flynn Stenography \& Transcription Service (631) 727-1107

REGULAR SESSION - 4-5-2018 every day.

MR. COTUNGO: I mean from the street, aesthetics from the street, it's gonna look funny when I drive by there to see stockade fencing running all the way to the front of the building, so that affects me. I'm a neighbor. I drive by there every day.

MR. FOOTE: Yeah, well.
Is there no procedure for actually asking the neighbors at this time so we can --

MR. CONNOLLY: No, because the public hearing is closed, the record's closed.

MR. FOOTE: There's no special request that we can make to resolve this; it's just a simple thing to do?

CHAIRWOMAN GIVEN: I would have felt that it was simple between last week and this week if this was an issue, communication and discussion would have been had throughout the week. A whole week has gone by, I have Flynn Stenography \& Transcription Service (631) 727-1107
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sat -- we sat here and asked for
week and --
certain things of this applicant last

MS. BERRY: And we have mentioned
this issue --

CHAIRWOMAN GIVEN: It wasn't
specified last week though. I don't understand why all of a sudden it's becoming such a demand and so clear. Where was that clarity and that request, number one, at last week's meeting because we were --

MS. BERRY: Right, well, one -okay. Before last week's meeting, one, there were letters of record from property owners referencing it, and I had mentioned it in my notes.

CHAIRWOMAN GIVEN: I'm asking why it didn't come so clear. Tonight you're so clear.

MS. BERRY: Because at the end of the public hearing, it was raised again after the public hearing.

CHAIRWOMAN GIVEN: Why wasn't it Flynn Stenography \& Transcription Service (631) 727-1107
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    made clear before tonight? It's just I
don't understand why this came up so --
MS. BERRY: It's an outstanding
issue that I haven't seen resolved.
CHAIRWOMAN GIVEN: I feel we had
more than enough time to address it.
MS. BERRY: We didn't talk about
what resolution would be at the last --
CHAIRWOMAN GIVEN: I'm listening
to Rob, excuse me.
MR. COTUNGO: I think the Board
needs to come to a consensus on the
type of fence and where it's gonna be
and make that a condition.
CHAIRWOMAN GIVEN: Right. Okay.
MS. BERRY: And there has been no discussion on what the resolution would be, we didn't discuss it last time, so I didn't know if it was in or not.
CHAIRWOMAN GIVEN: So we're going to make it a condition, yes?
MR. COTUNGO: What about the five doctors?
CHAIRWOMAN GIVEN: I'm sorry?
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MR. COTUNGO: Two more conditions, the five doctors and the fence.

CHAIRWOMAN GIVEN: That it be limited to five doctors at any one given time.

MS. BERRY: Yes, and if there's a change, they would have to come back because they would be in violation of site plan.

CHAIRWOMAN GIVEN: So how are we going to term the condition about the fence?

MR. COTUNGO: My opinion is, I
would have a stockade fence around the parking area in the rear and on the two sides.

I'm not sure if the other fences are needed.

CHAIRWOMAN GIVEN: Walter, your opinion?

MR. FOOTE: The rear and the two sides, what other fences would there be?

MR. COTUNGO: The two sides going Flynn Stenography \& Transcription Service (631) 727-1107
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    all the way up to the front.
MR. FOOTE: I see.
MR. COTUNGO: When I said the rear
and the two sides, I said where the
parking area is, so that's to the back
of the building. Fences should go to
the back of the building, stockade
fence, that's the only point I feel
strong on.
CHAIRWOMAN GIVEN: Your feelings?
MR. FOOTE: Well, I'm gonna
speculate that the neighbors would
prefer to have the -- they want
stockade fence and we're having a
buffer built in on either side, but I
assume that they would want the fence
line to continue to the front. I'm
kind of making a speculation here on
that though.
To me, I'm just trying to be
sensitive to what the neighbors want in
reality because we're creating an
in-and-out parking lot situation where
there's gonna be more traffic than
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> the property.
there's ever been, and I'm just trying
to balance that out, and for that
reason, I would think the stockade
should come out further to the front of

CHAIRWOMAN GIVEN: Noah, are you up to par on where we are?

MR. THOMAS: Yes.

CHAIRWOMAN GIVEN: Do you have any feelings on the fencing?

MR. THOMAS: I think stockade would be, everyone would prefer the stockade, but I think going all the way, as long as it fits because it's tight.

AUDIENCE MEMBER: Can I make a point?

CHAIRWOMAN GIVEN: No, I don't believe so.

Can he?

MR. CONNOLLY: No.

CHAIRWOMAN GIVEN: No, you can't.
So how am I proceeding, I don't
know the exact --

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MR. COTUNGO: Just add two
conditions, the fence and --
MR. CONNOLLY: Is the consensus of the Board for a stockade fence?

CHAIRWOMAN GIVEN: That's what we're going with.

MR. CONNOLLY: From the rear property line and the side yard property lines up to the front?

MR. COTUNGO: All the fence, there's no --

MS. BERRY: I would just say up until it makes sense for coordination or something.

Can we be vague like that?
MR. CONNOLLY: Not really.
CHAIRWOMAN GIVEN: I've just been asked by Walter if we could recess for five minutes. I don't know whether he wants executive session, I don't know what he's asking for.

MR. CONNOLLY: You can't have executive session for those types of issues.

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not clear.

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CHAIRWOMAN GIVEN: Okay. So we recess for five minutes for what? I'm

MR. FOOTE: I want a caucus.

MR. CONNOLLY: If you're gonna caucus, you have to do it on the -it's an open meeting, so it has to be --

MR. FOOTE: Can I spend my -- are we saying we can't recess for five minutes for any reason?

MR. CONNOLLY: You can recess if the Board wants to take a recess, but --

MR. FOOTE: Do we need a reason for recess, do we have to announce why or can we say for personal reasons?

MR. CONNOLLY: You can't discuss
the application while you're in a recess.

MR. FOOTE: Okay. I can't discuss it with other Board members or I can't discuss it with the public?

TRUSTEE ROBERTS: Neither.

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MR. FOOTE: Then forget it. I
don't need a recess.

CHAIRWOMAN GIVEN: Okay.

So an added condition is that the use be limited to five doctors at any given time. Okay, that's going to be a condition.

And that the type of fence will be stockade from the rear property line until it's --

MR. COTUNGO: Well, everywhere.

CHAIRWOMAN GIVEN: -- everywhere.

The type of material will be
stockade fence for this project.

Do I have a motion for the
application at 222 Manor Place?

MR. COTUNGO: Yes.

CHAIRWOMAN GIVEN: Make the motion, John.

MR. COTUNGO: I make the motion
that we approve this application with the conditions as noted.

CHAIRWOMAN GIVEN: Do we have a
second?

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MR. THOMAS: Second.
All those in favor?
MR. FOOTE: Aye.
MR. COTUNGO: Aye.
MR. THOMAS: Aye.
CHAIRWOMAN GIVEN: Aye.
Motion carried.

Item number 3, motion to adjourn.
Do I have a second?
MR. COTUNGO: Second.
CHAIRWOMAN GIVEN: All those in
favor?

MR. THOMAS: Aye.
MR. COTUNGO: Aye.
MR. FOOTE: Aye.
CHAIRWOMAN GIVEN: Motion carried. We're adjourned at 4:29.

I further certify that I am not related to any
of the parties to this action by blood or 31
marriage, and that I am in no way interested in
the outcome of this matter. IN wITNESS WHEREOF, I
have hereunto set my hand this 5th day of April,
2018 .

Stephanie O'Keeffe
STEPHANIE O'KEEFFE
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\hline 1001-4-6-35 [1] 4/3 & aesthetically [2] 13/21 19/18 & attached [1] 7/24 \\
\hline 1:00 [1] 6/17 & aesthetics [3] 11/25 19/21 & ATTORNEY [1] 1/19 \\
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\hline 2018 [5] 1/9 3/3 4/5 30/10 31/8 & affidavit [1] 6/24 & B \\
\hline \[
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& 222 \text { [5] } 2 / 54 / 134 / 188 / 24 \\
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\end{aligned}
\] & affixed [1] 7/9 aforementioned [1] 7/15 & \[
\begin{aligned}
& \hline \text { back [7] } 10 / 22 \text { 15/2 15/20 } \\
& 15 / 22 \text { 23/8 } 24 / 6 \text { 24/8 }
\end{aligned}
\] \\
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\hline \[
\begin{aligned}
& 4: 07 \text { [2] } 1 / 103 / 5 \\
& 4: 29[1] \\
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\end{aligned}
\] & \begin{tabular}{l}
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\hline
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\hline \[
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\] & hear [2] 3/7 3/12 & 18/19 19/21 19/24 20/5 20/19 \\
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& \text { 22/2 24/21 25/2 26/2 26/13 } \\
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\] \\
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\] & 19/6 19/7 22/20 25/25 26/20 \\
\hline & 22/25 23/18 24/12 24/18 24/21 & 26/21 \\
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\hline \(\mathbf{P}\) & read [2] 5/2 5/9 & saw [2] \\
\hline personally [2] 13/25 19/6 & \[
\begin{aligned}
& \text { real [1] 10/14 } \\
& \text { reality [1] } 24 / 23
\end{aligned}
\] & \[
\begin{aligned}
& \text { say [4] } 17 / 818 / 1326 / 1327 / \\
& \text { saying [2] } 18 / 1627 / 11
\end{aligned}
\] \\
\hline \[
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\] & really [6] 15/16 17/21 18/4 18/7 & says [2] 9/10 17/6 \\
\hline plan [8] 3/16 6/25 10/10 10/11 & 19/22 26/17 & schedule [2] 3/15 4/4 \\
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\hline 8/12 8/13 12/8 17/9 18/13 & reasonably [1] 11/16 & 24/3 \\
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\hline \[
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\hline properties [3] 5/16 6/2 6/6 & re & bbery [1] \\
\hline property [16] 3/22 3/24 4/18 & & \[
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\end{gathered}
\] \\
\hline 4/22 5/13 5/20 9/10 12/2 16/10 & 7/20 8/2 8/18 9/4 9/7 22/9 & sidelines [1] \(16 / 8\) \\
\hline 16/12 16/13 21/17 25/6 26/9 26/10 28/10 & \[
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\end{tabular} & revise [1] \(8 / 21\) & site [7] 3/16 6/25 10/10 10/1 \\
\hline \[
\begin{aligned}
& 12 \\
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\] & right [7] 9/4 13/3 15/5 16/2 & 10/17 10/21 23/10 \\
\hline & 19/5 21/14 22/16 & situation [2] 10/18 24/2 \\
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\end{tabular} & \[
\begin{aligned}
& \text { something [4] } 11 / 1914 / 9 \\
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\] \\
\hline
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wasn't [3] 12/15 21/7 21/25
way [5] 15/20 20/7 24/2 25/15 31/5
we [30] 8/6 15/19 17/13 17/23
17/23 18/3 18/13 18/22 18/24
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25/8 26/16 26/19 27/2 27/11
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we're [8] 8/15 16/16 19/2 22/21
24/15 24/23 26/7 29/18
week [8] 3/12 6/16 20/22 20/22
20/25 20/25 21/4 21/8
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