

INCORPORATED VILLAGE OF OCEAN BEACH

FIRE ISLAND, NEW YORK

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PLANNING BOARD/ARCHITECTURAL REVIEW BOARD

MEETING

-----x

March 25, 2023
10:51 a.m.
The Boat House
Ocean Beach,
New York

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A P P E A R A N C E S:

JOSEPH SPERANZA, CHAIRMAN

JOEL SILVERBERG, MEMBER

CRAIG SHERMAN, MEMBER

CONSTANTINE KARALIS, ALTERNATE MEMBER

JUDY STEINMAN, MEMBER, VIA ZOOM

GINA RAGUSA, ALTERNATE MEMBER, VIA ZOOM

DAVID SILVER, ALTERNATE MEMBER, VIA ZOOM

KENNETH GRAY, ESQ, VILLAGE ATTORNEY

D. Leigh Chapman
Court Reporter

ALSO APPEARING:

Joeseeph Bobocore, by Zoom

Mark Transport, by Zoom

Palms Ocean Beach, LLC

I N D E X

| | pages |
|---------------------------------------|-------|
| Special Permit Application Number 308 | 4-13 |
| Special Permit Application Number 309 | 14-34 |
| Special Permit Application Number 305 | 35-91 |

SPA #308

1 CHAIRMAN SPERANZA: Good morning. I would
2 call the meeting of the Planning
3 Board/Architectural Review Board to order and --
4 let me have your attention.

5 We have an agenda this morning with three
6 applications. One of the applicants I'm told is
7 late. So we'll switch the agenda around a
8 little bit and we're going to hear the
9 continuation of Special Permit Application
10 Number 308, Palms Ocean Beach, LLC, Palms Hotel,
11 170-171 Cottage Walk, Ocean Beach, New York
12 continuation to consider Special Use Permit
13 change of ownership, site plan review at 170-171
14 Cottage Walk, Ocean Beach, New York. §164-32
15 uses permitted by special permit, 164-36 site
16 plan review.

17 Is the applicant here?

18 MR. RANDAZZO: Yes.

19 CHAIRMAN SPERANZA: Please state your name
20 and address for the record.

21 MR. RANDAZZO: Jon Randazzo, 32 Angela Lane,
22 Bay Shore, New York 11706.

23 MR. BONOCORE: Also on Zoom is Joe Bonocore,
24 72 Wildwood Drive, Dix Hills, New York.

25 CHAIRMAN SPERANZA: Anyone else representing

SPA #308

1 the applicant?

2 MR. TRANSPORT: Mark Transport, also, from 6
3 Winter Lane, Dix Hills, New York.

4 CHAIRMAN SPERANZA: One second, everybody.
5 Jon is hurting today and we need to get him a
6 microphone.

7 MR. RANDAZZO: Thanks, guys. Thank you very
8 much.

9 CHAIRMAN SPERANZA: As we left off our
10 discussion back in January, I think, regarding
11 this application, we realized that we did not have
12 a special permit previously in the file or
13 currently in the file, I should say. And that we
14 were going to look for one, look further to see if
15 we could find one. We did that, and we did not
16 find one. So what we have decided to do is to,
17 hopefully, give you a special permit for the hotel
18 that you currently are operating, correct?

19 MR. RANDAZZO: Yeah.

20 CHAIRMAN SPERANZA: So that's why we're here
21 today. And I wanted to know if, I think your
22 architect looked at the -- by the way,
23 Constantine, you're also on the Planning Board and
24 the Zoning Board. Are you recusing yourself from
25 this application?

SPA #308

1 MR. KARALIS: Yes.

2 CHAIRMAN SPERANZA: Please state that for the
3 record.

4 MR. KARALIS: I shall recuse myself from this
5 case.

6 CHAIRMAN SPERANZA: You got to say you are
7 recusing.

8 MR. KARALIS: I recuse myself from this case.

9 CHAIRMAN SPERANZA: Thank you.

10 So we have a quorum. We're going to
11 proceed on the basis --

12 MR. GRAY: Are there any members
13 participating through Zoom right now?

14 CHAIRMAN SPERANZA: I'm getting to that.
15 Thank you. I'm told we only have Gina Ragusa
16 participating; is that correct? Gina, are you
17 there?

18 (No verbal response given.)

19 I think Gina left. My apologies for
20 starting late, but the applicant who wanted to
21 be first didn't show yet. He missed the boat,
22 so we lost a little time. Again, my apologies.
23 Gina?

24 ALTERNATE MEMBER RAGUSA: Yes, hi. Good
25 morning, everyone. This is Gina Ragusa and I am

SPA #308

1 here on the call, as I believe that David Silver
2 is.

3 CHAIRMAN SPERANZA: Okay. David, you're on
4 the call?

5 ALTERNATE MEMBER RAGUSA: David, you're muted
6 right now, so they can't hear you. But he's
7 there.

8 MEMBER SILVERBERG: He's waving.

9 CHAIRMAN SPERANZA: Okay. I'll take your
10 word for it. He's waving? Okay. No other
11 members of the Planning Board/Architectural Review
12 Board are present by Zoom?

13 ALTERNATE MEMBER RAGUSA: Not that I'm aware.
14 Just David Silver and myself. There is someone
15 else on the Zoom call besides Joe and Mark, but I
16 don't know who that is.

17 ALTERNATE MEMBER SILVER: Can you hear me
18 now?

19 ALTERNATE MEMBER RAGUSA: That's David
20 Silver.

21 CHAIRMAN SPERANZA: Hi, David. We can hear
22 you. Thank you.

23 ALTERNATE MEMBER SILVER: Okay.

24 CHAIRMAN SPERANZA: So we have a quorum, and
25 we have five members hearing what we say in

SPA #308

1 hearing these applications. So back to where I
2 was. We're going to -- Constantine, you told me
3 you're representing the applicant?

4 MR. KARALIS: No.

5 CHAIRMAN SPERANZA: He's not representing
6 you?

7 MR. RANDAZZO: He drew one thing for me for a
8 different building that's already been approved.

9 CHAIRMAN SPERANZA: A different building
10 somewhere else?

11 MR. RANDAZZO: No, here. The first Palms
12 building that was approved at the last meeting.
13 He had to do a drawing for me.

14 CHAIRMAN SPERANZA: So why are you recusing
15 yourself?

16 MR. KARALIS: I just wanted to make it clear.
17 (Inaudible due to feedback.)

18 CHAIRMAN SPERANZA: Let me come back to that
19 quickly. Do you have a conflict?

20 MR. KARALIS: I do not want to have even the
21 appearance of any conflict, so I insist on
22 recusing myself.

23 CHAIRMAN SPERANZA: Okay. So you want to
24 remain recused?

25 MR. KARALIS: Yes.

SPA #308

1 CHAIRMAN SPERANZA: Okay. Your option.

2 I started to say, I'll reword what I
3 started to say. Our recused member told me that
4 you made an inspection of this premises from the
5 outside, correct?

6 MR. KARALIS: Correct.

7 CHAIRMAN SPERANZA: Can you recite what you
8 found?

9 MR. KARALIS: I'm sorry. This is on -- no,
10 the inspection made was on 7-8 Bungalow. I did
11 file inspection reading on 7-8 Bungalow and
12 170-171 Cottage.

13 CHAIRMAN SPERANZA: One seventy is what we're
14 discussing right now.

15 MR. KARALIS: Yeah. There was no outside
16 inspection of that because there were no
17 conditions applied at any one time to the outside
18 of that building. That was on 7-8 Bungalow Walk.

19 CHAIRMAN SPERANZA: So you have no report on
20 170-171?

21 MR. KARALIS: No. Only visual by visiting
22 the site. The only report I had was on the
23 examination of the record in the Village.

24 CHAIRMAN SPERANZA: I'm sorry, I don't
25 understand.

SPA #308

1 MR. KARALIS: There's a file on the premises
2 of 170-171 Cottage Walk, and I examined that file
3 in the Village.

4 CHAIRMAN SPERANZA: Oh, the file. All right.
5 Do you want to bring anything into the
6 record from your examination of the file?

7 MR. KARALIS: Yes. In chronological order,
8 back on 7/10/2007, there's a certificate of
9 continuous use. On 7/28/2010, a Certificate of
10 Occupancy. On March 15, 1981, there was a memo
11 asking for presenting application for special
12 permit for a medical office. There was no further
13 documentation on that at all. Then on May 12,
14 2022, the current building inspector issued a
15 certificate of completion that included four
16 items; outdoor shed, two walls and kitchen
17 cabinets, a storm (inaudible), and north side
18 elevation siding on the north side of the
19 building. That was all.

20 CHAIRMAN SPERANZA: Thank you.

21 Are there any comments from the applicant
22 regarding Constantine's recital?

23 MR. RANDAZZO: No, that sounds about right.
24 The only shed that's on the property is a
25 Rubbermaid, not permanent shed. I just don't know

SPA #308

1 where that would be.

2 MEMBER SILVERBERG: Is that staying on the
3 property?

4 MR. RANDAZZO: I mean, I can move it
5 anywhere. Right now, it's against the fence that
6 is shared with the house south, which is the
7 Stretches (phonetic) and it's a Rubbermaid three
8 by six shed, like open double door front. I don't
9 even know if there's anything in there besides
10 five paint cans. So it can be removed.

11 CHAIRMAN SPERANZA: Okay. Any other
12 comments?

13 MR. RANDAZZO: The building is used as part
14 of the hotel. There are two suites in that
15 building. They're each four bedroom, two
16 bathroom. There is one staff room and then our
17 laundry room is in that building.

18 CHAIRMAN SPERANZA: Okay. Constantine, you
19 didn't find any violations in the file?

20 MR. KARALIS: No, there were no violations in
21 the file.

22 CHAIRMAN SPERANZA: Was any discussions had
23 with the building inspector?

24 MR. KARALIS: I had no discussions with the
25 building inspector.

SPA #308

1 CHAIRMAN SPERANZA: The Fire Chief is here.
2 Do you want to add anything, Ian?

3 MR. LEVINE: I have not looked at the plans.

4 CHAIRMAN SPERANZA: We sent you everything.

5 MR. LEVINE: I have not seen the plans.

6 CHAIRMAN SPERANZA: Okay.

7 MR. LEVINE: As long as we don't have any
8 problems with egress or getting into the building
9 --

10 CHAIRMAN SPERANZA: Right. Jackie, we have
11 no report from police chief?

12 MS. RULON: No.

13 CHAIRMAN SPERANZA: Does anyone on the
14 Planning Board/Architectural Review Board want to
15 add anything before I close the public hearing on
16 this application?

17 (No verbal response given.)

18 Hearing none, does someone want to make a
19 motion to close the public hearing --

20 MEMBER SILVERBERG: I make the motion to
21 close the hearing.

22 CHAIRMAN SPERANZA: -- on application number
23 308. Joel Silverberg made a motion to close. Is
24 there a second?

25 ALTERNATE MEMBER RAGUSA: Gina Ragusa, I

1 second.

2 CHAIRMAN SPERANZA: Thank you. Ken? Poll
3 board.

4 MR. GRAY: All in favor?

5 ALL MEMBERS: Aye.

6 MR. GRAY: Hearing closed.

7 CHAIRMAN SPERANZA: It's unanimous. Hearing
8 closed.

9 Next application is Special Permit
10 Application Number 309.

11 MR. GRAY: You want a motion to approve it?

12 CHAIRMAN SPERANZA: Oh, I thought we did
13 that. I make a motion to approve Special Permit
14 Application Number 308.

15 MEMBER SILVERBERG: Second.

16 CHAIRMAN SPERANZA: Joel Silverberg seconds.

17 MR. GRAY: All in favor?

18 ALL MEMBERS: Aye.

19 MR. RANDAZZO: Thank you, guys.

20 MR. BONOCORE: Thank you very much,
21 everybody.

22 CHAIRMAN SPERANZA: I didn't forget on
23 purpose. It happens.

24 Special Permit Application Number 309,
25 Palms Ocean Beach, LLC, Palms Hotel, 7-8

SPA #309

1 Bungalow Walk, Ocean Beach, New York to consider
2 special use permit for change of ownership, site
3 plan review at 7-8 Bungalow Walk, Ocean Beach
4 New York, §164-32 uses permitted by special
5 permit, §164-36 site plan review.

6 Is the applicant here?

7 MR. RANDAZZO: Here. Jon Randazzao, 32
8 Angela Lane, Bay Shore, New York.

9 MR. BONOCORE: Joe Bonocore, 72 Wildwood
10 Drive, Dix Hills, New York.

11 MR. TRANSPORT: Mark Transport, 6 Winter
12 Lane, Dix Hills, New York.

13 CHAIRMAN SPERANZA: Anyone else?

14 MR. GRAY: Judy's on the call now.

15 CHAIRMAN SPERANZA: Judy joined?

16 MEMBER STEINMAN: I am here.

17 CHAIRMAN SPERANZA: Judy Steinman, a member
18 of the Planning Board/Architectural Review Board
19 has joined the meeting.

20 All right. Jon, tell us about Special
21 Permit Application Number 309.

22 MR. RANDAZZO: This Bungalow building is also
23 used as a hotel. There is a small area in the
24 back for our amenities. Just a couple of chairs
25 and tables and that's really it.

SPA #309

1 CHAIRMAN SPERANZA: How long has this been a
2 hotel?

3 MR. RANDAZZO: How long has it been a hotel?

4 CHAIRMAN SPERANZA: The Palms Hotel.

5 MR. RANDAZZO: Ever since they renovated it.
6 I'm sorry, I don't know the year when they
7 renovated, but it used to be owned by the Stretch
8 family. The former owners of the Palms, the
9 Mercoglianos, purchased it. They renovated it and
10 have been using it as a full service hotel ever
11 since.

12 CHAIRMAN SPERANZA: Okay.

13 MEMBER SILVERBERG: Is there offices in that
14 building?

15 MR. RANDAZZO: There is a small room on the
16 Bay Walk west side, which is more of a utility
17 room. It's our Direct TV hub and a hot water
18 heater. There is a Fire Island News sign on the
19 door, but it's not used for offices. We allow
20 them to store their newspapers in there for
21 distribution, but that was last year, not this
22 year.

23 CHAIRMAN SPERANZA: So they're out of
24 building?

25 MR. RANDAZZO: They will be out of building.

SPA #309

1 I'm assuming they will be doing something with the
2 building they purchased. But we're not using it
3 as an office. It's mostly just storage. We're
4 not looking for that to be included in the permit
5 as an office.

6 MR. BONOCORE: All we really agreed to was to
7 allow them to keep the sign up because they wanted
8 there to be some visual representation of the
9 exitance of Fire Island News in Ocean Beach. So
10 they had access to that room, but we do let them
11 keep the sign on the building.

12 CHAIRMAN SPERANZA: Who is that speaking?

13 MR. BONOCORE: This is Joe Bonocore.

14 CHAIRMAN SPERANZA: Thank you.

15 And is that sign going to continue this
16 year?

17 MR. RANDAZZO: No.

18 MEMBER SILVERBERG: Point of interest,
19 doesn't Fire Island News have an office across the
20 street?

21 MR. RANDAZZO: At the Gallery building.
22 That's correct. They wanted to use it so they
23 would have more representation. They do advertise
24 their place a lot. I think that's what they
25 wanted. We said it was fine. It didn't bother

SPA #309

1 us, but I can take it down.

2 MEMBER SILVERBERG: If it's not used as an
3 office, there shouldn't be a sign on it.

4 MR. RANDAZZO: Oh, like a separate sign?
5 Consider it taken down in the next 24 hours.

6 CHAIRMAN SPERANZA: You put the sign on a
7 building you need to be there.

8 MR. RANDAZZO: The only signs we have are the
9 two Palms signs. There's one on Bungalow and one
10 on Bay Walk. I'll take the Fire Island News sign
11 down in the next 24 hours, or I'll have someone do
12 it.

13 CHAIRMAN SPERANZA: Okay. I am -- are there
14 any other questions or any questions from the
15 members of the Planning Board/Architectural Review
16 Board?

17 ALTERNATE MEMBER RAGUSA: Yes, this is Gina
18 Ragusa. I just wanted to ask Jon if you could
19 elaborate a little bit about what you said about
20 the outdoor space? Putting tables and chairs; is
21 that what you said?

22 MR. RANDAZZO: When I said it, I said I know
23 someone is going to ask about what we're doing
24 back there with table and chairs. Actually, it's
25 just like a lounge area. There's a pergola and

SPA #309

1 like a couple of wicker furniture. There's no
2 table or chairs meant for food. We'll have that
3 as a meeting area for some of our guests. When
4 people come and rent that whole Bungalow building,
5 they will meet in the back. We'll put out lemon
6 water or a little platter of stuff, but it won't
7 be used for like restaurant dining or anything
8 like that.

9 ALTERNATE MEMBER RAGUSA: Is that new, or
10 that was always existing?

11 MR. RANDAZZO: That always existed. I'm
12 going to call it a wet bar, but not for the
13 purposes of liquor. There's no liquor license or
14 anything there. But there is a little wet bar
15 right off the building on the west side. It's
16 probably like two by six and that's what they
17 would use to set up their lemon water or cucumber
18 water and sometimes we do bring charcuterie
19 platters there and that would be like a meeting
20 place for guests staying in that building when
21 people rent out that building as a whole, which
22 happens often.

23 ALTERNATE MEMBER RAGUSA: Thank you.

24 CHAIRMAN SPERANZA: Any other questions from
25 the Board?

SPA #309

1 (No verbal response given.)

2 Hearing none, I'm going to refer Resolution
3 Number 2011-55, which speaks to the decision
4 regarding SPA Number 246 Palms Bungalow, LLC,
5 7-8 Bungalow Walk, Ocean Beach, New York,
6 Resolution Number 2011-155. This resolution was
7 passed in 2011. That's when, I guess, at least
8 that's when it got its special permit, which is
9 still effective until we give you a new one or
10 an extension of this. So I've asked Ken, our
11 attorney, to develop a motion that I'll make so
12 that you can continue this permit and the
13 conditions that are stated in there. There are
14 seven of them, and I'll read them into the
15 record. Okay?

16 This says, this resolution:

17 "Now, therefore, it is hereby resolved that
18 Village Board of Trustees, hereby approves SPA
19 Number 246 with the following conditions:

20 1. Any stairs needed for ingress/egress by
21 the door on the north side of the building shall
22 be directed eastward, so they do not lean out or
23 onto Village owned property Bay Walk in
24 parentheses.

25 2. Canopy on the second floor to be open

SPA #309

1 air cedar trellis with no canopy material.

2 3. Applicants site plan, including
3 landscaping design, as noted by amended noted by
4 Planning Board is approved."

5 MR. GRAY: I want to note there that the
6 survey that was used for that site plan was
7 updated and it's dated September 12, 2011.

8 CHAIRMAN SPERANZA: Thank you.

9 MEMBER SILVERBERG: Do we have that amended
10 site plan?

11 CHAIRMAN SPERANZA: Yeah. It's in there.
12 Okay.

13 "4. Proposed exterior lights under east
14 roof gable to be capable with the Village's
15 prototypical street lights.

16 5. North elevation, roof, gutters and
17 leaders if installed shall be copper and angled
18 to divert water to rear of property grassy area.

19 6. Existing pavers on Village property on
20 Bungalow Walk shall be removed and replaced with
21 stone, approximately two feet wide. Pavers will
22 not be permitted on the property on the south
23 side of Bay Walk. Replaced with stone,
24 approximately one foot wide.

25 7. No window or through wall

SPA #309

1 air-conditioning units shall protrude from the
2 north side of the building. Flush mounted air
3 conditioning units may be permissible."

4 MEMBER SILVERBERG: Hold on one second. What
5 about on the east side, the front of the building?

6 CHAIRMAN SPERANZA: There's nothing said in
7 here. I'm just reciting what was approved in
8 2011. What conditions were attached to the
9 special permit in 2011. You can bring up a new
10 thing if you like, but let me finish this recital
11 so that we can fashion a motion and then we can
12 table the motion, Joel, if you want to discuss
13 something else. Make we'll just augment this
14 motion with what you bring up, maybe not.

15 So, Ken can you read the motion?

16 MR. GRAY: The motion is to approve the
17 special permit application based on the same
18 conditions that were approved on Board of Trustee
19 resolution 2011-55, which was approved on
20 11/5/2011. Specifically pointing out that the
21 survey that the site plan was based upon is dated
22 September 12, 2011. And I think you now want to
23 add an eighth condition is that Fire Island News
24 sign is to be removed. Meaning no business that's
25 not operating in the building should have a sign

SPA #309

1 on the building.

2 CHAIRMAN SPERANZA: Correct.

3 MR. GRAY: Then that's your motion.

4 MR. RANDAZZO: It seems that the former
5 owners have complied with all of that.

6 CHAIRMAN SPERANZA: Joel wants to maybe add a
7 ninth.

8 MEMBER SILVERBERG: If we're going to approve
9 no air-conditioning through the wall units on the
10 bay side, which is the north side, why are we not
11 adding that condition to the east side, which is
12 the front of the building? In other words, it's
13 facing the street.

14 MR. RANDAZZO: I believe the two front rooms
15 that are on the Bungalow front side of the
16 building, the air-conditioners are on the side.
17 Probably because of that same thing, the motion
18 they made last time. I don't believe the front of
19 the building has --

20 MEMBER STEINMAN: Joe, may I ask a question?

21 CHAIRMAN SPERANZA: We're not done, Judy,
22 hold your thought. We're not finished. Jon,
23 you're done responding?

24 MR. RANDAZZO: Yes.

25 MR. GRAY: So there were no through windows

SPA #309

1 on the east side of the building.

2 MEMBER SILVERBERG: No air-conditioning
3 through the windows.

4 MR. RANDAZZO: On the east side of the
5 building.

6 MEMBER SILVERBERG: Facing Bungalow.

7 MR. RANDAZZO: Facing Bungalow, no. There's
8 only the two front rooms there and the gabled top.
9 No air conditioners up there and I think both of
10 the front rooms have the air-conditioners in the
11 side and they are the hotel/motel air conditioners
12 that are like built into the wall and I believe
13 they stick out inch and a half to two inches.

14 MEMBER SILVERBERG: Are they facing south?

15 MR. RANDAZZO: That south side would face
16 south. Yeah, there's none in the front. They
17 either face north or south.

18 CHAIRMAN SPERANZA: Any facing west?

19 MR. RANDAZZO: No, the front would be west.
20 Yes, but on the second floor. It's not very
21 visible.

22 MEMBER SILVERBERG: But it's not facing the
23 street.

24 MR. RANDAZZO: No.

25 MEMBER SILVERBERG: That's the key. We don't

SPA #309

1 want through the wall air-conditioners on the
2 street. Either street, Bay or Bungalow.

3 CHAIRMAN SPERANZA: All right, Judy, go
4 ahead. You wanted to say something.

5 MEMBER STEINMAN: I want to know whether the
6 conditions from 2011 have been met.

7 CHAIRMAN SPERANZA: They appear to be. We
8 checked.

9 MEMBER STEINMAN: You did check?

10 CHAIRMAN SPERANZA: Yeah.

11 MEMBER STEINMAN: Okay. That's all I wanted
12 to know.

13 CHAIRMAN SPERANZA: Okay. So, Joel, you want
14 to add another condition? Because right now, it
15 only refers to the door.

16 MEMBER SILVERBERG: Yes. There should be no
17 through wall air-conditioner extending from the
18 east wall, facing Bungalow.

19 CHAIRMAN SPERANZA: Okay.

20 MR. RANDAZZO: So, I was, I don't know what
21 you said, but I was incorrect. I went to get my
22 phone to get a picture, and there are hotel style
23 air-conditioners that stick out on the facing east
24 side, which would be Bungalow. There's four of
25 them.

SPA #309

1 CHAIRMAN SPERANZA: How far do they extend?

2 MR. RANDAZZO: They are the hotel/motel ones.
3 They're more than a couple inches, probably more
4 like four to five inches. But in this picture,
5 and you wouldn't be able to tell now because
6 there's no landscaping or potted plants, but the
7 ones on bottom you can hardly see because they are
8 covered and the ones on top, you can see them for
9 sure. You can.

10 MR. BONOCORE: Joe, they're not through the
11 window air-conditioning, right? It's the
12 motel/hotel style that goes through the wall,
13 right, Jon?

14 MR. RANDAZZO: Yeah, they do. They go
15 through the wall. None of ours on any of the
16 properties goes through the window.

17 CHAIRMAN SPERANZA: That's what we don't
18 want.

19 MEMBER SILVERBERG: Yeah, we don't want that.

20 MR. RANDAZZO: What if we were to put a sort
21 of facade in front of it somehow? So you can't
22 see the air-conditioner. I believe they make
23 them.

24 CHAIRMAN SPERANZA: I don't know what you
25 mean by facade.

SPA #309

1 MEMBER SILVERBERG: A screen?

2 MR. RANDAZZO: Not a screen, but like, I
3 guess a lattice of some sort. We would have to
4 build around it. It would have to still be vented
5 though because the air-conditioner needs to
6 breathe. But we could make it look prettier than
7 that for sure. The first floor is covered by
8 potted plants, palms, but the second floor we can
9 make look a little prettier.

10 CHAIRMAN SPERANZA: Can you pull the unit
11 back into the room?

12 MR. RANDAZZO: I don't know. Those air
13 conditioners are meant to be, they're like
14 three-quarters in the room already. That's why.
15 They're the motel/hotel ones. I could make it
16 look prettier on the outside. Whether it be a
17 wood lattice to box them in in a way. I could
18 even put a planter over it, but the
19 air-conditioner still has to be able to breathe.

20 MEMBER SILVERBERG: Point of interest. The
21 southeast corner room, why aren't the
22 air-conditioners facing south?

23 MR. RANDAZZO: I would assume it's because
24 that's an egress area. They didn't want them
25 facing out that way. That's what I would assume.

SPA #309

1 I don't know. There's a small, there's a small
2 alleyway there and I would've thought that it --

3 MEMBER SILVERBERG: You're talking about the
4 ground floor, but the second floor there's no
5 reason that it would block anything?

6 MR. RANDAZZO: No. The roof is like gable
7 style, so I don't know if it's even able to go out
8 that wall. I don't know. I don't know.

9 MEMBER SILVERBERG: There are windows on that
10 wall.

11 MR. RANDAZZO: There might be. I mean, if
12 you don't mind putting the air-conditioner in the
13 window on the second floor, we could do that and
14 just take them out of the front and close it up.
15 But I know you don't like window ACs.

16 MEMBER SILVERBERG: We're only talking about
17 window ACs and through the wall ACs that are
18 facing the street.

19 MR. RANDAZZO: So tight now, that's through
20 the wall, but if the other wall is windows, that's
21 probably why they weren't able to put it through
22 the wall on that side. There's probably not
23 enough room.

24 MEMBER SHERMAN: So on that corner, that
25 northeast corner, it's facing the front. So the

SPA #309

1 air conditioning is facing the front.

2 MR. TRANSPORT: It's Mark Transport. Can I
3 ask a question?

4 CHAIRMAN SPERANZA: Sure.

5 MR. TRANSPORT: So evidently, this is what
6 the Mercoglianos have had for 12 years. It
7 doesn't seem like anyone had a complaint about the
8 look of the building for 12 years. As long as
9 we're not adding to it, I'm not sure why it's an
10 issue, but I'm happy to hear what the concerns are
11 because it sounds like this has never been an
12 issue and it might stick out three or four inches
13 and it's probably acceptable. Nobody has said
14 anything, but Jon said and we're willing to do
15 something if you want us to clean it up a bit, but
16 I'm not sure why it's an issue now.

17 CHAIRMAN SPERANZA: Two responses to your
18 statement. The units may have been added
19 subsequent to the issuance of the special permit.
20 We don't know. We'd have to look and see further
21 into the file to see what the plans show or maybe
22 not. I was on that Board. I don't remember what
23 we said about the east side of the building. I do
24 remember what we said about the north, and what
25 exists today on the north is what we approved.

SPA #309

1 You have no projection.

2 MR. RANDAZZO: How about --

3 CHAIRMAN SPERANZA: Let me finish. So this
4 would require further search. I don't know what
5 to say about why there's two units on the east
6 side projecting the way they do because they do
7 project substantially from that photo you just
8 showed us.

9 Joel, you were on that Board, as well as I,
10 and you have any recollection about those units
11 being there back then?

12 MEMBER SILVERBERG: No, but I think that our
13 intention all along was to not have projection of
14 air-conditioning facing the street, period. In
15 any buildings, including all the residential
16 structures.

17 CHAIRMAN SPERANZA: Yeah. That is the
18 Architectural Review Board's policy.

19 MR. RANDAZZO: Would you be open to letting
20 me clean it up with a lattice box?

21 CHAIRMAN SPERANZA: I, myself, would. Joel?

22 MEMBER SILVERBERG: Say it again?

23 CHAIRMAN SPERANZA: I would be open to it
24 based on seeing what it would look like. You
25 know, the lattice box is wood and it will weather.

SPA #309

1 It will blend in better than what's there. We
2 could get Constantine to approve.

3 MR. KARALIS: One more thing. On the record
4 on file all conditions were checked off. I
5 presume that somebody with authority to look at
6 the file back then, a building inspector, everyone
7 was checked off as of that time. So somebody
8 actually did something that might have been done
9 since then.

10 There are two recommendations. Jon had one
11 and a second one to consider is screening by
12 lattice perhaps going right across the face and
13 (inaudible). Also, you might want to consider
14 that in the market these days, you can actually
15 purchase air-conditioning units that go through
16 the wall, not the window and they don't stick
17 out.

18 MR. RANDAZZO: These are not through the
19 window.

20 MR. KARALIS: Yeah. That for sure will not
21 pass muster. However, there are units that
22 actually look quite fine. Even then, they would
23 be metallic in nature, so screening with a two by
24 two lattice across the face would look like a fine
25 decorative element and provide ventilation for the

SPA #309

1 unit and solve the problem.

2 MR. RANDAZZO: I would be more than willing
3 to do that on any of the units on any of the
4 buildings that stick out. I want the buildings to
5 look as good as possible.

6 MEMBER SILVERBERG: The conditions that we're
7 talking about are through the wall or through the
8 window that extend beyond the wall, the existing
9 wall that face the street. I don't care what do
10 you on the ally. Obviously, there was a problem
11 downstairs in the ally because they obviously
12 extend into the ally itself as to obstruct
13 movement.

14 MR. RANDAZZO: Yeah.

15 MEMBER SILVERBERG: So we understand that.
16 Is there any reason why we can't have flush
17 mounted facing the street?

18 MR. RANDAZZO: I don't know. I don't know
19 what they make. Constantine says they are flush
20 mount.

21 MEMBER SILVERBERG: Obviously, they're gonna
22 extend into the room.

23 MR. RANDAZZO: Well, yeah. Those rooms are
24 some of the biggest we have, so that's not a
25 problem. I'm more than willing to look into

SPA #309

1 purchasing flush mount air conditioning for those
2 front viewed units.

3 MEMBER SILVERBERG: Facing the street.

4 MR. RANDAZZO: Facing the street, Bay Walk
5 and Bungalow.

6 MEMBER SILVERBERG: Well, you don't have any
7 extending into the street.

8 MR. RANDAZZO: I'm just saying in general.
9 Covering all my bases.

10 MEMBER SILVERBERG: Okay. Sounds okay to me
11 if you're willing to do that.

12 MR. RANDAZZO: Would you rather me research
13 and buy the flush fount air conditioners and
14 purchase them? Or should I work what Constantine
15 the box it in with two by two lathe stock.

16 CHAIRMAN SPERANZA: Either/or, in my opinion.

17 MR. KARALIS: I think the lattice would be
18 necessary no matter what, and if you do the
19 lattice, you might not have to go back and change
20 it.

21 MR. RANDAZZO: That would be the easiest for
22 sure.

23 CHAIRMAN SPERANZA: I would accept either/or.
24 Joel?

25 MEMBER SILVERBERG: Okay.

SPA #309

1 CHAIRMAN SPERANZA: Craig? Everybody else on
2 Zoom, you're okay with that?

3 ALTERNATE MEMBER RAGUSA: Yes.

4 MEMBER STEINMAN: Yes.

5 CHAIRMAN SPERANZA: Okay. So, Ken, you will
6 fashion that into a nice condition?

7 MR. GRAY: Yes.

8 CHAIRMAN SPERANZA: All right. Anything else
9 before we vote on this motion?

10 (No verbal response given.)

11 Hearing nothing, poll the board, please.

12 MR. GRAY: To what, close the hearing?

13 CHAIRMAN SPERANZA: Yeah.

14 MR. GRAY: All in favor?

15 MEMBER SHERMAN: Aye.

16 MEMBER SILVERBERG: Aye.

17 MR. GRAY: Any opposed?

18 ALTERNATE MEMBER RAGUSA: Aye.

19 MEMBER STEINMAN: Aye.

20 ALTERNATE MEMBER SILVER: Aye.

21 MEMBER SILVERBERG: I think they were just
22 delayed.

23 CHAIRMAN SPERANZA: Ken said, "Any opposed?"

24 So are there any opposed? If your opposed say
25 you're opposed.

SPA #309

1 (No verbal response given.)

2 Not hearing, we're okay. It's unanimous,
3 right? Unanimous.

4 MR. GRAY: To close the hearing.

5 CHAIRMAN SPERANZA: To close the hearing.

6 MR. GRAY: Motion to approve Special
7 Application Permit application subject to nine
8 conditions.

9 CHAIRMAN SPERANZA: Yes, I make such motion.

10 MR. GRAY: Do I have a second?

11 MEMBER SILVERBERG: Second.

12 MR. GRAY: All in favor?

13 ALL MEMBERS: Aye.

14 MR. GRAY: Did I hear a no? Who's voting? I
15 have six people voting.

16 CHAIRMAN SPERANZA: No, there's not six
17 people voting.

18 MR. GRAY: Mr. Chairman, can you identify
19 who's voting?

20 CHAIRMAN SPERANZA: There are five votes.
21 Everyone one on is voting. Gina is voting. Judy
22 is voting. David Silver is not voting. Everyone
23 else is voting.

24 MR. GRAY: Okay.

25 CHAIRMAN SPERANZA: Okay.

SPA #305

1 MR. GRAY: So five, nothing, approved. Thank
2 you.

3 MR. RANDAZZO: Thank you, guys.

4 CHAIRMAN SPERANZA: Thanks, Jon.

5 Next application. Order, please.

6 The next application is Special Permit
7 Application Number 305, Tyler Sterck, 476-478
8 Bayberry Walk, a/k/a/ Bay Walk, Ocean Beach, New
9 York, continuation to consider special use
10 permit or site plan review, new store front at
11 476-478 Bayberry Walk, Ocean Beach, New York,
12 \$164-36 site plan review.

13 Is the applicant here?

14 MR. STERCK: Yes, I am.

15 CHAIRMAN SPERANZA: Could you state your name
16 and address for the record?

17 MR. STERCK: My name is Tyler Sterck and my
18 address is 478 Bayberry Walk, Ocean Beach, New
19 York 11770.

20 CHAIRMAN SPERANZA: Thank you. Tyler, when
21 we left off, this is a continuation of where we
22 were back in January when we had a hearing. I
23 think January 25th it was. Correct me if I'm
24 wrong.

25 We concluded a lot of work that we did

SPA #305

1 together at that hearing and the only thing that
2 was left, according to the transcript, was for
3 you to tell us, come back, you wanted time to
4 think about what the use of the newly created
5 store that you're requesting would be. That's
6 where we left off. So are you able to tell us
7 today what that use is gonna be?

8 MR. STERCK: Yes, and I also want to remind
9 the Board that we did amend, and we did not know
10 that the last meeting was actually completed. We
11 thought we were at that meeting to postpone until
12 today.

13 CHAIRMAN SPERANZA: You did not know that it
14 was adjourned until today?

15 MR. STERCK: No, exactly what you just said.
16 It was adjourned until today. Nothing was settled
17 at that meeting.

18 CHAIRMAN SPERANZA: No, no. Everything was
19 settled except the use of a store that you're
20 asking to have, the new store. Everything was
21 settled at that hearing. Here's the transcript.
22 You can read it, okay?

23 MR. STERCK: So what we agreed to was, to be
24 more clear, so you needed to know what code we
25 were using and we're using 164-32.

SPA #305

1 CHAIRMAN SPERANZA: We need to know what the
2 use is that you want. All that was left at the
3 last hearing was for you to tell us, because you
4 needed time to think about and if we give it to
5 you rather than vote that day, we gave you more
6 time, which has now turned into two months, for
7 you to tell us what is the use of the store that
8 you're requesting us to approve and for you to
9 build. That's it. That's where we are according
10 to the transcript of that hearing. Do you have an
11 answer?

12 MR. STERCK: Yes. So we have, the use that
13 we're looking for is for stores in which goods,
14 services, and commodities are sold at retail in
15 support of community living and professional
16 offices, which is what the Village code says.

17 CHAIRMAN SPERANZA: It says more than that.
18 It also says what you can't have.

19 MR. STERCK: Right. I'm not asking for the
20 things I can't. I'm not asking for those. I'm
21 asking to continue its use as its existing use.
22 Which it has a food retail permit and that it
23 remains in affect in this space as well. In
24 addition to what falls under the code 164-32 is be
25 a retail store or it can be an office.

SPA #305

1 So what has transpired since our last
2 meeting is I do have somebody interested in the
3 space, and it looks likes at this time that
4 space would be a local business in town,
5 relocating from their location to our location
6 and that would be The Gallery. They would sell
7 what they normally would sell, from jewelry to
8 crafts.

9 CHAIRMAN SPERANZA: This all sounds just very
10 tentative. We need to know the use. You're
11 saying maybe. They might sell what they have.

12 MR. STERCK: I said to you the last time, I'm
13 the landlord in the picture. I'm not coming to
14 you in front of the Board with an application
15 telling you what I'm going to do with this space.
16 Under this code, I have three options to rent that
17 space. Once I get approval, if I get approval
18 from the Village then I would go out and look for
19 these three options as a tenant. I can't lock
20 somebody up without knowing what the Village is
21 permitting for.

22 CHAIRMAN SPERANZA: We'll come back to that.
23 So you're not going to tell us a specific use.

24 MR. STERCK: I just read it to you. It's
25 your code. The code is that I can be any retail

SPA #305

1 establishment, to accepted food retail, to
2 clothing retail, to giftshop retail.

3 MR. GRAY: I'm sorry, Mr. Sterck, you're
4 saying "food". I don't see the word food in that
5 permitted use.

6 MR. STERCK: Permed use is OBT. OBT has a
7 permitted use.

8 MR. GRAY: This isn't OBT. This is a new
9 application. So it's stores in which goods,
10 services, and commodities are sold at retail in
11 support of community living. The word food is no
12 where there.

13 MR. STERCK: Well, that's what we're
14 addressing to the Village today.

15 MR. GRAY: What I think the Chairman is
16 speaking of, if you look at Section A166-1 of the
17 Village Code, that's the application for the
18 permit and the things that are required are, it's
19 listed.

20 "A. Present and proposed use or uses. The
21 business to be conducted and the kinds of goods
22 and services offered. Number of employees and
23 hours of operation. Any special equipment to be
24 used. Provisions and location for storage of
25 stock. Construction size and locations of

SPA #305

1 signs."

2 What the Chairman is asking you is for you
3 to complete your application because it appears
4 the application is incorrect.

5 CHAIRMAN SPERANZA: Correct.

6 MR. STERCK: So we're applying for the uses
7 to remain for the sale of dry goods and food
8 products, retail and office space.

9 MR. GRAY: Again, you use the word "food".
10 Unfortunately, in the Village Code, 164 -- let me
11 see. You're 32, so you have uses that are
12 permitted with special permit and I understand
13 that's what you are applying for and I understand
14 that you're citing 164-32.

15 However, if you look at 164-33, prohibited
16 uses, Subsection E, "restaurants, eating and/or
17 drinking establishments, whether counter
18 service, carryout or fast food or other
19 businesses designed to serve food or/or drink
20 inside the structure, outside the structure,
21 both inside and outside and whether or not" --

22 MEMBER STEINMAN: That's what he's asking
23 for.

24 MR. GRAY: Excuse me? Okay. So yeah, so
25 there are, and you correctly point out that 164-32

SPA #305

1 lists uses that are permitted with special permit,
2 but the next section has what the prohibited uses
3 are. Again, you used the word "food" a couple of
4 times, and I just want to point out that that's a
5 prohibited use and cannot be granted by a special
6 permit under the circumstances. Again, if you're
7 talking about a store like The Gallery, I don't
8 think they serve food. So I don't think that's an
9 issue.

10 MR. STERCK: Can you then clarify to me what
11 permit OBT is under?

12 MR. GRAY: I don't know. I don't have that
13 in front of me.

14 CHAIRMAN SPERANZA: You may not have a
15 special permit. Special permits only came to be
16 around 1981 or so.

17 MR. STERCK: What is the use of OBT?

18 CHAIRMAN SPERANZA: You tell us. It's your
19 store.

20 MR. STERCK: For 78 years it's been selling
21 groceries.

22 CHAIRMAN SPERANZA: Groceries, deli, right?

23 MR. STERCK: Well, anything from seafood to
24 frozen goods to dry goods to dairy.

25 CHAIRMAN SPERANZA: Back to your question, I

SPA #305

1 don't know if you have a special permit.

2 MR. STERCK: It's the same space.

3 CHAIRMAN SPERANZA: Doesn't matter. Has the
4 store always been open all the years?

5 MR. STERCK: Ah, Jay Tray (phonetic), if
6 you're listening and other people, you know, this
7 building has been seven different stores at one
8 time. The garage was a seafood market when it
9 started here. It was real estate companies in
10 here. There were multiple businesses.

11 CHAIRMAN SPERANZA: I'm trying to answer your
12 question about special permit. I don't know if
13 you have a special permit. I said there were no
14 special permits before the 1980s.

15 MR. STERCK: To answer your question, I don't
16 know, if this future possible tenant does not work
17 out, I don't know what the next will bring. But
18 the current one on the table is interested in
19 moving to this place, which is looking to operate
20 the same type of shop they offer now.

21 CHAIRMAN SPERANZA: That is the concern of
22 this Board and will be, I think, the concern to
23 the Board of Trustees not to know what will be in
24 there.

25 MR. STERCK: So I'm presenting that to you

SPA #305

1 right now. But I can't get into a contract with
2 somebody without having confidence the Village
3 will approve use.

4 CHAIRMAN SPERANZA: How it usually works is
5 the person that's going to use the space
6 specifically comes to the hearing and asks for the
7 special permit. That's how it usually works
8 because they've got all the answers. You don't
9 seem to have any. Except that you want a store
10 and you can't tell us what the use is. Except to
11 say that it's pursuant to code, and Ken just went
12 through what the code says. It says what you can
13 have and what you can't have. You, yourself, said
14 that you're not going to try to put in what's
15 prohibited.

16 So where are we here? Because, you know,
17 we're just spinning wheels. We've told you time
18 and again to tell us specifically what the use
19 is. You have to do that, or we can't recommend
20 a special permit for you.

21 MR. STERCK: You're asking me to forego its
22 current use for a different use today?

23 CHAIRMAN SPERANZA: We're not asking you to
24 do anything.

25 MR. STERCK: But it has a food use.

SPA #305

1 CHAIRMAN SPERANZA: It doesn't have a food
2 use that is part of, it appears from having been
3 in your store, the overall store. You're now
4 asking to subdivide, if will you for lack of a
5 better term, a piece of it to put another use in.
6 To put in another store.

7 MR. STERCK: Technically, there's two
8 entrances to the space that have been there for 78
9 years. We have entrances to that location. Maybe
10 you misunderstand the drawings. We're not adding
11 more walls. Those walls exist. It's a doorway
12 that leads there.

13 CHAIRMAN SPERANZA: You're adding walls.

14 MR. STERCK: We're not adding walls. Would
15 you like to do a walk through right now?

16 CHAIRMAN SPERANZA: Your plans show proposed
17 walls. Those are proposed walls on the drawing,
18 yes? Constantine, are those proposed walls on the
19 drawing?

20 MR. STERCK: The proposed wall you're
21 referring to, you haven't even asked me about yet.
22 that's the hotel lobby.

23 CHAIRMAN SPERANZA: Well, that too. We'll
24 get to that.

25 MR. STERCK: But these walls exist. They're

SPA #305

1 here. There's a doorway here.

2 CHAIRMAN SPERANZA: But you're asking for a
3 separate store under these for that space. That's
4 what you're asking.

5 MR. STERCK: That's true.

6 CHAIRMAN SPERANZA: Whether you're building
7 the wall or using it, it's the same thing. It's a
8 separate entity, Tyler. Think about it.

9 MEMBER SILVERBERG: If you want a separate
10 entity, that entity has to ask for a special
11 permit.

12 MR. STERCK: If I were operating a business,
13 I'd be more specific with what I'm doing. But I'm
14 the landlord, I'm looking for a tenant to rent the
15 space to. So if you're not telling me what I can
16 do, I can't --

17 MEMBER SILVERBERG: You can't have food.

18 MR. STERCK: I can't have food?

19 MEMBER SILVERBERG: That's not a part of that
20 now. You're asking for a separate entity.

21 MEMBER SHERMAN: You're changing the
22 occupancy.

23 CHAIRMAN SPERANZA: Gina, you want to say
24 something?

25 ALTERNATE MEMBER RAGUSA: Tyler, I think

SPA #305

1 you're saying you're going to subdivide the space
2 and that the backspace will be whatever the tenant
3 is going to be. Let's say it's The Gallery. The
4 Gallery will come in and tell them what they're
5 going to sell and how they're going to sell it,
6 but you would like that back space to be a
7 separate entity, so subdivided from the store.

8 CHAIRMAN SPERANZA: If it's The Gallery, The
9 Gallery will have to have its own special permit.
10 It's nothing to do with yours. If you wanted to
11 run a store there, you could, but you have to ask
12 for that and tell us what the use is.

13 ALTERNATE MEMBER RAGUSA: I think the
14 challenge is, he wants to rent the space, and, of
15 course, to rent it, you have to renovate it to
16 make it aesthetically pleasing for the tenant
17 that's going to come in.

18 MR. GRAY: If I may jump in, it sounds like
19 this application is, one, premature, and, two, not
20 being brought by the right entity.

21 CHAIRMAN SPERANZA: That is correct. Not
22 being brought by the right entity is correct.

23 MR. GRAY: I noticed a building permit for
24 demolition work on the inside, on the wall. Do
25 you have a building permit to build out whatever

SPA #305

1 you're looking to build out?

2 MR. STERCK: No. I think that permit was
3 just for demo, to take out some old sheetrock.

4 MR. GRAY: So are you going to be doing
5 renovations on the inside?

6 MR. STERCK: We were going to do renovations
7 on the inside, yes, but we will not do it to the
8 extent that we have presented to the Village.

9 MR. GRAY: You will not.

10 MR. STERCK: We're currently replacing
11 ceilings and sheetrock, eventually, and that
12 permit's not in. All we have is just demo. We
13 just demoed some stuff. Why do you ask?

14 MR. GRAY: Well, one, because I just happened
15 to walk by the building before, and I noticed a
16 building permit on there but it was specifically
17 for demo.

18 MR. STERCK: It's not for the windows and
19 doors and things in this application.

20 MR. GRAY: I'm trying to figure out why is
21 this application here now if you don't have a
22 tenant to explain to us what their use is going to
23 be?

24 Is your building permit for whatever work
25 you're gonna do inside, it hasn't been submitted

SPA #305

1 to the Village yet, correct?

2 MR. STERCK: The building permit has not been
3 submitted to the Village.

4 MR. GRAY: So somebody didn't deny you a
5 building permit because you don't have a special
6 use permit. You just haven't submitted it,
7 correct?

8 MR. STERCK: Correct.

9 CHAIRMAN SPERANZA: No. This application
10 started years ago, 2015, and he was denied back
11 then and he was referred to the Planning
12 Commission.

13 MR. GRAY: He was denied a building permit?

14 CHAIRMAN SPERANZA: Yeah. That's how he got
15 to the Planning Commission. And he got a, we had
16 a hearing and we made a recommendation to the
17 trustees who, because of the encroachment issue,
18 decided not to act on it back then.

19 MR. GRAY: Okay. I think the encroachment
20 issue has been resolved with the little land swap
21 that we did.

22 CHAIRMAN SPERANZA: Yeah. So we're
23 continuing that application.

24 MEMBER STEINMAN: May I ask a question, Joe?

25 CHAIRMAN SPERANZA: Sure, Judy, go ahead.

SPA #305

1 MEMBER STEINMAN: Tyler, it sounds to me like
2 your application is premature. You need to figure
3 out who your tenant is going to be. Get that
4 firmed up. Then once you do that, you still will
5 be asked to determine the use of the building and
6 then go ahead and apply for special permit. But
7 until you can specifically identify the use of the
8 building, there's no way you're going to get a
9 special permit, in my opinion.

10 MR. STERCK: So, Judy, just so I understand,
11 you're suggesting that a possible tenant come in
12 front of the Board before myself --

13 MEMBER STEINMAN: I'm suggesting that you get
14 yourself a tenant. Make that secure. Once you do
15 that, then you and/or he or she, I'm not sure
16 which it will be, can come to this Board and say
17 we need a special permit in order to use this
18 space to conduct our business. That's my
19 suggestion.

20 MR. LEVINE: Joe, is the public allowed to
21 ask questions?

22 CHAIRMAN SPERANZA: Not at this moment. You
23 can ask as the Fire Chief.

24 FIRE CHIEF LEVINE: I think you guys are
25 talking different things. I don't want to speak

SPA #305

1 for Tyler, but what I think Tyler is asking is for
2 a special permit to subdivide his property so he
3 can put a store in that corner where he wants to
4 and then he can go out and find a tenant. To get
5 a tenant and not be able to subdivide the property
6 is kind of putting it backwards. He has to have
7 permission to split the store and make it its own
8 entity. I believe that's what you guys do for
9 him. He can't come to you and say we want to do
10 this and that, that's the tenant's job to come to
11 you. He can provide the space for the tenant and
12 if you give him permission then he can go forward.

13 I think Tyler is jumping the gun by asking
14 for what he wants the store to be able to sell.
15 If you give him permission to build a separate
16 store then it automatically falls under the
17 category of the allowed items that are allowed
18 to be sold. It's a retail store, he can put
19 whatever he wants in there. If they want to
20 sell food in there then that's something
21 different. But as far as the store being a
22 store, he has to have that permission first for
23 it to be a separate entity. I believe that's
24 what --

25 MR. STERCK: Yes, I agree with you, Ian.

SPA #305

1 Thank you.

2 CHAIRMAN SPERANZA: Ian, in response,
3 generally they come together.

4 FIRE CHIEF LEVINE: Well, he has to build out
5 the store --

6 CHAIRMAN SPERANZA: He can build it out for
7 the use he has.

8 FIRE CHIEF LEVINE: But he has to have
9 permission to offer a store for rent.

10 CHAIRMAN SPERANZA: You don't need permission
11 to do that.

12 FIRE CHIEF LEVINE: Of course, you do. How
13 can you rent a store if you don't have a store?

14 CHAIRMAN SPERANZA: On paper. It's done
15 every day.

16 MR. STERCK: I'll be subject to a lawsuit.

17 CHAIRMAN SPERANZA: You won't be subject to
18 anything.

19 MR. STERCK: I can't bring someone in front
20 of this Board without a signed contract. They're
21 not going to walk in here thing --

22 CHAIRMAN SPERANZA: It's done every day.

23 MR. STERCK: You're talking about a local
24 person might understand that, but somebody from
25 the mainland? Absolutely not.

SPA #305

1 CHAIRMAN SPERANZA: They would understand.

2 MR. STERCK: They wouldn't understand. It's
3 a backwards thing. You're asking me --

4 CHAIRMAN SPERANZA: Tyler, listen to me. You
5 are talking to real estate developer who has built
6 millions of square feet of enclosed malls. I
7 never built one I didn't rent up front because I
8 can't get it financed unless I rent it first.
9 Same thing. That's how it works. Okay?

10 MR. GRAY: And the leases are subject --

11 CHAIRMAN SPERANZA: The leases are all
12 subject to getting approval, special permit, this
13 and that. They're all subject to, they have
14 sunsets on them, they're called. You don't do it
15 by this date, poof, gone. That's how it works.
16 So let's move on.

17 FIRE CHIEF LEVINE: So can Tyler, today, ask
18 for permission to put in a store for whatever he
19 wants to sell and get permission from you to
20 subdivide for his intent to have that kind of a
21 store?

22 MR. GRAY: Sure. That's why he's here.
23 That's why we think he's here. He hasn't shown up
24 with what we've asked him to show up with.

25 FIRE CHIEF LEVINE: You're being very vague,

SPA #305

1 Tyler.

2 MR. STERCK: I think the significance here is
3 it has a food establishment use and you're asking
4 me today to say I'm going to forego that. That's
5 kind of a pickle here.

6 MR. GRAY: We're not asking you to forego it.
7 The code forbids it. I'm just letting you know.

8 MR. STERCK: Okay. The code forbids it, but
9 the code is then saying that one fifth of my
10 building no longer can sell food.

11 MR. GRAY: It's based upon your application.
12 If you want to divvy up the space, you're
13 modifying your business plan. So that's being
14 modified, so now we have to go back to the code.
15 Now the earlier question you asked is do you have
16 a special permit to operate where you are? I
17 don't know, but it's quite possible you're simply
18 grandfathered in, in that building, in that area
19 where you're working as the business that is being
20 operated there. But once you modify it and change
21 it, now you want two new store fronts. I think
22 it's two.

23 MR. STERCK: Just one.

24 MR. GRAY: Oh, just one. Sorry.

25 So if there was food use that's

SPA #305

1 "grandfathered" in and now you're going to be
2 modifying the business plan and also how you use
3 all of that space, I think you're gonna lose
4 that grandfathering for that used space. And
5 then you have to comply with the permitted uses
6 and you can't operate a prohibited use. That's
7 what I'm pointing out to you.

8 MR. STERCK: I understand.

9 FIRE CHIEF LEVINE: And I have one more
10 question for Tyler. Can he apply for what he
11 thinks the potential tenant will be putting into
12 that space, apply to you guys for permission to do
13 it and if they back out, just not go in front of
14 the Board to get it approved?

15 MEMBER SILVERBERG: No. The new tenant has
16 to apply. It can't be just him. We have to know
17 who the new tenant is.

18 FIRE CHIEF LEVINE: No. He's putting it
19 under his name. If it's not him doing it and it's
20 somebody else, that's a change of name, and they
21 would have to come back in front of you anyway.

22 MEMBER SHERMAN: He doesn't have to apply for
23 the use until somebody is in there.

24 POLICE CHIEF HESSE: But he can apply for the
25 subdivision.

SPA #305

1 MEMBER SHERMAN: That's two separate things.
2 He's asking for us to advise what the use will be.

3 FIRE CHIEF LEVINE: It's not an advisory
4 board, Tyler.

5 ALTERNATE MEMBER RAGUSA: Ian, we can't hear
6 you very well without the mic.

7 MR. STERCK: Sorry if it was not clear on my
8 end. We are here to apply for a subdivision of
9 478-476 to add additional rental space.

10 MR. GRAY: Well, let me just be clear. I
11 heard the word "subdivision" used by a couple of
12 people so far. You're not really splitting
13 property though.

14 MR. STERCK: No, it's the existing space.

15 MR. GRAY: No. It's just that subdivision is
16 term of art in law when you're talking about real
17 estate property. When you're subdividing, you're
18 gonna get a new deed and split the property.

19 CHAIRMAN SPERANZA: You are applying for
20 permission to renovate your building. That's what
21 you're applying for. To alter your building so
22 you can rent out a piece of it to a third party,
23 correct? That's what you're doing.

24 MR. STERCK: Yeah.

25 CHAIRMAN SPERANZA: That's an alteration, for

SPA #305

1 which you need a building permit, that you cannot
2 get without a special permit from the trustees for
3 a permitted use. That's why we're having this
4 discussion.

5 MR. GRAY: Mr. Chairman, i guess we could,
6 using the analogy with subdivision, although, this
7 is not a true "subdivision" -- excuse me, Judy? I
8 couldn't hear you, Judy.

9 MEMBER STEINMAN: I said according to you, my
10 understanding is it's not a subdivision. You just
11 internally divide a piece of property. That's
12 renovation.

13 CHAIRMAN SPERANZA: You're right. I just
14 described it. Go ahead.

15 MR. GRAY: So using the analogy of a
16 "subdivision", subdivisions are usually
17 preliminarily approved or conditionally approved
18 upon something else happening. Getting the deeds,
19 getting the proper survey in place, et cetera, et
20 cetera. To move this along, since you have a
21 potential tenant, and I understand you don't have
22 a lease or anything like that, if the request is
23 "to have a store in which goods and services and
24 commodities are sold at retail in support of
25 community living" verbatim, directly out of

SPA #305

1 164-32B, I think this Board can move forward and
2 put a condition on it that when you, put a time
3 limit on it. I'll make it up here, July 1st, and
4 it's conditionally approved, subject to the
5 tenants who you finally identify, coming back to
6 complete the process. Because, as I read before,
7 there are things that are required. You have to
8 show us the use. Show us the hours of operation.
9 Show us the number of employees. If there's gonna
10 be the use of any special equipment. So I guess
11 you could move forward to try to conditionally
12 grant something. Put a sunset date on it. Until
13 such time as somebody comes forward to tell us
14 exactly what's going in there, and if that never
15 happens, it sunsets, then the conditional special
16 permit would expire. Does that sound reasonable
17 to try and move this forward?

18 CHAIRMAN SPERANZA: It does to me. You,
19 Joel?

20 MEMBER SILVERBERG: I guess.

21 MEMBER SHERMAN: So this renovation is also
22 going to include the exterior of the building,
23 right?

24 MR. STERCK: The interior was the primary and
25 Constantine asked if I would do the exterior and

SPA #305

1 we have agreed and disagreed on some things about
2 the exterior.

3 CHAIRMAN SPERANZA: Hold on. We'll never get
4 finished here. You're jumping all around.

5 MEMBER SHERMAN: My question is that, if
6 there's going to be renovation and the renovation
7 is going to include a store front, I can't say
8 that I would approve it unless the north wall were
9 dealt with as well. We had talked about above the
10 store front being cedar shingled and below being
11 stucco cement, et cetera.

12 CHAIRMAN SPERANZA: Correct.

13 MEMBER SHERMAN: That, to me, would be the
14 condition for approval.

15 CHAIRMAN SPERANZA: For you?

16 MEMBER SHERMAN: For me.

17 CHAIRMAN SPERANZA: Did everyone hear Craig?

18 ALTERNATE MEMBER RAGUSA: Yes.

19 MR. KARALIS: I believe that the evidence was
20 made to the drawings presented during the latest
21 session, which includes what was just mentioned
22 but with some clarification. So let's just make
23 reference to the design presented here in the
24 latest session. It includes, essentially, siding
25 on four sides, the remaining three sides of the

SPA #305

1 building, including the west side all the way up
2 to Bayberry with some exception on that side. And
3 it includes a bumper at the lowest level under the
4 window, so that the trucks going by do not take
5 out whatever is there and cement plaster below
6 that, probably best material to have given the
7 location to keep the water out of the
8 construction.

9 So I would like to go along with what was
10 just recommended except with making reference to
11 those drawings that were essentially presented
12 and considered by the Board. The only thing
13 that remained at that time was the specification
14 of the actual tenancy. So I think we have a set
15 of drawings to go by.

16 CHAIRMAN SPERANZA: Okay. Thank you,
17 Constantine. Several things. You are recused
18 from this application?

19 MR. KARALIS: Yes, I am recused.

20 CHAIRMAN SPERANZA: Please say so for the
21 record.

22 MR. KARALIS: I am recusing myself from
23 voting on this application. However, I feel as if
24 I should be able to make comments on the specifics
25 of it, so that we make sure that everybody

SPA #305

1 understands the same thing.

2 CHAIRMAN SPERANZA: Thank you.

3 Okay, and that leaves us with information
4 we received yesterday afternoon from the
5 applicant. I hope everyone has read it.
6 There's a letter from EDJ Reality, dated
7 March 20, amending the application. It says:

8 "Amending application number 305."

9 It's written to the Village of Ocean Beach
10 Planning Board. Has everyone read that?

11 MEMBER STEINMAN: I never got it.

12 CHAIRMAN SPERANZA: And looked at the
13 accompanying plan?

14 MEMBER STEINMAN: Nope. Never got it.

15 MEMBER SHERMAN: It was attached to an email
16 yesterday.

17 MEMBER STEINMAN: Didn't get it. I read all
18 of my emails.

19 CHAIRMAN SPERANZA: David, did you get it?

20 ALTERNATE MEMBER SILVER: No.

21 CHAIRMAN SPERANZA: Gina, did you get it?

22 ALTERNATE MEMBER RAGUSA: Yes, I did. Judy,
23 you're on the email from Jonneigh.

24 MEMBER STEINMAN: I never got it though. I
25 read my emails several times a day and did not get

SPA #305

1 it.

2 ALTERNATE MEMBER RAGUSA: I understand that
3 you didn't get it. I'm just clarifying that you
4 were on the email list.

5 CHAIRMAN SPERANZA: Okay. I'm going to read
6 into the record the letter from the applicant.
7 It's not long. As far as the plan goes, this is
8 for you guys who didn't receive this. Everyone
9 here did and has read it, but, Joel, you have read
10 it, yes?

11 MEMBER SILVERBERG: Yes.

12 CHAIRMAN SPERANZA: He's read it. So we can
13 move forward with the plan, which we can explain
14 to you, for those who haven't seen it. It's not
15 much to see that you haven't seen already. So
16 moving ahead.

17 "EDJ Realty, P.O. Box 4021, Ocean Beach,
18 New York, March 20, 2023, to the Village of
19 Ocean Beach Planning Board, regarding amending
20 Application Number 305.

21 One, after further discussions with
22 Planning Board, village officials, contractors,
23 architect, Fire Chief, and my lawyer, regarding
24 the exterior wall on the east, north, and west
25 side of Clegg's Hotel building, I have been

SPA #305

1 strongly recommended to used the materials
2 listed: Plaster, stucco, cement, and paint.
3 These material" -- it says material means
4 materials -- "serve as the best option for the
5 highest traffic volume street on Fire Island.
6 The Clegg's Hotel buildings located cross from
7 the Ocean Beach Ferry Terminal, located on
8 Bayberry Walk with Bay Walk and Bay View Walk
9 bordering its property. Please remove cedar or
10 any word material from the previous application
11 and drawings.

12 2. Please include the Clegg's Hotel lobby
13 in the application. The current hotel lobby is
14 on the second floor. The covenants of the first
15 floor will be better suited for the protection
16 of our guests, preventing unregistered guests
17 from wandering into the building.

18 3. Update existing shed located on the
19 west side of Clegg's Hotel. The current shed
20 needs to be expanded so we can store Clegg's
21 Hotel bicycles, wagons, beach umbrellas, et
22 cetera.

23 4. Two bollards, one on the northeast
24 corner and one on the northwest corner of the
25 north wall of the Clegg's Hotel building.

SPA #305

1 5. Section 164-32. The usage will remain
2 retail sale of dry goods and/or food products,
3 retail, or office. Currently, we have a
4 tentative tenant. The gallery, which currently
5 operates in Village of Ocean Beach, would move
6 into the retail space in the application.

7 Thank you.

8 Tyler Sterck"

9 Attached to this drawing, which I am
10 opening. I have seen it, so I can try to tell
11 you what it says for those who don't have it.
12 It basically is the drawing you have seen
13 before that was prepared by Constantine Karalis
14 for the applicant and what it shows is a cross
15 section of space at the north side of Clegg's
16 Market, Ocean Beach Trading Market, and that is
17 referred to as the area in question. There's a
18 colored in section next to that facing
19 Bayberry, which is labeled the hotel lobby.

20 There is a bollard shown at the northeast
21 corner of the building in what I believe to be
22 Village property. And a new shed shown
23 dimensioned at seven-foot high by 27 feet long
24 and six feet wide in place of the existing
25 shed, which is shown on the survey. And there

SPA #305

1 are several notes. Only for a gate to be
2 relocated parallel to the store front. This
3 was prepared by Constantine Karalis. As the
4 stamp, it's dated March 21, '23 and it has a
5 note saying "notations on survey by Constantine
6 Karalis, R.A."

7 That's it. Except that attached to that
8 is a floor plan showing the things that I just
9 described, hotel, lobby, store number one,
10 existing kitchen, which was there before to the
11 north, and glass. Store number one is two
12 six-foot panes of glass facing north and two
13 facing east. One with a door in it and then
14 the hotel lobby, which is adjacent and south of
15 the store. And then the elevations of all,
16 let's see, of three walls.

17 The north elevation, the east elevation,
18 and a partial west, okay? The elevations show
19 the cement plaster that the applicant has asked
20 to use in lieu of the shingles that we
21 previously discussed with him and he agreed to.

22 This is a change that he's asked for.
23 What we discussed before we adjourned in
24 January and have now continued the hearing and
25 that's it.

SPA #305

1 So this is what we have. So summation, so
2 far is that we have no use specifically for the
3 space and we have a major change from what we
4 all, I guess, thought, I for one thought, we
5 were going to be voting on today or maybe next
6 hearing. Who knows? In terms of what the
7 exterior of the building would look like. So,
8 Planning Board for the use. Exterior for the
9 architectural Review Board. That's where we
10 are, guys. Any discussion? The floor is open
11 to the Planning Board/Architectural Review
12 Board.

13 ALTERNATE MEMBER RAGUSA: Hi, this is Gina
14 Ragusa, Planning Board Member.

15 Tyler, will you be doing the renovation or
16 are you hoping someone like The Gallery will
17 come in and do the renovation?

18 MR. STERCK: I would be doing the renovation.

19 ALTERNATE MEMBER RAGUSA: Again, I know we
20 have gone around in circles about that. So are
21 you here asking if you can do a renovation?

22 MR. STERCK: Well, yes.

23 ALTERNATE MEMBER RAGUSA: If you are, then,
24 Joe, should we be voting on whether we approve the
25 renovation and/or a retail store going into that

SPA #305

1 space?

2 CHAIRMAN SPERANZA: It's one application.

3 ALTERNATE MEMBER RAGUSA: Meaning?

4 CHAIRMAN SPERANZA: Meaning creating a store
5 with a separate use, physically, and renovating
6 the exterior of the building.

7 ALTERNATE MEMBER RAGUSA: So is that what
8 we're discussing?

9 CHAIRMAN SPERANZA: Yeah. That's what we're
10 discussing.

11 MEMBER STEINMAN: Joe, what about the
12 subdivision of the inside of the building? I hate
13 to use that word. But the division of the inside
14 of the building, is that part of that?

15 CHAIRMAN SPERANZA: That's the renovation.
16 That's the interior portion of the renovation.

17 MR. GRAY: Anything that happens here, of
18 course, is going to be subject to getting the
19 appropriate building permit and approvals. For
20 instance, I'm just looking at this revised plan
21 here. It shows a shed, and I think that's
22 something that has to go in front of the building
23 inspector to make sure that it's the size of the
24 shed permissible by the code in that area.
25 Because it looks like its doubling in size of the

SPA #305

1 shed that's there. I don't know if we have lot
2 coverage issues, you know. So these are issues
3 this Board cannot approve.

4 CHAIRMAN SPERANZA: The ARB wants to see what
5 it looks like.

6 MR. GRAY: That's fine. But it's also gonna
7 be subject to a building permit.

8 CHAIRMAN SPERANZA: Correct.

9 MR. GRAY: The other thing I just want to
10 point out, and I think Joe, the Chairman, had
11 mentioned it. The two proposed bollards, this is
12 the first time I'm seeing that, but that's
13 proposed on Village property. So you would have
14 to ask the Village if they would grant you an
15 easement to do so. I'd just point that out.

16 CHAIRMAN SPERANZA: Right. Very good.

17 ALTERNATE MEMBER RAGUSA: With all due
18 respect to Tyler, and I understand what you're
19 trying to do. And Constantine and Tyler, the
20 plans are beautiful. They look really, really
21 nice. However, I can't consciously vote for this
22 due to the traffic, the congestion that already
23 exists there. I don't see how putting a retail
24 store there is going to help solve that problem of
25 the terrible congestion and small space that

SPA #305

1 exists there right now.

2 So if it was an office, where a person has
3 an office there, let's say, a real estate
4 contractor. Clients come in and out, that's one
5 thing. But a retail store where people with
6 bikes and wagons to take their goods and
7 services that they've purchased, I honestly
8 don't see how that's going to work in that
9 small, congested space.

10 CHAIRMAN SPERANZA: Any further commentary by
11 the Planning Board or Architectural Review Board?

12 MR. STERCK: May I? I don't know if that was
13 a question, but can I add to that?

14 CHAIRMAN SPERANZA: Yes.

15 MR. STERCK: So within the application, we
16 were asking to put the hotel lobby on the ground
17 floor. Currently, for the last 78 years, we have
18 been using the garage area as an entrance/exit for
19 OBT staff members. In addition to that, they
20 bring in hundreds of pieces of freight inside and
21 outside in that space. Leaving pallets of food on
22 the streets, which would be eliminated with the
23 idea of putting a lobby there. They would no
24 longer be bringing food into that entrance. It
25 would not be occupying street space and all the

SPA #305

1 other tools that would go with hand trucks and
2 pallet jacks and things like that that may occupy
3 that space. That's for one.

4 Number two, the space next to it, which is
5 utilized as a courtesy to the Village, we have
6 interiorly used inside space for our garbage
7 room. Which then, the garbage truck does comes
8 through, commonly, and bring its trucks to that
9 location. This application would also now
10 remove that idea. Whereas, the truck would not
11 come down Bayberry any longer, so with that and
12 a few other suggestions from locals, perhaps we
13 can have better traffic flow. My personal
14 opinion is there should be no vehicles coming
15 down that street at any time other than police
16 and medical and that's its. It should be golf
17 carts meeting their guests at the hotels. There
18 shouldn't be golf carts from other clubs meeting
19 the ferries. There's a lot of things we could
20 do to make that street easier. There should be
21 a waiting area for the exit of the Ferry
22 Terminal, should be more on the -- what side is
23 this? The north side versus between my building
24 and the end of the street. It is roped off
25 commonly, but sometimes it's not. These are

SPA #305

1 some ideas that would definitely move this
2 along. Including my application will help
3 tremendously with the amount of freight that
4 comes in that way.

5 ALTERNATE MEMBER RAGUSA: Where would the
6 freight be going?

7 MEMBER SILVERBERG: Yeah, and where is the
8 garbage going?

9 MR. STERCK: On the south side of the
10 building there is two doorways into the OBT and
11 one of them would be utilized for bringing in
12 freight.

13 MEMBER STEINMAN: That's the main street of
14 the Village.

15 MR. STERCK: The alternative is that it would
16 be on the north side of the existing door that
17 brings in freight.

18 MEMBER SILVERBERG: So all the dollies and
19 things that you carry freight from, from the
20 freight boat to the store would be sitting there
21 on the south side, which is the main egress.

22 MEMBER STEINMAN: The main Street of the
23 Village. How can you do that?

24 MEMBER SILVERBERG: That doesn't make any
25 sense to me at all. And the garbage, you're

SPA #305

1 telling me the garbage will be in the same place?

2 MR. STERCK: It's gonna be nearby. Why are
3 we subject to different rules?

4 MEMBER SILVERBERG: You're moving things now.
5 You're changing things now. We don't want to
6 encourage you to do something that's going to
7 inhibit any other movement in the Village just
8 because you want to eliminate it on the north
9 side.

10 MR. STERCK: Let me give you a hypothetical.
11 Freights in, 1,000 pieces of groceries are coming
12 off the boat. There's six pallets sitting in the
13 middle of the street. Do you know the weight of
14 these things? They're 500 to a thousand pounds
15 per pallet easy. You're telling me an emergency
16 vehicle can get by and help somebody out at that
17 time? Every second matters.

18 MEMBER SILVERBERG: I don't know what you're
19 referring to.

20 MR. STERCK: So I'm referring to moving the
21 location off the freight. That back garbage area,
22 I'm sorry, the garage area is used to bring in
23 freight. And then you have 2,000 people coming
24 off a boat and you're saying that makes sense?
25 I'm trying to solve problem.

SPA #305

1 MEMBER SILVERBERG: But I don't think that's
2 going to change. People coming off the boat is
3 not going to change. People meeting other people
4 at the boat is not going to change. This has been
5 going on for 50 years or more.

6 MR. STERCK: It can change if there's
7 better --

8 MEMBER SILVERBERG: How is that going to
9 change? Tell me how that changes.

10 MR. STERCK: Give the chief of police a green
11 light to start writing tickets for golf carts
12 sitting in front of the ferry terminal.

13 POLICE CHIEF HESSE: During the summer
14 months, there's heavy restrictions on golf cart
15 use anyway. The only golf carts that should be
16 used are those for those that need help. We have
17 our senior cart that we use from the police
18 department --

19 MEMBER STEINMAN: Whoever is speaking, we
20 can't hear you.

21 ALTERNATE MEMBER RAGUSA: Could you tell us
22 who was just speaking?

23 MR. GRAY: That was the Chief of Police.

24 POLICE CHIEF HESSE: I'm sorry, folks. I
25 didn't realize I had to step up to the mic. I'm

SPA #305

1 George Hesse, Chief of Police.

2 Basically, there are so many restrictions
3 with golf cart use anyway. So really, there
4 should be no golf carts there in the prime parts
5 of the summer, other than the senior cart and
6 maybe the Summer Club Cart or the Seaview Senior
7 Cart with permission. There really is no golf
8 cart issue.

9 I don't understand the question of the
10 freight. The freight usually comes off the dock
11 and goes directly into the garage, therefore,
12 not directly blocking the walk. I don't know
13 what we're talking about anything other than
14 that. We're talking about blocking Bay Walk now
15 with pallets of food sitting in the sun? I
16 don't know.

17 MEMBER SILVERBERG: We just mentioned it in
18 passing.

19 MR. STERCK: My family has been in the
20 grocery business for 78 years. My family has
21 brought every single grocery store to this island.
22 I'm pretty well versed on the freight. I have run
23 this store myself for ten years and I agree. The
24 previous tenant may not have has as much freight
25 on the street, but it doesn't stop any other

SPA #305

1 future tenant leaving freight on the street. In
2 this situation, if the lobby was permitted on the
3 ground floor, not only would that help solve that
4 particular question that was raised, it would be a
5 better system for the street itself.

6 MEMBER SHERMAN: I think what you're saying
7 is that you want to solve one problem by creating
8 another.

9 So how is the freight now on Bay Walk going
10 to get into the store? Logistically, you're
11 going to have, according to you, pallets that
12 could weigh 500 to a thousand pounds need to be
13 broken down on the street and brought up the
14 steps and into the store. That seems like
15 creating a bigger problem than the one we have
16 with the garage, where the freight comes and
17 disappears, basically, off the street.

18 MR. STERCK: I disagree. I strongly
19 disagree. Not every pallet has a palette jack in
20 it if it sits on the street, which it can do.

21 Anyway, I was answering the one question on
22 how that could help clarify or clean up
23 potential problems of egress.

24 MEMBER SILVERBERG: Tyler, I have been living
25 on this beach for the last 15 years plus, almost

SPA #305

1 full-time. I do not see or understand how you
2 could possibly move all of that freight off of Bay
3 Walk into your store without spending two or three
4 hours doing it every day. Let me finish.

5 And the garbage. I do not understand how
6 that works either. You have to explain to me
7 and show me in a plan, where the garbage pails
8 are going to be. How do they get moved out onto
9 the street. When are they picked up? We're
10 changing everything, and you're making it worse,
11 not better, maybe equally bad. We understand
12 that it's bad.

13 MR. STERCK: I don't think there's another
14 building in this town that actually brings the
15 freight to the door, is there?

16 MEMBER SILVERBERG: How long does the freight
17 sit in the sun?

18 MR. STERCK: I'm just asking, why is the
19 precedent different for me?

20 MEMBER SILVERBERG: Because you're the
21 biggest purveyor. You're right there in front of
22 the ferry terminal and you've been there for a
23 hundred years, so that's not changing.

24 MR. STERCK: I agree with you, but I should
25 be treated differently.

SPA #305

1 MEMBER SILVERBERG: This is the story that
2 you have inherited.

3 MEMBER STEINMAN: There's another small
4 problem. You have all your stuff sitting out in
5 the sunshine in the middle of the summer? How
6 much spoilage are you willing to tolerate? I just
7 think it's a real bad idea. Think about ice cream
8 and frozen foods and produce that needs to be kept
9 cool and you're gonna sit it out there in the sun,
10 facing south in the middle of the summer. I don't
11 think it's a viable plan at all.

12 MR. STERCK: I understand what you're saying,
13 Judy. I just, you know, I think the issue could
14 be larger than that. We don't have refrigerated
15 freight boats to start with. I'm just saying,
16 we're not the brunt of the problem by getting our
17 freight from the street into the store.

18 MEMBER SHERMAN: Tyler, I think the problem
19 that maybe is being misunderstood here is that
20 you're currently doing something. You have a
21 practice. The practice is that you bring it in
22 through that garage door. Now you want to change
23 that. So that has to be taken into consideration
24 that you want to bring it out onto the street. So
25 you need a plan for us to understand how this is

SPA #305

1 going to be a better situation than the one you're
2 already practicing.

3 MR. STERCK: I guess I need to understand, is
4 my building subject to only bringing freight into
5 that garage door? And where is it safe at?

6 MEMBER SHERMAN: How long have you been doing
7 that?

8 MR. STERCK: We have been bringing it through
9 all three doors for 78 years. It depends on where
10 the product goes.

11 MEMBER SHERMAN: You want to change your
12 practice. Tell us how changing that practice is
13 going to improve the quality of life around your
14 building for the residents and commercial.

15 MR. STERCK: I think you have a vision of it
16 going in only one door. What I said was, it would
17 help to clean up the street, if the majority of
18 the freight went to the front being that the exit,
19 that garage is sitting right in front of the exit.

20 Can somebody give me a number? How many
21 people exit this boat each season? Chief of
22 Police, how many people exit that boat?

23 POLICE CHIEF HESSE: We get half a million
24 people here at Ocean Beach.

25 ALTERNATE MEMBER RAGUSA: I didn't hear the

SPA #305

1 question. What was the question? How many people
2 what?

3 MR. STERCK: How many people exit the ferry
4 right in front of my garage every season? And the
5 Chief said 500,000, roughly. That's going one
6 direction.

7 MEMBER STEINMAN: But not all at the same
8 time and not while you're trying to load freight
9 into your establishment. You're conflating two
10 totally different issues. People and freight are
11 not unloading at the same time.

12 ALTERNATE MEMBER RAGUSA: Where are we, if
13 you don't mind me interrupting, on this matter
14 besides the garbage/freight to be? Where are we
15 now, Joe, with what Tyler can do and what we can
16 do as a Board in terms of deciding anything at
17 this time?

18 CHAIRMAN SPERANZA: We're having a discussion
19 right now.

20 ALTERNATE MEMBER RAGUSA: No, no, no, I
21 understand that.

22 CHAIRMAN SPERANZA: That's it. When the
23 discussion is finished, we'll decide what to do.

24 ALTERNATE MEMBER RAGUSA: Understood. Thank
25 you.

SPA #305

1 CHAIRMAN SPERANZA: Is the discussion
2 finished? Anybody want to say anything else?

3 MEMBER SILVERBERG: Well, we never got to the
4 Architectural Review Board as regards to the
5 exterior.

6 CHAIRMAN SPERANZA: Correct. So is that
7 something we want to talk about now?

8 MEMBER SILVERBERG: I want it to be. I would
9 like to see it the way it was presented the last
10 time, which is shingles above, vertical siding
11 below from the second floor down to the first and
12 everything below the window line on the first
13 floor can be cement stucco, like it was planned.

14 CHAIRMAN SPERANZA: Okay. Tyler, your
15 correspondence directs us to disregard that design
16 as Joel just described. Is that what you really
17 want us to do? Or are you going to provide what
18 you submitted at the last hearing in January?
19 Which we all saw what that is and Joel just
20 described it and which way is it? Let me finish.
21 So that we can conclude this hearing today in some
22 way because time is running out.

23 MR. STERCK: To be clear that the Village is
24 seeing cedar on the second floor and stucco or
25 cement on the first floor.

SPA #305

1 MEMBER SILVERBERG: No. You have to look at
2 the documents that you submitted, Tyler. Because
3 it's hard for us to explain it to you when it's
4 your application. It was done before. It was
5 accepted. We made notes on it at the last
6 meeting. We're going over the same old stuff
7 again. This is crazy.

8 MR. STERCK: Well, it's not if you read the
9 amendment.

10 MEMBER SILVERBERG: I don't care what you
11 wrote. We approved what was presented to us at
12 the last meeting. It was the Architectural Review
13 Board that had to make changes. We're not making
14 those changes.

15 MR. STERCK: There was a misunderstanding. I
16 think what Peter Bee said was I'd like to adjourn
17 this to another meeting. We can do that. I don't
18 think we settled on anything last meeting. I made
19 my pitch and we had some feedback from one
20 another.

21 MEMBER SILVERBERG: Well, we made suggestions
22 and as far as I know they were accepted.

23 MEMBER STEINMAN: They were accepted. I
24 agree.

25 MR. STERCK: So what are you saying? The

SPA #305

1 ground floor is --

2 CHAIRMAN SPERANZA: Tyler, it's not the
3 ground floor. It's a portion of the ground floor,
4 from the bottom of the windowsill on the ground
5 floor that you're proposing, to the grade on the
6 north side and on the east side. There's windows
7 on the east also.

8 MEMBER SILVERBERG: I don't know if you have
9 the drawings.

10 MR. STERCK: I have the current drawings
11 which were submitted. I don't have the old
12 drawings.

13 CHAIRMAN SPERANZA: They're not old.

14 MR. STERCK: I just want to understand
15 something. The Village owns the property butted
16 up to my property.

17 CHAIRMAN SPERANZA: Correct.

18 MR. STERCK: Every inch, there is not even an
19 inch. You own right up to my wall. In fact, if I
20 paint too thick, I'm encroaching. Yes or no? I
21 am.

22 CHAIRMAN SPERANZA: Of course, but, this
23 Board -- listen to me. This Board would give you
24 easement that the trustees would approve as part
25 of your special permit for any encroachment up to

SPA #305

1 a certain limit, an inch or two, which would allow
2 for the furring and shingles that would encroach.
3 Which was what your concern was as you explained
4 it to me, correct? Correct?

5 MR. STERCK: Joe, you said earlier this
6 application has been open since 2015. Do we know
7 why it's been open since 2015?

8 CHAIRMAN SPERANZA: It goes further back than
9 that. The whole issue goes back to --

10 MR. STERCK: But this Village asked me to
11 remove things off that wall. You made me move
12 things. I'm sorry, but I spent 100 grand to move
13 things to get my application approved and then
14 turned around and encroached me and then you went
15 eminent domain on me. What are you talking about?

16 CHAIRMAN SPERANZA: Okay. For those who
17 don't know or don't remember, I'm going to go back
18 to the beginning of the history of this
19 application. Because it goes back to when you
20 renovated the store. Put on the porch and put
21 shingles to the extent that they exist today.
22 That approval by this Board back then included
23 what we have now asked you to do. Except we
24 didn't ask you to do the west wall, except for two
25 small pieces. Back then, it was a whole building.

SPA #305

1 You agreed to it and you went to the trustees,
2 with whom you were negotiating a lease for the
3 senior citizen wagon park. You got Natalie Rogers
4 to give up a lot of the shingles, in exchange for
5 whatever. I wasn't part of that discussion. All
6 I know is you reduced the scope of work for the
7 shingles substantially to the point where it is
8 today. We're just trying to put that back.
9 Whatever you negotiated with the trustees and the
10 mayor back then, in 2005 or '6, which is what it
11 was. We're just trying to come back to that
12 because that's the right thing to do for this
13 building and this Village. Because as it exists
14 today, in my opinion, it's an eyesore.

15 MR. STERCK: I do agree with that point and
16 it does need some modifications and that's what
17 I'm willing to do.

18 CHAIRMAN SPERANZA: It needs help.

19 MR. STERCK: If you want to bring up, you
20 want to clarify. You're going back to 2005.
21 Apparently, I didn't own that wall in 2005.

22 CHAIRMAN SPERANZA: Correct.

23 MR. STERCK: Guess what you had me do in
24 2014? You had me take down everything on that
25 wall because I didn't own it. No, I'm sorry.

SPA #305

1 Let's get out the facts. I came to the Village,
2 the Village said take down everything on the wall.
3 I took down a ventilation system that you
4 approved.

5 CHAIRMAN SPERANZA: We didn't approve your
6 ventilation system.

7 MR. STERCK: Sure you did.

8 CHAIRMAN SPERANZA: No, we didn't.

9 MR. STERCK: Yeah, you did.

10 CHAIRMAN SPERANZA: It was existing.

11 MR. STERCK: No.

12 CHAIRMAN SPERANZA: It was existing in 2005.
13 It was there. We would have never approved that
14 ventilation system hanging off the north wall.
15 That was as bad as looking at the toilets when you
16 came in.

17 MR. STERCK: I couldn't believe what the
18 aesthetics cost, but that's the nature of being
19 across the street from a ferry terminal.

20 CHAIRMAN SPERANZA: What do you want to do?

21 MR. STERCK: What I'm saying is that I'm
22 treated differently because I'm in the location
23 I'm in. I get it. What I'm saying is in terms of
24 materials for this building, this building needs
25 to be treated like a tank. For many examples. I

SPA #305

1 don't know the officer whose name is John, but
2 John witnessed a truck crashing into the side of
3 my building. He heard it from his office and came
4 out and witnessed it. I came out. It shook
5 building. That's not the only time. I had a
6 Village school bus. I'm picking the Village stuff
7 because that's the traceable ones. A Village
8 school bus has run into this building.

9 MR. GRAY: The Village doesn't have school
10 buses.

11 MR. STERCK: Oh, yeah, it does. It's a
12 school bus and it picks up people here and takes
13 them to the school.

14 MR. GRAY: That's the school district.

15 MR. STERCK: Whatever. It's a town bus.

16 CHAIRMAN SPERANZA: It's a school bus for the
17 school district.

18 ALTERNATE MEMBER RAGUSA: What's your point,
19 Tyler?

20 MR. STERCK: The point is the material that
21 the Village has asked for is unreasonable. Soft
22 wood, you know, you have to frame it out by
23 several inches. Which means if a truck at 4,000
24 -- a garbage truck hit it as well. So if a
25 garbage truck can hit it, what do they weigh? Six

SPA #305

1 thousand pounds? If a garbage truck can hit it,
2 they're gonna knock down the entire face --

3 MEMBER SILVERBERG: Sir, you're not helping
4 your cause right now. Because I have talked to
5 you personally about this issue. I know
6 Constantine has spoken to you about it personally.
7 He did all these drawings for you. It was
8 approved. The actual -- let me finish now.

9 The problem that existed, you were supposed
10 to fix the west wall. This was 15 years ago.
11 When I was Chairman of this Board, you never did
12 anything. You never even painted that wall.
13 Now you're coming in with more expansion on it,
14 with more sheds? Please. The building has some
15 difficulty? Yes, it's in the wrong place. I'm
16 sorry. But you have dealt with it for the last
17 80 years. I can't deal with this.

18 MR. STERCK: If I could just add one thing.
19 Ian, not as the Fire Chief Ian, but Ian, as the
20 Community Center, I've hired many times to paint
21 the building. Just for the record, because you
22 said just now I didn't --

23 MEMBER SILVERBERG: Tyler, we don't want you
24 to paint the building. You were supposed to
25 shingle that side of the building. You told us --

SPA #305

1 MR. STERCK: I did not own the wall. For
2 nine years, --

3 MEMBER SILVERBERG: Sir, sir, stop talking.
4 On the west side, that has nothing to do with the
5 Village. The Village didn't own anything on the
6 west side of your building.

7 MR. STERCK: I think Joe answered that
8 question. There was an agreement with the
9 Village, with Natalie Rogers.

10 MEMBER SILVERBERG: It was an agreement with
11 the Village with Natalie Rogers?

12 MR. STERCK: That's what Joe said. I don't
13 know. That's what he said.

14 MEMBER SILVERBERG: What agreement are you
15 talk about?

16 CHAIRMAN SPERANZA: You heard it. You knew
17 it. You agreed to the plan.

18 MR. STERCK: Well, it helps defend me,
19 correct.

20 CHAIRMAN SPERANZA: You agreed to the plan
21 and you just negotiated away from what you agreed
22 to with the Planning Board/ARB and I get that.

23 By the way, whatever comes out of this
24 hearing today, if anything, in terms of a
25 determination, feel free to negotiate with the

SPA #305

1 trustees again. Because all this is is a
2 recommendation. That's all you will get here
3 today. We have no authority to give a binding
4 decision. The trustees only can do that. And
5 they're waiting for our recommendation and then
6 they will decide if they want to give you
7 whatever. That's it.

8 So we'll adjourn to what? Tyler, what
9 would you like to see us do besides give you
10 everything you just asked for? I don't think
11 you're going to get that.

12 I think we should take a five minute
13 recess. We still can do that. We have an hour
14 before the boat comes.

15 MEMBER SILVERBERG: Second.

16 CHAIRMAN SPERANZA: I make a motion for five
17 minute recess.

18 MEMBER STEINMAN: I second that.

19 CHAIRMAN SPERANZA: Okay. All in favor?

20 ALL MEMBERS: Aye.

21 CHAIRMAN SPERANZA: We'll reconvene in five.
22 Thank you all.

23 (A five-minute recess was taken.)

24 CHAIRMAN SPERANZA: We're going back on the
25 record just to make a motion to go into executive

SPA #305

1 session? We're back on the record.

2 I make a motion to go into executive
3 session to get advice of Counsel.

4 Do I have a second?

5 MEMBER SILVERBERG: Second.

6 CHAIRMAN SPERANZA: Yes. Thank you, Joel.

7 All in favor?

8 ALL MEMBERS: Aye.

9 CHAIRMAN SPERANZA: Unanimous. We are in
10 executive session.

11 (Executive session was held off the record.)

12 MR. GRAY: Is there a motion to leave the
13 executive session and return to the regular
14 portion of the meeting?

15 CHAIRMAN SPERANZA: So moved.

16 MR. GRAY: Do I have a second?

17 MEMBER SILVERBERG: Second.

18 MR. GRAY: All in favor?

19 ALL MEMBERS: Aye.

20 MR. GRAY: Motion carries.

21 Let the record reflect that no actions or
22 motions were made while in executive session
23 getting legal advice. Thank you.

24 Mr. Chairman, what's your pleasure?

25 CHAIRMAN SPERANZA: My pleasure is -- as soon

SPA #305

1 as the applicant sits down and listens, I'll tell
2 you what our pleasure is.

3 Tyler, what we have decided to do is to
4 adjourn today. Because we want to conclude
5 something. We're running out of time today and
6 we want to conclude something in a more
7 meaningful and professional way than what would
8 otherwise have to happen today and that's for
9 your benefit.

10 So were gonna meet on April 15th, right
11 here, and wrap it up. In the meantime, there
12 will be dialogue between certain people on the
13 Board, who, I'm appointing Joel and Constantine,
14 should they wish, to work with you. To further
15 take in your input and concerns and try to
16 incorporate them. So that when we get to
17 April 15th, we will have made a plan that the
18 Village Planning Board and Architectural Review
19 Board agrees with and what you agree with. You
20 may not, but that's the day it will get voted on
21 and it will go to the trustees after that. Who
22 will then do whatever they do as the Board of
23 Trustees. So that's what we're gonna do. Any
24 comments?

25 MR. STERCK: No.

SPA #305

1 CHAIRMAN SPERANZA: Do I have a motion to
2 adjourn?

3 MEMBER SILVERBERG: Motion made.

4 MEMBER STEINMAN: Second.

5 CHAIRMAN SPERANZA: Okay. All in favor?

6 ALL MEMBERS: Aye.

7 CHAIRMAN SPERANZA: Unanimous. Thank you
8 all. Have a great weekend.

9

10 (Time Noted: 1:23 p.m.)

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CERTIFICATION

I, D. Leigh Chapman, a Notary Public
in and for the State of New York, do hereby certify:

THAT the forgoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of April, 2023.

D. LEIGH CHAPMAN

ALL MEMBERS: [7] 13/5 13/18 34/13
88/20 89/8 89/19 91/6
ALTERNATE MEMBER RAGUSA: [29]
6/24 7/5 7/13 7/19 12/25 17/17 18/9 18/23
33/3 33/18 45/25 46/13 55/5 58/18 60/22 61/2
65/13 65/19 65/23 66/3 66/7 67/17 70/5 72/21
77/25 78/12 78/20 78/24 85/18
ALTERNATE MEMBER SILVER: [4]
7/17 7/23 33/20 60/20
CHAIRMAN SPERANZA: [185]
FIRE CHIEF LEVINE: [9] 49/24 51/4 51/8
51/12 52/17 52/25 54/9 54/18 55/3
MEMBER SHERMAN: [14] 27/24 33/15
45/21 54/22 55/1 57/21 58/5 58/13 58/16
60/15 74/6 76/18 77/6 77/11
MEMBER SILVERBERG: [67] 7/8 11/2
12/20 13/15 15/13 16/18 17/2 20/9 21/4 22/8
23/2 23/6 23/14 23/22 23/25 24/16 25/19 26/1
26/20 27/3 27/9 27/16 29/12 29/22 31/6 31/15
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34/11 45/9 45/17 45/19 54/15 57/20 61/11
70/7 70/18 70/24 71/4 71/18 72/1 72/8 73/17
74/24 75/16 75/20 76/1 79/3 79/8 80/1 80/10
80/21 81/8 86/3 86/23 87/3 87/10 87/14 88/15
89/5 89/17 91/3
MEMBER STEINMAN: [25] 14/16 22/20
24/5 24/9 24/11 33/4 33/19 40/22 48/24 49/1
49/13 56/9 60/11 60/14 60/17 60/24 66/11
70/13 70/22 72/19 76/3 78/7 80/23 88/18 91/4
MR. BONOCORE: [6] 4/23 13/20 14/9 16/6
16/13 25/10
MR. GRAY: [56] 6/12 13/4 13/6 13/11 13/17
14/14 20/5 21/16 22/3 22/25 33/7 33/12 33/14
33/17 34/4 34/6 34/10 34/12 34/14 34/18
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48/19 52/10 52/22 53/6 53/11 53/24 55/10
55/15 56/5 56/15 66/17 67/6 67/9 72/23 85/9
85/14 89/12 89/16 89/18 89/20
MR. KARALIS: [21] 6/1 6/4 6/8 8/4 8/16
8/20 8/25 9/6 9/9 9/15 9/21 10/1 10/7 11/20
11/24 30/3 30/20 32/17 58/19 59/19 59/22
MR. LEVINE: [4] 12/3 12/5 12/7 49/20
MR. RANDAZZO: [52] 4/18 4/21 5/7 5/19
8/7 8/11 10/23 11/4 11/13 13/19 14/7 14/22
15/3 15/5 15/15 15/25 16/17 16/21 17/4 17/8
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23/19 23/24 24/20 25/2 25/14 25/20 26/2
26/12 26/23 27/6 27/11 27/19 29/2 29/19
30/18 31/2 31/14 31/18 31/23 32/4 32/8 32/12
32/21 35/3
MR. STERCK: [96]
MR. TRANSPORT: [4] 5/2 14/11 28/2 28/5
MS. RULON: [1] 12/12
POLICE CHIEF HESSE: [4] 54/24 72/13
72/24 77/23

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12 [5] 10/13 20/7 21/22 28/6 28/8
13 [1] 3/5

14-34 [1] 3/7
15 [3] 10/10 74/25 86/10
155 [1] 19/6
15th [2] 90/10 90/17
164 [1] 40/10
164-32 [7] 4/14 14/4 36/25 37/24 40/14 40/25
63/1
164-32B [1] 57/1
164-33 [1] 40/15
164-36 [3] 4/15 14/5 35/12
170-171 [5] 4/11 4/13 9/12 9/20 10/2
171 [5] 4/11 4/13 9/12 9/20 10/2
1980s [1] 42/14
1981 [2] 10/10 41/16
1:23 [1] 91/10
1st [1] 57/3

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2,000 [1] 71/23
20 [2] 60/7 61/18
2005 [4] 83/10 83/20 83/21 84/12
2007 [1] 10/8
2010 [1] 10/9
2011 [7] 19/7 20/7 21/8 21/9 21/20 21/22 24/6
2011-155 [1] 19/6
2011-55 [2] 19/3 21/19
2014 [1] 83/24
2015 [3] 48/10 82/6 82/7
2022 [1] 10/14
2023 [3] 1/8 61/18 92/8
21 [1] 64/4
24 [2] 17/5 17/11
246 [2] 19/4 19/19
25 [1] 1/8
25th [1] 35/23
27 feet [1] 63/23
2nd [1] 92/8

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305 [4] 3/9 35/7 60/8 61/20
308 [4] 3/5 4/10 12/23 13/14
309 [4] 3/7 13/10 13/24 14/21
32 [10] 4/14 4/21 14/4 14/7 36/25 37/24 40/11
40/14 40/25 63/1
32B [1] 57/1
33 [1] 40/15
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35-91 [1] 3/9
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4,000 [1] 85/23
4-13 [1] 3/5
4021 [1] 61/17
476 [1] 55/9
476-478 [2] 35/7 35/11
478 [3] 35/7 35/11 35/18
478-476 [1] 55/9

5

50 [1] 72/5
500 [2] 71/14 74/12
500,000 [1] 78/5
55 [2] 19/3 21/19

7

7-8 [6] 9/10 9/11 9/18 13/25 14/3 19/5
7/10/2007 [1] 10/8
7/28/2010 [1] 10/9
72 [2] 4/24 14/9
78 [5] 41/20 44/8 68/17 73/20 77/9

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80 [1] 86/17

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91 [1] 3/9

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a.m [1] 1/8
A166 [1] 39/16
A166-1 [1] 39/16
able [8] 25/5 26/19 27/7 27/21 36/6 50/5 50/14
59/24
about [34] 10/23 14/20 17/19 17/23 21/5 27/3
27/16 28/7 28/23 28/24 29/2 29/5 29/10 31/7
36/4 37/4 41/7 42/12 44/21 45/8 51/23 55/16
58/1 58/9 65/20 66/11 73/13 73/14 76/7 79/7
82/15 86/5 86/6 87/15
above [2] 58/9 79/10
Absolutely [1] 51/25
accept [1] 32/23
acceptable [1] 28/13
accepted [4] 39/1 80/5 80/22 80/23
access [1] 16/10
accompanying [1] 60/13
according [4] 36/2 37/9 56/9 74/11
accurate [1] 92/6
across [4] 16/19 30/12 30/24 84/19
ACs [3] 27/15 27/17 27/17
act [1] 48/18
actions [1] 89/21
actual [2] 59/14 86/8
actually [6] 17/24 30/8 30/14 30/22 36/10
75/14
add [8] 12/2 12/15 21/23 22/6 24/14 55/9
68/13 86/18
added [1] 28/18
adding [5] 22/11 28/9 44/10 44/13 44/14
addition [2] 37/24 68/19
additional [1] 55/9
address [3] 4/20 35/16 35/18
addressing [1] 39/14
adjacent [1] 64/14
adjourn [4] 80/16 88/8 90/4 91/2
adjourned [3] 36/14 36/16 64/23
advertise [1] 16/23
advice [2] 89/3 89/23
advise [1] 55/2
advisory [1] 55/3
aesthetically [1] 46/16
aesthetics [1] 84/18
affect [1] 37/23
after [2] 61/21 90/21
afternoon [1] 60/4
again [9] 6/22 29/22 40/9 41/3 41/6 43/18
65/19 80/7 88/1
against [1] 11/5
agenda [2] 4/5 4/7
ago [2] 48/10 86/10
agree [6] 50/25 73/23 75/24 80/24 83/15
90/19
agreed [8] 16/6 36/23 58/1 64/21 83/1 87/17
87/20 87/21
agreement [3] 87/8 87/10 87/14
agrees [1] 90/19
Ah [1] 42/5
ahead [5] 24/4 48/25 49/6 56/14 61/16
air [24] 20/1 21/1 21/2 22/9 22/16 23/2 23/9
23/10 23/11 24/1 24/17 24/23 25/11 25/22
26/5 26/12 26/19 26/22 27/12 28/1 29/14
30/15 32/1 32/13
air-conditioner [5] 24/17 25/22 26/5 26/19
27/12
air-conditioners [5] 22/16 23/10 24/1 24/23
26/22
air-conditioning [6] 21/1 22/9 23/2 25/11
29/14 30/15
all [50] 10/4 10/13 10/19 13/4 13/17 14/20
16/6 22/5 24/3 24/11 29/13 29/15 30/4 32/9

A
all... [36] 33/8 33/14 34/12 37/2 38/9 42/4 43/8 47/12 52/11 52/13 54/3 58/4 59/1 60/17 64/15 65/4 67/17 68/25 70/18 70/25 75/2 76/4 76/11 77/9 78/7 79/19 83/5 86/7 88/1 88/2 88/19 88/22 89/7 89/18 91/5 91/8
alleyway [1] 27/2
allow [3] 15/19 16/7 82/1
allowed [3] 49/20 50/17 50/17
ally [3] 31/10 31/11 31/12
almost [1] 74/25
along [4] 29/13 56/20 59/9 70/2
already [5] 8/8 26/14 61/15 67/22 77/2
also [13] 2/1 4/23 5/2 5/23 14/22 30/13 36/8 37/18 54/2 57/21 67/6 69/9 81/7
alter [1] 55/21
alteration [1] 55/25
ALTERNATE [3] 1/17 1/19 1/20
alternative [1] 70/15
although [1] 56/6
always [3] 18/10 18/11 42/4
am [8] 6/25 14/16 17/13 35/14 59/19 59/22 63/9 81/21
amend [1] 36/9
amended [2] 20/3 20/9
amending [3] 60/7 60/8 61/19
amendment [1] 80/9
amenities [1] 14/24
amount [1] 70/3
analogy [2] 56/6 56/15
Angela [2] 4/21 14/8
angled [1] 20/17
another [8] 24/14 44/5 44/6 74/8 75/13 76/3 80/17 80/20
answer [3] 37/11 42/11 42/15
answered [1] 87/7
answering [1] 74/21
answers [1] 43/8
any [37] 6/12 8/21 9/17 10/21 11/11 11/19 11/22 12/7 17/14 17/14 18/24 19/20 23/18 25/15 29/10 29/15 31/3 31/3 31/16 32/6 33/17 33/23 33/24 38/25 39/23 43/9 57/10 62/10 65/10 68/10 69/11 69/15 70/24 71/7 73/25 81/25 90/23
Anybody [1] 79/2
anyone [4] 4/25 12/13 14/13 28/7
anything [21] 10/5 11/9 12/2 12/15 18/7 18/14 27/5 28/14 33/8 41/23 43/24 51/18 56/22 66/17 73/13 78/16 79/2 80/18 86/12 87/5 87/24
anyway [4] 54/21 72/15 73/3 74/21
anywhere [1] 11/5
apologies [2] 6/19 6/22
Apparently [1] 83/21
appear [1] 24/7
appearance [1] 8/21
APPEARING [1] 2/1
appears [2] 40/3 44/2
applicant [12] 4/17 5/1 6/20 8/3 10/21 14/6 35/13 60/5 61/6 63/14 64/19 90/1
applicants [2] 4/6 20/2
application [48] 3/5 3/7 3/9 4/9 5/11 5/25 10/11 12/16 12/22 13/9 13/10 13/14 13/24 14/21 21/17 34/7 34/7 35/5 35/6 35/7 38/14 39/9 39/17 40/3 40/4 46/19 47/19 47/21 48/9 48/23 49/2 53/11 59/18 59/23 60/7 60/8 61/20 62/10 62/13 63/6 66/2 68/15 69/9 70/2 80/4 82/6 82/13 82/19
applications [2] 4/6 8/1
applied [1] 9/17
apply [7] 49/6 54/10 54/12 54/16 54/22 54/24 55/8
applying [4] 40/6 40/13 55/19 55/21
appointing [1] 90/13
appropriate [1] 66/19

approval [5] 38/17 38/17 52/12 58/14 82/22
approvals [1] 66/19
approve [13] 13/11 13/13 21/16 22/8 30/2 34/6 37/8 43/3 58/8 65/24 67/3 81/24 84/5
approved [17] 8/8 8/12 20/4 21/7 21/18 21/19 28/25 35/1 54/14 56/17 56/17 57/4 80/11 82/13 84/4 84/13 86/8
approves [1] 19/18
approximately [2] 20/21 20/24
April [3] 90/10 90/17 92/8
April 15th [2] 90/10 90/17
ARB [2] 67/4 87/22
architect [2] 5/22 61/23
architectural [13] 1/4 4/3 7/11 12/14 14/18 17/15 29/18 65/9 65/11 68/11 79/4 80/12 90/18
are [85] 5/18 5/24 6/6 6/12 6/16 7/12 8/14 10/21 11/14 17/8 17/13 19/13 19/13 22/10 22/15 22/16 23/11 23/12 23/14 24/22 25/2 25/7 26/13 27/9 27/17 28/10 30/10 30/18 30/21 31/7 31/19 31/23 33/24 34/20 36/6 37/9 37/14 39/10 39/18 39/18 40/11 40/13 40/25 41/1 41/3 43/16 44/17 44/18 47/4 49/24 50/17 52/5 52/10 52/11 53/16 55/8 55/19 56/16 56/24 57/7 57/7 59/17 64/1 65/10 65/16 65/20 65/23 67/2 67/20 69/25 71/2 71/11 72/16 73/2 75/8 75/9 76/6 78/10 78/12 78/14 79/17 80/25 82/15 87/14 89/9
area [12] 14/23 17/25 18/3 20/18 26/24 53/18 63/17 66/24 68/18 69/21 71/21 71/22
aren't [1] 26/21
around [7] 4/7 26/4 41/16 58/4 65/20 77/13 82/14
art [1] 55/16
as [56] 5/9 7/1 11/13 12/7 12/7 14/23 15/10 16/3 16/5 17/2 18/3 18/21 20/3 28/8 28/8 29/9 29/9 30/7 31/5 31/5 31/12 37/21 37/23 38/19 49/23 50/21 50/21 53/19 57/6 57/13 58/9 59/23 61/7 61/7 62/4 63/17 64/3 68/18 69/5 73/24 78/16 79/4 79/16 80/22 80/22 81/24 82/3 83/13 84/15 84/15 85/24 86/19 86/19 89/25 90/1 90/22
ask [13] 17/18 17/23 22/20 28/3 45/10 46/11 47/13 48/24 49/21 49/23 52/17 67/14 82/24
asked [12] 19/10 44/21 49/5 52/24 53/15 57/25 64/19 64/22 82/10 82/23 85/21 88/10
asking [22] 10/11 36/20 37/19 37/20 37/21 40/2 40/22 43/21 43/23 44/4 45/2 45/4 45/20 50/1 50/13 52/3 53/3 53/6 55/2 65/21 68/16 75/18
asks [1] 43/6
assume [2] 26/23 26/25
assuming [1] 16/1
attached [4] 21/8 60/15 63/9 64/7
attention [1] 4/4
attorney [2] 1/21 19/11
augment [1] 21/13
authority [2] 30/5 88/3
automatically [1] 50/16
aware [1] 7/13
away [1] 87/21
Aye [12] 13/5 13/18 33/15 33/16 33/18 33/19 33/20 34/13 88/20 89/8 89/19 91/6

B
back [35] 5/10 8/1 8/18 10/8 14/24 17/24 18/5 26/11 29/11 30/6 32/19 35/22 36/3 38/22 41/25 46/6 48/10 48/18 53/14 54/13 54/21 57/5 71/21 82/8 82/9 82/17 82/19 82/22 82/25 83/8 83/10 83/11 83/20 88/24 89/1
backspace [1] 46/2
backwards [2] 50/6 52/3
bad [4] 75/11 75/12 76/7 84/15
bar [2] 18/12 18/14
based [4] 21/17 21/21 29/24 53/11
bases [1] 32/9

basically [3] 63/12 73/2 74/17
basis [1] 6/11
bathroom [1] 11/16
bay [15] 4/22 14/8 15/16 17/10 19/23 20/23 22/10 24/2 32/4 35/8 62/8 62/8 73/14 74/9 75/2
Bayberry [7] 35/8 35/11 35/18 59/2 62/8 63/19 69/11
be [114]
beach [23] 1/1 1/9 2/5 4/10 4/11 4/14 13/25 14/1 14/3 16/9 19/5 35/8 35/11 35/18 60/9 61/17 61/19 62/7 62/21 63/5 63/16 74/25 77/24
beautiful [1] 67/20
because [35] 9/16 16/7 22/17 24/14 25/5 25/7 26/5 26/23 28/11 29/6 31/11 37/3 40/3 43/8 43/16 47/14 48/5 48/17 52/7 57/6 66/25 71/8 75/20 79/22 80/2 82/19 83/12 83/13 83/25 84/22 85/7 86/4 86/21 88/1 90/4
bedroom [1] 11/15
Bee [1] 80/16
been [26] 8/8 15/1 15/3 15/10 24/6 28/11 28/18 30/8 41/20 42/4 42/7 44/2 44/8 47/25 48/2 48/20 61/25 68/18 72/4 73/19 74/24 75/22 77/6 77/8 82/6 82/7
before [11] 12/15 33/9 42/14 47/15 49/12 57/6 63/13 64/10 64/23 80/4 88/14
beginning [1] 82/18
being [12] 29/11 46/20 46/22 50/21 52/25 53/13 53/19 58/10 58/10 76/19 77/18 84/18
believe [10] 7/1 22/14 22/18 23/12 25/22 50/8 50/23 58/19 63/21 84/17
below [4] 58/10 59/5 79/11 79/12
benefit [1] 90/9
besides [4] 7/15 11/9 78/14 88/9
best [2] 59/6 62/4
better [8] 30/1 44/5 62/15 69/13 72/7 74/5 75/11 77/1
between [2] 69/23 90/12
beyond [1] 31/8
bicycles [1] 62/21
bigger [1] 74/15
biggest [2] 31/24 75/21
bikes [1] 68/6
binding [1] 88/3
bit [3] 4/8 17/19 28/15
blend [1] 30/1
block [1] 27/5
blocking [2] 73/12 73/14
board [56] 1/4 1/4 4/3 4/3 5/23 5/24 7/11 7/12 12/14 12/14 13/3 14/18 14/18 17/15 17/16 18/25 19/18 20/4 21/18 28/22 29/9 33/11 36/9 38/14 42/22 42/23 49/12 49/16 51/20 54/14 55/4 57/1 59/12 60/10 61/19 61/22 65/8 65/9 65/11 65/12 65/14 67/3 68/11 68/11 78/16 79/4 80/13 81/23 81/23 82/22 86/11 87/22 90/13 90/18 90/19 90/22
Board's [1] 29/18
Board/ARB [1] 87/22
BOARD/ARCHITECTURAL [7] 1/4 4/3 7/11 12/14 14/18 17/15 65/11
boat [10] 1/9 6/21 70/20 71/12 71/24 72/2 72/4 77/21 77/22 88/14
boats [1] 76/15
Bobocore [1] 2/3
bollard [1] 63/20
bollards [2] 62/23 67/11
Bonocore [3] 4/23 14/9 16/13
bordering [1] 62/9
both [2] 23/9 40/21
bother [1] 16/25
bottom [2] 25/7 81/4
bout [1] 17/19
box [5] 26/17 29/20 29/25 32/15 61/17
breathe [2] 26/6 26/19
bring [12] 10/5 18/18 21/9 21/14 42/17 51/19

B
bring... [6] 68/20 69/8 71/22 76/21 76/24 83/19
bringing [4] 68/24 70/11 77/4 77/8
brings [2] 70/17 75/14
broken [1] 74/13
brought [4] 46/20 46/22 73/21 74/13
brunt [1] 76/16
build [7] 26/4 37/9 46/25 47/1 50/15 51/4 51/6
building [84] 8/8 8/9 8/12 9/18 10/14 10/19 11/13 11/15 11/17 11/23 11/25 12/8 14/22 15/14 15/24 15/25 16/2 16/11 16/21 17/7 18/4 18/15 18/20 18/21 19/21 21/2 21/5 21/25 22/1 22/12 22/16 22/19 23/1 23/5 28/8 28/23 30/6 42/7 45/6 46/23 46/25 47/15 47/16 47/24 48/2 48/5 48/13 49/5 49/8 53/10 53/18 55/20 55/21 56/1 57/22 59/1 61/25 62/17 62/25 63/21 65/7 66/6 66/12 66/14 66/19 66/22 67/7 69/23 70/10 75/14 77/4 77/14 82/25 83/13 84/24 84/24 85/3 85/5 85/8 86/14 86/21 86/24 86/25 87/6
buildings [4] 29/15 31/4 31/4 62/6
built [3] 23/12 52/5 52/7
bumper [1] 59/3
Bungalow [18] 9/10 9/11 9/18 14/1 14/3 14/22 17/9 18/4 19/4 19/5 20/20 22/15 23/6 23/7 24/2 24/18 24/24 32/5
bus [5] 85/6 85/8 85/12 85/15 85/16
buses [1] 85/10
business [9] 21/24 38/4 39/21 45/12 49/18 53/13 53/19 54/2 73/20
businesses [2] 40/19 42/10
butted [1] 81/15
buy [1] 32/13

C
cabinets [1] 10/17
call [6] 4/2 7/1 7/4 7/15 14/14 18/12
called [1] 52/14
came [5] 41/15 84/1 84/16 85/3 85/4
can [62] 7/17 7/21 9/7 11/4 11/10 17/1 19/12 21/9 21/11 21/11 21/15 25/7 25/8 25/9 26/8 26/10 28/2 30/14 34/18 36/22 37/25 38/25 41/10 43/12 45/15 49/7 49/16 49/23 50/3 50/4 50/11 50/12 50/18 51/6 51/13 52/17 53/10 54/10 54/24 55/22 57/1 61/12 61/13 62/20 63/10 65/21 68/13 69/13 70/23 71/16 72/6 74/20 77/20 78/15 78/15 79/13 79/21 80/17 85/25 86/1 88/4 88/13
can't [23] 7/6 25/21 31/16 37/18 37/20 38/19 43/1 43/10 43/13 43/19 45/16 45/17 45/18 50/9 51/19 52/8 54/6 54/16 55/5 58/7 67/21 72/20 86/17
cannot [3] 41/5 56/1 67/3
canopy [2] 19/25 20/1
cans [1] 11/10
capable [1] 20/14
care [2] 31/9 80/10
carries [1] 89/20
carry [1] 70/19
carryout [1] 40/18
cart [7] 72/14 72/17 73/3 73/5 73/6 73/7 73/8
carts [5] 69/17 69/18 72/11 72/15 73/4
case [2] 6/5 6/8
category [1] 50/17
cause [1] 86/4
cedar [4] 20/1 58/10 62/9 79/24
ceilings [1] 47/11
cement [6] 58/11 59/5 62/2 64/19 79/13 79/25
Center [1] 86/20
certain [2] 82/1 90/12
certificate [3] 10/8 10/9 10/15
CERTIFICATION [1] 92/1
certify [1] 92/4
cetera [4] 56/19 56/20 58/11 62/22

CHAIRMAN [8] 1/14 34/18 39/15 40/2 56/5 67/10 86/11 89/24
chairs [4] 14/24 17/20 17/24 18/2
challenge [1] 46/14
change [14] 4/13 14/2 32/19 53/20 54/20 64/22 65/3 72/2 72/3 72/4 72/6 72/9 76/22 77/11
changes [3] 72/9 80/13 80/14
changing [5] 45/21 71/5 75/10 75/23 77/12
Chapman [3] 1/23 92/3 92/11
charcuterie [1] 18/18
check [1] 24/9
checked [3] 24/8 30/4 30/7
chief [10] 12/1 12/11 49/23 61/23 72/10 72/23 73/1 77/21 78/5 86/19
chronological [1] 10/7
circles [1] 65/20
circumstances [1] 41/6
citing [1] 40/14
citizen [1] 83/3
clarification [1] 58/22
clarify [3] 41/10 74/22 83/20
clarifying [1] 61/3
clean [4] 28/15 29/20 74/22 77/17
clear [5] 8/16 36/24 55/7 55/10 79/23
Clegg's [7] 61/25 62/6 62/12 62/19 62/20 62/25 63/15
Clients [1] 68/4
close [8] 12/15 12/19 12/21 12/23 27/14 33/12 34/4 34/5
closed [2] 13/6 13/8
clothing [1] 39/2
Club [1] 73/6
clubs [1] 69/18
code [15] 36/24 37/16 37/24 38/16 38/25 38/25 39/17 40/10 43/11 43/12 53/7 53/8 53/9 53/14 66/24
colored [1] 63/18
come [16] 8/18 18/4 36/3 38/22 46/4 46/17 49/11 49/16 50/9 50/10 51/3 54/21 65/17 68/4 69/11 83/11
comes [8] 43/6 57/13 69/7 70/4 73/10 74/16 87/23 88/14
coming [7] 38/13 57/5 69/14 71/11 71/23 72/2 86/13
commentary [1] 68/10
comments [4] 10/21 11/12 59/24 90/24
commercial [1] 77/14
Commission [2] 48/12 48/15
commodities [3] 37/14 39/10 56/24
commonly [2] 69/8 69/25
community [4] 37/15 39/11 56/25 86/20
companies [1] 42/9
complaint [1] 28/7
complete [2] 40/3 57/6
completed [1] 36/10
completion [1] 10/15
complied [1] 22/5
comply [1] 54/5
concern [3] 42/21 42/22 82/3
concerns [2] 28/10 90/15
conclude [3] 79/21 90/4 90/6
concluded [1] 35/25
condition [6] 21/23 22/11 24/14 33/6 57/2 58/14
conditional [1] 57/15
conditionally [3] 56/17 57/4 57/11
conditioner [5] 24/17 25/22 26/5 26/19 27/12
conditioners [9] 22/16 23/9 23/10 23/11 24/1 24/23 26/13 26/22 32/13
conditioning [9] 21/1 21/3 22/9 23/2 25/11 28/1 29/14 30/15 32/1
conditions [9] 9/17 19/13 19/19 21/8 21/18 24/6 30/4 31/6 34/8
conduct [1] 49/18
conducted [1] 39/21

confidence [1] 43/2
conflating [1] 78/9
conflict [2] 8/19 8/21
congested [1] 68/9
congestion [2] 67/22 67/25
consciously [1] 67/21
consider [6] 4/12 14/1 17/5 30/11 30/13 35/9
consideration [1] 76/23
considered [1] 59/12
CONSTANTINE [16] 1/17 5/23 8/2 11/18 30/2 31/19 32/14 44/18 57/25 59/17 63/13 64/3 64/5 67/19 86/6 90/13
Constantine's [1] 10/22
construction [2] 39/25 59/8
continuation [4] 4/9 4/12 35/9 35/21
continue [3] 16/15 19/12 37/21
continued [1] 64/24
continuing [1] 48/23
continuous [1] 10/9
contract [2] 43/1 51/20
contractor [1] 68/4
contractors [1] 61/22
cool [1] 76/9
copper [1] 20/17
corner [7] 26/21 27/24 27/25 50/3 62/24 62/24 63/21
correct [22] 5/18 6/16 9/5 9/6 16/22 22/2 35/23 40/5 46/21 46/22 48/1 48/7 48/8 55/23 58/12 67/8 79/6 81/17 82/4 82/4 83/22 87/19
correctly [1] 40/25
correspondence [1] 79/15
cost [1] 84/18
Cottage [4] 4/11 4/14 9/12 10/2
could [18] 5/15 17/18 26/6 26/15 26/17 27/13 30/2 35/15 46/11 56/5 57/11 69/19 72/21 74/12 74/22 75/2 76/13 86/18
couldn't [2] 56/8 84/17
Counsel [1] 89/3
counter [1] 40/17
couple [5] 14/24 18/1 25/3 41/3 55/11
course [4] 46/15 51/12 66/18 81/22
Court [1] 1/23
courtesy [1] 69/5
covenants [1] 62/14
coverage [1] 67/2
covered [2] 25/8 26/7
Covering [1] 32/9
crafts [1] 38/8
CRAIG [3] 1/16 33/1 58/17
crashing [1] 85/2
crazy [1] 80/7
cream [1] 76/7
created [1] 36/4
creating [3] 66/4 74/7 74/15
cross [2] 62/6 63/14
cucumber [1] 18/17
current [6] 10/14 42/18 43/22 62/13 62/19 81/10
currently [7] 5/13 5/18 47/10 63/3 63/4 68/17 76/20

D
dairy [1] 41/24
date [2] 52/15 57/12
dated [4] 20/7 21/21 60/6 64/4
DAVID [9] 1/20 7/1 7/3 7/5 7/14 7/19 7/21 34/22 60/19
day [7] 37/5 51/15 51/22 60/25 75/4 90/20 92/8
days [1] 30/14
deal [1] 86/17
dealt [2] 58/9 86/16
decide [2] 78/23 88/6
decided [3] 5/16 48/18 90/3
deciding [1] 78/16
decision [2] 19/3 88/4

D
decorative [1] 30/25
deed [1] 55/18
deeds [1] 56/18
defend [1] 87/18
definitely [1] 70/1
delayed [1] 33/22
deli [1] 41/22
demo [3] 47/3 47/12 47/17
demoed [1] 47/13
demolition [1] 46/24
denied [2] 48/10 48/13
deny [1] 48/4
department [1] 72/18
depends [1] 77/9
described [4] 56/14 64/9 79/16 79/20
design [3] 20/3 58/23 79/15
designed [1] 40/19
determination [1] 87/25
determine [1] 49/5
develop [1] 19/11
developer [1] 52/5
dialogue [1] 90/12
did [24] 5/11 5/15 5/15 9/10 13/12 24/9 30/8 34/14 35/25 36/9 36/9 36/13 48/21 58/17 60/19 60/21 60/22 60/25 61/9 84/7 84/9 86/7 86/11 87/1
didn't [19] 6/21 11/19 13/22 16/25 26/24 48/4 52/7 60/17 61/3 61/8 72/25 77/25 82/24 83/21 83/25 84/5 84/8 86/22 87/5
different [9] 8/8 8/9 42/7 43/22 49/25 50/21 71/3 75/19 78/10
differently [2] 75/25 84/22
difficulty [1] 86/15
dimensioned [1] 63/23
dining [1] 18/7
Direct [1] 15/17
directed [1] 19/22
direction [1] 78/6
directly [3] 56/25 73/11 73/12
directs [1] 79/15
disagree [2] 74/18 74/19
disagreed [1] 58/1
disappears [1] 74/17
discuss [1] 21/12
discussed [2] 64/21 64/23
discussing [3] 9/14 66/8 66/10
discussion [7] 5/10 56/4 65/10 78/18 78/23 79/1 83/5
discussions [3] 11/22 11/24 61/21
disregard [1] 79/15
distribution [1] 15/21
district [2] 85/14 85/17
divert [1] 20/18
divide [1] 56/11
division [1] 66/13
divvy [1] 53/12
Dix [4] 4/24 5/3 14/10 14/12
do [87] 5/16 8/13 8/19 8/20 10/5 12/2 16/10 16/23 17/11 18/18 19/22 20/9 25/1 25/14 27/13 28/14 28/23 29/6 29/6 31/3 31/9 32/11 32/18 34/10 37/10 38/2 38/15 43/19 43/24 44/15 45/16 46/10 46/24 47/6 47/7 47/13 47/25 49/4 49/14 50/8 50/9 51/11 51/12 52/14 53/15 54/12 57/25 59/4 65/17 65/21 67/15 67/19 69/20 70/23 71/6 71/13 74/20 75/1 75/5 75/8 78/15 78/16 78/23 79/17 80/17 82/6 82/23 82/24 83/12 83/15 83/17 83/23 84/20 84/20 85/25 87/4 88/4 88/9 88/13 89/4 89/16 90/3 90/22 90/22 90/23 91/1 92/4
dock [1] 73/10
documentation [1] 10/13
documents [1] 80/2
does [9] 12/13 12/18 42/16 57/16 57/18 69/7 75/16 83/16 85/11

doesn't [8] 16/19 28/7 42/3 44/1 54/22 70/24 73/25 85/9
doing [11] 16/1 17/23 45/13 47/4 54/19 55/23 65/15 65/18 75/4 76/20 77/6
dollies [1] 70/18
domain [1] 82/15
don't [70] 7/16 9/24 10/25 11/8 12/7 15/6 22/18 23/25 24/20 25/17 25/19 25/24 26/12 27/1 27/7 27/8 27/8 27/12 27/15 28/20 28/22 29/4 30/16 31/9 31/18 31/18 32/6 39/4 41/7 41/8 41/12 41/12 42/1 42/12 42/15 42/17 43/8 47/21 48/5 49/25 51/10 51/13 52/14 53/17 56/21 63/11 67/1 67/23 68/8 68/12 71/5 71/18 72/1 73/9 73/12 73/16 75/13 76/10 76/14 78/13 80/10 80/17 81/8 81/11 82/17 82/17 85/1 86/23 87/12 88/10
done [6] 22/21 22/23 30/8 51/14 51/22 80/4
door [10] 11/8 15/19 19/21 24/15 64/13 70/16 75/15 76/22 77/5 77/16
doors [2] 47/19 77/9
doorway [2] 44/11 45/1
doorways [1] 70/10
double [1] 11/8
doubling [1] 66/25
down [12] 17/1 17/5 17/11 69/11 69/15 74/13 79/11 83/24 84/2 84/3 86/2 90/1
downstairs [1] 31/11
drawing [5] 8/13 44/17 44/19 63/9 63/12
drawings [9] 44/10 58/20 59/11 59/15 62/11 81/9 81/10 81/12 86/7
drew [1] 8/7
drink [1] 40/19
drinking [1] 40/17
Drive [2] 4/24 14/10
dry [3] 40/7 41/24 63/2
due [3] 8/17 67/17 67/22
during [2] 58/20 72/13

E

each [2] 11/15 77/21
earlier [2] 53/15 82/5
easement [2] 67/15 81/24
easier [1] 69/20
easiest [1] 32/21
east [14] 20/13 21/5 22/11 23/1 23/4 24/18 24/23 28/23 29/5 61/24 64/13 64/17 81/6 81/7
eastward [1] 19/22
easy [1] 71/15
eating [1] 40/16
EDJ [2] 60/6 61/17
effective [1] 19/9
egress [5] 12/8 19/20 26/24 70/21 74/23
eighth [1] 21/23
either [5] 23/17 24/2 32/16 32/23 75/6
either/or [2] 32/16 32/23
elaborate [1] 17/19
element [1] 30/25
elevation [4] 10/18 20/16 64/17 64/17
elevations [2] 64/15 64/18
eliminate [1] 71/8
eliminated [1] 68/22
else [11] 4/25 7/15 8/10 14/13 21/13 33/1 33/8 34/23 54/20 56/18 79/2
email [3] 60/15 60/23 61/4
emails [2] 60/18 60/25
emergency [1] 71/15
eminent [1] 82/15
employees [2] 39/22 57/9
enclosed [1] 52/6
encourage [1] 71/6
encroach [1] 82/2
encroached [1] 82/14
encroaching [1] 81/20
encroachment [3] 48/17 48/19 81/25
end [2] 55/8 69/24
enough [1] 27/23

entire [1] 86/2
entity [9] 45/8 45/10 45/10 45/20 46/7 46/20 46/22 50/8 50/23
entrance [2] 68/18 68/24
entrance/exit [1] 68/18
entrances [2] 44/8 44/9
equally [1] 75/11
equipment [2] 39/23 57/10
ESQ [1] 1/21
essentially [2] 58/24 59/11
establishment [3] 39/1 53/3 78/9
establishments [1] 40/17
estate [4] 42/9 52/5 55/17 68/3
et [4] 56/19 56/19 58/11 62/21
even [8] 8/20 11/9 26/18 27/7 30/22 44/21 81/18 86/12
eventually [1] 47/11
ever [2] 15/5 15/10
every [8] 51/15 51/22 71/17 73/21 74/19 75/4 78/4 81/18
everybody [4] 5/4 13/21 33/1 59/25
everyone [8] 6/25 30/6 34/21 34/22 58/17 60/5 60/10 61/8
everything [8] 12/4 36/18 36/20 75/10 79/12 83/24 84/2 88/10
evidence [1] 58/19
evidently [1] 28/5
exactly [2] 36/15 57/14
examination [2] 9/23 10/6
examined [1] 10/2
examples [1] 84/25
except [7] 36/19 43/9 43/10 59/10 64/7 82/23 82/24
exception [1] 59/2
exchange [1] 83/4
excuse [2] 40/24 56/7
executive [6] 88/25 89/2 89/10 89/11 89/13 89/22
exist [3] 44/11 44/25 82/21
existed [2] 18/11 86/9
existing [11] 18/10 20/19 31/8 37/21 55/14 62/18 63/24 64/10 70/16 84/10 84/12
exists [4] 28/25 67/23 68/1 83/13
exit [7] 68/18 69/21 77/18 77/19 77/21 77/22 78/3
exitance [1] 16/9
expanded [1] 62/20
expansion [1] 86/13
expire [1] 57/16
explain [4] 47/22 61/13 75/6 80/3
explained [1] 82/3
extend [4] 25/1 31/8 31/12 31/22
extending [2] 24/17 32/7
extension [1] 19/10
extent [2] 47/8 82/21
exterior [9] 20/13 57/22 57/25 58/2 61/24 65/7 65/8 66/6 79/5
eyesore [1] 83/14

F

facade [2] 25/21 25/25
face [6] 23/15 23/17 30/12 30/24 31/9 86/2
facing [21] 22/13 23/6 23/7 23/14 23/18 23/22 24/18 24/23 26/22 26/25 27/18 27/25 28/1 29/14 31/17 32/3 32/4 63/18 64/12 64/13 76/10
fact [1] 81/19
facts [1] 84/1
falls [2] 37/24 50/16
family [3] 15/8 73/19 73/20
far [6] 25/1 50/21 55/12 61/7 65/2 80/22
fashion [2] 21/11 33/6
fast [1] 40/18
favor [8] 13/4 13/17 33/14 34/12 88/19 89/7 89/18 91/5
feedback [2] 8/17 80/19

F
feel [2] 59/23 87/25
feet [4] 20/21 52/6 63/23 63/24
fence [1] 11/5
ferries [1] 69/19
ferry [6] 62/7 69/21 72/12 75/22 78/3 84/19
few [1] 69/12
fifth [1] 53/9
figure [2] 47/20 49/2
file [12] 5/12 5/13 9/11 10/1 10/2 10/4 10/6 11/19 11/21 28/21 30/4 30/6
finally [1] 57/5
financed [1] 52/8
find [4] 5/15 5/16 11/19 50/4
fine [4] 16/25 30/22 30/24 67/6
finish [5] 21/10 29/3 75/4 79/20 86/8
finished [4] 22/22 58/4 78/23 79/2
FIRE [11] 1/2 12/1 15/18 16/9 16/19 17/10 21/23 49/23 61/23 62/5 86/19
firmed [1] 49/4
first [10] 6/21 8/11 26/7 50/22 52/8 62/14 67/12 79/11 79/12 79/25
five [9] 7/25 11/10 25/4 34/20 35/1 88/12 88/16 88/21 88/23
five inches [1] 25/4
five-minute [1] 88/23
fix [1] 86/10
floor [21] 19/25 23/20 26/7 26/8 27/4 27/4 27/13 62/14 62/15 64/8 65/10 68/17 74/3 79/11 79/13 79/24 79/25 81/1 81/3 81/3 81/5
flow [1] 69/13
flush [5] 21/2 31/16 31/19 32/1 32/13
folks [1] 72/24
following [1] 19/19
food [24] 18/2 37/22 39/1 39/4 39/4 39/11 40/7 40/9 40/18 40/19 41/3 41/8 43/25 44/1 45/17 45/18 50/20 53/3 53/10 53/25 63/2 68/21 68/24 73/15
foods [1] 76/8
foot [3] 20/24 63/23 64/12
forbids [2] 53/7 53/8
forego [3] 43/21 53/4 53/6
forget [1] 13/22
forgoing [1] 92/5
former [2] 15/8 22/4
forward [6] 50/12 57/1 57/11 57/13 57/17 61/13
found [1] 9/8
fount [1] 32/13
four [6] 10/15 11/15 24/24 25/4 28/12 58/25
four inches [1] 28/12
frame [1] 85/22
free [1] 87/25
freight [26] 68/20 70/3 70/6 70/12 70/17 70/19 70/20 71/21 71/23 73/10 73/10 73/22 73/24 74/1 74/9 74/16 75/2 75/15 75/16 76/15 76/17 77/4 77/18 78/8 78/10 78/14
Freights [1] 71/11
front [32] 11/8 21/5 22/12 22/14 22/15 22/18 23/8 23/10 23/16 23/19 25/21 27/14 27/25 28/1 32/2 35/10 38/14 41/13 49/12 51/19 52/7 54/13 54/21 58/7 58/10 64/2 66/22 72/12 75/21 77/18 77/19 78/4
fronts [1] 53/21
frozen [2] 41/24 76/8
full [2] 15/10 75/1
full-time [1] 75/1
furniture [1] 18/1
furring [1] 82/2
further [8] 5/14 10/12 28/20 29/4 61/21 68/10 82/8 90/14
future [2] 42/16 74/1

G
gable [2] 20/14 27/6

gabled [1] 23/8
gallery [9] 16/21 38/6 41/7 46/3 46/4 46/8 46/9 63/4 65/16
garage [9] 42/8 68/18 71/22 73/11 74/16 76/22 77/5 77/19 78/4
garbage [12] 69/6 69/7 70/8 70/25 71/1 71/21 75/5 75/7 78/14 85/24 85/25 86/1
garbage/freight [1] 78/14
gate [1] 64/1
gave [1] 37/5
general [1] 32/8
generally [1] 51/3
George [1] 73/1
get [36] 5/5 24/21 24/22 30/2 38/17 38/17 43/1 44/24 49/3 49/8 49/13 50/4 52/8 52/19 54/14 55/18 56/2 58/3 60/17 60/19 60/21 60/25 61/3 71/16 74/10 75/8 77/23 82/13 84/1 84/23 87/22 88/2 88/11 89/3 90/16 90/20
getting [8] 6/14 12/8 52/12 56/18 56/19 66/18 76/16 89/23
giftshop [1] 39/2
GINA [12] 1/19 6/15 6/16 6/19 6/23 6/25 12/25 17/17 34/21 45/23 60/21 65/13
give [13] 5/17 19/9 37/4 50/12 50/15 71/10 72/10 77/20 81/23 83/4 88/3 88/6 88/9
given [6] 6/18 12/17 19/1 33/10 34/1 59/6
glass [2] 64/11 64/12
go [21] 24/3 25/14 27/7 30/15 32/19 38/18 48/25 49/6 50/4 50/12 53/14 54/13 56/14 59/9 59/15 66/22 69/1 82/17 88/25 89/2 90/21
goes [8] 25/12 25/16 61/7 73/11 77/10 82/8 82/9 82/19
going [59] 4/8 5/14 6/10 8/2 16/15 17/23 18/12 19/2 22/8 30/12 38/15 38/23 43/5 43/14 46/1 46/3 46/5 46/5 46/17 47/4 47/6 47/22 49/3 49/8 51/21 53/4 54/1 57/14 57/22 58/6 58/7 59/4 61/5 65/5 65/25 66/18 67/24 68/8 70/6 70/8 71/6 72/2 72/3 72/4 72/5 72/8 74/9 74/11 75/8 77/1 77/13 77/16 78/5 79/17 80/6 82/17 83/20 88/11 88/24
golf [8] 69/16 69/18 72/11 72/14 72/15 73/3 73/4 73/7
gone [2] 52/15 65/20
gonna [12] 31/21 36/7 47/25 54/3 55/18 57/9 67/6 71/2 76/9 86/2 90/10 90/23
good [4] 4/1 6/24 31/5 67/16
goods [9] 37/13 39/9 39/21 40/7 41/24 41/24 56/23 63/2 68/6
got [10] 6/6 19/8 43/8 48/14 48/15 60/11 60/14 60/24 79/3 83/3
grade [1] 81/5
grand [1] 82/12
grandfathered [2] 53/18 54/1
grandfathering [1] 54/4
grant [2] 57/12 67/14
granted [1] 41/5
grassy [1] 20/18
GRAY [1] 1/21
great [1] 91/8
green [1] 72/10
groceries [3] 41/21 41/22 71/11
grocery [2] 73/20 73/21
ground [7] 27/4 68/16 74/3 81/1 81/3 81/3 81/4
guess [8] 19/7 26/3 56/5 57/10 57/20 65/4 77/3 83/23
guests [5] 18/3 18/20 62/16 62/16 69/17
gun [1] 50/13
gutters [1] 20/16
guys [8] 5/7 13/19 35/3 49/24 50/8 54/12 61/8 65/10

H
had [18] 8/13 9/22 11/22 11/24 16/10 28/6 28/7 30/10 35/22 48/15 58/9 67/10 72/25 80/13 80/19 83/23 83/24 85/5

half [2] 23/13 77/23
hand [2] 69/1 92/8
hanging [1] 84/14
happen [1] 90/8
happened [1] 47/14
happening [1] 56/18
happens [4] 13/23 18/22 57/15 66/17
happy [1] 28/10
hard [1] 80/3
hardly [1] 25/7
has [45] 14/19 15/1 15/3 22/19 26/19 28/11 28/13 37/6 37/22 38/1 39/6 41/2 42/3 42/7 43/25 45/10 48/2 48/20 50/6 50/22 51/4 51/7 51/8 52/5 53/3 54/15 60/5 60/10 61/9 64/4 64/19 66/22 68/2 72/4 73/19 73/20 73/24 74/19 76/23 82/6 85/8 85/21 86/6 86/14 87/4
hasn't [2] 47/25 52/23
hate [1] 66/12
have [142]
haven't [4] 44/21 48/6 61/14 61/15
having [4] 43/2 44/2 56/3 78/18
he [35] 6/21 8/7 8/13 46/14 48/10 48/11 48/13 48/14 48/15 49/15 50/2 50/3 50/4 50/6 50/9 50/11 50/12 50/14 50/18 50/19 50/22 51/4 51/6 51/7 51/8 52/18 52/23 54/10 54/10 54/22 54/24 64/21 65/3 86/7 87/13
he's [11] 7/6 7/8 7/10 8/5 40/22 52/22 52/23 54/18 55/2 61/12 64/22
hear [11] 4/8 7/6 7/17 7/21 28/10 34/14 55/5 56/8 58/17 72/20 77/25
heard [3] 55/11 85/3 87/16
hearing [26] 7/25 8/1 12/15 12/18 12/19 12/21 13/6 13/7 19/2 33/11 33/12 34/2 34/4 34/5 35/22 36/1 36/21 37/3 37/10 43/6 48/16 64/24 65/6 79/18 79/21 87/24
heater [1] 15/18
heavy [1] 72/14
held [1] 89/11
help [8] 67/24 70/2 71/16 72/16 74/3 74/22 77/17 83/18
helping [1] 86/3
helps [1] 87/18
here [34] 4/17 5/20 7/1 8/11 12/1 14/6 14/7 14/16 21/7 35/13 42/9 42/10 43/16 45/1 45/1 47/21 51/21 52/22 52/23 53/2 53/5 55/8 57/3 58/4 58/23 61/9 65/21 66/17 66/21 76/19 77/24 85/12 88/2 90/11
Here's [1] 36/21
hereby [3] 19/17 19/18 92/4
hereunto [1] 92/7
Hesse [1] 73/1
hi [3] 6/24 7/21 65/13
high [1] 63/23
highest [1] 62/5
Hills [4] 4/24 5/3 14/10 14/12
him [8] 5/5 50/9 50/12 50/15 52/24 54/16 54/19 64/21
hired [1] 86/20
his [4] 50/2 52/20 54/19 85/3
history [1] 82/18
hit [3] 85/24 85/25 86/1
hold [3] 21/4 22/22 58/3
honestly [1] 68/7
hope [1] 60/5
hopefully [1] 5/17
hoping [1] 65/16
hot [1] 15/17
hotel [26] 4/10 5/17 11/14 13/25 14/23 15/2 15/3 15/4 15/10 23/11 24/22 25/2 25/12 26/15 44/22 61/25 62/6 62/12 62/13 62/19 62/21 62/25 63/19 64/9 64/14 68/16
hotel/motel [2] 23/11 25/2
hotels [1] 69/17
hour [1] 88/13
hours [5] 17/5 17/11 39/23 57/8 75/4
house [2] 1/9 11/6

H
how [31] 15/1 15/3 25/1 29/2 43/4 43/7 46/5 48/14 51/12 52/9 52/15 54/2 67/23 68/8 70/23 72/8 72/9 74/9 74/22 75/1 75/5 75/8 75/16 76/5 76/25 77/6 77/12 77/20 77/22 78/1 78/3
However [4] 30/21 40/15 59/23 67/21
hub [1] 15/17
hundred [1] 75/23
hundreds [1] 68/20
hurting [1] 5/5
hypothetical [1] 71/10

I
I'd [3] 45/13 67/15 80/16
I'll [9] 7/9 9/2 17/10 17/11 19/11 19/14 51/16 57/3 90/1
I'm [60] 4/6 6/14 6/15 7/13 9/9 9/24 15/6 16/1 18/11 19/2 21/7 28/9 28/10 28/16 31/25 32/8 35/23 37/19 37/20 37/20 38/12 38/13 38/15 39/3 42/11 42/25 45/13 45/13 45/14 47/20 49/13 49/15 53/4 53/7 54/7 61/3 61/5 66/20 67/12 71/20 71/22 71/25 72/24 72/25 73/22 75/18 76/15 81/20 82/12 82/17 83/17 83/25 84/21 84/21 84/22 84/23 84/23 85/6 86/15 90/13
I've [2] 19/10 86/20
Ian [7] 12/2 50/25 51/2 55/5 86/19 86/19 86/19
ice [1] 76/7
idea [3] 68/23 69/10 76/7
ideas [1] 70/1
identify [3] 34/18 49/7 57/5
improve [1] 77/13
inaudible [3] 8/17 10/17 30/13
inch [4] 23/13 81/18 81/19 82/1
inches [5] 23/13 25/3 25/4 28/12 85/23
include [3] 57/22 58/7 62/12
included [3] 10/15 16/4 82/22
includes [3] 58/21 58/24 59/3
including [4] 20/2 29/15 59/1 70/2
incorporate [1] 90/16
INCORPORATED [1] 1/1
incorrect [2] 24/21 40/4
information [1] 60/3
ingress [1] 19/20
ingress/egress [1] 19/20
inherited [1] 76/2
inhibit [1] 71/7
input [1] 90/15
inside [10] 40/20 40/21 46/24 47/5 47/7 47/25 66/12 66/13 68/20 69/6
insist [1] 8/21
inspection [4] 9/4 9/10 9/11 9/16
inspector [5] 10/14 11/23 11/25 30/6 66/23
installed [1] 20/17
instance [1] 66/20
intent [1] 52/20
intention [1] 29/13
interest [2] 16/18 26/20
interested [2] 38/2 42/18
interior [2] 57/24 66/16
interiorly [1] 69/6
internally [1] 56/11
interrupting [1] 78/13
is [197]
island [8] 1/2 15/18 16/9 16/19 17/10 21/23 62/5 73/21
isn't [1] 39/8
issuance [1] 28/19
issue [10] 28/10 28/12 28/16 41/9 48/17 48/20 73/8 76/13 82/9 86/5
issued [1] 10/14
issues [3] 67/2 67/2 78/10
it [225]
it's [74] 11/5 11/7 13/7 15/17 15/19 16/3 17/2

17/24 18/15 20/7 20/11 22/12 23/20 23/22 25/11 26/23 27/7 27/25 28/2 28/9 28/13 28/16 34/2 38/24 39/9 39/18 41/18 41/20 42/2 43/11 44/11 45/7 45/7 46/3 46/8 46/10 47/18 50/18 51/14 51/22 52/2 53/11 53/17 53/22 54/19 54/19 55/3 55/14 55/15 56/10 57/4 60/9 61/7 61/14 64/4 66/2 66/23 67/6 69/25 71/2 75/12 76/7 76/11 80/3 80/3 80/8 81/2 81/3 82/7 83/14 85/11 85/15 85/16 86/15
items [2] 10/16 50/17
its [10] 19/8 37/21 37/21 43/21 46/9 50/7 62/9 66/25 69/8 69/16
itself [2] 31/12 74/5

J
jack [1] 74/19
Jackie [1] 12/10
jacks [1] 69/2
January [5] 5/10 35/22 35/23 64/24 79/18
January 25th [1] 35/23
Jay [1] 42/5
jewelry [1] 38/7
job [1] 50/10
Joe [15] 4/23 7/15 14/9 16/13 22/20 25/10 48/24 49/20 65/24 66/11 67/10 78/15 82/5 87/7 87/12
JOEL [15] 1/15 12/23 13/16 21/12 22/6 24/13 29/9 29/21 32/24 57/19 61/9 79/16 79/19 89/6 90/13
Joeseeph [1] 2/3
John [2] 85/1 85/2
joined [2] 14/15 14/19
Jon [10] 4/21 5/5 14/7 14/20 17/18 22/22 25/13 28/14 30/10 35/4
Jonneigh [1] 60/23
JOSEPH [1] 1/14
JUDY [12] 1/18 14/15 14/17 22/21 24/3 34/21 48/25 49/10 56/7 56/8 60/22 76/13
Judy's [1] 14/14
July [1] 57/3
jump [1] 46/18
jumping [2] 50/13 58/4
just [60] 7/14 8/16 10/25 14/24 16/3 17/18 17/25 21/7 21/13 27/14 29/7 32/8 33/21 36/15 38/9 38/24 41/4 43/11 43/17 47/3 47/12 47/13 47/14 48/6 49/10 53/7 53/23 53/24 54/13 54/16 55/10 55/15 56/10 56/13 58/21 58/22 59/10 61/3 64/8 66/20 67/9 67/15 71/7 72/22 73/17 75/18 76/6 76/13 76/15 79/16 79/19 81/14 83/8 83/11 86/18 86/21 86/22 87/21 88/10 88/25

K
KARALIS [4] 1/17 63/13 64/3 64/6
keep [3] 16/7 16/11 59/7
Ken [6] 13/2 19/10 21/15 33/5 33/23 43/11
KENNETH [1] 1/21
kept [1] 76/8
key [1] 23/25
kind [3] 50/6 52/20 53/5
kinds [1] 39/21
kitchen [2] 10/16 64/10
knew [1] 87/16
knock [1] 86/2
know [55] 5/21 7/16 10/25 11/9 15/6 17/22 24/5 24/12 24/20 25/24 26/12 27/1 27/7 27/8 27/8 27/15 28/20 29/4 29/25 31/18 31/18 36/9 36/13 36/24 37/1 38/10 41/12 42/1 42/6 42/12 42/16 42/17 42/23 43/16 53/7 53/17 54/16 65/19 67/1 67/2 68/12 71/13 71/18 73/12 73/16 76/13 80/22 81/8 82/6 82/17 83/6 85/1 85/22 86/5 87/13
knowing [1] 38/20
knows [1] 65/6

L
labeled [1] 63/19
lack [1] 44/4
land [1] 48/20
landlord [2] 38/13 45/14
landscaping [2] 20/3 25/6
Lane [4] 4/21 5/3 14/8 14/12
larger [1] 76/14
last [15] 8/12 15/21 22/18 36/10 37/3 38/1 38/12 68/17 74/25 79/9 79/18 80/5 80/12 80/18 86/16
late [2] 4/7 6/20
latest [2] 58/20 58/24
lathe [1] 32/15
lattice [8] 26/3 26/17 29/20 29/25 30/12 30/24 32/17 32/19
laundry [1] 11/17
law [1] 55/16
lawsuit [1] 51/16
lawyer [1] 61/23
leaders [1] 20/17
leads [1] 44/12
lean [1] 19/22
lease [2] 56/22 83/2
leases [2] 52/10 52/11
least [1] 19/7
leave [1] 89/12
leaves [1] 60/3
leaving [2] 68/21 74/1
left [6] 5/9 6/19 35/21 36/2 36/6 37/2
legal [1] 89/23
Leigh [3] 1/23 92/3 92/11
lemon [2] 18/5 18/17
let [12] 4/4 8/18 16/10 21/10 29/3 40/10 55/10 71/10 75/4 79/20 86/8 89/21
let's [6] 46/3 52/16 58/22 64/16 68/3 84/1
letter [2] 60/6 61/6
letting [2] 29/19 53/7
level [1] 59/3
license [1] 18/13
lieu [1] 64/20
life [1] 77/13
light [1] 72/11
lights [2] 20/13 20/15
like [37] 11/8 17/4 17/25 18/1 18/7 18/8 18/16 18/19 21/10 23/12 25/4 26/2 26/13 27/6 27/15 28/7 28/11 29/24 30/24 41/7 44/15 46/6 46/18 49/1 56/22 59/9 65/7 65/16 66/25 67/5 69/2 74/14 79/9 79/13 80/16 84/25 88/9
likes [1] 38/3
limit [2] 57/3 82/1
line [1] 79/12
liquor [2] 18/13 18/13
list [1] 61/4
listed [2] 39/19 62/2
listen [2] 52/4 81/23
listening [1] 42/6
listens [1] 90/1
lists [1] 41/1
little [7] 4/8 6/22 17/19 18/6 18/14 26/9 48/20
living [4] 37/15 39/11 56/25 74/24
LLC [4] 2/5 4/10 13/25 19/4
load [1] 78/8
lobby [9] 44/22 62/12 62/13 63/19 64/9 64/14 68/16 68/23 74/2
local [2] 38/4 51/23
locals [1] 69/12
located [3] 62/6 62/7 62/18
location [8] 38/5 38/5 39/24 44/9 59/7 69/9 71/21 84/22
locations [1] 39/25
lock [1] 38/19
Logistically [1] 74/10
long [8] 12/7 15/1 15/3 28/8 61/7 63/23 75/16 77/6

L
longer [3] 53/10 68/24 69/11
look [19] 5/14 5/14 26/6 26/9 26/16 28/8
28/20 29/24 30/5 30/22 30/24 31/5 31/25
38/18 39/16 40/15 65/7 67/20 80/1
looked [3] 5/22 12/3 60/12
looking [7] 16/4 37/13 42/19 45/14 47/1 66/20
84/15
looks [3] 38/3 66/25 67/5
lose [1] 54/3
lost [1] 6/22
lot [5] 16/24 35/25 67/1 69/19 83/4
lounge [1] 17/25
lowest [1] 59/3

M
made [13] 9/4 9/10 12/23 22/18 48/16 58/20
80/5 80/18 80/21 82/11 89/22 90/17 91/3
main [3] 70/13 70/21 70/22
mainland [1] 51/25
major [1] 65/3
majority [1] 77/17
make [26] 8/16 12/18 12/20 13/13 19/11
21/13 25/22 26/6 26/9 26/15 31/19 34/9 46/16
49/14 50/7 57/3 58/22 59/24 59/25 66/23
69/20 70/24 80/13 88/16 88/25 89/2
makes [1] 71/24
making [3] 59/10 75/10 80/13
malls [1] 52/6
many [7] 73/2 77/20 77/22 78/1 78/3 84/25
86/20
March [5] 1/8 10/10 60/7 61/18 64/4
March 15 [1] 10/10
March 20 [1] 60/7
March 21 [1] 64/4
Mark [5] 2/4 5/2 7/15 14/11 28/2
market [4] 30/14 42/8 63/16 63/16
material [6] 20/1 59/6 62/3 62/3 62/10 85/20
materials [3] 62/1 62/4 84/24
matter [3] 32/18 42/3 78/13
matters [1] 71/17
may [11] 10/13 21/3 22/20 28/18 41/14 46/18
48/24 68/12 69/2 73/24 90/20
May 12 [1] 10/13
maybe [9] 21/14 22/6 28/21 38/11 44/9 65/5
73/6 75/11 76/19
mayor [1] 83/10
me [51] 4/4 7/17 8/2 8/7 8/13 8/18 9/3 21/10
29/3 29/20 32/10 32/12 35/23 40/10 40/24
41/10 41/13 43/21 44/21 45/15 49/1 52/3 52/4
53/4 55/10 56/7 57/18 58/13 58/16 70/25 71/1
71/10 71/15 72/9 75/4 75/6 75/7 75/19 77/20
78/13 79/20 81/23 82/4 82/10 82/11 82/14
82/15 83/23 83/24 86/8 87/18
mean [3] 11/4 25/25 27/11
Meaning [3] 21/24 66/3 66/4
meaningful [1] 90/7
means [2] 62/3 85/23
meant [2] 18/2 26/13
meantime [1] 90/11
medical [2] 10/12 69/16
meet [2] 18/5 90/10
meeting [18] 1/5 4/2 8/12 14/19 18/3 18/19
36/10 36/11 36/17 38/2 69/17 69/18 72/3 80/6
80/12 80/17 80/18 89/14
member [9] 1/15 1/16 1/17 1/18 1/19 1/20 9/3
14/17 65/14
members [5] 6/12 7/11 7/25 17/15 68/19
memo [1] 10/10
mentioned [3] 58/21 67/11 73/17
Mercoglianos [2] 15/9 28/6
met [1] 24/6
metallic [1] 30/23
mic [2] 55/6 72/25
microphone [1] 5/6

middle [3] 71/13 76/5 76/10
might [7] 27/11 28/12 30/8 30/13 32/19 38/11
51/24
million [1] 77/23
millions [1] 52/6
mind [2] 27/12 78/13
minute [3] 88/12 88/17 88/23
missed [1] 6/21
misunderstand [1] 44/10
misunderstanding [1] 80/15
misunderstood [1] 76/19
modifications [1] 83/16
modified [1] 53/14
modify [1] 53/20
modifying [2] 53/13 54/2
moment [1] 49/22
months [2] 37/6 72/14
more [18] 15/16 16/23 25/3 25/3 30/3 31/2
31/25 36/24 37/5 37/17 44/11 45/13 54/9
69/22 72/5 86/13 86/14 90/6
morning [3] 4/1 4/5 6/25
mostly [1] 16/3
motel [4] 23/11 25/2 25/12 26/15
motel/hotel [2] 25/12 26/15
motion [23] 12/19 12/20 12/23 13/11 13/13
19/11 21/11 21/12 21/14 21/15 21/16 22/3
22/17 33/9 34/6 34/9 88/16 88/25 89/2 89/12
89/20 91/1 91/3
motions [1] 89/22
mount [2] 31/20 32/1
mounted [2] 21/2 31/17
move [12] 11/4 52/16 56/20 57/1 57/11 57/17
61/13 63/5 70/1 75/2 82/11 82/12
moved [2] 75/8 89/15
movement [2] 31/13 71/7
moving [4] 42/19 61/16 71/4 71/20
Mr [2] 34/18 39/3
Mr. [2] 56/5 89/24
Mr. Chairman [2] 56/5 89/24
much [5] 5/8 13/20 61/15 73/24 76/6
multiple [1] 42/10
muster [1] 30/21
muted [1] 7/5
my [32] 6/19 6/22 24/21 32/9 32/16 35/17
35/17 49/9 49/18 53/9 55/7 56/9 58/5 60/18
60/25 61/23 69/13 69/23 70/2 73/19 73/20
77/4 78/4 80/19 81/16 81/19 82/13 83/14 85/3
89/25 92/6 92/8
myself [8] 6/4 6/8 7/14 8/22 29/21 49/12
59/22 73/23

N
name [6] 4/19 35/15 35/17 54/19 54/20 85/1
Natalie [3] 83/3 87/9 87/11
nature [2] 30/23 84/18
nearby [1] 71/2
necessary [1] 32/18
need [13] 5/5 17/7 37/1 38/10 49/2 49/17
51/10 56/1 72/16 74/12 76/25 77/3 83/16
needed [3] 19/20 36/24 37/4
needs [5] 26/5 62/20 76/8 83/18 84/24
negotiate [1] 87/25
negotiated [2] 83/9 87/21
negotiating [1] 83/2
never [11] 28/11 52/12 57/14 58/3 60/11 60/14
60/24 79/3 84/13 86/11 86/12
new [29] 1/2 1/10 4/11 4/14 4/22 4/24 5/3 14/1
14/4 14/8 14/10 14/12 18/9 19/5 19/9 21/9
35/8 35/10 35/11 35/18 36/20 39/8 53/21
54/15 54/17 55/18 61/18 63/22 92/4
newly [1] 36/4
News [5] 15/18 16/9 16/19 17/10 21/23
newspapers [1] 15/20
next [10] 13/9 17/5 17/11 35/5 35/6 41/2
42/17 63/18 65/5 69/4
nice [2] 33/6 67/21

nine [2] 34/7 87/2
ninth [1] 22/7
no [72] 6/18 7/10 8/4 8/11 9/9 9/15 9/16 9/19
9/21 10/12 10/23 11/20 11/20 11/24 12/11
12/12 12/17 16/17 18/1 18/13 19/1 20/1 20/25
21/24 22/9 22/25 23/2 23/7 23/9 23/19 23/24
24/16 25/6 27/4 27/6 29/1 29/12 32/18 33/10
34/1 34/14 34/16 36/15 36/18 36/18 39/11
42/13 47/2 48/9 49/8 53/10 54/15 54/18 55/14
55/15 60/20 65/2 68/23 69/14 73/4 73/7 78/20
78/20 78/20 80/1 81/20 83/25 84/8 84/11 88/3
89/21 90/25
Nobody [1] 28/13
none [4] 12/18 19/2 23/16 25/15
Nope [1] 60/14
normally [1] 38/7
north [21] 10/17 10/18 19/21 20/16 21/2
22/10 23/17 28/24 28/25 58/8 61/24 62/25
63/15 64/11 64/12 64/17 69/23 70/16 71/8
81/6 84/14
northeast [3] 27/25 62/23 63/20
northwest [1] 62/24
not [107]
Notary [1] 92/3
notations [1] 64/5
note [2] 20/5 64/5
noted [3] 20/3 20/3 91/10
notes [3] 64/1 80/5 92/6
nothing [6] 21/6 33/11 35/1 36/16 46/10 87/4
noticed [2] 46/23 47/15
now [39] 6/13 7/6 7/18 9/14 11/5 14/14 19/17
21/22 24/14 25/5 27/19 28/16 37/6 42/20 43/1
44/3 44/15 45/20 47/21 53/14 53/15 53/21
54/1 64/24 68/1 69/9 71/4 71/5 73/14 74/9
76/22 78/15 78/19 79/7 82/23 86/4 86/8 86/13
86/22
number [22] 3/5 3/7 3/9 4/10 12/22 13/10
13/14 13/24 14/21 19/3 19/4 19/6 19/19 35/7
39/22 57/9 60/8 61/20 64/9 64/11 69/4 77/20

O
obstruct [1] 31/12
OBT [7] 39/6 39/6 39/8 41/11 41/17 68/19
70/10
obviously [3] 31/10 31/11 31/21
occupancy [2] 10/10 45/22
occupy [1] 69/2
occupying [1] 68/25
OCEAN [21] 1/1 1/9 2/5 4/10 4/11 4/14 13/25
14/1 14/3 16/9 19/5 35/8 35/11 35/18 60/9
61/17 61/19 62/7 63/5 63/16 77/24
off [17] 5/9 18/15 30/4 30/7 35/21 36/6 69/24
71/12 71/21 71/24 72/2 73/10 74/17 75/2
82/11 84/14 89/11
offer [2] 42/20 51/9
offered [1] 39/22
office [11] 10/12 16/3 16/5 16/19 17/3 37/25
40/8 63/3 68/2 68/3 85/3
officer [1] 85/1
offices [3] 15/13 15/19 37/16
officials [1] 61/22
often [1] 18/22
Oh [5] 10/4 13/12 17/4 53/24 85/11
okay [37] 7/3 7/9 7/10 7/23 8/23 9/1 11/11
11/18 12/6 15/12 17/13 19/15 20/12 24/11
24/13 24/19 32/10 32/10 32/25 33/2 33/5 34/2
34/24 34/25 36/22 40/24 48/19 52/9 53/8
59/16 60/3 61/5 64/18 79/14 82/16 88/19 91/5
old [4] 47/3 80/6 81/11 81/13
once [4] 38/17 49/4 49/14 53/20
one [46] 4/6 5/4 5/14 5/15 5/16 8/7 9/13 9/17
11/16 17/9 17/9 19/9 20/24 21/4 30/3 30/10
30/11 34/21 42/7 42/18 46/19 47/14 52/7 53/9
53/23 53/24 54/9 61/21 62/23 62/24 64/9
64/11 64/13 65/4 66/2 68/4 69/3 70/11 74/7
74/15 74/21 77/1 77/16 78/5 80/19 86/18

O
ones [5] 25/2 25/7 25/8 26/15 85/7
only [18] 6/15 9/21 9/22 10/24 17/8 23/8
24/15 27/16 36/1 41/15 59/12 64/1 72/15 74/3
77/4 77/16 85/5 88/4
open [8] 11/8 19/25 29/19 29/23 42/4 65/10
82/6 82/7
opening [1] 63/10
operate [3] 42/19 53/16 54/6
operated [1] 53/20
operates [1] 63/5
operating [3] 5/18 21/25 45/12
operation [2] 39/23 57/8
opinion [4] 32/16 49/9 69/14 83/14
opposed [5] 33/17 33/23 33/24 33/24 33/25
option [2] 9/1 62/4
options [2] 38/16 38/19
order [4] 4/3 10/7 35/5 49/17
other [18] 7/10 11/11 17/14 18/24 22/12 27/20
40/18 42/6 67/9 69/1 69/12 69/15 69/18 71/7
72/3 73/5 73/13 73/25
otherwise [1] 90/8
our [17] 5/9 9/3 11/16 14/24 15/17 18/3 19/10
29/12 38/1 38/5 49/18 62/16 69/6 72/17 76/16
88/5 90/2
ours [1] 25/15
out [47] 15/23 15/25 18/5 18/21 19/22 21/20
23/13 24/23 26/25 27/7 27/14 28/12 30/17
31/4 38/18 40/25 41/4 42/17 46/25 47/1 47/3
47/20 49/3 50/4 51/4 51/6 54/7 54/13 55/22
56/25 59/5 59/7 67/10 67/15 68/4 71/16 75/8
76/4 76/9 76/24 79/22 84/1 85/4 85/4 85/22
87/23 90/5
outdoor [2] 10/16 17/20
outside [7] 9/5 9/15 9/17 26/16 40/20 40/21
68/21
over [2] 26/18 80/6
overall [1] 44/3
own [7] 46/9 50/7 81/19 83/21 83/25 87/1 87/5
owned [2] 15/7 19/23
owners [2] 15/8 22/5
ownership [2] 4/13 14/2
owns [1] 81/15

P
p.m [1] 91/10
P.O [1] 61/17
pages [1] 3/4
pails [1] 75/7
paint [5] 11/10 62/2 81/20 86/20 86/24
painting [1] 86/12
palette [1] 74/19
pallet [3] 69/2 71/15 74/19
pallets [4] 68/21 71/12 73/15 74/11
palms [11] 2/5 4/10 4/10 8/11 13/25 13/25
15/4 15/8 17/9 19/4 26/8
panes [1] 64/12
paper [1] 51/14
parallel [1] 64/2
parentheses [1] 19/24
park [1] 83/3
part [6] 11/13 44/2 45/19 66/14 81/24 83/5
partial [1] 64/18
participating [2] 6/13 6/16
particular [1] 74/4
parts [1] 73/4
party [1] 55/22
pass [1] 30/21
passed [1] 19/7
passing [1] 73/18
pavers [2] 20/19 20/21
people [19] 18/4 18/21 34/15 34/17 42/6 55/12
68/5 71/23 72/2 72/3 72/3 77/21 77/22 77/24
78/1 78/3 78/10 85/12 90/12
per [1] 71/15

pergola [1] 17/25
perhaps [2] 30/12 69/12
period [1] 29/14
permanent [1] 10/25
Permed [1] 39/6
permissible [2] 21/3 66/24
permission [11] 50/7 50/12 50/15 50/22 51/9
51/10 52/18 52/19 54/12 55/20 73/7
permit [59] 3/5 3/7 3/9 4/9 4/12 4/15 5/12
5/17 10/12 13/9 13/13 13/24 14/2 14/5 14/21
16/4 19/8 19/12 21/9 21/17 28/19 34/7 35/6
35/10 37/22 39/18 40/12 41/1 41/6 41/11
41/15 42/1 42/12 42/13 43/7 43/20 45/11 46/9
46/23 46/25 47/2 47/16 47/24 48/2 48/5 48/6
48/13 49/6 49/9 49/17 50/2 52/12 53/16 56/1
56/2 57/16 66/19 67/7 81/25
permit's [1] 47/12
permits [2] 41/15 42/14
permitted [10] 4/15 14/4 20/22 39/5 39/7
40/12 41/1 54/5 56/3 74/2
permitting [1] 38/21
person [3] 43/5 51/24 68/2
personal [1] 69/13
personally [2] 86/5 86/6
Peter [1] 80/16
phone [1] 24/22
phonetic [2] 11/7 42/5
photo [1] 29/7
physically [1] 66/5
picked [1] 75/9
picking [1] 85/6
pickle [1] 53/5
picks [1] 85/12
picture [3] 24/22 25/4 38/13
piece [3] 44/5 55/22 56/11
pieces [3] 68/20 71/11 82/25
pitch [1] 80/19
place [7] 16/24 18/20 42/19 56/19 63/24 71/1
86/15
plan [23] 4/13 4/16 14/3 14/5 20/2 20/6 20/10
21/21 35/10 35/12 53/13 54/2 60/13 61/7
61/13 64/8 66/20 75/7 76/11 76/25 87/17
87/20 90/17
planned [1] 79/13
PLANNING [19] 1/4 4/2 5/23 7/11 12/14
14/18 17/15 20/4 48/11 48/15 60/10 61/19
61/22 65/8 65/11 65/14 68/11 87/22 90/18
plans [5] 12/3 12/5 28/21 44/16 67/20
planter [1] 26/18
plants [2] 25/6 26/8
plaster [3] 59/5 62/2 64/19
platter [1] 18/6
platters [1] 18/19
please [8] 4/19 6/2 33/11 35/5 59/20 62/9
62/12 86/14
pleasing [1] 46/16
pleasure [3] 89/24 89/25 90/2
plus [1] 74/25
point [10] 16/18 26/20 40/25 41/4 67/10 67/15
83/7 83/15 85/18 85/20
pointing [2] 21/20 54/7
police [7] 12/11 69/15 72/10 72/17 72/23 73/1
77/22
policy [1] 29/18
poll [2] 13/2 33/11
poof [1] 52/15
porch [1] 82/20
portion [3] 66/16 81/3 89/14
possible [4] 31/5 42/16 49/11 53/17
possibly [1] 75/2
postpone [1] 36/11
potential [3] 54/11 56/21 74/23
potted [2] 25/6 26/8
pounds [3] 71/14 74/12 86/1
practice [4] 76/21 76/21 77/12 77/12
practicing [1] 77/2

precedent [1] 75/19
preliminarily [1] 56/17
premature [2] 46/19 49/2
premises [2] 9/4 10/1
prepared [2] 63/13 64/3
present [2] 7/12 39/20
presented [6] 47/8 58/20 58/23 59/11 79/9
80/11
presenting [2] 10/11 42/25
presume [1] 30/5
prettier [3] 26/6 26/9 26/16
pretty [1] 73/22
preventing [1] 62/16
previous [2] 62/10 73/24
previously [2] 5/12 64/21
primary [1] 57/24
prime [1] 73/4
probably [7] 18/16 22/17 25/3 27/21 27/22
28/13 59/6
problem [11] 31/1 31/10 31/25 67/24 71/25
74/7 74/15 76/4 76/16 76/18 86/9
problems [2] 12/8 74/23
proceed [1] 6/11
process [1] 57/6
produce [1] 76/8
product [1] 77/10
products [2] 40/8 63/2
professional [2] 37/15 90/7
prohibited [5] 40/15 41/2 41/5 43/15 54/6
project [1] 29/7
projecting [1] 29/6
projection [2] 29/1 29/13
proper [1] 56/19
properties [1] 25/16
property [17] 10/24 11/3 19/23 20/18 20/19
20/22 50/2 50/5 55/13 55/17 55/18 56/11 62/9
63/22 67/13 81/15 81/16
proposed [8] 20/13 39/20 44/16 44/17 44/18
44/20 67/11 67/13
proposing [1] 81/5
protection [1] 62/15
prototypical [1] 20/15
protrude [1] 21/1
provide [3] 30/25 50/11 79/17
Provisions [1] 39/24
public [4] 12/15 12/19 49/20 92/3
pull [1] 26/10
purchase [2] 30/15 32/14
purchased [3] 15/9 16/2 68/7
purchasing [1] 32/1
purpose [1] 13/23
purposes [1] 18/13
pursuant [1] 43/11
purveyor [1] 75/21
put [18] 17/6 18/5 25/20 26/18 27/21 43/14
44/5 44/6 50/3 50/18 52/18 57/2 57/2 57/12
68/16 82/20 82/20 83/8
putting [7] 17/20 27/12 50/6 54/11 54/18
67/23 68/23

Q
quality [1] 77/13
quarters [1] 26/14
question [17] 22/20 28/3 41/25 42/12 42/15
48/24 53/15 54/10 58/5 63/17 68/13 73/9 74/4
74/21 78/1 78/1 87/8
questions [4] 17/14 17/14 18/24 49/21
quickly [1] 8/19
quite [2] 30/22 53/17
quorum [2] 6/10 7/24

R
R.A [1] 64/6
RAGUSA [6] 1/19 6/15 6/25 12/25 17/18
65/14
raised [1] 74/4

R
Randazzo [1] 14/7
Randazzo [1] 4/21
rather [2] 32/12 37/5
read [14] 19/14 21/15 36/22 38/24 57/6 60/5
60/10 60/17 60/25 61/5 61/9 61/9 61/12 80/8
reading [1] 9/11
real [5] 42/9 52/5 55/16 68/3 76/7
Reality [1] 60/6
realize [1] 72/25
realized [1] 5/11
really [8] 14/25 16/6 55/12 67/20 67/20 73/3
73/7 79/16
Realty [1] 61/17
rear [1] 20/18
reason [2] 27/5 31/16
reasonable [1] 57/16
receive [1] 61/8
received [1] 60/4
recess [3] 88/13 88/17 88/23
recital [2] 10/22 21/10
recite [1] 9/7
reciting [1] 21/7
recollection [1] 29/10
recommend [1] 43/19
recommendation [3] 48/16 88/2 88/5
recommendations [1] 30/10
recommended [2] 59/10 62/1
reconvene [1] 88/21
record [14] 4/20 6/3 9/23 10/6 19/15 30/3
35/16 59/21 61/6 86/21 88/25 89/1 89/11
89/21
recuse [2] 6/4 6/8
recused [4] 8/24 9/3 59/17 59/19
recusing [5] 5/24 6/7 8/14 8/22 59/22
reduced [1] 83/6
refer [1] 19/2
reference [2] 58/23 59/10
referred [2] 48/11 63/17
referring [3] 44/21 71/19 71/20
refers [1] 24/15
reflect [1] 89/21
refrigerated [1] 76/14
regarding [5] 5/10 10/22 19/4 61/19 61/23
regards [1] 79/4
regular [1] 89/13
relocated [1] 64/2
relocating [1] 38/5
remain [3] 8/24 40/7 63/1
remained [1] 59/13
remaining [1] 58/25
remains [1] 37/23
remember [3] 28/22 28/24 82/17
remind [1] 36/8
remove [3] 62/9 69/10 82/11
removed [3] 11/10 20/20 21/24
renovate [2] 46/15 55/20
renovated [4] 15/5 15/7 15/9 82/20
renovating [1] 66/5
renovation [11] 56/12 57/21 58/6 58/6 65/15
65/17 65/18 65/21 65/25 66/15 66/16
renovations [2] 47/5 47/6
rent [11] 18/4 18/21 38/16 45/14 46/14 46/15
51/9 51/13 52/7 52/8 55/22
rental [1] 55/9
replaced [2] 20/20 20/23
replacing [1] 47/10
report [3] 9/19 9/22 12/11
Reporter [1] 1/23
representation [2] 16/8 16/23
representing [3] 4/25 8/3 8/5
request [1] 56/22
requesting [2] 36/5 37/8
require [1] 29/4
required [2] 39/18 57/7

research [1] 32/12
residential [1] 29/15
residents [1] 77/14
resolution [5] 19/2 19/6 19/6 19/16 21/19
resolved [2] 19/17 48/20
respect [1] 67/18
responding [1] 22/23
response [6] 6/18 12/17 19/1 33/10 34/1 51/2
responses [1] 28/17
restaurant [1] 18/7
restaurants [1] 40/16
restrictions [2] 72/14 73/2
retail [17] 37/14 37/22 37/25 38/25 39/1 39/2
39/2 39/10 40/8 50/18 56/24 63/2 63/3 63/6
65/25 67/23 68/5
return [1] 89/13
review [19] 1/4 4/3 4/13 4/16 7/11 12/14 14/3
14/5 14/18 17/15 29/18 35/10 35/12 65/9
65/11 68/11 79/4 80/12 90/18
revised [1] 66/20
reword [1] 9/2
right [34] 6/13 7/6 9/14 10/4 10/23 11/5 12/10
14/20 18/15 24/3 24/14 25/11 25/13 30/12
33/8 34/3 37/19 41/22 43/1 44/15 46/20 46/22
56/13 57/23 67/16 68/1 75/21 77/19 78/4
78/19 81/19 83/12 86/4 90/10
Rogers [3] 83/3 87/9 87/11
roof [3] 20/14 20/16 27/6
room [11] 11/16 11/17 15/15 15/17 16/10
26/11 26/14 26/21 27/23 31/22 69/7
rooms [4] 22/14 23/8 23/10 31/23
roped [1] 69/24
roughly [1] 78/5
Rubbermaid [2] 10/25 11/7
rules [1] 71/3
run [3] 46/11 73/22 85/8
running [2] 79/22 90/5

S

safe [1] 77/5
said [25] 16/25 17/19 17/21 17/22 17/22 21/6
24/21 28/13 28/14 28/23 28/24 33/23 36/15
38/12 42/13 43/13 56/9 77/16 78/5 80/16 82/5
84/2 86/22 87/12 87/13
sale [2] 40/7 63/2
same [11] 21/17 22/17 42/2 42/20 45/7 52/9
60/1 71/1 78/7 78/11 80/6
saw [1] 79/19
say [19] 5/13 6/6 7/25 9/2 9/3 24/4 29/5 29/22
33/24 43/11 45/23 46/3 49/16 50/9 53/4 58/7
59/20 68/3 79/2
saying [13] 32/8 38/11 39/4 46/1 53/9 64/5
71/24 74/6 76/12 76/15 80/25 84/21 84/23
says [10] 19/16 31/19 37/16 37/17 37/18 43/12
43/12 60/7 62/3 63/11
school [8] 85/6 85/8 85/9 85/12 85/13 85/14
85/16 85/17
scope [1] 83/6
screen [2] 26/1 26/2
screening [2] 30/11 30/23
seafood [2] 41/23 42/8
search [1] 29/4
season [2] 77/21 78/4
Seaview [1] 73/6
second [24] 5/4 12/24 13/1 13/15 19/25 21/4
23/20 26/8 27/4 27/13 30/11 34/10 34/11
62/14 71/17 79/11 79/24 88/15 88/18 89/4
89/5 89/16 89/17 91/4
seconds [1] 13/16
section [5] 39/16 41/2 63/1 63/15 63/18
secure [1] 49/14
see [16] 5/14 25/7 25/8 25/22 28/20 28/21 39/4
40/11 61/15 64/16 67/4 67/23 68/8 75/1 79/9
88/9
seeing [3] 29/24 67/12 79/24
seem [2] 28/7 43/9

seems [2] 22/4 74/14
seen [5] 12/5 61/14 61/15 63/10 63/12
sell [9] 38/6 38/7 38/11 46/5 46/5 50/14 50/20
52/19 53/10
selling [1] 41/20
senior [4] 72/17 73/5 73/6 83/3
sense [2] 70/25 71/24
sent [1] 12/4
separate [10] 17/4 45/3 45/8 45/9 45/20 46/7
50/15 50/23 55/1 66/5
September [2] 20/7 21/22
September 12 [1] 21/22
serve [3] 40/19 41/8 62/4
service [2] 15/10 40/18
services [5] 37/14 39/10 39/22 56/23 68/7
session [8] 58/21 58/24 89/1 89/3 89/10 89/11
89/13 89/22
set [3] 18/17 59/14 92/8
settled [4] 36/16 36/19 36/21 80/18
seven [3] 19/14 42/7 63/23
seven-foot [1] 63/23
seventy [1] 9/13
several [4] 59/17 60/25 64/1 85/23
shall [5] 6/4 19/21 20/17 20/20 21/1
shared [1] 11/6
she [1] 49/15
shed [11] 10/16 10/24 10/25 11/8 62/18 62/19
63/22 63/25 66/21 66/24 67/1
sheds [1] 86/14
sheetrock [2] 47/3 47/11
SHERMAN [1] 1/16
shingle [1] 86/25
shingled [1] 58/10
shingles [6] 64/20 79/10 82/2 82/21 83/4 83/7
shook [1] 85/4
shop [1] 42/20
Shore [2] 4/22 14/8
should [15] 5/13 21/25 24/16 32/14 59/24
65/24 69/14 69/16 69/20 69/22 72/15 73/4
75/24 88/12 90/14
shouldn't [2] 17/3 69/18
show [9] 6/21 28/21 44/16 52/24 57/8 57/8
57/9 64/18 75/7
showed [1] 29/8
showing [1] 64/8
shown [4] 52/23 63/20 63/22 63/25
shows [2] 63/14 66/21
side [38] 10/17 10/18 15/16 18/15 19/21 20/23
21/2 21/5 22/10 22/10 22/11 22/15 22/16 23/1
23/4 23/11 23/15 24/24 27/22 28/23 29/6 59/1
59/2 61/25 62/19 63/15 69/22 69/23 70/9
70/16 70/21 71/9 81/6 81/6 85/2 86/25 87/4
87/6
sides [2] 58/25 58/25
siding [3] 10/18 58/24 79/10
sign [10] 15/18 16/7 16/11 16/15 17/3 17/4
17/6 17/10 21/24 21/25
signed [1] 51/20
significance [1] 53/2
signs [3] 17/8 17/9 40/1
SILVER [5] 1/20 7/1 7/14 7/20 34/22
SILVERBERG [3] 1/15 12/23 13/16
simply [1] 53/17
since [7] 15/5 15/11 30/9 38/1 56/20 82/6 82/7
single [1] 73/21
sir [3] 86/3 87/3 87/3
sit [2] 75/17 76/9
site [11] 4/13 4/15 9/22 14/2 14/5 20/2 20/6
20/10 21/21 35/10 35/12
sits [2] 74/20 90/1
sitting [6] 70/20 71/12 72/12 73/15 76/4 77/19
situation [2] 74/2 77/1
six [8] 11/8 18/16 34/15 34/16 63/24 64/12
71/12 85/25
six feet [1] 63/24
six-foot [1] 64/12

S
size [3] 39/25 66/23 66/25
small [8] 14/23 15/15 27/1 27/1 67/25 68/9 76/3 82/25
so [110]
Soft [1] 85/21
sold [4] 37/14 39/10 50/18 56/24
solve [5] 31/1 67/24 71/25 74/3 74/7
some [14] 16/8 18/3 26/3 31/24 47/3 47/13 58/1 58/22 59/2 70/1 79/21 80/19 83/16 86/14
somebody [12] 30/5 30/7 38/2 38/20 43/2 48/4 51/24 54/20 54/23 57/13 71/16 77/20
somehow [1] 25/21
someone [6] 7/14 12/18 17/11 17/23 51/19 65/16
something [16] 16/1 21/13 24/4 28/15 30/8 45/24 50/20 56/18 57/12 66/22 71/6 76/20 79/7 81/15 90/5 90/6
sometimes [2] 18/18 69/25
somewhere [1] 8/10
soon [1] 89/25
sorry [11] 9/9 9/24 15/6 39/3 53/24 55/7 71/22 72/24 82/12 83/25 86/16
sort [2] 25/20 26/3
sound [1] 57/16
sounds [6] 10/23 28/11 32/10 38/9 46/18 49/1
south [11] 11/6 20/22 23/14 23/15 23/16 23/17 26/22 64/14 70/9 70/21 76/10
southeast [1] 26/21
SPA [2] 19/4 19/18
space [34] 17/20 37/23 38/3 38/4 38/15 38/17 40/8 42/2 43/5 44/8 45/3 45/15 46/1 46/6 46/14 49/18 50/11 53/12 54/3 54/4 54/12 55/9 55/14 63/6 63/15 65/3 66/1 67/25 68/9 68/21 68/25 69/3 69/4 69/6
speak [1] 49/25
speaking [4] 16/12 39/16 72/19 72/22
speaks [1] 19/3
special [47] 3/5 3/7 3/9 4/9 4/12 4/15 5/12 5/17 10/11 13/9 13/13 13/24 14/2 14/4 14/20 19/8 21/9 21/17 28/19 34/6 35/6 35/9 39/23 40/12 41/1 41/5 41/15 41/15 42/1 42/12 42/13 42/14 43/7 43/20 45/10 46/9 48/5 49/6 49/9 49/17 50/2 52/12 53/16 56/2 57/10 57/15 81/25
specific [2] 38/23 45/13
specifically [6] 21/20 43/6 43/18 47/16 49/7 65/2
specification [1] 59/13
specifics [1] 59/24
spending [1] 75/3
spent [1] 82/12
SPERANZA [1] 1/14
spinning [1] 43/17
split [2] 50/7 55/18
splitting [1] 55/12
spoilage [1] 76/6
spoken [1] 86/6
square [1] 52/6
staff [2] 11/16 68/19
stairs [1] 19/20
stamp [1] 64/4
start [2] 72/11 76/15
started [4] 9/2 9/3 42/9 48/10
starting [1] 6/20
state [4] 4/19 6/2 35/15 92/4
stated [1] 19/13
statement [1] 28/18
staying [2] 11/2 18/20
STEINMAN [2] 1/18 14/17
stenographic [1] 92/6
step [1] 72/25
steps [1] 74/14
Sterek [4] 35/7 35/17 39/3 63/8
stick [5] 23/13 24/23 28/12 30/16 31/4

still [5] 19/9 26/4 26/19 49/4 88/13
stock [2] 32/15 39/25
stone [2] 20/21 20/23
stop [2] 73/25 87/3
storage [2] 16/3 39/24
store [51] 15/20 35/10 36/5 36/19 36/20 37/7 37/25 41/7 41/19 42/4 43/9 44/3 44/3 44/6 45/3 46/7 46/11 50/3 50/7 50/14 50/16 50/18 50/21 50/22 51/5 51/9 51/13 51/13 52/18 52/21 53/21 56/23 58/7 58/10 62/20 64/2 64/9 64/11 64/15 65/25 66/4 67/24 68/5 70/20 73/21 73/23 74/10 74/14 75/3 76/17 82/20
stores [3] 37/13 39/9 42/7
storm [1] 10/17
story [1] 76/1
street [32] 16/20 20/15 22/13 23/23 24/2 24/2 27/18 29/14 31/9 31/17 32/3 32/4 32/7 62/5 68/25 69/15 69/20 69/24 70/13 70/22 71/13 73/25 74/1 74/5 74/13 74/17 74/20 75/9 76/17 76/24 77/17 84/19
streets [1] 68/22
Stretch [1] 15/7
Stretches [1] 11/7
strongly [2] 62/1 74/18
structure [2] 40/20 40/20
structures [1] 29/16
stucco [4] 58/11 62/2 79/13 79/24
stuff [5] 18/6 47/13 76/4 80/6 85/6
style [3] 24/22 25/12 27/7
subdivide [5] 44/4 46/1 50/2 50/5 52/20
subdivided [1] 46/7
subdividing [1] 55/17
subdivision [9] 54/25 55/8 55/11 55/15 56/6 56/7 56/10 56/16 66/12
subdivisions [1] 56/16
subject [11] 34/7 51/16 51/17 52/10 52/12 52/13 57/4 66/18 67/7 71/3 77/4
submitted [6] 47/25 48/3 48/6 79/18 80/2 81/11
Subsection [1] 40/16
subsequent [1] 28/19
substantially [2] 29/7 83/7
such [2] 34/9 57/13
suggesting [2] 49/11 49/13
suggestion [1] 49/19
suggestions [2] 69/12 80/21
suites [1] 62/15
suites [1] 11/14
summation [1] 65/1
summer [5] 72/13 73/5 73/6 76/5 76/10
sun [3] 73/15 75/17 76/9
sunset [1] 57/12
sunsets [2] 52/14 57/15
sunshine [1] 76/5
support [3] 37/15 39/11 56/24
supposed [2] 86/9 86/24
sure [13] 25/9 26/7 28/4 28/9 28/16 30/20 32/22 48/25 49/15 52/22 59/25 66/23 84/7
survey [5] 20/6 21/21 56/19 63/25 64/5
swap [1] 48/20
switch [1] 4/7
system [4] 74/5 84/3 84/6 84/14

T
table [4] 17/24 18/2 21/12 42/18
tables [2] 14/25 17/20
take [11] 7/9 17/1 17/10 27/14 47/3 59/4 68/6 83/24 84/2 88/12 90/15
taken [3] 17/5 76/23 88/23
takes [1] 85/12
talk [2] 79/7 87/15
talked [2] 58/9 86/4
talking [12] 27/3 27/16 31/7 41/7 49/25 51/23 52/5 55/16 73/13 73/14 82/15 87/3
tank [1] 84/25
Technically [1] 44/7

tell [18] 14/20 25/5 36/3 36/6 37/3 37/7 38/23 41/18 43/10 43/18 46/4 46/12 57/13 63/10 72/9 72/21 77/12 90/1
telling [4] 38/15 45/15 71/1 71/15
ten [1] 73/23
tenancy [1] 59/14
tenant [19] 38/19 42/16 45/14 46/2 46/16 47/22 49/3 49/11 49/14 50/4 50/5 50/11 54/11 54/15 54/17 56/21 63/4 73/24 74/1
tenant's [1] 50/10
tenants [1] 57/5
tentative [2] 38/10 63/4
term [2] 44/5 55/16
terminal [5] 62/7 69/22 72/12 75/22 84/19
terms [4] 65/6 78/16 84/23 87/24
terrible [1] 67/25
than [15] 25/3 26/6 30/1 31/2 31/25 37/5 37/17 69/15 73/5 73/13 74/15 76/14 77/1 82/8 90/7
Thank [23] 5/7 6/9 6/15 7/22 10/20 13/2 13/19 13/20 16/14 18/23 20/8 35/1 35/3 35/20 51/1 59/16 60/2 63/7 78/24 88/22 89/6 89/23 91/7
Thanks [2] 5/7 35/4
that [332]
that's [91] 5/20 7/19 8/8 10/24 14/25 16/22 16/24 18/16 19/7 19/8 21/24 22/3 23/25 24/11 25/17 26/14 26/24 26/25 27/19 27/20 31/24 36/5 37/9 37/9 39/13 39/17 40/13 40/22 41/4 41/8 43/5 43/7 44/22 45/3 45/5 45/19 46/17 48/14 49/18 50/8 50/10 50/20 50/23 52/9 52/15 52/22 52/23 53/4 53/13 53/25 54/6 54/20 55/1 55/20 55/23 55/25 56/3 56/11 64/7 64/25 65/9 66/9 66/15 66/16 66/21 67/1 67/6 67/12 68/4 68/8 69/3 69/16 70/13 71/6 72/1 75/23 78/5 78/22 83/12 83/16 84/18 85/5 85/7 85/14 87/12 87/13 88/2 88/7 90/8 90/20 90/23
their [7] 15/20 16/24 18/17 38/5 47/22 68/6 69/17
them [17] 15/20 16/7 16/10 19/14 19/14 24/25 25/8 25/23 26/17 26/24 27/14 32/14 46/4 52/14 70/11 85/13 90/16
then [34] 10/13 11/16 21/11 22/3 29/11 30/6 30/9 30/22 38/18 41/10 48/11 48/18 49/4 49/6 49/15 50/4 50/12 50/16 50/20 53/9 54/5 57/15 64/13 64/15 65/23 69/7 71/23 82/13 82/14 82/22 82/25 83/10 88/5 90/22
there [92] 6/12 6/17 7/7 7/14 9/15 9/16 10/10 10/12 10/21 11/9 11/14 11/16 11/20 12/24 14/23 15/13 15/15 15/18 15/20 16/8 17/3 17/7 17/13 17/24 18/14 18/14 18/19 19/13 19/13 20/5 20/11 22/25 23/8 23/9 24/16 24/22 27/2 27/9 27/11 29/11 30/1 30/10 30/21 31/10 31/16 33/24 34/20 39/12 40/25 42/10 42/13 42/24 44/8 44/12 46/11 47/16 50/19 50/20 53/20 53/25 54/23 57/7 57/14 59/5 63/20 63/25 64/10 67/1 67/23 67/24 68/1 68/3 68/23 69/14 69/17 69/20 70/10 70/20 73/2 73/3 73/4 73/7 75/15 75/21 75/22 76/9 80/15 81/18 84/13 87/8 89/12 90/11
there's [32] 10/1 10/8 11/9 17/9 17/25 18/1 18/13 21/6 23/7 23/16 24/24 25/6 27/1 27/1 27/4 27/22 29/5 34/16 44/7 45/1 49/8 57/9 58/6 60/6 63/17 69/19 71/12 72/6 72/14 75/13 76/3 81/6
therefore [2] 19/17 73/11
these [11] 8/1 30/14 30/18 38/19 44/25 45/3 62/3 67/2 69/25 71/14 86/7
they [65] 7/6 15/5 15/6 15/9 15/25 16/1 16/2 16/7 16/10 16/22 16/22 16/23 16/24 18/5 18/16 19/22 22/18 23/11 23/13 23/14 23/16 24/7 25/1 25/2 25/7 25/14 25/14 25/22 26/24 27/21 29/6 29/6 30/16 30/22 31/11 31/19 31/19 33/21 38/6 38/7 38/11 38/11 41/8 42/20 50/19 51/3 52/1 52/2 52/13 54/13 54/20 67/14 67/20 68/19 68/23 75/8 75/9 80/22 80/23

T
they... [6] 82/21 85/25 88/6 88/6 90/14 90/22
they're [17] 11/15 15/23 25/3 25/10 26/13
 26/15 31/21 44/25 46/4 46/5 51/20 52/13
 52/14 71/14 81/13 86/2 88/5
they've [2] 43/8 68/7
thick [1] 81/20
thing [15] 8/7 21/10 22/17 30/3 36/1 45/7
 51/21 52/3 52/9 59/12 60/1 67/9 68/5 83/12
 86/18
things [18] 37/20 39/18 47/19 49/25 55/1 57/7
 58/1 59/17 64/8 69/2 69/19 70/19 71/4 71/5
 71/14 82/11 82/12 82/13
think [46] 5/10 5/21 6/19 16/24 21/22 23/9
 29/12 32/17 33/21 35/23 36/4 37/4 39/15 41/8
 41/8 42/22 45/8 45/25 46/13 47/2 48/19 49/24
 50/1 50/13 52/23 53/2 53/21 54/3 57/1 59/14
 66/21 67/10 72/1 74/6 75/13 76/7 76/7 76/11
 76/13 76/18 77/15 80/16 80/18 87/7 88/10
 88/12
thinks [1] 54/11
third [1] 55/22
this [104]
those [15] 26/12 29/10 31/23 32/1 37/20 44/11
 44/17 44/18 59/11 61/14 63/11 72/16 72/16
 80/14 82/16
though [3] 26/5 55/13 60/24
thought [6] 13/12 22/22 27/2 36/11 65/4 65/4
thousand [3] 71/14 74/12 86/1
three [10] 4/5 11/7 26/14 28/12 38/16 38/19
 58/25 64/16 75/3 77/9
three-quarters [1] 26/14
through [23] 6/13 20/25 22/9 22/25 23/3 24/1
 24/17 25/10 25/12 25/15 25/16 27/17 27/19
 27/21 30/15 30/18 31/7 31/7 43/12 44/15 69/8
 76/22 77/8
tickets [1] 72/11
tight [1] 27/19
time [26] 6/22 9/17 22/18 30/7 36/3 37/4 37/6
 38/3 38/12 42/8 43/17 57/2 57/13 59/13 67/12
 69/15 71/17 75/1 78/8 78/11 78/17 79/10
 79/22 85/5 90/5 91/10
times [3] 41/4 60/25 86/20
today [21] 5/5 5/21 28/25 36/7 36/12 36/14
 36/16 39/14 43/22 52/17 53/4 65/5 79/21
 82/21 83/8 83/14 87/24 88/3 90/4 90/5 90/8
together [2] 36/1 51/3
toilets [1] 84/15
told [6] 4/6 6/15 8/2 9/3 43/17 86/25
tolerate [1] 76/6
too [2] 44/23 81/20
took [1] 84/3
tools [1] 69/1
top [2] 23/8 25/8
totally [1] 78/10
town [3] 38/4 75/14 85/15
traceable [1] 85/7
Trading [1] 63/16
traffic [3] 62/5 67/22 69/13
transcript [4] 36/2 36/21 37/10 92/6
transpired [1] 38/1
Transport [4] 2/4 5/2 14/11 28/2
Tray [1] 42/5
treated [3] 75/25 84/22 84/25
trellis [1] 20/1
tremendously [1] 70/3
truck [7] 69/7 69/10 85/2 85/23 85/24 85/25
 86/1
truck at [1] 85/23
trucks [3] 59/4 69/1 69/8
true [3] 45/5 56/7 92/5
Trustee [1] 21/18
trustees [11] 19/18 42/23 48/17 56/2 81/24
 83/1 83/9 88/1 88/4 90/21 90/23
try [5] 43/14 57/11 57/17 63/10 90/15

trying [7] 42/11 47/20 67/19 71/25 78/8 83/8
 83/11
turned [2] 37/6 82/14
TV [1] 15/17
two [32] 10/16 11/14 11/15 17/9 18/16 20/21
 22/14 23/8 23/13 28/17 29/5 30/10 30/23
 30/24 32/15 32/15 37/6 44/7 46/19 53/21
 53/22 55/1 62/23 64/11 64/12 67/11 69/4
 70/10 75/3 78/9 82/1 82/24
two feet [1] 20/21
two inches [1] 23/13
Tyler [28] 35/7 35/17 35/20 45/8 45/25 49/1
 50/1 50/13 52/4 52/17 53/1 54/10 55/4
 63/8 65/15 67/18 67/19 74/24 76/18 78/15
 79/14 80/2 81/2 85/19 86/23 88/8 90/3
type [1] 42/20

U
umbrellas [1] 62/21
unanimous [5] 13/7 34/2 34/3 89/9 91/7
under [9] 20/13 37/24 38/16 41/6 41/11 45/3
 50/16 54/19 59/3
understand [21] 9/25 31/15 40/12 40/13
 49/10 51/24 52/1 52/2 54/8 56/21 61/2 67/18
 73/9 75/1 75/5 75/11 76/12 76/25 77/3 78/21
 81/14
understanding [1] 56/10
understands [1] 60/1
Understood [1] 78/24
Unfortunately [1] 40/10
unit [2] 26/10 31/1
units [10] 21/1 21/3 22/9 28/18 29/5 29/10
 30/15 30/21 31/3 32/2
unless [2] 52/8 58/8
unloading [1] 78/11
unreasonable [1] 85/21
unregistered [1] 62/16
until [7] 19/9 36/11 36/14 36/16 49/7 54/23
 57/12
up [28] 16/7 18/17 21/9 21/14 23/9 27/14
 28/15 29/20 38/20 49/4 52/7 52/23 52/24
 53/12 57/3 59/1 72/25 74/13 74/22 75/9 77/17
 81/16 81/19 81/25 83/4 83/19 85/12 90/11
Update [1] 62/18
updated [1] 20/7
upon [3] 21/21 53/11 56/18
us [30] 14/20 17/1 28/15 29/8 36/3 36/6 37/3
 37/7 37/8 38/23 41/18 43/10 43/18 46/12
 47/22 55/2 57/8 57/8 57/9 57/13 60/3 72/21
 76/25 77/12 79/15 79/17 80/3 80/11 86/25
 88/9
usage [1] 63/1
use [56] 4/12 10/9 14/2 16/22 18/17 35/9 36/4
 36/7 36/19 37/2 37/7 37/12 37/21 37/21 38/10
 38/23 39/5 39/6 39/7 39/20 40/9 41/5 41/17
 43/3 43/5 43/10 43/18 43/22 43/22 43/25 44/2
 44/5 46/12 47/22 48/6 49/5 49/7 49/17 51/7
 53/3 53/25 54/2 54/6 54/23 55/2 56/3 57/8
 57/10 64/20 65/2 65/8 66/5 66/13 72/15 72/17
 73/3
used [15] 11/13 14/23 15/7 15/19 17/2 18/7
 20/6 39/24 41/3 54/4 55/11 62/1 69/6 71/22
 72/16
uses [9] 4/15 14/4 39/20 40/6 40/11 40/16 41/1
 41/2 54/5
using [8] 15/10 16/2 36/25 36/25 45/7 56/6
 56/15 68/18
usually [4] 43/4 43/7 56/16 73/10
utility [1] 15/16
utilized [2] 69/5 70/11

V
vague [1] 52/25
vehicle [1] 71/16
vehicles [1] 69/14
vented [1] 26/4

ventilation [4] 30/25 84/3 84/6 84/14
verbal [5] 6/18 12/17 19/1 33/10 34/1
verbatim [1] 56/25
versed [1] 73/22
versus [1] 69/23
vertical [1] 79/10
very [7] 5/7 13/20 23/20 38/9 52/25 55/6
 67/16
VIA [3] 1/18 1/19 1/20
viable [1] 76/11
View [1] 62/8
viewed [1] 32/2
village [44] 1/1 1/21 9/23 10/3 19/18 19/23
 20/19 37/16 38/18 38/20 39/14 39/17 40/10
 43/2 47/8 48/1 48/3 60/9 61/18 61/22 63/5
 63/22 67/13 67/14 69/5 70/14 70/23 71/7
 79/23 81/15 82/10 83/13 84/1 84/2 85/6 85/6
 85/7 85/9 85/21 87/5 87/5 87/9 87/11 90/18
Village's [1] 20/14
violations [2] 11/19 11/20
visible [1] 23/21
vision [1] 77/15
visiting [1] 9/21
visual [2] 9/21 16/8
volume [1] 62/5
vote [3] 33/9 37/5 67/21
voted [1] 90/20
votes [1] 34/20
voting [12] 34/14 34/15 34/17 34/19 34/21
 34/21 34/22 34/22 34/23 59/23 65/5 65/24

W
wagon [1] 83/3
wagons [2] 62/21 68/6
waiting [2] 69/21 88/5
walk [27] 4/11 4/14 9/18 10/2 14/1 14/3 15/16
 17/10 19/5 19/23 20/20 20/23 32/4 35/8 35/8
 35/11 35/18 44/15 47/15 51/21 62/8 62/8 62/8
 73/12 73/14 74/9 75/3
wall [34] 20/25 22/9 23/12 24/1 24/17 24/18
 25/12 25/15 27/8 27/10 27/17 27/20 27/20
 27/22 30/16 31/7 31/8 31/9 44/20 45/7 46/24
 58/8 61/24 62/25 81/19 82/11 82/24 83/21
 83/25 84/2 84/14 86/10 86/12 87/1
walls [10] 10/16 44/11 44/11 44/13 44/14
 44/17 44/17 44/18 44/25 64/16
wandering [1] 62/17
want [49] 8/20 8/23 10/5 12/2 12/14 12/18
 13/11 20/5 21/12 21/22 24/1 24/5 24/13 25/18
 25/19 26/24 28/15 30/13 31/4 36/8 37/2 41/4
 43/9 45/9 45/23 49/25 50/9 50/19 53/12 53/21
 67/9 71/5 71/8 74/7 76/22 76/24 77/11 79/2
 79/7 79/8 79/17 81/14 83/19 83/20 84/20
 86/23 88/6 90/4 90/6
wanted [11] 5/21 6/20 8/16 16/7 16/22 16/25
 17/18 24/4 24/11 36/3 46/10
wants [7] 22/6 46/14 50/3 50/14 50/19 52/19
 67/4
was [88] 8/2 8/12 9/10 9/15 9/18 9/22 10/10
 10/12 10/19 11/22 15/21 16/6 16/25 18/10
 19/6 20/6 20/6 21/7 21/19 21/21 24/20 24/21
 28/22 29/13 30/7 31/10 35/23 36/2 36/2 36/10
 36/14 36/16 36/16 36/18 36/20 36/23 37/2
 37/3 42/8 42/9 47/2 47/16 48/10 48/11 48/13
 53/25 55/7 57/24 58/19 58/21 59/9 59/13
 60/15 63/13 64/3 64/10 68/2 68/12 72/22
 72/23 74/2 74/4 74/21 77/16 78/1 79/9 79/13
 80/4 80/4 80/11 80/12 80/15 80/16 82/3 82/3
 82/25 83/11 84/10 84/12 84/13 84/15 86/7
 86/10 86/11 87/8 87/10 88/23 89/11
wasn't [1] 83/5
water [6] 15/17 18/6 18/17 18/18 20/18 59/7
waving [2] 7/8 7/10
way [12] 5/22 26/17 26/25 29/6 49/8 59/1 70/4
 79/9 79/20 79/22 87/23 90/7
we [155]

W

We'd [1] 28/20
we'll [10] 4/7 18/2 18/5 21/13 38/22 44/23 58/3 78/23 88/8 88/21
we're [43] 4/8 5/20 6/10 8/2 9/13 16/2 16/3 17/23 22/8 22/21 22/22 27/16 28/9 28/14 31/6 34/2 36/25 37/13 39/13 40/6 43/17 43/23 44/10 44/14 47/10 48/22 53/6 56/3 66/8 66/9 73/13 73/14 75/9 76/16 78/18 80/6 80/13 83/8 83/11 88/24 89/1 90/5 90/23
we've [2] 43/17 52/24
weather [1] 29/25
weekend [1] 91/8
weigh [2] 74/12 85/25
weight [1] 71/13
well [19] 29/9 31/23 32/6 37/23 39/13 41/23 44/23 47/14 51/4 55/6 55/10 58/9 65/22 73/22 79/3 80/8 80/21 85/24 87/18
went [5] 24/21 43/11 77/18 82/14 83/1
were [30] 5/14 9/16 11/20 21/8 21/18 22/25 25/20 29/9 30/4 33/21 35/22 36/11 36/25 42/10 42/13 45/12 47/6 58/8 59/11 61/4 65/5 68/16 80/22 80/23 81/11 83/2 86/9 86/24 89/22 90/10
weren't [1] 27/21
west [12] 15/16 18/15 23/18 23/19 59/1 61/24 62/19 64/18 82/24 86/10 87/4 87/6
wet [2] 18/12 18/14
what [133]
what's [5] 30/1 43/14 57/14 85/18 89/24
whatever [12] 46/2 46/25 47/24 50/19 52/18 59/5 83/5 83/9 85/15 87/23 88/7 90/22
wheels [1] 43/17
when [19] 15/6 17/22 18/3 18/20 19/7 19/8 35/20 35/22 42/8 55/16 55/17 57/2 75/9 78/22 80/3 82/19 84/15 86/11 90/16
where [22] 8/1 11/1 35/21 36/6 37/9 39/12 43/16 50/3 53/16 53/19 65/9 68/2 68/5 70/5 70/7 74/16 75/7 77/5 77/9 78/12 78/14 83/7
Whereas [1] 69/10
WHEREOF [1] 92/7
whether [6] 24/5 26/16 40/17 40/21 45/6 65/24
which [39] 11/6 15/16 18/21 19/3 19/8 21/19 22/10 22/11 24/24 37/6 37/13 37/16 37/22 39/9 42/19 49/16 56/1 56/23 58/21 61/13 63/4 63/9 63/19 63/25 64/10 64/14 68/22 69/4 69/7 70/21 74/20 79/10 79/19 79/20 81/11 82/1 82/3 83/10 85/23
while [2] 78/8 89/22
who [16] 6/20 7/16 16/12 48/17 49/3 52/5 54/17 57/5 61/8 61/14 63/11 65/6 72/22 82/16 90/13 90/21
who's [2] 34/14 34/19
Whoever [1] 72/19
whole [4] 18/4 18/21 82/9 82/25
whom [1] 83/2
whose [1] 85/1
why [18] 5/20 8/14 22/10 26/14 26/21 27/21 28/9 28/16 29/5 31/16 47/13 47/20 52/22 52/23 56/3 71/2 75/18 82/7
wicker [1] 18/1
wide [3] 20/21 20/24 63/24
Wildwood [2] 4/24 14/9
will [35] 15/25 16/1 18/5 20/21 29/25 30/1 30/20 33/5 42/17 42/22 42/23 43/3 44/4 46/2 46/4 46/9 47/7 47/9 49/4 49/16 54/11 55/2 62/15 63/1 65/15 65/16 70/2 71/1 88/2 88/6 90/12 90/17 90/20 90/21 90/22
willing [6] 28/14 31/2 31/25 32/11 76/6 83/17
window [11] 20/25 25/11 25/16 27/13 27/15 27/17 30/16 30/19 31/8 59/4 79/12
windows [6] 22/25 23/3 27/9 27/20 47/18 81/6
window sill [1] 81/4
Winter [2] 5/3 14/11

wish [1] 90/14
within [1] 68/15
without [6] 38/20 43/2 51/20 55/6 56/2 75/3
WITNESS [1] 92/7
witnessed [2] 85/2 85/4
won't [2] 18/6 51/17
wood [3] 26/17 29/25 85/22
word [8] 7/10 39/4 39/11 40/9 41/3 55/11 62/10 66/13
words [1] 22/12
work [7] 32/14 35/25 42/16 46/24 47/24 83/6 90/14
working [1] 53/19
works [6] 43/4 43/7 52/9 52/15 68/8 75/6
worse [1] 75/10
would [67] 4/1 11/1 16/23 18/17 18/19 23/15 23/19 24/24 26/3 26/4 26/23 26/25 27/5 29/4 29/19 29/21 29/23 29/24 30/22 30/24 31/2 32/12 32/17 32/21 32/23 36/5 38/4 38/6 38/6 38/7 38/18 44/14 46/6 52/1 54/21 57/16 57/25 58/8 58/13 59/9 63/5 65/7 65/18 67/13 67/14 68/22 68/23 68/25 69/1 69/9 69/10 70/1 70/5 70/11 70/15 70/20 74/3 74/4 77/16 79/8 81/23 81/24 82/1 82/2 84/13 88/9 90/7
would've [1] 27/2
wouldn't [2] 25/5 52/2
wrap [1] 90/11
writing [1] 72/11
written [1] 60/9
wrong [2] 35/24 86/15
wrote [1] 80/11

Y

yeah [20] 5/19 9/15 20/11 23/16 24/10 25/14 25/19 29/17 30/20 31/14 31/23 33/13 40/24 48/14 48/22 55/24 66/9 70/7 84/9 85/11
year [4] 15/6 15/21 15/22 16/16
years [16] 28/6 28/8 41/20 42/4 44/9 48/10 68/17 72/5 73/20 73/23 74/25 75/23 77/9 86/10 86/17 87/2
yes [29] 4/18 6/1 6/24 8/25 10/7 17/17 22/24 23/20 24/16 33/3 33/4 33/7 34/9 35/14 36/8 37/12 44/18 47/7 50/25 58/18 59/19 60/22 61/10 61/11 65/22 68/14 81/20 86/15 89/6
yesterday [2] 60/4 60/16
yet [3] 6/21 44/21 48/1
york [18] 1/2 1/10 4/11 4/14 4/22 4/24 5/3 14/1 14/4 14/8 14/10 14/12 19/5 35/9 35/11 35/19 61/18 92/4
you [319]
you're [77] 5/23 7/3 7/5 8/3 22/23 27/3 32/11 33/2 33/25 36/5 36/19 37/8 38/10 38/23 39/3 40/11 40/14 41/6 42/6 43/14 43/21 44/3 44/13 44/20 45/2 45/4 45/6 45/15 45/20 45/21 46/1 46/1 47/1 47/25 49/8 49/11 51/23 52/3 52/25 53/3 53/12 53/17 53/19 54/1 54/3 55/12 55/16 55/17 55/17 55/21 55/23 56/13 58/4 60/23 67/18 70/25 71/4 71/5 71/15 71/18 71/24 74/6 74/10 75/10 75/20 75/21 76/9 76/12 76/20 77/1 78/8 78/9 81/5 83/20 86/3 86/13 88/11
you've [1] 75/22
your [42] 4/4 4/19 5/21 7/9 9/1 10/6 22/3 22/22 28/17 33/24 35/15 38/25 40/3 41/18 41/25 42/11 42/15 44/3 44/16 47/24 49/2 49/3 53/11 53/13 55/20 55/21 75/3 76/4 77/11 77/13 78/9 79/14 80/4 81/25 82/3 84/5 85/18 86/4 87/6 89/24 90/9 90/15
yours [1] 46/10
yourself [4] 5/24 8/15 43/13 49/14

Z

Zoning [1] 5/24
ZOOM [10] 1/18 1/19 1/20 2/3 2/4 4/23 6/13 7/12 7/15 33/2