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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

-----x

Third Street Firehouse
Greenport, New York

January 15, 2019
6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

DINI GORDON - MEMBER

ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ATTORNEY

KRISTINA LINGG - BUILDING CLERK

PAUL PALLAS - VILLAGE ADMINISTRATOR

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: This is the Village
3 of Greenport Zoning Board of Appeals
4 meeting.

5 Item number 1, motion to accept the
6 minutes of the December 18, 2018 Zoning
7 Board of Appeals meeting.

8 So moved.

9 MR. TASKER: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MS. GORDON: Aye.

12 MR. TASKER: Aye.

13 MS. NEFF: Aye.

14 MR. CORWIN: Aye.

15 CHAIRMAN SALADINO: I'll vote aye.

16 Item number 2 is a motion to approve
17 the minutes of the October 16, 2018 Zoning
18 Board of Appeals meeting.

19 So moved.

20 MS. NEFF: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MS. GORDON: Aye.

23 MR. TASKER: Aye.

24 MS. NEFF: Aye.

25 CHAIRMAN SALADINO: I'll vote aye.

ZBA - 1-15-2019

Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: One abstention.

Item number 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, February 19, 2019 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York 11944.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 4 is 424 Fourth Street.

Motion to accept the application, schedule a public hearing and arrange a site visit for the application for Miller Family Trust.

The property is located at 424 Fourth Street, Greenport, New York 11944.

The Suffolk County Tax Map number is

Flynn Stenography & Transcription Service
(631) 727-1107

1 ZBA - 1-15-2019

2 10010-6-6-18.1.

3 MS. MOORE: Did you need me to --

4 CHAIRMAN SALADINO: Is the applicant
5 here?

6 MS. MOORE: Good evening. On behalf of
7 the Miller Family Trust.

8 You have my packet of information.
9 This is to expand what is a three-room B&B
10 with two additional rooms for a five-bedroom
11 B&B. And you're very familiar with this
12 property because we were here previously
13 regarding an accessory cottage.

14 So that room, that unit has no kitchen.
15 It was, part of the resolution of that
16 application was that the accessory cottage
17 portion was removed and it's just a bedroom
18 and sitting area. So the two extra rooms
19 would be that space and another bedroom on
20 the second floor.

21 So it's pretty straightforward. I'm
22 happy to answer any questions you might
23 have.

24 CHAIRMAN SALADINO: Do the members have
25 any questions?

ZBA - 1-15-2019

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2 MR. TASKER: The second bedroom that
3 you mentioned on the second floor as an
4 additional bedroom, has that room always
5 been a bedroom?

6 MS. MOORE: Yes. Yes. It's an
7 existing bedroom. It was used as part of
8 the family quarters.

9 MR. TASKER: Okay.

10 CHAIRMAN SALADINO: Okay.

11 I have some comments, but I think I'm
12 going to hold them until you have a public
13 hearing. If the members choose to accept
14 this application, I have some questions for
15 the attorney, but I'll wait until the public
16 hearing.

17 MS. MOORE: That's fine. The public
18 hearing will be fine.

19 CHAIRMAN SALADINO: I'll wait for the
20 public hearing.

21 MS. MOORE: Did you want to come for a
22 site inspection or are you familiar with the
23 house already?

24 CHAIRMAN SALADINO: We're gonna maybe
25 vote to accept the application first.

1 ZBA - 1-15-2019

2 MS. MOORE: Sorry.

3 CHAIRMAN SALADINO: And then schedule a
4 public hearing.

5 MS. MOORE: That's fine.

6 CHAIRMAN SALADINO: Then we'll decide
7 if they need a site visit and what time it
8 would be. We don't want to intrude.

9 I'll make a motion that we accept this
10 application.

11 MR. CORWIN: Second.

12 MS. GORDON: I have a question of my
13 colleagues.

14 Are we accepting it as a proposal for a
15 use variance or an area variance?

16 CHAIRMAN SALADINO: The application, I
17 believe, is for an area variance.

18 MS. GORDON: The notice of disapproval
19 states that it requires a use variance.

20 MS. MOORE: Not the notice that I have.

21 I would just clarify that this type of
22 application has been reviewed by the boards
23 previously and a B&B that was a
24 three-bedroom was made a five-bedroom and it
25 was done by way of an area variance, so we

ZBA - 1-15-2019

1 followed that same --

2
3 CHAIRMAN SALADINO: That's incorrect.
4 That's incorrect.

5 MS. MOORE: Okay.

6 CHAIRMAN SALADINO: The B&B that was
7 approved by a three-two vote of the
8 previous, of the Zoning Board was a
9 three-bedroom B&B, and it was approved for a
10 fourth bedroom by a vote of three-two.

11 Just to correct the record.

12 MS. MOORE: All right.

13 CHAIRMAN SALADINO: But we did progress
14 it as area variance. I didn't --

15 MS. GORDON: I just want to be --

16 CHAIRMAN SALADINO: Do we see it on
17 the --

18 MS. GORDON: I just want to be sure
19 that we understand which it is we're looking
20 at since the standards are quite different.
21 This is, as of the 10th of December by
22 notice of disapproval, maybe you have --

23 MS. MOORE: Unfortunately, my staff
24 gave me the wrong, the whole file, but not
25 the portion that I need, so I think this --

ZBA - 1-15-2019

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2 you have the packet there.

3 MR. PALLAS: Again, it does say -- the
4 notice that was issued by the Village does
5 say use variance.

6 MS. MOORE: Thank you.

7 CHAIRMAN SALADINO: Mine says the
8 application is therefore denied, the
9 proposal will be a variance for the proposed
10 nonconforming use.

11 MS. GORDON: But it says use variance.

12 CHAIRMAN SALADINO: I apologize, it
13 does.

14 We have had one applicant in my tenure
15 on the Zoning Board. Perhaps Ellen or
16 David -- one application to change from what
17 was legislated three rooms to increase the
18 capacity of the B&B; and that application,
19 we progressed as an area variance.

20 MR. CORWIN: I would submit an area
21 variance is the correct variance for this
22 application.

23 CHAIRMAN SALADINO: Unfortunately, the
24 notice of disapproval says use variance.

25 MS. GORDON: But can --

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: If the building,
3 the head of the Building Department says
4 that was an error or misprint --

5 MR. PALLAS: I believe it is, subject
6 to confirmation, I can get an e-mail out to
7 this board first thing tomorrow to confirm
8 that, but I believe it's an error.

9 CHAIRMAN SALADINO: Well, the applicant
10 is here now, and instead of making her and
11 her client come back next month, if you
12 could assure this board that that's just a
13 typographical error.

14 MR. PALLAS: I'm certain that it is, so
15 I would say yes, I will confirm that.

16 CHAIRMAN SALADINO: Do we think
17 that's -- is the Board comfortable with that
18 or do we need that in writing?

19 MR. CORWIN: I'm comfortable with it.

20 MS. NEFF: Okay.

21 CHAIRMAN SALADINO: Diana?

22 MS. GORDON: Okay. I just want it to
23 be clear.

24 MS. MOORE: No, I appreciate the
25 clarification.

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: And it's my fault
3 that I missed that.

4 Arthur, are you comfortable with that?

5 MR. TASKER: Well, we're gonna vote on
6 whether or not to accept it, aren't we?

7 CHAIRMAN SALADINO: No, we're gonna --

8 MR. TASKER: The application.

9 CHAIRMAN SALADINO: -- if we're
10 comfortable that the head of the Building
11 Department said that this is simply a
12 misprint.

13 MR. TASKER: A drafting error.

14 Yes.

15 CHAIRMAN SALADINO: Ellen.

16 MS. NEFF: For another clarification,
17 this discussion on the side about three to
18 four, I didn't follow that.

19 CHAIRMAN SALADINO: Let's square this
20 away.

21 MS. NEFF: Okay.

22 CHAIRMAN SALADINO: Then we can
23 address -- I'll address that question.

24 MS. NEFF: All right. Thank you.

25 CHAIRMAN SALADINO: Are you comfortable

ZBA - 1-15-2019

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2 with Paul's explanation?

3 MS. NEFF: Yes.

4 CHAIRMAN SALADINO: All right.

5 So we're gonna change the notice of
6 disapproval from use to area.

7 Is that what we're gonna do?

8 And we're gonna call the questions.

9 The first, we have a motion that
10 seconded, but if David will just be patient.

11 Your question, Ellen, about three and
12 four?

13 MS. NEFF: My question is, I heard
14 someone, I think Dini, say something about,
15 or perhaps the applicant's attorney, about
16 it being four bedrooms, changed already to
17 four.

18 MS. MOORE: No. No. No.

19 CHAIRMAN SALADINO: No.

20 What I said was, the application that
21 we had previous, I think in 2016, was to
22 convert a three-bedroom bed and breakfast to
23 add one room to make it four bedrooms. I
24 don't believe we have any five-bedroom B&Bs
25 in the Village.

1 ZBA - 1-15-2019

2 MS. MOORE: Can you tell me which B&B?

3 CHAIRMAN SALADINO: Fordham House.

4 MS. MOORE: Thank you.

5 CHAIRMAN SALADINO: That was the last
6 application that I remember.

7 MS. MOORE: Okay.

8 CHAIRMAN SALADINO: And the vote was
9 three-two if you're interested.

10 MS. MOORE: I mean, I'd just point out
11 that since that, the Village has now adopted
12 a short-term rental law that says that every
13 owner-occupied home may rent transient
14 rentals, so that has really thrown a monkey
15 wrench into the entire B&B process.

16 CHAIRMAN SALADINO: Not to belabor
17 that, but since you brought it up, and as
18 luck would have it, the head of the Building
19 Department is here.

20 MS. MOORE: Yeah.

21 CHAIRMAN SALADINO: I personally, I
22 heard you say that at a Planning Board
23 meeting, and not to get too far out of out
24 depth here, the Village, in fact, did
25 progress that, but also New York State has

ZBA - 1-15-2019

1 laws that say anything over two is
2 considered a rooming house or lodging house
3 or boarding, and that becomes a multifamily
4 dwelling --

5 MS. MOORE: No.

6 I would correct you on that. The State
7 building code says that any --

8 CHAIRMAN SALADINO: I understand
9 that --

10 MS. MOORE: No.

11 State building code allows up to five
12 bedrooms for a B&B, and, in fact, the State,
13 when I was dealing with this issue on a
14 two-family whatever, the State, the
15 architect for the State building code kept
16 saying to me, you know, the State building
17 code defines a B&B of up to five bedrooms,
18 anything more than five becomes either an
19 inn --

20 CHAIRMAN SALADINO: Boarding house --

21 MS. MOORE: -- usually it's an inn for
22 purposes of fire code compliance, so.

23 CHAIRMAN SALADINO: Well, that was kind
24 of like my point. My point is that what the
25

ZBA - 1-15-2019

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2 State allows, the Village can be more
3 restrictive, and what the Village allows is
4 different from what the State allows. The
5 State doesn't mandate what the Village can
6 do. If an applicant, not your applicant, if
7 an applicant decides to forgo the B&B
8 process and become an inn or a lodging house
9 or a boarding house, they would then have to
10 comply with New York State multiple dwelling
11 law. So to say, well, you know, if we don't
12 do this, we'll do this. Sometimes other
13 things come into play.

14 But right now, I think this board is
15 prepared to accept the application.

16 MS. MOORE: That's fine.

17 MR. TASKER: Just one further step on
18 what you were addressing, Mr. Chairman, the
19 motion forward or the progress that you
20 suggested could be done, might be done by an
21 owner in the Village of Greenport who is
22 gonna run into difficulties with multiple
23 dwelling and restrictions there zoning
24 districts and you're gonna be in a use
25 variance situation.

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: I'll defer to the
3 attorney, but I'm reading from New York
4 State Local Dwelling Law and they define,
5 without getting in too far over our head or
6 belaboring this, they define exactly what's
7 allowed or what's defined as multiple
8 dwelling when it comes to rental units.

9 But right now, we're prepared -- I
10 think there's a motion and there's a second
11 to accept this application, we're prepared
12 to vote, so call a vote.

13 David?

14 MR. CORWIN: Yes.

15 CHAIRMAN SALADINO: Diana?

16 MS. GORDON: Yes.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: Yes.

19 CHAIRMAN SALADINO: Arthur?

20 MR. TASKER: Yes.

21 CHAIRMAN SALADINO: And I'll vote yes.

22 MS. MOORE: Thank you.

23 CHAIRMAN SALADINO: We're gonna set a
24 date for a public hearing. I believe our
25 next meeting is February 19th, we'll set the

ZBA - 1-15-2019

1 public hearing at 6 o'clock. We set them
2 all at 6 o'clock.

3
4 The question is a site visit, do we
5 need a site visit? We are all intimately
6 familiar with this property.

7 MR. TASKER: If we saw a floor plan
8 indicating where the bedrooms are going to
9 be --

10 MS. MOORE: You have it in your packet.

11 CHAIRMAN SALADINO: I thought we had
12 that.

13 MR. TASKER: Does it show --

14 MS. MOORE: Oh, yes, I submitted it,
15 and I even gave you a photograph of the
16 bedroom.

17 MR. TASKER: Okay.

18 If we have it, we have it.

19 CHAIRMAN SALADINO: So the consensus is
20 we don't need a site visit?

21 MR. CORWIN: Yes.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur?

25 MR. TASKER: If we have floor plans in

ZBA - 1-15-2019

our packages, yes. Thank you.

MS. GORDON: Yes.

CHAIRMAN SALADINO: And I'm comfortable, so no site visit. We'll see you on the 19th.

The only thing that I would ask that would be outside the ordinary, and I'll address it to the building clerk, could we expand the mailings just a little bit to include everyone on Fourth Street from Flint to the railroad tracks on both sides of the street? You know, might only be --

MS. MOORE: Well --

CHAIRMAN SALADINO: It's two extra houses.

MS. MOORE: When you put it that way, two extra houses. Without knowing exactly which ones, maybe if you could have the clerk give us the tax map numbers of the houses you want us to notice, we'll notice the two extra houses.

I know typically it's adjacent and across the street.

CHAIRMAN SALADINO: Well, can we get a

ZBA - 1-15-2019

1 definition of adjacent or across the street?

2 MS. MOORE: Well, across the street,
3 you have the private road, I'm considering
4 that across the street.
5

6 CHAIRMAN SALADINO: Well, it's a
7 private road.

8 Let me rephrase that.

9 Can we get an expanded mailing for all
10 the residents of the private road and the
11 houses across the street from Wiggins to the
12 railroad tracks from the private road?

13 MR. PALLAS: Sure.

14 CHAIRMAN SALADINO: Is that --

15 MS. MOORE: Village attorney is --

16 MR. CONNOLLY: The code specifies who
17 has to be noticed. If the applicant is
18 willing to do that then --

19 CHAIRMAN SALADINO: Perhaps I can get a
20 legal definition.

21 MR. CONNOLLY: Adjacent or abutting?

22 CHAIRMAN SALADINO: It doesn't say
23 abutting.

24 MR. CONNOLLY: Adjacent is touching or
25 across the --

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: Well, we have an
3 expanded --

4 MR. CORWIN: This is a special case,
5 this is a private road.

6 MR. TASKER: Well, the right of way
7 does not separate those properties from
8 being adjacent to the property we're talking
9 about.

10 CHAIRMAN SALADINO: Before we get too
11 far --

12 MS. MOORE: I always --

13 CHAIRMAN SALADINO: -- we're talking
14 about two additional houses or three
15 additional houses. If this is gonna create
16 a controversy between the Village and the
17 applicant --

18 MS. MOORE: No, it's not.

19 CHAIRMAN SALADINO: That would be --

20 MS. MOORE: I want to make sure that
21 I -- I can't read the bubble over your head,
22 so it would help me if you just give me the
23 tax map numbers, then I will notice whomever
24 you prefer. And usually as a matter of
25 course, I always notice across a right of

ZBA - 1-15-2019

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2 way as well as touching.

3 CHAIRMAN SALADINO: So my request, if
4 it's okay with my colleagues is, all the
5 residents on the private road, I believe
6 it's Miller Road; is that the name of the
7 private road, Miller Road?

8 MS. MOORE: I don't know that it has a
9 name.

10 MR. PALLAS: I think on some maps it
11 was just listed as Road A.

12 MS. NEFF: A road.

13 CHAIRMAN SALADINO: In addition to
14 those residents, if it's possible that we
15 increase the mailing to include the
16 residents across the street from the private
17 road, from Flint Street to the railroad
18 track. It's three houses.

19 MS. NEFF: Yes.

20 MR. TASKER: Does it include Mike
21 Burton (phonetic)?

22 CHAIRMAN SALADINO: Mike Burton abuts
23 the property, so they're required notice.

24 MS. MOORE: Do you know who I have to
25 notice?

ZBA - 1-15-2019

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MS. NEFF: I think it's easier to --

CHAIRMAN SALADINO: I know who you have to, but --

MS. MOORE: I don't have a map in front of me, so when you say the railroad track --

CHAIRMAN SALADINO: Whatever residents show up here with mailings, by that time, I'm sure in my mind, it will be --

MS. MOORE: If I could just show you the survey, you tell me if we're thinking of the same people.

(Ms. Moore approaches the Board.)

So I noticed this individual, these individuals --

CHAIRMAN SALADINO: Wait, I'm sorry. This is Fourth Street --

MS. MOORE: Here's a private road, here's the property.

MR. PALLAS: Excuse me, if I may interrupt, the transcriptionist --

MS. MOORE: I'm sorry. I'm showing him the map so I can identify which side of the street he's asking, so he's asking that I -- I just got the clarification, the request

ZBA - 1-15-2019

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2 was --

3 CHAIRMAN SALADINO: For the west side
4 of Fourth Street.

5 MS. MOORE: The west side of Fourth
6 Street.

7 CHAIRMAN SALADINO: From Flint to the
8 railroad tracks.

9 MR. CORWIN: Mr. Chairman.

10 CHAIRMAN SALADINO: Yes, David.

11 MR. CORWIN: Does that raise the
12 question of where the --

13 CHAIRMAN SALADINO: Where Flint Street
14 is?

15 MR. CORWIN: Where the notice that goes
16 in somebody's front yard would be located?

17 CHAIRMAN SALADINO: I didn't think
18 about that.

19 MS. MOORE: The code defines it in
20 front of the property, so I have to follow
21 what the Village code defines --

22 CHAIRMAN SALADINO: I'm willing to let
23 the Building Department decide where the
24 notice that's on the property is actually
25 planted into the ground.

1 ZBA - 1-15-2019

2 MR. TASKER: It should be visible.

3 MS. MOORE: It's a private road, so
4 unless you're on that private road, it's not
5 seen, but they will get certified letters as
6 well.

7 What's your opinion, David; where do
8 you think the notice should be?

9 MR. CORWIN: At the beginning of the
10 private road off of Fourth Street.

11 MS. NEFF: Exactly, I agree with you.

12 CHAIRMAN SALADINO: Can we set that as
13 a --

14 MS. MOORE: Why don't you give me two
15 signs; I'll put one in front of the property
16 and one at the end of the private road.

17 CHAIRMAN SALADINO: I think the
18 applicant pays for the signs, we can give
19 you a hundred signs if you want.

20 MS. MOORE: Just two, please.

21 Okay.

22 Since I do the posting, I know where I
23 have to go.

24 CHAIRMAN SALADINO: So are we kind of
25 settled with that?

ZBA - 1-15-2019

MR. PALLAS: I am.

CHAIRMAN SALADINO: Two signs, three additional mailings, and we'll see you on -- does anybody else have any questions before we say so long to Ms. Moore?

(No response.)

We'll see you on February 19th.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: That's it, everybody is done? Okay.

Next up is, we have a letter -- item number 5 is 138 Sterling Avenue.

We have a letter from the applicant's representative, and I'll read it for the record. It's, Mr. Saladino, Chairman, Greenport Zoning Board of Appeals, Village of Greenport, 236 Third Street, Greenport, New York.

Dear Mr. Saladino, we are requesting a postponement from tonight's hearing for the above-mentioned property until I've had a chance to discuss the notice of disapproval dated 1/8/2019 with Mr. J. Prokop, Esquire, Village Attorney. And it's signed by

ZBA - 1-15-2019

1
2 Mr. Nigel Robert Williamson. He is the
3 owner's representative.

4 So item number 5 we're gonna table
5 until the Building Department and the
6 attorney and the applicant kind of get their
7 ducks in a row.

8 Is that okay? Everybody understands
9 that?

10 (No response.)

11 Moving on.

12 Item number 6 is 137 Sterling Avenue.

13 It's a motion to accept the
14 application, schedule a public hearing and
15 arrange a site visit for the application of
16 David Murray for the property located at 137
17 Sterling Avenue, Greenport, New York 11944.

18 Suffolk County Tax Map number is
19 1001-3-5-11.

20 Is the applicant here?

21 (No response.)

22 I'm going to make a motion that we
23 table this.

24 MR. CORWIN: Second.

25 CHAIRMAN SALADINO: Until the

ZBA - 1-15-2019

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2 applicant -- I have a few questions for the
3 applicant before we decide to accept this,
4 so I'm uncomfortable accepting this
5 application without being able to ask those
6 questions.

7 Again, my vote is only one vote, so
8 I'll put it to the members, I'll make a
9 motion to table this until the applicant is
10 present.

11 MR. CORWIN: I second.

12 CHAIRMAN SALADINO: All in favor?

13 MS. GORDON: Aye.

14 MR. TASKER: Aye.

15 MS. NEFF: Aye.

16 MR. CORWIN: Aye.

17 CHAIRMAN SALADINO: And I'll vote aye.

18 MR. CORWIN: Maybe in fairness to Mr.
19 Murray, we should say, at least I would say,
20 he's not the owner, it doesn't show the
21 owner on the application. He is the
22 representative of the owner, notwithstanding
23 what the owner gave him the letter for.

24 CHAIRMAN SALADINO: Well, David, if
25 he's representing the owner, he writes the

ZBA - 1-15-2019

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2 narrative --

3 MR. CORWIN: But I don't think the ZBA
4 can give the variance to David Murray, I
5 think they have to give it to the owner of
6 the property which is not listed on the
7 application.

8 MS. GORDON: He's listed here in the
9 applicant slash field, rather than in the
10 representative field, so I actually thought
11 he might be the owner. No?

12 CHAIRMAN SALADINO: He's not. He's the
13 contractor.

14 MS. NEFF: We've got this on the back
15 here where the owner identified Mr. Murray
16 as his representative, on the back page.

17 CHAIRMAN SALADINO: Yeah, it's rare
18 that we get applications that are printed on
19 both sides. We don't usually see that, so
20 some stuff can be -- but that's kind of
21 like, we're gonna table this anyway, we can
22 raise any questions we have about this
23 application to the Building Department and
24 they have a month to get in touch with the
25 applicant and let him know.

ZBA - 1-15-2019

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2 Aside from what we think is this
3 application incorrectly filled out, I don't
4 see that, you know, I see an authorization
5 to act as the representative, but if the
6 members have a problem, we can certainly ask
7 him to, when he comes in next time, to
8 correct any problems on this application.

9 Is that okay?

10 MR. CORWIN: Yes.

11 CHAIRMAN SALADINO: Okay.

12 Did we vote to table this?

13 MS. LINGG: Yes.

14 CHAIRMAN SALADINO: Item number 7 is
15 the 412/414 Carpenter Street. Motion to
16 accept the application, schedule a public
17 hearing and arrange a site visit for the
18 application of Hideaki Ariizumi for the
19 property located at 412/414 Carpenter
20 Street, Greenport, New York 11944.

21 And the Suffolk County Tax Map number
22 is 1001-5-1-8.

23 MR. STRUTNER: Hi. My name is Robert
24 Strutner (phonetic). I'm the applicant's
25 father. I'm here to help her represent

ZBA - 1-15-2019

1
2 herself here.

3 She was issued an original building
4 permit on 8/14/18 to do some alterations and
5 a small addition on the back of the house.
6 Consequently, she decided to add an
7 extension onto that existing permit which
8 was dated 11/21/18.

9 Consequently, we were working on the
10 house, going along nicely and then we got a
11 notice of disapproval. The letter of notice
12 of disapproval seems to indicate that we
13 need a variance of six-foot-eight-inch on
14 one side of the house to put this extra
15 approximately ten-by-ten extension.

16 Those are the basic facts. We'd like
17 to continue with the original permit that
18 was dated 8/14/18 as it has actually no
19 impact on this additional permit that we
20 have applied, but we'd like to continue with
21 the process on the second permit.

22 CHAIRMAN SALADINO: The first thing I
23 would like to bring out for the public and
24 for the stenographer is, this application
25 was in front of us last month, and we

ZBA - 1-15-2019

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2 accepted it with some questions and some
3 controversy. Because of a clerical error,
4 because of an administrative error and
5 because of the holidays and stuff, the
6 application, the public hearing wasn't
7 noticed, and I'm gonna apologize for the
8 Board for that, perhaps the Building
9 Department will apologize later for their
10 part, but the Zoning Board certainly
11 apologizes for that.

12 In the interim, it came to our
13 attention, so that's the reasoning for no
14 public hearing tonight.

15 MR. STRUTNER: Okay. That's for the
16 current application, the current
17 application?

18 CHAIRMAN SALADINO: For the current
19 application.

20 MR. STRUTNER: Right.

21 CHAIRMAN SALADINO: A new notice of
22 disapproval was issued and added a portion
23 of the code that was, that seemed
24 appropriate to apply.

25 MR. STRUTNER: Um-hum.

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: We have a portion
3 of our code that says that -- I should have
4 it in front of me. That 150-21B, 150-21 is,
5 when you increase -- this is a nonconforming
6 building with a conforming use.

7 MR. STRUTNER: Right.

8 CHAIRMAN SALADINO: When you increase
9 the nonconformity, you have to come for a
10 variance.

11 MR. STRUTNER: Right.

12 CHAIRMAN SALADINO: So that's the
13 reason, that's what generated the new notice
14 of disapproval.

15 MS. NEFF: Which is dated 1/7/19,
16 correct, this one?

17 CHAIRMAN SALADINO: I actually don't
18 have that in front of me, so it's dated
19 1/7/19.

20 MR. STRUTNER: Okay.

21 CHAIRMAN SALADINO: So that generated a
22 new notice of disapproval.

23 MR. STRUTNER: Right.

24 CHAIRMAN SALADINO: So this Board is
25 faced with, faced with addressing 150-21 and

ZBA - 1-15-2019

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2 then how that goes, we would then address
3 150-13, but from reading your application,
4 you seem to be asking, you're asking for an
5 interpretation of 150-21.

6 MR. STRUTNER: Well, yeah, because
7 we're actually not encroaching any more on
8 the side yard than we already have.

9 CHAIRMAN SALADINO: It's not about a
10 side yard. It's about a piece of property
11 that you're going outside the footprint of
12 the original building.

13 MR. STRUTNER: Right.

14 CHAIRMAN SALADINO: And you're
15 increasing the nonconformity, so if you read
16 the code --

17 MR. STRUTNER: Yep.

18 CHAIRMAN SALADINO: If you read the
19 code, it's pretty explicit that you would
20 need a variance to do that.

21 MR. STRUTNER: Right.

22 CHAIRMAN SALADINO: So if you want us
23 to schedule a public hearing for an
24 interpretation and --

25 MR. STRUTNER: No, it's just, I

ZBA - 1-15-2019

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2 understand it's -- so what is it, square
3 footage, that's the issue or is it the side
4 yard variance?

5 CHAIRMAN SALADINO: Well, it would --

6 MS. GORDON: It's the fact of
7 increasing the nonconformity which is the
8 nonconformity, the basic nonconformity is
9 having a building on a very small lot that
10 exceeds the percentage that may be occupied
11 by the building, so it's really that.

12 MR. STRUTNER: Okay.

13 I understand. So basically, we're just
14 scheduling a hearing for a variance; is that
15 next month?

16 CHAIRMAN SALADINO: Well, no, because
17 we have an application in front of us that's
18 asking for an interpretation.

19 MR. STRUTNER: I'm not asking for an
20 interpretation, I just -- I'm not asking for
21 an interpretation.

22 I'd like to schedule a hearing now.

23 MR. CONNOLLY: Can I see the
24 application?

25 MS. GORDON: The application does check

ZBA - 1-15-2019

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2 the box, you requested an interpretation.

3 MR. STRUTNER: I didn't understand the
4 question. You can uncheck it.

5 CHAIRMAN SALADINO: That's why we're
6 asking him.

7 MR. STRUTNER: Okay.

8 MR. CONNOLLY: Well, I mean, if you
9 want to amend it on the record.

10 MR. STRUTNER: Yeah, I want to amend it
11 on the record, yeah, yes.

12 MR. CONNOLLY: If that's acceptable to
13 the Board, then it's fine.

14 CHAIRMAN SALADINO: Folks?

15 MR. CORWIN: I'm fine with that.

16 MS. GORDON: Me too.

17 MS. NEFF: Yes.

18 MR. TASKER: Yes.

19 CHAIRMAN SALADINO: So the application
20 is going to be for --

21 MR. STRUTNER: -- a side yard variance
22 and seventy square feet of additional square
23 footage, I assume.

24 CHAIRMAN SALADINO: Well, again, again,
25 that's not what you're asking for here on

ZBA - 1-15-2019

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2 your application. On your application,
3 you're asking for, if we're gonna change
4 interpretation to variance, you're gonna ask
5 for a variance to comply with Chapter
6 150-21A. It doesn't address anything else.

7 MR. STRUTNER: Okay.

8 CHAIRMAN SALADINO: Although the notice
9 of disapproval does address the side yard.

10 MR. STRUTNER: The notice of
11 disapproval basically says we need a
12 variance for a six-foot, eight-foot,
13 six-foot-eight-inch combined side yard
14 setback.

15 MR. TASKER: If I may interject, I
16 believe that's incorrect. We'll come back
17 to that.

18 CHAIRMAN SALADINO: That's true. There
19 is some question between these members,
20 well, one or two of these members and the
21 Building Department. The Building
22 Department is here tonight, perhaps they can
23 clarify.

24 I'm prepared to change the application
25 from interpretation to variances. I have a

ZBA - 1-15-2019

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2 problem with the Building Department's
3 opinion that the side yard setback that's
4 needed is six-foot-eight inches. I haven't
5 received an explanation. To me, the code is
6 clear. We quote the code, the code says
7 that -- I will read from the code. The code
8 says a total dimension of both side yards
9 for a principal building shall be computed
10 on the basis of four-tenths of the lot
11 width. However, no side yard dimensions
12 shall be less than four-tenths of the total
13 dimensions of both yards computed as
14 aforesaid and no side yard dimension shall
15 be less than ten feet.

16 MR. TASKER: If I may interject, give a
17 moment to think about that, what that last
18 phrase, no side yard dimension shall be less
19 than ten feet means that there must be at
20 least ten feet of setback on each side for a
21 total of twenty feet of setback, even with
22 the leeway that's given with the existing
23 small lot provision so the --

24 MR. STRUTNER: There's supposed to be
25 ten feet on each side, you're saying?

1 ZBA - 1-15-2019

2 MR. TASKER: -- should be ten feet,
3 that's correct.

4 CHAIRMAN SALADINO: I just quoted from
5 the code, no side yard dimension can be less
6 than ten feet.

7 We're gonna ask -- I'm uncomfortable
8 with -- the notice of disapproval goes on to
9 say, signed by building inspector, notice of
10 disapproval says, plan shows a ten-foot
11 setback on the south side on the proposed
12 addition. Plan shows that the north side of
13 the existing building is on the property
14 line, this would require a zoning variance
15 of six feet, eight inches for a
16 combined side yard setback which --

17 but it ignores the second sentence of
18 the code. I haven't been able to, and in my
19 conversations, I thought with the Zoning
20 Board attorney and the Planning Board, I
21 thought it was kind of clear in my mind, but
22 now I'm reading the updated notice of
23 disapproval and it's as it was in the
24 beginning.

25 I personally think I made a mistake at

1 ZBA - 1-15-2019

2 the last Zoning Board meeting voting to
3 accept this application being unsure, I gave
4 the benefit of the doubt to the applicant,
5 but now, I'm -- unless I hear something
6 that's going to change my mind from the
7 Building Department.

8 MR. PALLAS: Mr. Chairman, I don't know
9 about changing your mind, I can tell you why
10 we did --

11 CHAIRMAN SALADINO: I'm a reasonable
12 guy.

13 MR. PALLAS: The one, the north side
14 setback is existing, there is no
15 construction on that side, the construction
16 is only on the other side.

17 MR. TASKER: That's not so.

18 MR. PALLAS: There's no expansion of
19 anything on -- it's only being expanded on
20 one side of the structure, so we only looked
21 at the one side. That side does meet the
22 ten feet. It's the combined that does not.
23 And that's the rationale behind the notice
24 of disapproval.

25 MR. ARIIZUMI: I actually made a little

ZBA - 1-15-2019

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2 clarification, it's kind of (unintelligible)
3 just a kind of complication there, so I just
4 tried to clarify on the site plan again, and
5 if you don't mind, I will just hand it to
6 you.

7 CHAIRMAN SALADINO: First of all, can
8 you identify yourself for the stenographer?

9 MR. ARIIZUMI: I'm sorry, Hideaki
10 Ariizumi from Studio B Architects.

11 CHAIRMAN SALADINO: Second, do we have
12 that; have you submitted that?

13 MR. ARIIZUMI: No. I just made it
14 today.

15 CHAIRMAN SALADINO: Perhaps, again I
16 want the record clear, and for you to come
17 to this table and point at different things
18 on a site plan or a plan, it doesn't become
19 part of the record. All it does is --

20 MR. ARIIZUMI: Okay. What is the
21 correct procedure to do that?

22 MS. NEFF: Is that the same as was
23 distributed to us?

24 CHAIRMAN SALADINO: He said no, he said
25 he made it today.

ZBA - 1-15-2019

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2 MR. ARIIZUMI: I just, for example, I
3 added the second floor setback. The last
4 time you asked about, and I asked you what
5 to indicate, those things are clarified.

6 CHAIRMAN SALADINO: I don't know how to
7 resolve that.

8 MR. ARIIZUMI: Also, actually, there is
9 a new survey just come up --

10 MS. LINGG: We have it.

11 CHAIRMAN SALADINO: I believe we have
12 that.

13 MR. ARIIZUMI: Okay.

14 That is literally a couple of days ago.
15 I haven't seen it yet.

16 CHAIRMAN SALADINO: The only thing
17 that -- again I'm gonna give you my opinion,
18 but I'm only one vote, I'm only one voice
19 here; and I don't have a lot of influence
20 over my friends and colleagues, so it's only
21 one voice that you're gonna hear. I'm kind
22 of uncomfortable until -- I'm kind of
23 uncomfortable with the explanation. The
24 only thing I can do, and I'll say it now, is
25 when we bring this up for a vote, I think

1 ZBA - 1-15-2019

2 because I'm not sure, I'm going to abstain,
3 so I'm gonna let the -- we're gonna have a
4 couple more minutes' discussion, I think and
5 then let the members -- I'm gonna put it up
6 for a vote and let the members vote whether
7 to accept this application with this notice
8 of disapproval.

9 MR. TASKER: I'm confused on an aspect
10 of this. What does the earlier issued
11 building permit provide for? The one that
12 is in the window of the house as we look at
13 it today, what does it provide for?

14 MR. STRUTNER: Right. It provides for
15 what is taking place right now at the house.

16 MR. TASKER: That is what because I
17 don't see any activity there?

18 MR. STRUTNER: There's no activity
19 there.

20 MR. TASKER: I haven't seen --

21 MR. STRUTNER: That's because we were
22 issued this kind of a stop-work order, they
23 said to stop working because we had, the
24 explanation was we had --

25 MR. TASKER: Let me explain and I may

ZBA - 1-15-2019

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2 speak for others as well.

3 I'm not antagonistic toward this
4 project, I just want to get it squared away.

5 MR. STRUTNER: Me too.

6 MR. TASKER: Oh, we have a correct
7 application, a correct rejection, notice of
8 disapproval and correct application and a
9 correct action by the Zoning Board based on
10 the application.

11 MR. STRUTNER: So the first permit was
12 to make alterations, it says to two
13 apartment units including an addition to the
14 southeast corner window and roof thermal
15 upgrades.

16 So basically, they were working on the
17 house and removing a wooden deck that was on
18 the top, it was very rotten, the one wall
19 was very rotten, a lot of this material was
20 beyond help. The building inspector, I
21 guess, came out and said, you know, go
22 ahead, this stuff is beyond repair, repair
23 it; and we're going along with this permit.

24 In the meantime, my daughter decided to
25 add a little kitchen area on the other side

ZBA - 1-15-2019

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2 of the house and put this other permit in,
3 and then that's when we put the other
4 application in to add the ten-by-ten
5 extension on the south -- I guess it's
6 whatever side of the house it is, the other
7 side of the house.

8 MR. TASKER: Southeast corner.

9 MR. STRUTNER: Yeah. So basically, the
10 house was built whenever it was built way
11 back when on the property line. So I read
12 your codes and as far as I can interpret the
13 code, you know, after looking at the notice
14 of disapproval, which seemed fine to me,
15 according to the code, going to tent rules
16 and winding up with the request for a zoning
17 variance of six-foot-eight inches, so I
18 agreed with that and I calculated that we
19 would technically be allowed to build a
20 four-foot extension without a zoning --
21 well, maybe not because of the square
22 footage added, but I'm not quite sure about
23 that either.

24 But it turns out that we're looking for
25 a seventy square-foot, square footage

ZBA - 1-15-2019

1 extension with this new application.

2 MS. NEFF: Excuse me. What was the
3 dimension of the -- you just said --

4 CHAIRMAN SALADINO: Ten five by ten
5 five.

6 MR. ARIIZUMI: It's like ten point five
7 by ten point five.

8 MS. NEFF: Yes, I see that.

9 MR. STRUTNER: I'm looking at the
10 notice of disapproval, and I'm saying, well,
11 the new extension, if you took from the
12 property line to where we're gonna put the
13 new extension on and you measured
14 sixteen-foot-eight inches, according to
15 their calculations, we would still be
16 allowed to put a four-foot extension, not a
17 ten-by-five-by-ten-by-five, but a
18 four-foot-by-ten-by-five without going for a
19 variance; so we're just looking for the
20 extra six-and-a-half feet that, you know, on
21 this current application. There's nothing
22 we can do with the other side of the house,
23 it was built on the property line back then.

24 CHAIRMAN SALADINO: Nobody expects you

ZBA - 1-15-2019

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2 to move the house over ten feet.

3 MR. STRUTNER: Right.

4 CHAIRMAN SALADINO: Nobody expects a
5 ten-foot --

6 MR. STRUTNER: So I mean, and I'm not
7 too sure where that ten-foot side yard
8 minimum for nonconforming, preexisting
9 conforming use is. Is that in 150-21?

10 MR. TASKER: No.

11 MR. STRUTNER: I did read it someplace
12 that in no case it should be less than
13 ten-foot, so we're not -- I don't think we
14 can argue the issue of the property line
15 side, we can issue -- address the other
16 issue that we're gonna, you know, get
17 involved with the codes and we're not going
18 beyond that ten-foot variance, we're not
19 looking for anything, we're within that
20 ten-foot variance on that side, you know,
21 according to the code. I didn't think that
22 the code would take place on the side that's
23 already preexisting nonconforming use.

24 MR. ARIIZUMI: And actually, the last
25 meeting, I said the same thing, but there is

ZBA - 1-15-2019

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2 another understanding of this code about the
3 setback and you said you don't agree, but I
4 want to repeat it because, as he said, the
5 north side is existing, and it's right on
6 the property, meaning that total, I don't
7 know the dimension, I don't remember, but
8 limited to, should start from the zero point
9 to the south side so that is why the letter
10 was returned as variation of six point
11 something.

12 MR. STRUTNER: Six point eight.

13 MR. ARIIZUMI: Yeah.

14 That is my understanding; otherwise,
15 you are accepting the existing condition, at
16 the same time, you are not accepting the
17 existing condition; and then I feel like a
18 variation is for the existing condition, I
19 don't think so. It's a little confusing.

20 CHAIRMAN SALADINO: I didn't think I
21 was accepting anything.

22 MR. ARIIZUMI: I found it under 150-13,
23 I guess it's E, and it talks about the total
24 dimensions of side yards, principal building
25 shall be computed on the basis of the

ZBA - 1-15-2019

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2 four-tenth rule, okay; however, the side
3 yard dimensions shall be less than
4 four-tenths of the total dimensions on both
5 sides computed as aforementioned; and no
6 side yard dimension shall be less than ten
7 feet.

8 CHAIRMAN SALADINO: All I was doing was
9 trying to legitimize this building being on
10 the property line.

11 MR. STRUTNER: Right.

12 CHAIRMAN SALADINO: That's what --
13 that's what my intention was.

14 MR. STRUTNER: Right.

15 CHAIRMAN SALADINO: I'm still not sure,
16 I'm still -- again, I'm only one vote, there
17 are five members.

18 MR. STRUTNER: I'm here to resolve this
19 because we'd like to continue with the first
20 building permit that was issued, continue
21 with that construction because this addition
22 that we want to put on, I mean, it would
23 really enhance the property, number one, the
24 aesthetics of the property too, and it will
25 give a nice kitchen area to my, for the

ZBA - 1-15-2019

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2 building.

3 But in the meantime it's going to have
4 its own roof line, it's gonna have its own
5 foundation, and to hold us up on the first
6 permit is really causing a financial
7 hardship, number one. And more than a
8 financial hardship, time factor too because
9 we really want to get --

10 CHAIRMAN SALADINO: In all fairness to
11 the Village, in all fairness to this board,
12 I don't believe it's us that's holding you
13 up on anything. If I understand, there was
14 some, the reason for the stop-work order
15 was, there was some work that went on that
16 wasn't authorized by the Village. I'm not
17 sure what that means.

18 MR. STRUTNER: Yeah.

19 CHAIRMAN SALADINO: Does that mean yes?

20 MR. STRUTNER: I don't think so, I
21 think it was more or less a --

22 CHAIRMAN SALADINO: But that --

23 MR. STRUTNER: It was more or less stop
24 now because you have another permit in the
25 hanger and we don't want you to go forward.

ZBA - 1-15-2019

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2 CHAIRMAN SALADINO: No. I believe
3 there is a stop-work order for demolition
4 permit that was issued for work that was
5 done on the property. So I just -- but
6 that's outside our purview.

7 MR. STRUTNER: Okay.

8 CHAIRMAN SALADINO: I just want it
9 understood that it's not the Zoning Board
10 that's holding you up.

11 MR. STRUTNER: Okay. I guess I'll talk
12 to the --

13 MS. GORDON: Can we ask, what was the
14 stop order for?

15 MR. PALLAS: If I may, Mr. Chairman.

16 CHAIRMAN SALADINO: Sure.

17 MR. PALLAS: The original building
18 permit did not have the addition. We
19 received an application for an amendment to
20 the building permit, so it restarts the
21 process in essence. And in that time frame,
22 we also realized that this should have gone,
23 the original one should have gone to HPC,
24 Historic Preservation Commission,
25 regardless, the application has to go before

ZBA - 1-15-2019

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2 them.

3 Typically we go to Zoning Board first,
4 which is why the application was presented
5 here, so that was the process that was
6 followed.

7 MR. STRUTNER: Okay.

8 MR. PALLAS: It wasn't two different
9 permits, it was original permit and then an
10 amendment to the original plan. This
11 addition, while it is an addition, when you
12 look at the layout, it's integral to the
13 original.

14 MR. STRUTNER: So is that my
15 understanding then, we can continue with
16 original permit and go to the HPC?

17 MR. PALLAS: No, the opposite of that.

18 You have an application for an
19 amendment to the original permit, so the new
20 permit application, you restarted the
21 process; so you have to go through, for the
22 addition for the new permit to be issued,
23 the amended permit to be issued, you can't
24 continue work because it's all one project;
25 and regardless, the whole project has to go

ZBA - 1-15-2019

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2 to HPC, this board, before it goes to HPC,
3 this board has to rule.

4 So, you know, it's either, from my
5 perspective, it's either you're doing the
6 first project or the second one. That's not
7 my decision, that's yours, you have two
8 different projects going on at the same
9 time.

10 MR. STRUTNER: I'm not sure. I didn't
11 do the permit process, but I see -- so
12 you're saying it's an amended permit.

13 Can we follow it as a new permit for
14 the extra extension and leave the original
15 permit in place?

16 CHAIRMAN SALADINO: Just to put a brake
17 on here for a second.

18 MR. STRUTNER: Yeah.

19 CHAIRMAN SALADINO: Perhaps this would
20 be better discussed with the Building
21 Department outside a public forum, face to
22 face with Mr. Pallas.

23 MR. PALLAS: Okay. Fine by me.

24 CHAIRMAN SALADINO: I can't say yes to
25 that, it's up to the applicant.

ZBA - 1-15-2019

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2 MR. STRUTNER: Yeah, that would be
3 fine, yeah, sure. I think that's the best
4 way to go because it seems like this process
5 is gonna be more involved than I thought
6 with the variance. I didn't realize it's
7 gonna be that much of an issue with the
8 amended permit. I thought it was not this
9 involved. I mean the time factor is
10 critical at this point.

11 CHAIRMAN SALADINO: I don't want to --
12 all I did was express my opinion. There's
13 four other members on this board. I don't
14 see this application as being, you know,
15 you're not looking to build a skyscraper on
16 Front Street. I don't see it being that
17 complicated, but I don't plan on voting on
18 it.

19 If you want a better explanation, and
20 if you want perhaps a better explanation in
21 the process, then I don't think this board
22 would have a problem tabling it, letting you
23 go to the Building Department, sit down with
24 the Building Department and square it away
25 with them and --

ZBA - 1-15-2019

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2 MR. ARIIZUMI: One question, would you
3 mind square between two of them?

4 CHAIRMAN SALADINO: No.

5 MR. ARIIZUMI: No.

6 CHAIRMAN SALADINO: We don't --

7 MR. ARIIZUMI: How we can talk with him
8 and not to you and you don't agree with and
9 he --

10 CHAIRMAN SALADINO: We don't write the
11 notice of disapproval, we don't issue
12 permits.

13 MR. ARIIZUMI: But the problem for us
14 is because of that, between two,
15 disagreement between you, we need to wait
16 one month, that is a big problem.

17 CHAIRMAN SALADINO: No.

18 MR. ARIIZUMI: Yes, it is.

19 CHAIRMAN SALADINO: That's not what I
20 said at all.

21 MR. ARIIZUMI: Okay.

22 CHAIRMAN SALADINO: All I said was I
23 plan on abstaining from this vote. The
24 members can agree, can disagree, can do --

25 MS. GORDON: I'd like to say something

ZBA - 1-15-2019

1 here. I think we have accepted this for
2 review, it seems to me, and I hope we won't
3 undo that because I think the basic issues
4 are substantive ones about whether we're
5 comfortable giving a variance based on this,
6 what seems to me, quite specific
7 determination in the code that no side yard
8 dimension shall be less than ten feet and
9 whether we're comfortable giving a variance
10 in light of the fact that this addition
11 would increase the degree of nonconformity.
12 Those are two important substantive issues
13 which we wouldn't be considering until we
14 get to the public hearing and we hear from
15 the neighbors and all of that, and I think
16 these procedural details can be worked out
17 without our, outside our process and we have
18 already taken step one in our process which
19 I think we should honor.

21 CHAIRMAN SALADINO: I have admitted
22 that in my opinion, in hindsight, last month
23 to accept this application, I voted yes, I
24 believe I made a mistake. I can't speak for
25 my colleagues. My interpretation of the

ZBA - 1-15-2019

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2 code is as I explained it to you. I had a
3 conversation with our attorney, with the
4 Building Department, and I thought, I
5 thought I was on the same page with them.
6 From reading the new notice of disapproval,
7 I see that I'm not. I'm not opposed to this
8 application. All I'm saying is I just don't
9 quite agree with the building inspector's
10 interpretation of this portion of the code.
11 And not being sure, I don't want to vote no,
12 and I can't vote yes, so I plan on
13 abstaining.

14 But again, I'm more than willing to
15 call a vote here, my colleagues are free
16 thinkers and they --

17 MS. GORDON: Maybe you can guide us on
18 this, but it seems to me it isn't calling
19 the vote, we voted already.

20 MS. NEFF: Yes.

21 MS. GORDON: What you would have to be
22 doing is proposing that we reverse our
23 decision.

24 CHAIRMAN SALADINO: No.

25 We have a new notice of disapproval.

ZBA - 1-15-2019

1 We didn't have this corrected notice of
2 disapproval in front of us last month. What
3 we're voting on is the new notice of
4 disapproval. In front of us last time was
5 only 150-13A, right now it's 150-21A and
6 150-13A.
7

8 MR. STRUTNER: I think then we should
9 just proceed with the vote whether or not to
10 accept the application.

11 CHAIRMAN SALADINO: Well it's gonna be
12 up to the Board to decide that --

13 MR. CORWIN: I want to end this.

14 CHAIRMAN SALADINO: We're gonna put you
15 down for a yes.

16 MR. STRUTNER: One hundred percent.

17 CHAIRMAN SALADINO: We're gonna let the
18 Board vote.

19 MR. ARIIZUMI: Also the --

20 MR. CORWIN: I want to make a motion
21 that we accept the amended notice of
22 disapproval and the application for a
23 ten-foot,
24 ten-point-five-foot-by-ten-point-five-foot
25 addition on the south side of the house and

ZBA - 1-15-2019

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2 schedule a public hearing.

3 MS. GORDON: Second.

4 MS. NEFF: Could you repeat that,
5 David?

6 MR. CORWIN: I want to make a motion
7 that we accept the new notice of disapproval
8 and any amendments the applicant wants to
9 make to his application to accommodate a
10 ten-point-five-foot, ten-point-five-foot
11 addition to the south side of the house as
12 shown on the survey I have in front of me.

13 MS. NEFF: Thank you.

14 MR. CORWIN: Now, let me ask Mr.
15 Ariizumi --

16 MR. ARIIZUMI: Yes.

17 MR. CORWIN: -- you have something you
18 wanted to hand in to the Board?

19 MR. ARIIZUMI: If it is okay, yes, I
20 would like to.

21 MR. CORWIN: I would ask the Chairman
22 if he could please hand that into the Board.

23 CHAIRMAN SALADINO: Sure, but first
24 thing's first. You made a motion, it was
25 seconded. I'm gonna ask for a little bit of

ZBA - 1-15-2019

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2 discussion just for myself, just to say I'm
3 uncomfortable giving the applicant the right
4 to make any additions he wants to the
5 application after we accept it. That's not
6 how this process works.

7 MR. TASKER: I agree with you, Mr.
8 Chairman.

9 CHAIRMAN SALADINO: He doesn't get a
10 free, we accept the application, and we vote
11 on it and you say, let him make any addition
12 to the application that he wants, that's not
13 how it works.

14 MR. CORWIN: I will restate the motion.
15 Can Mr. Ariizumi hand in what he has to
16 the Board first?

17 CHAIRMAN SALADINO: Sure.

18 MR. CORWIN: Then I will make a new
19 application, new motion.

20 CHAIRMAN SALADINO: Sure.

21 The only reason I didn't want that up
22 here now was for the sake of the
23 stenographer because --

24 MR. CORWIN: She doesn't need it.

25 CHAIRMAN SALADINO: No, she doesn't

ZBA - 1-15-2019

1
2 need it, but for him to have his back to the
3 stenographer and point out certain things to
4 us, it gets lost in the record. It doesn't
5 become part of the record.

6 MS. GORDON: Can he just hand it to us?

7 CHAIRMAN SALADINO: Sure, you can give
8 it to us if you want. If you don't want to
9 give it to us --

10 MR. STRUTNER: It's just a recap of
11 what we're doing, it's nothing new.

12 MR. ARIIZUMI: It's just a
13 clarification. It's nothing --

14 CHAIRMAN SALADINO: -- a request from a
15 member. If David wants it, I'm more than
16 okay with having it.

17 MS. NEFF: I would like it.

18 MR. ARIIZUMI: (Handing.)

19 CHAIRMAN SALADINO: Did you guys get
20 one?

21 MR. PALLAS: Yes.

22 MR. CORWIN: Let me ask Mr. Ariizumi a
23 question.

24 I'm familiar with the ten point five,
25 ten point five kitchen addition, then it

ZBA - 1-15-2019

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2 says covered porch proposed. I'm under the
3 impression there's already a porch there.

4 MR. ARIIZUMI: That was out of
5 discussion last time because basically this
6 was under the current permit. I though it
7 is active, but I guess not active, so I just
8 try to --

9 MR. CORWIN: You tore the porch down,
10 it was there when you started; am I correct?

11 MR. ARIIZUMI: Which one?

12 MR. CORWIN: You tore the porch down,
13 it was there when you started in --

14 MR. ARIIZUMI: Are you talking about
15 the front porch or back porch?

16 MR. CORWIN: The side porch, the south
17 porch.

18 MR. ARIIZUMI: Front, yeah, that was
19 missed from last time's discussion, but that
20 was addition in the first building permit
21 package.

22 MR. STRUTNER: There wasn't a porch
23 there, it's just a roof.

24 MR. ARIIZUMI: It's existing, there's
25 nothing, the stoop, concrete stoop there and

ZBA - 1-15-2019

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2 that is already demolished and they poured
3 concrete size of --

4 MR. CORWIN: That's what I'm trying to
5 get at. There was a stoop there and now
6 you're saying you're gonna turn it into a
7 porch with a roof over it?

8 MR. ARIIZUMI: Exactly.

9 MR. CORWIN: In other words, there was
10 a footprint there and you're using the same
11 footprint; am I correct?

12 MR. ARIIZUMI: The new concrete is
13 already poured, so you can see the
14 footprint, yes.

15 CHAIRMAN SALADINO: Well, this says
16 two-story addition.

17 MR. ARIIZUMI: Right.

18 CHAIRMAN SALADINO: So it was a covered
19 porch and that was torn down and you're
20 gonna make a two-story addition to that?

21 MR. ARIIZUMI: Right.

22 MR. STRUTNER: That's in the back.

23 CHAIRMAN SALADINO: In the back.

24 MS. NEFF: Right.

25 MR. STRUTNER: That was all under the

ZBA - 1-15-2019

1 first permit.

2 MR. CORWIN: Now you just confused me
3 more.

4 If we go to what was the stoop --

5 MR. STRUTNER: In front.

6 MR. CORWIN: Not on the front of the
7 house, on the west side of the house, the
8 southwest corner.

9 MR. STRUTNER: Yeah.

10 MR. CORWIN: On the new handout it says
11 covered porch proposed.

12 MR. STRUTNER: Right.

13 MR. CORWIN: At one time there was a
14 stoop there, it was just a concrete stoop.

15 MR. STRUTNER: Yes.

16 MR. CORWIN: No roof.

17 MR. STRUTNER: No roof.

18 MR. CORWIN: And you're saying, we're
19 gonna call it a porch now with a roof over
20 it, it's just gonna be one story.

21 MR. STRUTNER: Yes. It's just gonna be
22 a roof over a concrete deck, open, and that
23 was under the first permit, part of the
24 first permit approved.
25

ZBA - 1-15-2019

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2 MR. CORWIN: That was the original
3 footprint of the house.

4 MR. ARIIZUMI: Yes.

5 MR. CORWIN: In other words, that's not
6 an expansion of the original footprint and
7 what we have said is stairs and stoops on
8 the original footprint is allowable; am I
9 not correct, we talked about this before?

10 CHAIRMAN SALADINO: I personally don't
11 remember that.

12 MR. CORWIN: -- on South Street, the
13 question came up of the step up and stoop
14 and bla, bla, bla and we said you got to
15 have it on the original footprint,
16 basically.

17 MS. NEFF: I remember that.

18 CHAIRMAN SALADINO: Just so it's clear
19 in my mind, the proposed front yard steps on
20 South Street, we asked that and they agreed
21 to -- that they increase the requested
22 variance to accommodate the front steps. I
23 thought we decided that front steps was
24 part, was considered part of the building.

25 But this is not front steps; this is a

ZBA - 1-15-2019

1
2 proposed covered porch. If we're talking
3 about --

4 MR. CORWIN: An open porch with roof.

5 MR. STRUTNER: Yeah, open porch with a
6 roof.

7 MS. GORDON: This is not at issue in
8 the situation.

9 CHAIRMAN SALADINO: It's not to me.

10 MS. GORDON: It's not because it was
11 part of the original work, part of the
12 original permit. So we have nothing at
13 issue at the moment except the
14 ten-point-five-by-ten-point-five.

15 MR. CORWIN: Let me make a motion.

16 CHAIRMAN SALADINO: Go ahead, David.

17 MR. CORWIN: Are we all ready?

18 CHAIRMAN SALADINO: Are we ready for
19 David's motion?

20 MS. NEFF: Yes.

21 MR. CORWIN: I want to make a motion
22 that we accept the application and the new
23 notice of disapproval from the Building
24 Department. The application is for a
25 ten-point-five-by-ten-point-five-foot

ZBA - 1-15-2019

1 expansion, one story on the southeast corner
2 of the house as shown on the survey and the
3 plan submitted, and schedule a public
4 hearing.
5

6 MS. GORDON: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MR. TASKER: Can we comment on the
9 motion?

10 CHAIRMAN SALADINO: I apologize.

11 Any discussion on the motion?

12 MR. TASKER: The notice of disapproval
13 does have two specific areas that require a
14 variance, 150-21 and 150-13E1 which is the
15 side yard setback. Mr. Corwin's motion does
16 not address both of those.

17 MR. CORWIN: I amend my motion to
18 include both of those sections of the zoning
19 code.

20 So there is an amendment to the motion
21 on the table, somebody has to second or it
22 dies.

23 MS. GORDON: You can't just call the
24 question?

25 CHAIRMAN SALADINO: Arthur --

1 ZBA - 1-15-2019

2 MS. GORDON: I second the amendment.

3 There is no way, obviously we're going
4 to get to these two questions, they're not
5 only separate questions under separate
6 pieces of the code, but they were separate
7 issues, so of course --

8 CHAIRMAN SALADINO: But David's
9 original motion, if we're listening, and
10 Arthur brought up, David's original motion
11 addressed an addition to a building. It had
12 nothing to do with setbacks or addressing a
13 portion of the code that increases
14 nonconformity. His original motion
15 addresses building this ten-by-ten-foot
16 addition without addressing the portion of
17 the code that would allow that.

18 I know it's like does the end justify
19 the means, but there's an amended motion,
20 it's seconded. I have to be honest with
21 you, I'm a little lost right now as to
22 exactly what we're voting on, but --

23 MS. GORDON: May I restate?

24 MR. CORWIN: Yes, you may.

25 MS. GORDON: David has given me

ZBA - 1-15-2019

1 permission to restate the motion.

2 I would move that we accept and
3 schedule a public hearing for the
4 application based on the request for a
5 variances for the nonconforming addition and
6 for the request for a combined side yard
7 setback for a variance of the combined side
8 yard setback as required by Section 150-13E.

9 I should have written it out, but that
10 takes time.

11 CHAIRMAN SALADINO: Is there a second?

12 MR. CORWIN: Second.

13 CHAIRMAN SALADINO: I call a vote.
14 David?

15 MR. CORWIN: Yes.

16 CHAIRMAN SALADINO: Diana?

17 MS. GORDON: Yes.

18 CHAIRMAN SALADINO: Ellen?

19 MS. NEFF: Yes.

20 CHAIRMAN SALADINO: Arthur?

21 If you ask her to repeat this motion,
22 you and I are going outside.

23 MR. TASKER: I'm going to abstain.

24 CHAIRMAN SALADINO: And I abstain.

1 ZBA - 1-15-2019

2 We're gonna set a hearing date, it's
3 going to be --

4 MS. GORDON: -- February 19th.

5 CHAIRMAN SALADINO: -- February 19th.

6 We schedule them all at 6 o'clock, so we'll
7 schedule your public hearing for
8 February 19th at 6:00 p.m.

9 We ask that the property is staked out.
10 We normally do that.

11 MR. ARIIZUMI: The same day, the site
12 visit?

13 CHAIRMAN SALADINO: We're gonna set a
14 time because the members like to go in the
15 daytime, so what time is a good time for
16 this site inspection?

17 MS. NEFF: 5:00.

18 MR. TASKER: Middle of February.

19 CHAIRMAN SALADINO: Can you move the
20 property to the Bahamas?

21 MR. STRUTNER: Will it still be light?

22 MS. GORDON: It will still be light at
23 5:00.

24 MS. NEFF: Yes, light at 5:00.

25 CHAIRMAN SALADINO: We're gonna

ZBA - 1-15-2019

1
2 schedule a site inspection at 5:00 p.m.

3 If you could, have the area staked out.

4 MR. ARIIZUMI: It's already there.

5 CHAIRMAN SALADINO: Okay. So that will
6 save you the time and trouble of doing that.

7 We'll see you at the site on
8 February 19th at 5:00 p.m.

9 MR. TASKER: Can we ask that the
10 stenographer take the oral motion and
11 provide us copies of that portion of it as
12 quickly as possible?

13 CHAIRMAN SALADINO: Is there anything
14 else we need from this applicant before
15 they're totally fed up with us?

16 (No response.)

17 Thank you.

18 MR. STRUTNER: Thank you for your time.
19 Sorry it took so long.

20 CHAIRMAN SALADINO: Don't apologize.

21 My agenda doesn't have it, but normally
22 we add something that -- I'm sorry.

23 Item number 8 is any Zoning Board of
24 Appeals business that might properly come
25 before the Board.

1 ZBA - 1-15-2019

2 Actually, I had one thing that I wanted
3 to discuss with the Board in front of the
4 public if it's okay. The Building
5 Department's here, the attorney is here.

6 I had a conversation with our attorney
7 about how applications are progressed and
8 about the agendas. Policy has always
9 been -- I don't know, I looked at New York
10 State Village Law and I looked in our
11 Village code and my tenure on the Zoning
12 Board applications was always approved,
13 always accepted by the Zoning Board, that
14 was always the policy. In other
15 jurisdictions, that's not how it works;
16 they're accepted by the Building Department,
17 and then the Zoning Board, I guess, gets
18 them from the Building Department.

19 The other thing it -- it was always my
20 impression, it was always my understanding,
21 and I was told this when I became the
22 Chairman of this board, that the Chairman
23 generates the agenda.

24 I'm just wondering if we are all
25 comfortable with that; are we all

ZBA - 1-15-2019

1 comfortable with that?

2 MR. CORWIN: I am.

3 MS. GORDON: Yes.

4 CHAIRMAN SALADINO: I would ask Rob, I
5 would ask the attorney, is there something
6 that we should be doing differently?
7

8 MR. CONNOLLY: No, there's just
9 practice in other --

10 CHAIRMAN SALADINO: Is it mandated
11 anyplace how it's done? I looked to New
12 York State Zoning code and they're silent on
13 it, New York State Village Law and they're
14 silent on -- it said the applicant submits
15 an application to the Zoning Board, and it's
16 kind of like ambiguous, you know, if it
17 comes directly to us or it comes to us
18 through the Building Department.

19 As far as the agenda, it was always
20 past practice that the Chairman generated
21 the agenda, you know, that the Building
22 Department gives this board a little leeway.

23 So I would ask the Board if everybody
24 is comfortable with the agenda issue and if
25 everybody is comfortable with the

ZBA - 1-15-2019

1
2 application process.

3 MR. TASKER: As we have presently been
4 operating?

5 CHAIRMAN SALADINO: Yes.

6 MR. TASKER: I think I am certainly
7 comfortable with it, and I think that this
8 comes under the heading of how we transact
9 our business and it doesn't have anything to
10 do with the statutes or the rules for us
11 making decisions, it's how we operate our
12 business.

13 CHAIRMAN SALADINO: Certainly, but if
14 there's a resolution someplace that said
15 this is the way to do it, then to change
16 that, it would need a resolution to change
17 it. If it's policy and somebody would like
18 to change it, then you don't need a
19 resolution to do it. Policy is, I guess
20 dictated by the Village Board, I guess.

21 MR. PALLAS: I don't think -- I'm not
22 aware of any resolution that was ever
23 passed, and I would agree with Arthur, I
24 don't know that it's the purview of the
25 Village to say how you operate.

ZBA - 1-15-2019

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MR. TASKER: It's transacting business.

MR. PALLAS: Right.

CHAIRMAN SALADINO: Okay. Okay. I
just thought I'd bring that up.

Anything else? Anybody have anything
for this board? Public? Anybody?

(No response.)

Item number 9 is motion to adjourn.

MR. TASKER: So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Thank you, folks.

(Time noted: 7:20 p.m.)

CHAIRMAN SALADINO: [188]

MR. ARIIZUMI: [34] 38/24
39/8 39/12 39/19 39/25 40/7
40/12 44/6 45/23 46/12 46/21
52/25 53/4 53/6 53/12 53/17
53/20 56/18 57/15 57/18 59/11
59/17 60/3 60/10 60/13 60/17
60/23 61/7 61/11 61/16 61/20
63/3 68/10 69/3

MR. CONNOLLY: [7] 18/15
18/20 18/23 33/22 34/7 34/11
71/7

MR. CORWIN: [54] 2/13 3/2
3/15 6/10 8/19 9/18 15/13
16/20 19/3 22/8 22/10 22/14
23/8 25/23 26/10 26/15 26/17
27/2 28/9 34/14 56/12 56/19
57/5 57/13 57/16 57/20 58/13
58/17 58/23 59/21 60/8 60/11
60/15 61/3 61/8 62/2 62/6
62/10 62/13 62/16 62/18 62/25
63/4 63/11 64/3 64/14 64/16
64/20 65/16 66/23 67/12 67/15
71/2 73/15

MR. PALLAS: [18] 8/2 9/4
9/13 18/12 20/9 21/19 23/25
38/7 38/12 38/17 49/14 49/16
50/7 50/16 51/22 59/20 72/20
73/2

MR. STRUTNER: [61] 28/22
30/14 30/19 30/24 31/6 31/10
31/19 31/22 32/5 32/12 32/16
32/20 32/24 33/11 33/18 34/2
34/6 34/9 34/20 35/6 35/9
36/23 41/13 41/17 41/20 42/4
42/10 43/8 44/9 45/2 45/5
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48/17 48/19 48/22 49/6 49/10
50/6 50/13 51/9 51/17 51/25
56/7 56/15 59/9 60/21 61/21
61/24 62/5 62/9 62/12 62/15
62/17 62/21 64/4 68/20 69/17

MR. TASKER: [42] 2/8 2/11
2/22 3/13 4/25 5/8 10/4 10/7
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16/16 16/24 19/5 20/19 22/25
26/13 34/17 35/14 36/15 36/25
38/16 41/8 41/15 41/19 41/24
42/5 43/7 45/9 58/6 65/7 65/11
67/23 68/17 69/8 72/2 72/5
72/25 73/9 73/13

MS. GORDON: [35] 2/10 2/21
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8/24 9/21 15/15 17/2 26/12
27/7 33/5 33/24 34/15 49/12
53/24 55/16 55/20 57/2 59/5
64/6 64/9 65/5 65/22 65/25
66/22 66/24 67/17 68/3 68/21
71/3 73/12

MS. LINGG: [2] 28/12 40/9

MS. MOORE: [45] 4/2 4/5 5/5
5/16 5/20 5/25 6/4 6/19 7/4
7/11 7/22 8/5 9/23 11/17 11/25
12/3 12/6 12/9 12/19 13/5
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22/18 23/2 23/13 23/19 24/8

MS. NEFF: [36] 2/12 2/19 2/23
3/10 3/14 9/19 10/15 10/20
10/23 11/2 11/12 15/17 16/22
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27/13 31/14 34/16 39/21 44/2
44/8 55/19 57/3 57/12 59/16
61/23 63/16 64/19 67/19 68/16
68/23 73/10 73/14

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1/8/2019 [1] 24/24
1001-3-5-11 [1] 25/19
1001-5-1-8 [1] 28/22
10010-6-6-18.1 [1] 4/2
10th [1] 7/21
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11/21/18 [1] 29/8
11944 [4] 3/9 3/24 25/17 28/20
13 [2] 32/3 46/22
137 [2] 25/12 25/16
138 [1] 24/13
13A [2] 56/6 56/7
13E [1] 67/9
13E1 [1] 65/14
15 [2] 1/10 74/10
150-13 [2] 32/3 46/22
150-13A [2] 56/6 56/7
150-13E [1] 67/9
150-13E1 [1] 65/14
150-21 [5] 31/4 31/25 32/5 45/9
65/14
150-21A [2] 35/6 56/6
150-21B [1] 31/4
15th [1] 74/15

16 [1] 2/17
18 [4] 2/6 29/4 29/8 29/18

18.1 [1] 4/2

19 [3] 3/7 31/15 31/19

19th [7] 15/25 17/6 24/8 68/4
68/5 68/8 69/8

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2016 [1] 11/21

2018 [2] 2/6 2/17

2019 [5] 1/10 3/7 24/24 74/10
74/16

21 [5] 31/4 31/25 32/5 45/9
65/14

21A [2] 35/6 56/6

21B [1] 31/4

236 [1] 24/18

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412/414 [2] 28/15 28/19

414 [2] 28/15 28/19

424 [2] 3/18 3/23

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5:00 [5] 68/17 68/23 68/24 69/2
69/8

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6 o'clock [1] 16/3

6:00 [3] 1/11 3/7 68/8

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7:20 [1] 73/19

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8/14/18 [2] 29/4 29/18

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about [22] 10/17 11/11 11/14
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32/9 32/10 36/17 38/9 40/4
43/22 46/2 46/23 54/5 60/14
63/9 64/3 70/7 70/8

above [1] 24/22

above-mentioned [1] 24/22

abstain [4] 3/3 41/2 67/24
67/25

abstaining [2] 53/23 55/13

abstention [1] 3/4

abstentions [1] 3/2

abuts [1] 20/22

abutting [2] 18/21 18/23

accept [21] 2/5 3/19 5/13 5/25
6/9 10/6 14/15 15/11 25/13
26/3 28/16 38/3 41/7 54/23

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accept... [7] 56/10 56/21 57/7
 58/5 58/10 64/22 67/3
acceptable [1] 34/12
accepted [4] 30/2 54/2 70/13
 70/16
accepting [5] 6/14 26/4 46/15
 46/16 46/21
accessory [2] 4/13 4/16
accommodate [2] 57/9 63/22
according [3] 43/15 44/15
 45/21
accurate [1] 74/9
across [8] 17/24 18/2 18/3
 18/5 18/11 18/25 19/25 20/16
act [1] 28/5
action [2] 42/9 74/12
active [2] 60/7 60/7
activity [2] 41/17 41/18
actually [9] 22/24 27/10 29/18
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 70/2
add [5] 11/23 29/6 42/25 43/4
 69/22
added [3] 30/22 40/3 43/22
addition [20] 20/13 29/5 37/12
 42/13 47/21 49/18 50/11 50/11
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 59/25 60/20 61/16 61/20 66/11
 66/16 67/6
additional [7] 4/10 5/4 19/14
 19/15 24/4 29/19 34/22
additions [1] 58/4
address [8] 10/23 10/23 17/9
 32/2 35/6 35/9 45/15 65/16
addressed [1] 66/11
addresses [1] 66/15
addressing [4] 14/18 31/25
 66/12 66/16
adjacent [5] 17/23 18/2 18/21
 18/24 19/8
adjourn [1] 73/9
administrative [1] 30/4
ADMINISTRATOR [1] 1/23
admitted [1] 54/21
adopted [1] 12/11
aesthetics [1] 47/24
aforementioned [1] 47/5
aforesaid [1] 36/14
after [2] 43/13 58/5
again [9] 8/3 26/7 34/24 34/24
 39/4 39/15 40/17 47/16 55/14
agenda [5] 69/21 70/23 71/19
 71/21 71/24

agendas [1] 70/8
ago [1] 40/14
agree [7] 23/11 46/3 53/8
 53/24 55/9 58/7 72/23
agreed [2] 43/18 63/20
ahead [2] 42/22 64/16
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 48/11 50/24 52/12 53/20 53/22
 54/16 55/8 61/25 64/17 65/7
 68/6 70/24 70/25 73/12
allow [1] 66/17
allowable [1] 63/8
allowed [3] 15/7 43/19 44/17
allows [4] 13/12 14/2 14/3 14/4
along [2] 29/10 42/23
already [10] 5/23 11/16 32/8
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 61/13 69/4
also [4] 12/25 40/8 49/22 56/19
alterations [2] 29/4 42/12
Although [1] 35/8
always [10] 5/4 19/12 19/25
 70/8 70/12 70/13 70/14 70/19
 70/20 71/19
am [8] 24/2 60/10 61/11 63/8
 71/3 72/6 74/11 74/13
ambiguous [1] 71/16
amend [3] 34/9 34/10 65/17
amended [5] 50/23 51/12 52/8
 56/21 66/19
amendment [5] 49/19 50/10
 50/19 65/20 66/2
amendments [1] 57/8
another [4] 4/19 10/16 46/2
 48/24
answer [1] 4/22
antagonistic [1] 42/3
any [17] 3/2 4/22 4/25 11/24
 13/8 24/5 27/22 28/8 32/7
 41/17 57/8 58/4 58/11 65/11
 69/23 72/22 74/12
anybody [3] 24/5 73/6 73/7
anyplace [1] 71/11
anything [11] 13/2 13/19 35/6
 38/19 45/19 46/21 48/13 69/13
 72/9 73/6 73/6
anyway [1] 27/21
apartment [1] 42/13
apologize [5] 8/12 30/7 30/9
 65/10 69/20
apologizes [1] 30/11
APPEALS [7] 1/5 2/3 2/7 2/18
 3/6 24/17 69/24

applicant [22] 4/4 8/14 9/9
 14/6 14/6 14/7 18/17 19/17
 23/18 25/6 25/20 26/2 26/3
 26/9 27/9 27/25 38/4 51/25
 57/8 58/3 69/14 71/14
applicant's [3] 11/15 24/14
 28/24
application [68] 3/19 3/21 4/16
 5/14 5/25 6/10 6/16 6/22 8/8
 8/16 8/18 8/22 10/8 11/20 12/6
 14/15 15/11 25/14 25/15 26/5
 26/21 27/7 27/23 28/3 28/8
 28/16 28/18 29/24 30/6 30/16
 30/17 30/19 32/3 33/17 33/24
 33/25 34/19 35/2 35/2 35/24
 38/3 41/7 42/7 42/8 42/10 43/4
 44/2 44/22 49/19 49/25 50/4
 50/18 50/20 52/14 54/23 55/8
 56/10 56/22 57/9 58/5 58/10
 58/12 58/19 64/22 64/24 67/5
 71/15 72/2
applications [3] 27/18 70/7
 70/12
applied [1] 29/20
apply [1] 30/24
appreciate [1] 9/24
approaches [1] 21/13
appropriate [1] 30/24
approve [1] 2/16
approved [4] 7/7 7/9 62/25
 70/12
approximately [1] 29/15
architect [1] 13/16
Architects [1] 39/10
are [25] 5/22 6/14 7/20 10/4
 10/25 16/5 16/8 23/24 24/20
 27/18 29/16 40/5 46/15 46/16
 47/17 54/5 54/13 55/15 60/14
 64/17 64/18 67/23 70/7 70/24
 70/25
area [11] 4/18 6/15 6/17 6/25
 7/14 8/19 8/20 11/6 42/25
 47/25 69/3
areas [1] 65/13
aren't [1] 10/6
argue [1] 45/14
Ariizumi [5] 28/18 39/10 57/15
 58/15 59/22
arrange [3] 3/20 25/15 28/17
ARTHUR [7] 1/19 10/4 15/19
 16/24 65/25 66/10 67/21
Arthur, [1] 72/23
Arthur, I [1] 72/23
as [39] 5/3 5/7 6/14 7/14 7/21
 8/19 12/17 15/7 19/24 20/2

A

as... [29] 20/2 20/11 23/5 23/12
27/16 28/5 29/18 36/13 37/23
39/22 41/12 42/2 43/12 43/12
46/4 46/10 47/5 51/13 52/14
55/2 57/11 65/3 66/21 67/9
69/11 69/12 71/19 71/19 72/3
Aside [1] 28/2
ask [16] 17/7 26/5 28/6 35/4
37/7 49/13 57/14 57/21 57/25
59/22 67/22 68/9 69/9 71/5
71/6 71/23
asked [3] 40/4 40/4 63/20
asking [10] 21/24 21/24 32/4
32/4 33/18 33/19 33/20 34/6
34/25 35/3
aspect [1] 41/9
assume [1] 34/23
assure [1] 9/12
attention [1] 30/13
attorney [12] 1/21 5/15 11/15
15/3 18/15 24/25 25/6 37/20
55/3 70/5 70/6 71/6
authorization [1] 28/4
authorized [1] 48/16
Avenue [3] 24/13 25/12 25/17
aware [1] 72/22
away [3] 10/20 42/4 52/24
aye [24] 2/11 2/12 2/13 2/14
2/15 2/22 2/23 2/24 2/25 3/13
3/14 3/15 3/16 3/17 26/13
26/14 26/15 26/16 26/17 73/13
73/14 73/15 73/16 73/17

B

back [11] 9/11 27/14 27/16
29/5 35/16 43/11 44/24 59/2
60/15 61/22 61/23
Bahamas [1] 68/20
based [3] 42/9 54/6 67/5
basic [3] 29/16 33/8 54/4
basically [6] 33/13 35/11 42/16
43/9 60/5 63/16
basis [2] 36/10 46/25
be [58] 4/19 5/18 6/8 7/15 7/18
8/9 9/23 11/10 14/2 14/20
14/20 14/24 16/9 17/8 17/13
18/17 19/19 21/9 22/16 23/2
23/8 27/11 27/20 32/4 33/10
34/20 36/9 36/12 36/15 36/18
36/19 36/24 37/2 37/5 43/19
44/16 45/12 46/25 47/3 47/6
50/22 50/23 51/20 52/2 52/5
52/7 54/9 54/14 54/17 55/21

56/11 62/21 62/22 66/20 68/3
68/21 68/22 71/7
became [1] 70/21
because [24] 4/12 30/3 30/4
30/5 32/6 33/16 41/2 41/16
41/21 41/23 43/21 46/4 47/19
47/21 48/8 48/24 50/24 52/4
53/14 54/4 58/23 60/5 64/10
68/14
become [3] 14/8 39/18 59/5
becomes [2] 13/4 13/19
bed [1] 11/22
bedroom [14] 4/10 4/17 4/19
5/2 5/4 5/5 5/7 6/24 6/24 7/9
7/10 11/22 11/24 16/16
bedrooms [5] 11/16 11/23
13/13 13/18 16/8
been [5] 5/5 6/22 37/18 70/9
72/3
before [8] 19/10 24/5 26/3
49/25 51/2 63/9 69/14 69/25
beginning [2] 23/9 37/24
behalf [1] 4/6
behind [1] 38/23
being [9] 11/16 19/8 26/5 38/3
38/19 47/9 52/14 52/16 55/11
belabor [1] 12/16
belaboring [1] 15/6
believe [11] 6/17 9/5 9/8 11/24
15/24 20/5 35/16 40/11 48/12
49/2 54/24
benefit [1] 38/4
best [1] 52/3
better [3] 51/20 52/19 52/20
between [5] 19/16 35/19 53/3
53/14 53/15
beyond [3] 42/20 42/22 45/18
big [1] 53/16
bit [2] 17/10 57/25
bla [3] 63/14 63/14 63/14
blood [1] 74/12
board [46] 1/5 2/3 2/7 2/18 3/6
7/8 8/15 9/7 9/12 9/17 12/22
14/14 21/13 24/17 30/8 30/10
31/24 34/13 37/20 37/20 38/2
42/9 48/11 49/9 50/3 51/2 51/3
52/13 52/21 56/12 56/18 57/18
57/22 58/16 69/23 69/25 70/3
70/12 70/13 70/17 70/22 71/15
71/22 71/23 72/20 73/7
boarding [3] 13/4 13/21 14/9
boards [1] 6/22
both [7] 17/12 27/19 36/8
36/13 47/4 65/16 65/18
box [1] 34/2

brake [1] 51/16
breakfast [1] 11/22
bring [3] 29/23 40/25 73/5
brought [2] 12/17 66/10
Bs [1] 11/24
bubble [1] 19/21
build [2] 43/19 52/15
building [49] 1/22 9/2 9/3
10/10 12/18 13/8 13/12 13/16
13/17 17/9 22/23 25/5 27/23
29/3 30/8 31/6 32/12 33/9
33/11 35/21 35/21 36/2 36/9
37/9 37/13 38/7 41/11 42/20
46/24 47/9 47/20 48/2 49/17
49/20 51/20 52/23 52/24 55/4
55/9 60/20 63/24 64/23 66/11
66/15 70/4 70/16 70/18 71/18
71/21
built [3] 43/10 43/10 44/24
Burton [2] 20/21 20/22
business [4] 69/24 72/9 72/12
73/2

C

calculated [1] 43/18
calculations [1] 44/16
call [6] 11/8 15/12 55/15 62/20
65/23 67/14
calling [1] 55/18
came [3] 30/12 42/21 63/13
can [43] 8/25 9/6 10/22 12/2
14/2 14/5 17/25 18/9 18/19
21/23 23/12 23/18 27/4 27/20
27/21 28/6 33/23 34/4 35/22
37/5 38/9 39/7 40/24 43/12
44/23 45/14 45/15 49/13 50/15
51/13 53/7 53/24 53/24 53/24
54/17 55/17 58/15 59/6 59/7
61/13 65/8 68/19 69/9
can't [6] 19/21 50/23 51/24
54/24 55/12 65/23
capacity [1] 8/18
Carpenter [2] 28/15 28/19
case [2] 19/4 45/12
causing [1] 48/6
certain [2] 9/14 59/3
certainly [4] 28/6 30/10 72/6
72/13
certified [1] 23/5
certify [2] 74/8 74/11
CHAIRMAN [11] 1/15 14/18
22/9 24/16 38/8 49/15 57/21
58/8 70/22 70/22 71/20
chance [1] 24/23
change [8] 8/16 11/5 35/3

C**change...** [5] 35/24 38/6 72/15
72/16 72/18**changed** [1] 11/16**changing** [1] 38/9**Chapter** [1] 35/5**check** [1] 33/25**choose** [1] 5/13**clarification** [5] 9/25 10/16
21/25 39/2 59/13**clarified** [1] 40/5**clarify** [3] 6/21 35/23 39/4**clear** [5] 9/23 36/6 37/21 39/16
63/18**clerical** [1] 30/3**clerk** [3] 1/22 17/9 17/20**client** [1] 9/11**code** [33] 13/8 13/12 13/16
13/18 13/23 18/16 22/19 22/21
30/23 31/3 32/16 32/19 36/5
36/6 36/6 36/7 36/7 37/5 37/18
43/13 43/15 45/21 45/22 46/2
54/8 55/2 55/10 65/19 66/6
66/13 66/17 70/11 71/12**codes** [2] 43/12 45/17**colleagues** [5] 6/13 20/4 40/20
54/25 55/15**combined** [5] 35/13 37/16
38/22 67/7 67/8**combined side** [1] 37/16**come** [8] 5/21 9/11 14/13 31/9
35/16 39/16 40/9 69/24**comes** [5] 15/8 28/7 71/17
71/17 72/8**comfortable** [13] 9/17 9/19
10/4 10/10 10/25 17/5 54/6
54/10 70/25 71/2 71/24 71/25
72/7**comment** [1] 65/8**comments** [1] 5/11**Commission** [1] 49/24**compliance** [1] 13/23**complicated** [1] 52/17**complication** [1] 39/3**comply** [2] 14/10 35/5**computed** [4] 36/9 36/13 46/25
47/5**concrete** [5] 60/25 61/3 61/12
62/15 62/23**condition** [3] 46/15 46/17
46/18**confirm** [2] 9/7 9/15**confirmation** [1] 9/6**conforming** [2] 31/6 45/9**confused** [2] 41/9 62/3**confusing** [1] 46/19**CONNOLLY** [1] 1/21**consensus** [1] 16/19**Consequently** [2] 29/6 29/9**considered** [2] 13/3 63/24**considering** [2] 18/4 54/14**construction** [3] 38/15 38/15
47/21**continue** [6] 29/17 29/20 47/19
47/20 50/15 50/24**contractor** [1] 27/13**controversy** [2] 19/16 30/3**conversation** [2] 55/3 70/6**conversations** [1] 37/19**convert** [1] 11/22**copies** [1] 69/11**corner** [4] 42/14 43/8 62/9 65/2**correct** [14] 7/11 8/21 13/7
28/8 31/16 37/3 39/21 42/6
42/7 42/8 42/9 60/10 61/11
63/9**corrected** [1] 56/2**CORWIN** [1] 1/16**Corwin's** [1] 65/15**cottage** [2] 4/13 4/16**could** [8] 9/12 14/20 17/9
17/19 21/10 57/4 57/22 69/3**COUNTY** [5] 1/3 3/25 25/18
28/21 74/4**couple** [2] 40/14 41/4**course** [2] 19/25 66/7**covered** [4] 60/2 61/18 62/12
64/2**create** [1] 19/15**critical** [1] 52/10**current** [5] 30/16 30/16 30/18
44/22 60/6**D****date** [2] 15/24 68/2**date for** [1] 15/24**dated** [5] 24/24 29/8 29/18
31/15 31/18**daughter** [1] 42/24**DAVID** [14] 1/16 8/16 11/10
15/13 22/10 23/7 25/16 26/24
27/4 57/5 59/15 64/16 66/25
67/15**David's** [3] 64/19 66/8 66/10**day** [2] 68/11 74/15**days** [1] 40/14**daytime** [1] 68/15**dealing** [1] 13/14**Dear** [1] 24/20**December** [2] 2/6 7/21**December 18** [1] 2/6**decide** [4] 6/6 22/23 26/3
56/12**decided** [3] 29/6 42/24 63/23**decides** [1] 14/7**decision** [2] 51/7 55/23**decisions** [1] 72/11**deck** [2] 42/17 62/23**defer** [1] 15/2**define** [2] 15/4 15/6**defined** [1] 15/7**defines** [3] 13/18 22/19 22/21**definition** [2] 18/2 18/20**degree** [1] 54/12**demolished** [1] 61/2**demolition** [1] 49/3**denied** [1] 8/8**Department** [19] 9/3 10/11
12/19 22/23 25/5 27/23 30/9
35/21 35/22 38/7 51/21 52/23
52/24 55/4 64/24 70/16 70/18
71/18 71/22**Department's** [2] 36/2 70/5**depth** [1] 12/24**details** [1] 54/17**determination** [1] 54/8**Diana** [3] 9/21 15/15 67/17**dictated** [1] 72/20**did** [10] 4/3 5/21 7/13 12/24
28/12 38/10 45/11 49/18 52/12
59/19**didn't** [10] 7/14 10/18 22/17
34/3 45/21 46/20 51/10 52/6
56/2 58/21**dies** [1] 65/22**different** [5] 7/20 14/4 39/17
50/8 51/8**differently** [1] 71/7**difficulties** [1] 14/22**dimension** [8] 36/8 36/14
36/18 37/5 44/4 46/7 47/6 54/9
dimensions [5] 36/11 36/13
46/24 47/3 47/4**DINI** [2] 1/18 11/14**directly** [1] 71/17**disagree** [1] 53/24**disagreement** [1] 53/15**disapproval** [29] 6/18 7/22
8/24 11/6 24/23 29/11 29/12
30/22 31/14 31/22 35/9 35/11
37/8 37/10 37/23 38/24 41/8
42/8 43/14 44/11 53/11 55/6
55/25 56/3 56/5 56/22 57/7
64/23 65/12

D

discuss [2] 24/23 70/3
discussed [1] 51/20
discussion [6] 10/17 41/4 58/2
60/5 60/19 65/11
distributed [1] 39/23
districts [1] 14/24
do [27] 4/24 7/16 9/16 9/18
11/7 14/6 14/12 14/12 16/4
18/18 20/24 23/7 23/22 29/4
32/20 39/11 39/21 40/24 44/23
51/11 53/24 66/12 68/10 72/10
72/15 72/19 74/7
does [19] 8/3 8/4 8/13 16/13
19/7 20/20 22/11 24/5 33/25
35/9 38/21 38/22 39/19 41/10
41/13 48/19 65/13 65/15 66/18
doesn't [11] 14/5 18/22 26/20
35/6 39/18 58/9 58/24 58/25
59/4 69/21 72/9
doing [6] 47/8 51/5 55/22
59/11 69/6 71/7
don't [42] 6/8 11/24 14/11
16/20 20/8 21/5 23/14 27/3
27/19 28/3 31/17 38/8 39/5
40/6 40/19 41/17 45/13 46/3
46/6 46/7 46/19 48/12 48/20
48/25 52/11 52/13 52/16 52/17
52/21 53/6 53/8 53/10 53/11
55/8 55/11 59/8 63/10 69/20
70/9 72/18 72/21 72/24
done [6] 6/25 14/20 14/20
24/11 49/5 71/11
doubt [1] 38/4
down [5] 52/23 56/15 60/9
60/12 61/19
drafting [1] 10/13
ducks [1] 25/7
dwelling [5] 13/5 14/10 14/23
15/4 15/8

E

e-mail [1] 9/6
each [2] 36/20 36/25
earlier [1] 41/10
easier [1] 21/2
eight [8] 29/13 35/12 35/13
36/4 37/15 43/17 44/15 46/12
eight-foot [1] 35/12
either [4] 13/19 43/23 51/4
51/5
ELLEN [7] 1/17 8/15 10/15
11/11 15/17 16/22 67/19
else [4] 24/5 35/6 69/14 73/6

encroaching [1] 32/7
end [3] 23/16 56/13 66/18
enhance [1] 47/23
entire [1] 12/15
error [6] 9/4 9/8 9/13 10/13
30/3 30/4
Esquire [1] 24/24
essence [1] 49/21
even [2] 16/15 36/21
evening [1] 4/6
ever [1] 72/22
every [1] 12/12
everybody [4] 24/11 25/8
71/23 71/25
everyone [1] 17/11
exactly [5] 15/6 17/18 23/11
61/8 66/22
example [1] 40/2
exceeds [1] 33/10
except [1] 64/13
Excuse [2] 21/20 44/3
existing [10] 5/7 29/7 36/22
37/13 38/14 46/5 46/15 46/17
46/18 60/24
expand [2] 4/9 17/10
expanded [3] 18/9 19/3 38/19
expansion [3] 38/18 63/6 65/2
expects [2] 44/25 45/4
explain [1] 41/25
explained [1] 55/2
explanation [6] 11/2 36/5
40/23 41/24 52/19 52/20
explicit [1] 32/19
express [1] 52/12
extension [9] 29/7 29/15 43/5
43/20 44/2 44/12 44/14 44/17
51/14
extra [7] 4/18 17/15 17/18
17/22 29/14 44/21 51/14

F

face [2] 51/21 51/22
faced [2] 31/25 31/25
fact [4] 12/24 13/13 33/6 54/11
factor [2] 48/8 52/9
facts [1] 29/16
fairness [3] 26/18 48/10 48/11
familiar [4] 4/11 5/22 16/6
59/24
family [4] 3/21 4/7 5/8 13/15
far [5] 12/23 15/5 19/11 43/12
71/19
father [1] 28/25
fault [1] 10/2
favor [6] 2/10 2/21 3/12 26/12

65/7 73/12
February [8] 3/7 15/25 24/8
68/4 68/5 68/8 68/18 69/8
February 19 [1] 3/7
February 19th [4] 24/8 68/4
68/8 69/8
fed [1] 69/15
feel [1] 46/17
feet [14] 34/22 36/15 36/19
36/20 36/21 36/25 37/2 37/6
37/15 38/22 44/21 45/2 47/7
54/9
few [1] 26/2
field [2] 27/9 27/10
file [1] 7/24
filled [1] 28/3
financial [2] 48/6 48/8
fine [9] 5/17 5/18 6/5 14/16
34/13 34/15 43/14 51/23 52/3
fire [2] 3/8 13/23
Firehouse [1] 1/9
first [17] 5/25 9/7 11/9 29/22
39/7 42/11 47/19 48/5 50/3
51/6 57/23 57/24 58/16 60/20
62/2 62/24 62/25
five [24] 4/10 6/24 11/24 13/12
13/18 13/19 44/5 44/6 44/7
44/8 44/18 44/18 44/19 47/17
56/24 56/24 57/10 57/10 59/24
59/25 64/14 64/14 64/25 64/25
five-bedroom [3] 4/10 6/24
11/24
Flint [4] 17/11 20/17 22/7
22/13
floor [5] 4/20 5/3 16/7 16/25
40/3
folks [2] 34/14 73/18
follow [3] 10/18 22/20 51/13
followed [2] 7/2 50/6
foot [24] 29/13 35/12 35/12
35/13 36/4 37/10 43/17 43/20
43/25 44/15 44/17 44/19 45/5
45/7 45/13 45/18 45/20 56/23
56/24 56/24 57/10 57/10 64/25
66/15
footage [4] 33/3 34/23 43/22
43/25
footprint [8] 32/11 61/10 61/11
61/14 63/3 63/6 63/8 63/15
Fordham [1] 12/3
forgo [1] 14/7
forum [1] 51/21
forward [2] 14/19 48/25
found [1] 46/22
foundation [1] 48/5

F

four [13] 10/18 11/12 11/16
11/17 11/23 36/10 36/12 43/20
44/17 44/19 47/2 47/4 52/13
four-foot [2] 43/20 44/17
four-foot-by-ten-by-five [1]
44/19
four-tenth [1] 47/2
four-tenths [3] 36/10 36/12
47/4
fourth [8] 3/18 3/23 7/10 17/11
21/17 22/4 22/5 23/10
frame [1] 49/21
free [2] 55/15 58/10
friends [1] 40/20
front [21] 21/5 22/16 22/20
23/15 29/25 31/4 31/18 33/17
52/16 56/3 56/5 57/12 60/15
60/18 62/6 62/7 63/19 63/22
63/23 63/25 70/3
further [2] 14/17 74/11

G

gave [4] 7/24 16/15 26/23 38/3
generated [3] 31/13 31/21
71/20
generates [1] 70/23
get [18] 9/6 12/23 17/25 18/9
18/19 19/10 23/5 25/6 27/18
27/24 42/4 45/16 48/9 54/15
58/9 59/19 61/5 66/4
gets [2] 59/4 70/17
getting [1] 15/5
give [11] 17/20 19/22 23/14
23/18 27/4 27/5 36/16 40/17
47/25 59/7 59/9
given [2] 36/22 66/25
gives [1] 71/22
giving [3] 54/6 54/10 58/3
go [13] 23/23 42/21 48/25
49/25 50/3 50/16 50/21 50/25
52/4 52/23 62/5 64/16 68/14
goes [4] 22/15 32/2 37/8 51/2
going [18] 5/12 16/8 25/22
29/10 32/11 34/20 38/6 41/2
42/23 43/15 44/19 45/17 48/3
51/8 66/3 67/23 67/24 68/3
gone [2] 49/22 49/23
gonna [38] 5/24 10/5 10/7 11/5
11/7 11/8 14/22 14/24 15/23
19/15 25/4 27/21 30/7 35/3
35/4 37/7 40/17 40/21 41/3
41/3 41/5 44/13 45/16 48/4
52/5 52/7 56/11 56/14 56/17

57/25 61/6 61/20 62/20 62/21
62/22 68/2 68/13 68/25
good [2] 4/6 68/15
GORDON [1] 1/18
got [4] 21/25 27/14 29/10
63/14
GREENPORT [11] 1/2 1/9 2/3
3/8 3/24 14/21 24/17 24/18
24/18 25/17 28/20
ground [1] 22/25
guess [8] 42/21 43/5 46/23
49/11 60/7 70/17 72/19 72/20
guide [1] 55/17
guy [1] 38/12
guys [1] 59/19

H

had [10] 8/14 11/21 16/11
24/22 41/23 41/24 55/2 66/11
70/2 70/6
half [1] 44/21
hand [6] 39/5 57/18 57/22
58/15 59/6 74/15
Handing [1] 59/18
handout [1] 62/11
hanger [1] 48/25
happy [1] 4/22
hardship [2] 48/7 48/8
has [16] 4/14 5/4 6/22 12/11
12/14 12/25 18/17 20/8 29/18
49/25 50/25 51/3 58/15 65/21
66/25 70/8
have [81]
haven't [4] 36/4 37/18 40/15
41/20
having [2] 33/9 59/16
he [16] 25/2 26/21 26/25 27/11
28/7 39/24 39/24 39/25 46/4
53/9 57/22 58/4 58/9 58/12
58/15 59/6
he's [7] 21/24 21/24 26/20
26/25 27/8 27/12 27/12
head [5] 9/3 10/10 12/18 15/5
19/21
heading [1] 72/8
hear [3] 38/5 40/21 54/15
heard [2] 11/13 12/22
hearing [22] 3/20 5/13 5/16
5/18 5/20 6/4 15/24 16/2 24/21
25/14 28/17 30/6 30/14 32/23
33/14 33/22 54/15 57/2 65/5
67/4 68/2 68/7
help [3] 19/22 28/25 42/20
her [4] 9/10 9/11 28/25 67/22
here [22] 4/5 4/12 9/10 12/19

12/24 21/8 25/20 27/8 27/15
28/25 29/2 34/25 35/22 40/19
47/18 50/5 51/17 54/2 55/15
58/22 70/5 70/5
here's [2] 21/18 21/19
hereby [1] 74/8
hereunto [1] 74/15
herself [1] 29/2
Hi [1] 28/23
Hideaki [2] 28/18 39/9
him [8] 21/22 26/23 27/25 28/7
34/6 53/7 58/11 59/2
hindsight [1] 54/22
his [4] 27/16 57/9 59/2 66/14
Historic [1] 49/24
hold [2] 5/12 48/5
holding [2] 48/12 49/10
holidays [1] 30/5
home [1] 12/13
honest [1] 66/20
honor [1] 54/20
hope [1] 54/3
house [25] 5/23 12/3 13/3 13/3
13/21 14/8 14/9 29/5 29/10
29/14 41/12 41/15 42/17 43/2
43/6 43/7 43/10 44/23 45/2
56/25 57/11 62/8 62/8 63/3
65/3
houses [8] 17/16 17/18 17/21
17/22 18/11 19/14 19/15 20/18
how [11] 32/2 40/6 53/7 58/6
58/13 70/7 70/15 71/11 72/8
72/11 72/25
however [2] 36/11 47/2
HPC [4] 49/23 50/16 51/2 51/2
hum [1] 30/25
hundred [2] 23/19 56/16

I

I'd [4] 12/10 33/22 53/25 73/5
I'll [18] 2/15 2/25 3/17 5/15
5/19 6/9 10/23 15/2 15/21 17/8
23/15 24/15 26/8 26/8 26/17
40/24 49/11 73/17
I'm [62] 4/21 5/11 9/14 9/19
15/3 17/4 18/4 21/9 21/16
21/22 21/22 22/22 25/22 26/4
28/24 28/25 30/7 33/19 33/20
34/15 35/24 37/7 37/22 38/5
38/11 39/9 40/17 40/18 40/18
40/21 40/22 41/2 41/2 41/3
41/5 41/9 42/3 43/22 44/10
44/11 45/6 47/15 47/16 47/16
47/18 48/16 51/10 55/7 55/7
55/8 55/14 57/25 58/2 59/15

I
I'm... [8] 59/24 60/2 61/4 66/21
67/24 69/22 70/24 72/21
I've [1] 24/22
identified [1] 27/15
identify [2] 21/23 39/8
ignores [1] 37/17
impact [1] 29/19
important [1] 54/13
impression [2] 60/3 70/20
inch [2] 29/13 35/13
inches [4] 36/4 37/15 43/17
44/15
include [4] 17/11 20/15 20/20
65/18
including [1] 42/13
incorrect [3] 7/3 7/4 35/16
incorrectly [1] 28/3
increase [6] 8/17 20/15 31/5
31/8 54/12 63/21
increases [1] 66/13
increasing [2] 32/15 33/7
indicate [2] 29/12 40/5
indicating [1] 16/8
individual [1] 21/14
individuals [1] 21/15
influence [1] 40/19
information [1] 4/8
inn [3] 13/20 13/22 14/8
inspection [3] 5/22 68/16 69/2
inspector [2] 37/9 42/20
inspector's [1] 55/9
instead [1] 9/10
integral [1] 50/12
intention [1] 47/13
interested [2] 12/9 74/13
interim [1] 30/12
interject [2] 35/15 36/16
interpret [1] 43/12
interpretation [10] 32/5 32/24
33/18 33/20 33/21 34/2 35/4
35/25 54/25 55/10
interrupt [1] 21/21
intimately [1] 16/5
intrude [1] 6/8
involved [3] 45/17 52/5 52/9
is [137]
isn't [1] 55/18
issue [10] 13/14 33/3 45/14
45/15 45/16 52/7 53/11 64/7
64/13 71/24
issued [9] 8/4 29/3 30/22
41/10 41/22 47/20 49/4 50/22
50/23

issues [3] 54/4 54/13 66/7
it [157]
it's [75]
item [10] 2/5 2/16 3/5 3/18
24/12 25/4 25/12 28/14 69/23
73/9
its [2] 48/4 48/4
J
January [3] 1/10 74/10 74/16
JOHN [1] 1/15
jurisdictions [1] 70/15
just [50] 4/17 6/21 7/11 7/15
7/18 9/12 9/22 11/10 12/10
14/17 17/10 19/22 20/11 21/10
21/25 23/20 32/25 33/13 33/20
37/4 39/3 39/3 39/5 39/13 40/2
40/9 42/4 44/4 44/20 49/5 49/8
51/16 55/8 56/9 58/2 58/2 59/6
59/10 59/12 60/7 60/23 62/3
62/15 62/21 62/22 63/18 65/23
70/24 71/8 73/5
justify [1] 66/18
K
kept [1] 13/16
kind [11] 13/24 23/24 25/6
27/20 37/21 39/2 39/3 40/21
40/22 41/22 71/16
kitchen [4] 4/14 42/25 47/25
59/25
know [25] 13/17 14/11 17/13
17/23 20/8 20/24 21/3 23/22
27/25 28/4 38/8 40/6 42/21
43/13 44/21 45/16 45/20 46/7
51/4 52/14 66/18 70/9 71/16
71/21 72/24
knowing [1] 17/18
KRISTINA [1] 1/22
L
last [11] 12/5 29/25 36/17 38/2
40/3 45/24 54/22 56/3 56/5
60/5 60/19
later [1] 30/9
law [5] 12/12 14/11 15/4 70/10
71/13
laws [1] 13/2
layout [1] 50/12
least [2] 26/19 36/20
leave [1] 51/14
leeway [2] 36/22 71/22
legal [1] 18/20
legislated [1] 8/17
legitimize [1] 47/9

less [10] 36/12 36/15 36/18
37/5 45/12 47/3 47/6 48/21
48/23 54/9
let [12] 18/8 22/22 27/25 41/3
41/5 41/6 41/25 56/17 57/14
58/11 59/22 64/15
Let's [1] 10/19
letter [5] 24/12 24/14 26/23
29/11 46/9
letters [1] 23/5
letting [1] 52/22
light [4] 54/11 68/21 68/22
68/24
like [17] 13/25 27/21 29/16
29/20 29/23 33/22 44/7 46/17
47/19 52/4 53/25 57/20 59/17
66/18 68/14 71/16 72/17
limited [1] 46/8
line [7] 37/14 43/11 44/13
44/24 45/14 47/10 48/4
LINGG [1] 1/22
listed [3] 20/11 27/6 27/8
listening [1] 66/9
literally [1] 40/14
little [7] 17/10 38/25 42/25
46/19 57/25 66/21 71/22
Local [1] 15/4
located [4] 3/23 22/16 25/16
28/19
lodging [2] 13/3 14/8
long [2] 24/6 69/19
look [2] 41/12 50/12
looked [4] 38/20 70/9 70/10
71/11
looking [7] 7/19 43/13 43/24
44/10 44/20 45/19 52/15
lost [2] 59/4 66/21
lot [5] 33/9 36/10 36/23 40/19
42/19
luck [1] 12/18
M
made [7] 6/24 37/25 38/25
39/13 39/25 54/24 57/24
mail [1] 9/6
mailing [2] 18/9 20/15
mailings [3] 17/10 21/8 24/4
make [15] 6/9 11/23 19/20
25/22 26/8 42/12 56/20 57/6
57/9 58/4 58/11 58/18 61/20
64/15 64/21
making [2] 9/10 72/11
mandate [1] 14/5
mandated [1] 71/10
map [7] 3/25 17/20 19/23 21/5

M

map... [3] 21/23 25/18 28/21
 maps [1] 20/10
 marriage [1] 74/13
 material [1] 42/19
 matter [2] 19/24 74/14
 may [9] 12/13 21/20 33/10
 35/15 36/16 41/25 49/15 66/23
 66/24
 maybe [6] 5/24 7/22 17/19
 26/18 43/21 55/17
 me [30] 4/3 7/24 12/2 13/17
 18/8 19/22 19/22 21/6 21/11
 21/20 23/14 31/4 31/18 34/16
 36/5 41/25 42/5 43/14 44/3
 51/23 54/3 54/7 55/18 57/12
 57/14 59/22 62/3 64/9 64/15
 66/25
 mean [6] 12/10 34/8 45/6 47/22
 48/19 52/9
 meaning [1] 46/6
 means [3] 36/19 48/17 66/19
 meantime [2] 42/24 48/3
 measured [1] 44/14
 meet [1] 38/21
 meeting [8] 2/4 2/7 2/18 3/6
 12/23 15/25 38/2 45/25
 member [5] 1/16 1/17 1/18
 1/19 59/15
 members [12] 4/24 5/13 26/8
 28/6 35/19 35/20 41/5 41/6
 47/17 52/13 53/24 68/14
 mentioned [2] 5/3 24/22
 Middle [1] 68/18
 might [5] 4/22 14/20 17/13
 27/11 69/24
 Mike [2] 20/20 20/22
 Miller [4] 3/21 4/7 20/6 20/7
 mind [7] 21/9 37/21 38/6 38/9
 39/5 53/3 63/19
 Mine [1] 8/7
 minimum [1] 45/8
 minutes [2] 2/6 2/17
 minutes' [1] 41/4
 misprint [2] 9/4 10/12
 missed [2] 10/3 60/19
 mistake [2] 37/25 54/24
 moment [2] 36/17 64/13
 monkey [1] 12/14
 month [7] 9/11 27/24 29/25
 33/15 53/16 54/22 56/3
 Moore [2] 21/13 24/6
 more [11] 13/19 14/2 32/7 41/4
 48/7 48/21 48/23 52/5 55/14

59/15 62/4
 motion [33] 2/5 2/16 3/5 3/19
 6/9 11/9 14/19 15/10 25/13
 25/22 26/9 28/15 56/20 57/6
 57/24 58/14 58/19 64/15 64/19
 64/21 65/9 65/11 65/15 65/17
 65/20 66/9 66/10 66/14 66/19
 67/2 67/22 69/10 73/9
 move [3] 45/2 67/3 68/19
 moved [4] 2/8 2/19 3/10 73/10
 Moving [1] 25/11
 Mr [7] 24/20 24/24 26/18 49/15
 51/22 57/14 58/7
 Mr. [9] 14/18 22/9 24/16 25/2
 27/15 38/8 58/15 59/22 65/15
 Mr. Ariizumi [2] 58/15 59/22
 Mr. Chairman [3] 14/18 22/9
 38/8
 Mr. Corwin's [1] 65/15
 Mr. Murray [1] 27/15
 Mr. Nigel [1] 25/2
 Mr. Saladino [1] 24/16
 Ms [2] 21/13 24/6
 much [1] 52/7
 multifamily [1] 13/4
 multiple [3] 14/10 14/22 15/7
 Murray [4] 25/16 26/19 27/4
 27/15
 must [1] 36/19
 my [37] 4/8 6/12 7/23 8/14 10/2
 11/13 13/25 13/25 20/3 20/4
 21/9 26/7 28/23 37/18 37/21
 38/6 40/17 40/20 42/24 46/14
 47/13 47/25 50/14 51/4 51/7
 52/12 54/22 54/25 54/25 55/15
 63/19 65/17 69/21 70/11 70/19
 70/20 74/15
 myself [1] 58/2

N

name [3] 20/6 20/9 28/23
 narrative [1] 27/2
 need [15] 4/3 6/7 7/25 9/18
 16/5 16/20 29/13 32/20 35/11
 53/15 58/24 59/2 69/14 72/16
 72/18
 needed [1] 36/4
 NEFF [1] 1/17
 neighbors [1] 54/16
 new [35] 1/3 1/9 3/9 3/24 12/25
 14/10 15/3 24/19 25/17 28/20
 30/21 31/13 31/22 40/9 44/2
 44/12 44/14 50/19 50/22 51/13
 55/6 55/25 56/4 57/7 58/18
 58/19 59/11 61/12 62/11 64/22

70/9 71/11 71/13 74/3 74/7
 next [6] 3/6 9/11 15/25 24/12
 28/7 33/15
 nice [1] 47/25
 nicely [1] 29/10
 Nigel [1] 25/2
 no [47] 4/14 9/24 10/7 11/18
 11/18 11/18 11/19 13/6 13/11
 17/5 19/18 24/7 25/10 25/21
 27/11 29/18 30/13 32/25 33/16
 36/11 36/14 36/18 37/5 38/14
 38/18 39/13 39/24 41/18 45/10
 45/12 47/5 49/2 50/17 53/4
 53/5 53/17 54/8 55/11 55/24
 58/25 62/17 62/18 66/3 69/16
 71/8 73/8 74/13
 Nobody [2] 44/25 45/4
 nonconforming [5] 8/10 31/5
 45/8 45/23 67/6
 nonconformity [7] 31/9 32/15
 33/7 33/8 33/8 54/12 66/14
 normally [2] 68/10 69/21
 north [3] 37/12 38/13 46/5
 not [58] 6/20 7/24 10/6 12/16
 12/23 14/6 19/7 19/18 23/4
 26/20 27/6 27/12 32/7 32/9
 33/19 33/20 34/25 38/17 38/22
 41/2 42/3 43/21 43/22 44/17
 45/6 45/13 45/17 45/18 46/16
 47/15 48/16 49/9 49/18 51/6
 51/10 52/8 52/15 53/8 53/19
 55/7 55/7 55/11 56/9 58/5
 58/12 60/7 62/7 63/5 63/9
 63/25 64/7 64/9 64/10 65/16
 66/4 70/15 72/21 74/11
 Notary [1] 74/6
 noted [1] 73/19
 nothing [6] 44/22 59/11 59/13
 60/25 64/12 66/12
 notice [40] 6/18 6/20 7/22 8/4
 8/24 11/5 17/21 17/21 19/23
 19/25 20/23 20/25 22/15 22/24
 23/8 24/23 29/11 29/11 30/21
 31/13 31/22 35/8 35/10 37/8
 37/9 37/22 38/23 41/7 42/7
 43/13 44/11 53/11 55/6 55/25
 56/2 56/4 56/21 57/7 64/23
 65/12
 noticed [3] 18/17 21/14 30/7
 notwithstanding [1] 26/22
 now [17] 9/10 12/11 14/14 15/9
 33/22 37/22 38/5 40/24 41/15
 48/24 56/6 57/14 58/22 61/5
 62/3 62/20 66/21
 number [15] 2/5 2/16 3/5 3/18

N

number... [11] 3/25 24/13 25/4
25/12 25/18 28/14 28/21 47/23
48/7 69/23 73/9
numbers [2] 17/20 19/23

O

o'clock [3] 16/2 16/3 68/6
O'KEEFE [2] 74/6 74/22
obviously [1] 66/3
occupied [2] 12/13 33/10
October [1] 2/17
off [1] 23/10
Oh [2] 16/14 42/6
okay [33] 5/9 5/10 7/5 9/20
9/22 10/21 12/7 16/17 20/4
23/21 24/11 25/8 28/9 28/11
30/15 31/20 33/12 34/7 35/7
39/20 40/13 47/2 49/7 49/11
50/7 51/23 53/21 57/19 59/16
69/5 70/4 73/4 73/4
one [35] 3/4 8/14 8/16 11/23
14/17 23/15 23/16 26/7 29/14
31/16 35/20 38/13 38/20 38/21
40/18 40/18 40/21 41/11 42/18
47/16 47/23 48/7 49/23 50/24
51/6 53/2 53/16 54/19 56/16
59/20 60/11 62/14 62/21 65/2
70/2
ones [2] 17/19 54/5
only [15] 17/7 17/13 26/7 38/16
38/19 38/20 40/16 40/18 40/18
40/20 40/24 47/16 56/6 58/21
66/5
open [3] 62/23 64/4 64/5
operate [2] 72/11 72/25
operating [1] 72/4
opinion [5] 23/7 36/3 40/17
52/12 54/22
opposed [1] 55/7
opposite [1] 50/17
oral [1] 69/10
order [4] 41/22 48/14 49/3
49/14
ordinary [1] 17/8
original [20] 29/3 29/17 32/12
49/17 49/23 50/9 50/10 50/13
50/16 50/19 51/14 63/2 63/6
63/8 63/15 64/11 64/12 66/9
66/10 66/14
other [14] 14/12 38/16 42/25
43/2 43/3 43/6 44/23 45/15
52/13 61/9 63/5 70/14 70/19
71/9

others [1] 42/2
otherwise [1] 46/14
our [15] 15/5 15/24 17/2 30/12
31/3 49/6 54/18 54/18 54/19
55/3 55/22 70/6 70/10 72/9
72/11
out [14] 9/6 12/10 12/23 12/23
28/3 29/23 42/21 43/24 54/17
59/3 60/4 67/10 68/9 69/3
outcome [1] 74/14
outside [6] 17/8 32/11 49/6
51/21 54/18 67/23
over [8] 13/2 15/5 19/21 40/20
45/2 61/7 62/20 62/23
own [2] 48/4 48/4
owner [10] 12/13 14/21 26/20
26/21 26/22 26/23 26/25 27/5
27/11 27/15
owner's [1] 25/3
owner-occupied [1] 12/13

P

p.m [6] 1/11 3/7 68/8 69/2 69/8
73/19
package [1] 60/21
packages [1] 17/2
packet [3] 4/8 8/2 16/10
page [2] 27/16 55/5
PALLAS [2] 1/23 51/22
part [10] 4/15 5/7 30/10 39/19
59/5 62/24 63/24 63/24 64/11
64/11
parties [1] 74/12
passed [1] 72/23
past [1] 71/20
patient [1] 11/10
PAUL [1] 1/23
Paul's [1] 11/2
pays [1] 23/18
people [1] 21/12
percent [1] 56/16
percentage [1] 33/10
perhaps [8] 8/15 11/15 18/19
30/8 35/22 39/15 51/19 52/20
permission [1] 67/2
permit [32] 29/4 29/7 29/17
29/19 29/21 41/11 42/11 42/23
43/2 47/20 48/6 48/24 49/4
49/18 49/20 50/9 50/16 50/19
50/20 50/22 50/23 51/11 51/12
51/13 51/15 52/8 60/6 60/20
62/2 62/24 62/25 64/12
permits [2] 50/9 53/12
personally [3] 12/21 37/25
63/10

perspective [1] 51/5
phonetic [2] 20/21 28/24
photograph [1] 16/15
phrase [1] 36/18
piece [1] 32/10
pieces [1] 66/6
place [3] 41/15 45/22 51/15
plan [11] 16/7 37/10 37/12
39/4 39/18 39/18 50/10 52/17
53/23 55/12 65/4
Planning [2] 12/22 37/20
plans [1] 16/25
planted [1] 22/25
play [1] 14/13
please [2] 23/20 57/22
point [21] 12/10 13/25 13/25
39/17 44/7 44/8 46/8 46/10
46/12 52/10 56/24 56/24 57/10
57/10 59/3 59/24 59/25 64/14
64/14 64/25 64/25
policy [4] 70/8 70/14 72/17
72/19
porch [16] 60/2 60/3 60/9
60/12 60/15 60/15 60/16 60/17
60/22 61/7 61/19 62/12 62/20
64/2 64/4 64/5
portion [8] 4/17 7/25 30/22
31/2 55/10 66/13 66/16 69/11
possible [2] 20/14 69/12
posting [1] 23/22
postponement [1] 24/21
poured [2] 61/2 61/13
practice [2] 71/9 71/20
preexisting [2] 45/8 45/23
prefer [1] 19/24
prepared [4] 14/15 15/9 15/11
35/24
present [1] 26/10
presented [1] 50/4
presently [1] 72/3
Preservation [1] 49/24
pretty [2] 4/21 32/19
previous [2] 7/8 11/21
previously [2] 4/12 6/23
principal [2] 36/9 46/24
printed [1] 27/18
private [13] 18/4 18/7 18/10
18/12 19/5 20/5 20/7 20/16
21/18 23/3 23/4 23/10 23/16
problem [5] 28/6 36/2 52/22
53/13 53/16
problems [1] 28/8
procedural [1] 54/17
procedure [1] 39/21
proceed [1] 56/9

P

proceedings [1] 74/9
process [13] 12/15 14/8 29/21
 49/21 50/5 50/21 51/11 52/4
 52/21 54/18 54/19 58/6 72/2
progress [3] 7/13 12/25 14/19
progressed [2] 8/19 70/7
project [4] 42/4 50/24 50/25
 51/6
projects [1] 51/8
Prokop [1] 24/24
properly [1] 69/24
properties [1] 19/7
property [26] 3/23 4/12 16/6
 19/8 20/23 21/19 22/20 22/24
 23/15 24/22 25/16 27/6 28/19
 32/10 37/13 43/11 44/13 44/24
 45/14 46/6 47/10 47/23 47/24
 49/5 68/9 68/20
proposal [2] 6/14 8/9
proposed [6] 8/9 37/11 60/2
 62/12 63/19 64/2
proposing [1] 55/22
provide [3] 41/11 41/13 69/11
provides [1] 41/14
provision [1] 36/23
public [23] 3/20 5/12 5/15 5/17
 5/20 6/4 15/24 16/2 25/14
 28/16 29/23 30/6 30/14 32/23
 51/21 54/15 57/2 65/4 67/4
 68/7 70/4 73/7 74/7
purposes [1] 13/23
purview [2] 49/6 72/24
put [12] 17/17 23/15 26/8
 29/14 41/5 43/2 43/3 44/13
 44/17 47/22 51/16 56/14

Q

quarters [1] 5/8
question [12] 6/12 10/23 11/11
 11/13 16/4 22/12 34/4 35/19
 53/2 59/23 63/13 65/24
questions [11] 4/22 4/25 5/14
 11/8 24/5 26/2 26/6 27/22 30/2
 66/4 66/5
quickly [1] 69/12
quite [4] 7/20 43/22 54/7 55/9
quote [1] 36/6
quoted [1] 37/4

R

railroad [5] 17/12 18/12 20/17
 21/6 22/8
raise [2] 22/11 27/22

rare [1] 27/17
rather [1] 27/9
rationale [1] 38/23
read [7] 19/21 24/15 32/15
 32/18 36/7 43/11 45/11
reading [4] 15/3 32/3 37/22
 55/6
ready [2] 64/17 64/18
realize [1] 52/6
realized [1] 49/22
really [5] 12/14 33/11 47/23
 48/6 48/9
reason [3] 31/13 48/14 58/21
reasonable [1] 38/11
reasoning [1] 30/13
recap [1] 59/10
received [2] 36/5 49/19
record [8] 7/11 24/16 34/9
 34/11 39/16 39/19 59/4 59/5
regarding [1] 4/13
regardless [2] 49/25 50/25
REGULAR [1] 1/7
rejection [1] 42/7
related [1] 74/11
remember [4] 12/6 46/7 63/11
 63/17
removed [1] 4/17
removing [1] 42/17
rent [1] 12/13
rental [2] 12/12 15/8
rentals [1] 12/14
repair [2] 42/22 42/22
repeat [3] 46/4 57/4 67/22
rephrase [1] 18/8
Reporter [1] 74/6
represent [1] 28/25
representative [6] 24/15 25/3
 26/22 27/10 27/16 28/5
representing [1] 26/25
request [6] 20/3 21/25 43/16
 59/14 67/5 67/7
requested [2] 34/2 63/21
requesting [1] 24/20
require [2] 37/14 65/13
required [2] 20/23 67/9
requires [1] 6/19
residents [5] 18/10 20/5 20/14
 20/16 21/7
resolution [5] 4/15 72/14
 72/16 72/19 72/22
resolve [2] 40/7 47/18
response [5] 24/7 25/10 25/21
 69/16 73/8
restarted [1] 50/20
restarts [1] 49/20

restate [3] 58/14 66/23 67/2
restrictions [1] 14/23
restrictive [1] 14/3
returned [1] 46/10
reverse [1] 55/22
review [1] 54/3
reviewed [1] 6/22
right [27] 7/12 10/24 11/4
 14/14 15/9 19/6 19/25 30/20
 31/7 31/11 31/23 32/13 32/21
 41/14 41/15 45/3 46/5 47/11
 47/14 56/6 58/3 61/17 61/21
 61/24 62/13 66/21 73/3
road [17] 18/4 18/7 18/10
 18/12 19/5 20/5 20/6 20/7 20/7
 20/11 20/12 20/17 21/18 23/3
 23/4 23/10 23/16
Rob [1] 71/5
ROBERT [3] 1/21 25/2 28/23
roof [10] 42/14 48/4 60/23 61/7
 62/17 62/18 62/20 62/23 64/4
 64/6
room [4] 4/9 4/14 5/4 11/23
rooming [1] 13/3
rooms [3] 4/10 4/18 8/17
rotten [2] 42/18 42/19
row [1] 25/7
rule [2] 47/2 51/3
rules [2] 43/15 72/10
run [1] 14/22

S

said [16] 10/11 11/20 39/24
 39/24 41/23 42/21 44/4 45/25
 46/3 46/4 53/20 53/22 63/7
 63/14 71/14 72/14
sake [1] 58/22
SALADINO [3] 1/15 24/16
 24/20
same [9] 7/2 21/12 39/22 45/25
 46/16 51/8 55/5 61/10 68/11
save [1] 69/6
saw [1] 16/7
say [19] 8/3 8/5 9/15 11/14
 12/22 13/2 14/11 18/22 21/6
 24/6 26/19 26/19 37/9 40/24
 51/24 53/25 58/2 58/11 72/25
saying [7] 13/17 36/25 44/11
 51/12 55/8 61/6 62/19
says [15] 8/7 8/11 8/24 9/3
 12/12 13/8 31/3 35/11 36/6
 36/8 37/10 42/12 60/2 61/15
 62/11
schedule [13] 3/5 3/20 6/3
 25/14 28/16 32/23 33/22 57/2

S**schedule...** [5] 65/4 67/4 68/6 68/7 69/2**scheduling** [1] 33/14**second** [23] 2/9 2/20 3/11 4/20 5/2 5/3 6/11 15/10 25/24 26/11 29/21 37/17 39/11 40/3 51/6 51/17 57/3 65/6 65/21 66/2 67/12 67/13 73/11**seconded** [3] 11/10 57/25 66/20**Section** [1] 67/9**sections** [1] 65/18**see** [16] 7/16 17/5 24/4 24/8 27/19 28/4 28/4 33/23 41/17 44/9 51/11 52/14 52/16 55/7 61/13 69/7**seem** [1] 32/4**seemed** [2] 30/23 43/14**seems** [5] 29/12 52/4 54/3 54/7 55/18**seen** [3] 23/5 40/15 41/20**sentence** [1] 37/17**separate** [4] 19/7 66/5 66/5 66/6**SESSION** [1] 1/7**set** [7] 15/23 15/25 16/2 23/12 68/2 68/13 74/15**setback** [12] 35/14 36/3 36/20 36/21 37/11 37/16 38/14 40/3 46/3 65/15 67/8 67/9**setbacks** [1] 66/12**settled** [1] 23/25**seventy** [2] 34/22 43/25**shall** [8] 36/9 36/12 36/14 36/18 46/25 47/3 47/6 54/9**she** [4] 29/3 29/6 58/24 58/25**short** [1] 12/12**short-term** [1] 12/12**should** [13] 23/2 23/8 26/19 31/3 37/2 45/12 46/8 49/22 49/23 54/20 56/8 67/10 71/7**show** [4] 16/13 21/8 21/10 26/20**showing** [1] 21/22**shown** [2] 57/12 65/3**shows** [2] 37/10 37/12**side** [49] 10/17 21/23 22/3 22/5 29/14 32/8 32/10 33/3 34/21 35/9 35/13 36/3 36/8 36/11 36/14 36/18 36/20 36/25 37/5 37/11 37/12 37/16 38/13 38/15 38/16 38/20 38/21 38/21 42/25 43/6 43/7 44/23 45/7 45/1545/20 45/22 46/5 46/9 46/24 47/2 47/6 54/8 56/25 57/11 60/16 62/8 65/15 67/7 67/8
sides [3] 17/12 27/19 47/5
signed [2] 24/25 37/9
signs [4] 23/15 23/18 23/19 24/3**silent** [2] 71/12 71/14**simply** [1] 10/11**since** [4] 7/20 12/11 12/17 23/22**sit** [1] 52/23**site** [15] 3/20 5/22 6/7 16/4 16/5 16/20 17/5 25/15 28/17 39/4 39/18 68/11 68/16 69/2 69/7**sitting** [1] 4/18**situation** [2] 14/25 64/8**six** [9] 29/13 35/12 35/13 36/4 37/15 43/17 44/21 46/10 46/12**six-and-a-half** [1] 44/21**six-foot** [1] 35/12**six-foot-eight** [2] 36/4 43/17**six-foot-eight-inch** [2] 29/13 35/13**sixteen** [1] 44/15**sixteen-foot-eight** [1] 44/15**size** [1] 61/3**skyscraper** [1] 52/15**slash** [1] 27/9**small** [3] 29/5 33/9 36/23**so** [82]**some** [10] 5/11 5/14 20/10 27/20 29/4 30/2 30/2 35/19 48/14 48/15**somebody** [2] 65/21 72/17**somebody's** [1] 22/16**someone** [1] 11/14**someplace** [2] 45/11 72/14**something** [7] 11/14 38/5 46/11 53/25 57/17 69/22 71/6**Sometimes** [1] 14/12**sorry** [6] 6/2 21/16 21/22 39/9 69/19 69/22**south** [8] 37/11 43/5 46/9 56/25 57/11 60/16 63/12 63/20**southeast** [3] 42/14 43/8 65/2**southwest** [1] 62/9**space** [1] 4/19**speak** [2] 42/2 54/24**special** [1] 19/4**specific** [2] 54/7 65/13**specifies** [1] 18/16**square** [9] 10/19 33/2 34/22 34/22 43/21 43/25 43/25 52/24

53/3

square-foot [1] 43/25**squared** [1] 42/4**ss** [1] 74/4**staff** [1] 7/23**stairs** [1] 63/7**staked** [2] 68/9 69/3**standards** [1] 7/20**start** [1] 46/8**started** [2] 60/10 60/13**STATE** [18] 1/3 12/25 13/7 13/12 13/13 13/15 13/16 13/17 14/2 14/4 14/5 14/10 15/4 70/10 71/12 71/13 74/3 74/7**states** [1] 6/19**Station** [1] 3/8**statutes** [1] 72/10**stenographer** [5] 29/24 39/8 58/23 59/3 69/10**step** [3] 14/17 54/19 63/13**STEPHANIE** [2] 74/6 74/22**steps** [4] 63/19 63/22 63/23 63/25**Sterling** [3] 24/13 25/12 25/17**still** [5] 44/16 47/15 47/16 68/21 68/22**stoop** [7] 60/25 60/25 61/5 62/5 62/15 62/15 63/13**stoops** [1] 63/7**stop** [6] 41/22 41/23 48/14 48/23 49/3 49/14**stop-work** [3] 41/22 48/14 49/3**story** [4] 61/16 61/20 62/21 65/2**straightforward** [1] 4/21**street** [25] 1/9 3/8 3/18 3/24 17/11 17/13 17/24 18/2 18/3 18/5 18/11 20/16 20/17 21/17 21/24 22/4 22/6 22/13 23/10 24/18 28/15 28/20 52/16 63/12 63/20**structure** [1] 38/20**Strutner** [1] 28/24**Studio** [1] 39/10**stuff** [3] 27/20 30/5 42/22**subject** [1] 9/5**submit** [1] 8/20**submits** [1] 71/14**submitted** [3] 16/14 39/12 65/4**substantive** [2] 54/5 54/13**SUFFOLK** [5] 1/3 3/25 25/18 28/21 74/4**suggested** [1] 14/20**supposed** [1] 36/24**sure** [17] 7/18 18/13 19/20

S

sure... [14] 21/9 41/2 43/22
45/7 47/15 48/17 49/16 51/10
52/3 55/11 57/23 58/17 58/20
59/7
survey [4] 21/11 40/9 57/12
65/3

T

table [7] 25/4 25/23 26/9 27/21
28/12 39/17 65/21
tabling [1] 52/22
take [2] 45/22 69/10
taken [2] 54/19 74/9
takes [1] 67/11
taking [1] 41/15
talk [2] 49/11 53/7
talked [1] 63/9
talking [4] 19/8 19/13 60/14
64/2
talks [1] 46/23
TASKER [1] 1/19
tax [5] 3/25 17/20 19/23 25/18
28/21
technically [1] 43/19
tell [3] 12/2 21/11 38/9
ten [40] 29/15 29/15 36/15
36/19 36/20 36/25 37/2 37/6
37/10 38/22 43/4 43/4 44/5
44/5 44/7 44/8 44/18 44/18
44/19 45/2 45/5 45/7 45/13
45/18 45/20 47/6 54/9 56/23
56/24 56/24 57/10 57/10 59/24
59/25 64/14 64/14 64/25 64/25
66/15 66/15
ten-by-five-by-ten-by-five [1]
44/18
ten-by-ten [2] 29/15 43/4
ten-by-ten-foot [1] 66/15
ten-foot [7] 37/10 45/5 45/7
45/13 45/18 45/20 56/23
ten-point-five-by-ten-point-five [1] 64/14
ten-point-five-by-ten-point-five-foot [1] 64/25
ten-point-five-foot [2] 57/10
57/10
ten-point-five-foot-by-ten-point-five-foot [1] 56/24
tent [1] 43/15
tenth [1] 47/2
tenths [3] 36/10 36/12 47/4
tenure [2] 8/14 70/11
term [1] 12/12

than [15] 13/19 27/9 32/8
36/12 36/15 36/19 37/6 45/12
47/3 47/6 48/7 52/5 54/9 55/14
59/15
Thank [10] 8/6 10/24 12/4
15/22 17/2 24/9 57/13 69/17
69/18 73/18
that [226]
that's [45] 5/17 6/5 7/3 7/4
9/12 9/17 14/16 22/24 24/10
27/20 30/13 30/15 31/12 31/13
33/3 33/17 34/5 34/12 34/25
35/16 35/18 36/3 36/22 37/3
38/6 38/17 38/23 41/21 43/3
45/22 47/12 47/13 48/12 49/6
49/10 51/6 51/7 52/3 53/19
58/5 58/12 61/4 61/22 63/5
70/15
their [3] 25/6 30/9 44/16
them [8] 5/12 16/2 50/2 52/25
53/3 55/5 68/6 70/18
then [23] 6/3 6/6 10/22 14/9
18/18 19/23 29/10 32/2 32/2
34/13 41/5 43/3 44/24 46/17
50/9 50/15 52/21 56/8 58/18
59/25 70/17 72/15 72/18
there [32] 8/2 14/23 35/18
36/19 38/14 39/3 40/8 41/17
41/19 45/25 47/16 48/13 48/15
49/3 60/3 60/10 60/13 60/22
60/23 60/25 61/5 61/5 61/9
61/10 62/14 62/15 65/20 66/3
67/12 69/4 69/13 71/6
there's [12] 15/10 15/10 36/24
38/18 41/18 44/22 52/12 60/3
60/24 66/19 71/8 72/14
therefore [1] 8/8
thermal [1] 42/14
these [5] 21/14 35/19 35/20
54/17 66/4
they [15] 6/7 14/9 15/4 15/6
23/5 27/5 27/24 35/22 41/22
42/16 55/16 61/2 63/20 63/21
66/6
they're [6] 20/23 66/4 69/15
70/16 71/12 71/13
thing [8] 9/7 17/7 29/22 40/16
40/24 45/25 70/2 70/19
thing's [1] 57/24
things [4] 14/13 39/17 40/5
59/3
think [35] 5/11 7/25 9/16 11/14
11/21 14/14 15/10 20/10 21/2
22/17 23/8 23/17 27/3 27/5
28/2 36/17 37/25 40/25 41/4

45/13 45/21 46/19 46/20 48/20
48/21 52/3 52/21 54/2 54/4
54/16 54/20 56/8 72/6 72/7
72/21
thinkers [1] 55/16
thinking [1] 21/11
Third [3] 1/9 3/8 24/18
this [103]
those [8] 19/7 20/14 26/5
29/16 40/5 54/13 65/16 65/18
though [1] 60/6
thought [10] 16/11 27/10
37/19 37/21 52/5 52/8 55/4
55/5 63/23 73/5
three [13] 4/9 6/24 7/7 7/9 7/10
8/17 10/17 11/11 11/22 12/9
19/14 20/18 24/3
three-bedroom [3] 6/24 7/9
11/22
three-room [1] 4/9
three-two [3] 7/7 7/10 12/9
through [2] 50/21 71/18
thrown [1] 12/14
time [19] 6/7 21/8 28/7 40/4
46/16 48/8 49/21 51/9 52/9
56/5 60/5 62/14 67/11 68/14
68/15 68/15 69/6 69/18 73/19
time's [1] 60/19
today [3] 39/14 39/25 41/13
told [1] 70/21
tomorrow [1] 9/7
tonight [2] 30/14 35/22
tonight's [1] 24/21
too [8] 12/23 15/5 19/10 34/16
42/5 45/7 47/24 48/8
took [2] 44/12 69/19
top [1] 42/18
tore [2] 60/9 60/12
torn [1] 61/19
total [6] 36/8 36/12 36/21 46/6
46/23 47/4
totally [1] 69/15
touch [1] 27/24
touching [2] 18/24 20/2
toward [1] 42/3
track [2] 20/18 21/6
tracks [3] 17/12 18/12 22/8
transact [1] 72/8
transacting [1] 73/2
transcript [1] 74/9
transcriptionist [1] 21/21
transient [1] 12/13
tried [1] 39/4
trouble [1] 69/6
true [2] 35/18 74/8

T

Trust [2] 3/22 4/7
try [1] 60/8
trying [2] 47/9 61/4
Tuesday [1] 3/7
turn [1] 61/6
turns [1] 43/24
twenty [1] 36/21
twenty feet [1] 36/21
two [25] 4/10 4/18 7/7 7/10
 12/9 13/2 13/15 17/15 17/18
 17/22 19/14 23/14 23/20 24/3
 35/20 42/12 50/8 51/7 53/3
 53/14 54/13 61/16 61/20 65/13
 66/4
two-family [1] 13/15
two-story [2] 61/16 61/20
type [1] 6/21
typically [2] 17/23 50/3
typographical [1] 9/13

U

Um [1] 30/25
Um-hum [1] 30/25
uncheck [1] 34/4
uncomfortable [5] 26/4 37/7
 40/22 40/23 58/3
under [7] 46/22 60/2 60/6
 61/25 62/24 66/5 72/8
understand [6] 7/19 13/9 33/2
 33/13 34/3 48/13
understanding [4] 46/2 46/14
 50/15 70/20
understands [1] 25/8
understood [1] 49/9
undo [1] 54/4
Unfortunately [2] 7/23 8/23
unintelligible [1] 39/2
unit [1] 4/14
units [2] 15/8 42/13
unless [2] 23/4 38/5
unsure [1] 38/3
until [8] 5/12 5/15 24/22 25/5
 25/25 26/9 40/22 54/14
up [20] 12/17 13/12 13/18 21/8
 24/12 40/9 40/25 41/5 43/16
 48/5 48/13 49/10 51/25 56/12
 58/21 63/13 63/13 66/10 69/15
 73/5
updated [1] 37/22
upgrades [1] 42/15
us [21] 17/20 17/21 29/25
 32/22 33/17 39/23 48/5 48/12
 53/13 55/17 56/3 56/5 59/4

59/6 59/8 59/9 69/11 69/15
 71/17 71/17 72/10
use [11] 6/15 6/19 8/5 8/10
 8/11 8/24 11/6 14/24 31/6 45/9
 45/23
used [1] 5/7
using [1] 61/10
usually [3] 13/22 19/24 27/19

V

variance [35] 6/15 6/15 6/17
 6/19 6/25 7/14 8/5 8/9 8/11
 8/19 8/21 8/21 8/24 14/25 27/4
 29/13 31/10 32/20 33/4 33/14
 34/21 35/4 35/5 35/12 37/14
 43/17 44/20 45/18 45/20 52/6
 54/6 54/10 63/22 65/14 67/8
variances [2] 35/25 67/6
variation [2] 46/10 46/18
very [4] 4/11 33/9 42/18 42/19
VILLAGE [23] 1/2 1/23 2/2 8/4
 11/25 12/11 12/24 14/2 14/3
 14/5 14/21 18/15 19/16 22/21
 24/17 24/25 48/11 48/16 70/10
 70/11 71/13 72/20 72/25
visible [1] 23/2
visit [9] 3/21 6/7 16/4 16/5
 16/20 17/5 25/15 28/17 68/12
voice [2] 40/18 40/21
vote [30] 2/15 2/25 3/17 5/25
 7/7 7/10 10/5 12/8 15/12 15/12
 15/21 26/7 26/7 26/17 28/12
 40/18 40/25 41/6 41/6 47/16
 53/23 55/11 55/12 55/15 55/19
 56/9 56/18 58/10 67/14 73/17
voted [2] 54/23 55/19
voting [4] 38/2 52/17 56/4
 66/22

W

wait [4] 5/15 5/19 21/16 53/15
wall [1] 42/18
want [29] 5/21 6/8 7/15 7/18
 9/22 17/21 19/20 23/19 32/22
 34/9 34/10 39/16 42/4 46/4
 47/22 48/9 48/25 49/8 52/11
 52/19 52/20 55/11 56/13 56/20
 57/6 58/21 59/8 59/8 64/21
wanted [2] 57/18 70/2
wants [4] 57/8 58/4 58/12
 59/15
was [91]
wasn't [4] 30/6 48/16 50/8
 60/22
way [9] 6/25 17/17 19/6 20/2

43/10 52/4 66/3 72/15 74/13
we [133]
we'd [3] 29/16 29/20 47/19
we'll [10] 6/6 14/12 15/25 17/5
 17/21 24/4 24/8 35/16 68/6
 69/7
we're [45] 5/24 7/19 10/5 10/7
 10/9 11/5 11/7 11/8 15/9 15/11
 15/23 19/8 19/13 21/11 25/4
 27/21 32/7 33/13 34/5 35/3
 37/7 41/3 42/23 43/24 44/13
 44/20 45/13 45/16 45/17 45/18
 45/19 54/5 54/10 56/4 56/14
 56/17 59/11 62/19 64/2 66/3
 66/9 66/22 68/2 68/13 68/25
We've [1] 27/14
well [24] 9/9 10/5 13/24 14/11
 17/14 17/25 18/3 18/6 19/2
 19/6 20/2 23/6 26/24 32/6 33/5
 33/16 34/8 34/24 35/20 42/2
 43/21 44/11 56/11 61/15
went [1] 48/15
were [6] 4/12 14/18 29/9 41/21
 42/16 66/6
west [3] 22/3 22/5 62/8
what [39] 4/9 6/7 8/16 11/7
 11/20 13/25 14/3 14/4 14/5
 14/18 22/21 26/23 28/2 31/13
 33/2 34/25 36/17 39/20 40/4
 41/10 41/13 41/15 41/16 44/3
 47/12 47/13 48/17 49/13 53/19
 54/7 55/21 56/3 58/15 59/11
 61/4 62/5 63/7 66/22 68/15
what's [3] 15/6 15/7 23/7
whatever [3] 13/15 21/7 43/6
when [14] 13/14 15/8 17/17
 21/6 28/7 31/5 31/8 40/25 43/3
 43/11 50/11 60/10 60/13 70/21
whenever [1] 43/10
where [10] 16/8 22/12 22/13
 22/15 22/23 23/7 23/22 27/15
 44/13 45/7
WHEREOF [1] 74/14
whether [5] 10/6 41/6 54/5
 54/10 56/9
which [15] 7/19 12/2 17/19
 21/23 27/6 29/7 31/15 33/7
 37/16 43/14 50/4 54/14 54/19
 60/11 65/14
while [1] 50/11
who [4] 14/21 18/16 20/24 21/3
whole [2] 7/24 50/25
whomever [1] 19/23
why [5] 23/14 34/5 38/9 46/9
 50/4

W

width [1] 36/11
Wiggins [1] 18/11
will [16] 5/18 8/9 9/15 11/10
 19/23 21/9 23/5 30/9 36/7 39/5
 47/24 58/14 58/18 68/21 68/22
 69/5
Williamson [1] 25/2
willing [3] 18/18 22/22 55/14
winding [1] 43/16
window [2] 41/12 42/14
within [3] 45/19 74/7 74/8
without [7] 15/5 17/18 26/5
 43/20 44/19 54/18 66/16
WITNESS [1] 74/14
won't [1] 54/3
wondering [1] 70/24
wooden [1] 42/17
words [2] 61/9 63/5
work [7] 41/22 48/14 48/15
 49/3 49/4 50/24 64/11
worked [1] 54/17
working [3] 29/9 41/23 42/16
works [3] 58/6 58/13 70/15
would [40] 4/19 6/8 6/21 8/20
 9/15 12/18 13/7 14/9 17/7 17/8
 19/19 19/22 22/16 26/19 29/23
 32/2 32/19 33/5 37/14 43/19
 44/16 45/22 47/22 51/19 52/2
 52/22 53/2 54/12 55/21 57/20
 57/21 59/17 66/17 67/3 71/5
 71/6 71/23 72/16 72/17 72/23
wouldn't [1] 54/14
wrench [1] 12/15
write [1] 53/10
writes [1] 26/25
writing [1] 9/18
written [1] 67/10
wrong [1] 7/24

Y

yard [21] 22/16 32/8 32/10
 33/4 34/21 35/9 35/13 36/3
 36/11 36/14 36/18 37/5 37/16
 45/7 47/3 47/6 54/8 63/19
 65/15 67/7 67/9
yards [3] 36/8 36/13 46/24
yeah [14] 12/20 27/17 32/6
 34/10 34/11 43/9 46/13 48/18
 51/18 52/2 52/3 60/18 62/10
 64/5
Yep [1] 32/17
yes [45] 5/6 5/6 9/15 10/14
 11/3 15/14 15/16 15/18 15/20

15/21 16/14 16/21 16/23 17/2
 17/3 20/19 22/10 28/10 28/13
 34/11 34/17 34/18 44/9 48/19
 51/24 53/18 54/23 55/12 55/20
 56/15 57/16 57/19 59/21 61/14
 62/16 62/22 63/4 64/20 66/24
 67/16 67/18 67/20 68/24 71/4
 72/5

yet [1] 40/15
YORK [15] 1/3 1/9 3/9 3/24
 12/25 14/10 15/3 24/19 25/17
 28/20 70/9 71/12 71/13 74/3
 74/7
you [140]
you're [20] 4/11 12/9 14/24
 23/4 32/4 32/11 32/14 34/25
 35/3 35/4 36/25 40/21 51/5
 51/12 52/15 61/6 61/6 61/10
 61/19 62/19
your [12] 11/11 14/6 16/10
 19/21 23/7 32/3 35/2 35/2 38/9
 43/12 68/7 69/18
yours [1] 51/7
yourself [1] 39/8

Z

ZBA [1] 27/3
zero [1] 46/8
zoning [25] 1/5 2/3 2/6 2/17
 3/6 7/8 8/15 14/23 24/17 30/10
 37/14 37/19 38/2 42/9 43/16
 43/20 49/9 50/3 65/18 69/23
 70/11 70/13 70/17 71/12 71/15