

INCORPORATED VILLAGE OF OCEAN BEACH

FIRE ISLAND, NEW YORK

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PLANNING BOARD MEETING

SPECIAL PERMIT APPLICATION NUMBER 304

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October 8, 2022
11:00 a.m.
Windswept
161-164 Ocean Road
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

GINA RAGUSA, ALTERNATE MEMBER

CONSTANTINE KARALIS, ALTERNATE MEMBER

JACQUELINE RULON, VILLAGE CLERK

Appearing via Webex:

JUDY STEINMAN, MEMBER

DAVID LIEBER, ALTERNATE MEMBER

MICHAEL MANDARINO, BUILDING INSPECTOR

KENNETH GRAY, VILLAGE ATTORNEY

D. Leigh Chapman
Court Reporter

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

Ian Levine, Applicant

Maria Silsdorf, Applicant

765-767 Ocean Breeze Walk
Ocean Beach, New York 11770

SPA NO. 304

1 MR. GRAY: On the Zoom call, we have Judy
2 Steinman, David Lieber, Mike Mandarino, the
3 Building Inspector, Ken Gray, Village Counsel.
4 And, Joe, if you can identify who's in your room?

5 CHAIRMAN SPERANZA: Yes. We have Constantine
6 Karalis, Joel Silverberg, Gina, and myself.

7 ALTERNATE MEMBER RAGUSA: Gina Ragusa.

8 MR. GRAY: That would be Gina Ragusa?

9 CHAIRMAN SPERANZA: That's right. There's
10 only one Gina.

11 And we have, the applicant is here, Maria
12 Silsdorf and Ian Levine and for the Village, we
13 have Jackie. Oh, and the Court Clerk too,
14 Diane. (Referring to Leigh, the Court
15 Reporter.)

16 Okay. So, I think we have a quorum
17 present, so with your permission, Counsel, I'll
18 call the meeting to order.

19 MR. GRAY: Please.

20 CHAIRMAN SPERANZA: Okay. I think we just
21 took roll call, so we can dispense with that.
22 Because that's on the record, what we just
23 discussed.

24 We have one item on the agenda today, and
25 that is the subdivision of two properties on

SPA NO. 304

1 Ocean Breeze, numbered 766, 767, and I can't
2 read the last one. What is the last one?

3 MR. LEVINE: Seventy-five, 76, 77, 78, 79.

4 CHAIRMAN SPERANZA: Seven Sixty-eight and
5 769, those 4 lots, 5 lots.

6 And as such, the applicant is here. So
7 I'm going to turn the floor over to them to let
8 them make their presentation of what they want
9 to do, unless they would like me to describe
10 something.

11 MS. SILDORF: Good morning, everybody.
12 Thanks for joining us. It's beautiful here. I'm
13 sorry you're not all here. This is Maria Silsdorf
14 and I'm here with Ian Levine.

15 We have -- I'm sorry?

16 We have owned 768, which is the house I
17 live in that you all know. You've all been in
18 it.

19 MEMBER STEINMAN: Your sound is gone, Maria.

20 MS. SILDORF: Judy, you hear me?

21 MEMBER STEINMAN: I can now.

22 MS. SILDORF: Okay. So we've owned 768,
23 which is on lot 768-769 for about 32 years now.
24 We have been trying to buy the property next to
25 us, which is lot 765, 6, and 7 going back to the

SPA NO. 304

1 days of George Phillips. We finally were able to
2 purchase it a couple months ago. It's got a house,
3 a one-story house on 765 and 766, and it's got an
4 empty lot on 767, where you often see Ian's fire
5 truck.

6 Our intent is to take the empty lot that's
7 now attached to five and six and move it to be
8 attached to eight and nine so that we will have
9 our existing house with no change with the
10 empty lot next to us and that we would look to
11 sell off the new property, which will only be
12 two lots, 765 and 766. There's an existing
13 house on it, which may be remediated and
14 renovated, or it may be torn down. Don't know,
15 but we would be looking to keep the empty lot
16 adjacent to our house to prevent a large house
17 from being built, literally, right on top of
18 us. So that's our intent.

19 My house has been standing since 1912,
20 when I acquired it 32 years ago. It is exactly
21 the same as it was. No change to anything,
22 other than that we had a building permit to add
23 an outdoor shower and a shed, again, when I
24 first bought the house. And the Phillips
25 house, next to us, has been there for at least

SPA NO. 304

1 80 years, as is. So there's been literally no
2 change to the property in forever.

3 So, again, not to minimize what we're
4 asking, but we're looking to take the empty lot
5 and attach it to our property as a kind of
6 buffer and then sell off the existing house on
7 the two lots. Is that okay for an overview for
8 context?

9 CHAIRMAN SPERANZA: Okay. You want to say
10 anything else? Tell me if you're done. Okay.
11 That's the applicant's presentation.

12 All of you on the Board, speaking to the
13 Board now, everyone got a Board package
14 electronically. You will get it via mail or
15 you can pick one up when you come in. Bunny or
16 Jackie, who's present here today, has them
17 electronically. If you look in there at the
18 package, you will see a sketch plan done by the
19 Planning Board, thanks to Member Karalis. It
20 pretty much delineates, graphically, with
21 highlights and in color, all of the issues as
22 pointed out by the building official, who's on
23 the phone with us, and when I'm finished, you
24 can question him if you like. Or just read
25 what he did. The plan shows the first three of

SPA NO. 304

1 his letter of denial, which precipitated an
2 application to us.

3 We are, we just returned, I should say,
4 the members here just returned from a visit to
5 the properties to become familiar with all
6 eight of the items shown on the sketch plan.

7 So it's all self-explanatory. I trust all
8 of you have read it. If you have any
9 questions, now is the time to ask them.

10 MEMBER SILVERBERG: Do we know what the
11 elevations of the two buildings are, ground floor
12 wise?

13 CHAIRMAN SPERANZA: One shows 4.1 and the
14 other one doesn't show.

15 MEMBER SILVERBERG: Are we to assume that
16 both of them are below flood elevation?

17 MR. LEVINE: They were both flooded during
18 Sandy.

19 MS. SILDORF: I don't know the answer to that
20 question.

21 MEMBER SILVERBERG: I'm going to assume that.

22 MS. SILDORF: That they're below flood
23 elevation?

24 MEMBER SILVERBERG: Yeah.

25 MS. SILDORF: My flood insurance is not

SPA NO. 304

1 astronomical.

2 CHAIRMAN SPERANZA: Is that your primary
3 residence? Is that why you said "not
4 astronomical"? If it is, that can be lowered.
5 You can get a real break if that's your primary.

6 MS. SILDORF: No, no.

7 ALTERNATE MEMBER KARALIS: Also, we don't
8 have heights on the surveys.

9 CHAIRMAN SPERANZA: Correct, we don't. You
10 may want to add that as number nine.

11 ALTERNATE MEMBER KARALIS: It's actually the
12 last note at the bottom.

13 MEMBER STEINMAN: Joe, we can't hear who's
14 talking to you.

15 CHAIRMAN SPERANZA: Constantine is.

16 MS. SILDORF: What's the importance of
17 needing the building height or ground elevation
18 for this discussion?

19 CHAIRMAN SPERANZA: Maria, right now it's the
20 Board.

21 MS. SILDORF: Oh, I'm sorry. I apologize.

22 CHAIRMAN SPERANZA: I will let you interject.
23 otherwise, we'll be here all day.

24 ALTERNATE MEMBER KARALIS: I was going to say
25 that in order to ascertain compliance, there's a

SPA NO. 304

1 list of items that, one, you have to check. For
2 example, if the house is higher than is allowed,
3 24 feet, then that becomes another item to be
4 noted by the Planning Board that is deficient, if
5 it is. We don't know whether it is or isn't.
6 That's going to become eventually apparent.
7 Presumably, the next step is to go to the Zoning
8 Board. At that time those items should be
9 identified and enumerated.

10 CHAIRMAN SPERANZA: Okay. So anyone else
11 have any questions?

12 ALTERNATE MEMBER LIEBER: I just had a
13 question. I want to be clear. That in the middle
14 there, number three on the chart, that's the
15 garage, right?

16 CHAIRMAN SPERANZA: Yeah.

17 ALTERNATE MEMBER LIEBER: Is there a
18 landscaping plan, or does there have to be a
19 landscaping plan?

20 MR. GRAY: No.

21 CHAIRMAN SPERANZA: Let me just interject
22 here, myself, and that is that this is a
23 subdivision application. It's not an application
24 for a building permit. Let's be clear.

25 The applicant is -- what's that? It's not

SPA NO. 304

1 a site plan review. The applicants have
2 applied for a subdivision. That's what we're
3 reviewing and going to forward onto others as
4 needed.

5 Any other questions from the Planning
6 Board?

7 MEMBER STEINMAN: Joe, I know you said it's
8 self-explanatory, but it would real nice if you or
9 Constantine would run through the items, one
10 through eight, one through seven are
11 self-explanatory, to show us what the impact of
12 the changes that the applicant is proposing to
13 make.

14 CHAIRMAN SPERANZA: Well, if you open your
15 plan, you will find little numbers in circles that
16 point to specific items on the sketch plan.

17 MS. STEINMAN: I have that in front of me.

18 CHAIRMAN SPERANZA: Good. So take number one
19 and then read number one and that's all --

20 MS. STEINMAN: I, for some reason, don't have
21 that.

22 CHAIRMAN SPERANZA: You don't have what?

23 MEMBER STEINMAN: I printed out everything
24 that was sent, but there's no description except
25 at the bottom of that diagram in color that says

SPA NO. 304

1 the owner preposes to subdivide the property as
2 described. That's the only one I see.

3 CHAIRMAN SPERANZA: That's the only
4 description there is, and that's the only
5 description you'll get that somewhat articulates
6 it. You need to -- Judy, you need to read that
7 and then make up your mind about what it says.

8 ALTERNATE MEMBER RAGUSA: I think they were
9 looking for a discussion about it.

10 CHAIRMAN SPERANZA: If you want to have a
11 discussion, we can do that.

12 ALTERNATE MEMBER RAGUSA: Take number one and
13 the pros and the cons, right? So the whole Board
14 and everyone on the phone understands. Pros and
15 cons why the Building Inspector denied it and, you
16 know, what they're allowed and what they're not
17 allowed and then you can probably make a better
18 decision on how to proceed.

19 CHAIRMAN SPERANZA: Okay, Gina. You can ask
20 the Building Inspector. The first three circled
21 numbers are from the letter of denial that the
22 Building Inspector, who's on the phone, wrote.

23 MR. GRAY: Joe, can I jump in for a second?

24 CHAIRMAN SPERANZA: Yeah.

25 MR. GRAY: So, Judy, what they're saying is,

SPA NO. 304

1 if you were to approve this subdivision as
2 proposed, the house on the right would be in
3 violation of the side yard setback because it only
4 has a seven-foot setback where eight feet is
5 required and the existing ramp that's on that
6 house and deck only has a four-foot setback where
7 eight feet is required.

8 MEMBER STEINMAN: I see that as well.

9 MR. GRAY: Okay, so the number two is, what
10 they propose is to maintain the preexisting,
11 nonconforming accessory garage, which requires an
12 eight-foot setback but only four feet exist.

13 MS. STEINMAN: Gotcha.

14 MR. GRAY: On the third issue, on number
15 three, um --

16 MEMBER STEINMAN: Kenny, that garage would
17 continue to be there; is that right?

18 MR. GRAY: That's as it's proposed right now.
19 They're gonna have to go the Zoning Board, either
20 come into compliance or go to the Zoning Board and
21 get variances. I don't know if the applicant's
22 desire is to maintain that garage or maybe the
23 Zoning Board will require them to take it down? I
24 don't know. That's all in the future.

25 MEMBER SILVERBERG: This is Joel speaking. I

SPA NO. 304

1 believe that that garage will need a separate
2 variance because of the fact that it's an
3 accessory building that's bigger than 40 square
4 feet.

5 MR. GRAY: Understood. You know, that's
6 about it.

7 MEMBER STEINMAN: Five and six. Kenny, five
8 and six?

9 MR. GRAY: Existing rear yard setback, not
10 accepted by condition of the property. So there's
11 a rear yard setback infringement. That's five
12 percent.

13 MEMBER STEINMAN: And six?

14 BUILDING INSPECTOR MANDARINO: Green space
15 requirement.

16 MR. GRAY: Oh, the green space requirement is
17 compliant with both properties. The living area
18 of Plot B is only 1,022 --

19 CHAIRMAN SPERANZA: Square feet.

20 MR. GRAY: -- where 1600 is allowable.
21 Living area of Plot A is not calculated, hereby,
22 but will comply in view of the living area. So
23 the living area is all compliant.

24 CHAIRMAN SPERANZA: All right. And neither
25 survey, from which this sketch plan was developed,

SPA NO. 304

1 includes building heights or ground elevation
2 data. Except for the 769 building, which is
3 4.1 feet above mean high water in the bay.

4 MR. GRAY: And eventually, we'll need new
5 surveys of both properties.

6 CHAIRMAN SPERANZA: Right. The process is
7 just what Ken said. We're going to make, I
8 believe, at least in my opinion, I'm going to
9 recommend to the Board that we come up with a
10 tentative approval today, assuming the Board is
11 amenable to that and refer this. The tentative
12 approval would be conditioned on the compliance
13 with the Building Inspector's letter in finding
14 needed variances.

15 We would then refer to the ZBA to get
16 those variances. After which, if they get
17 them, they can do the work that's required by
18 them, have the work surveyed, and produce two
19 new surveys or one large survey encompassing
20 both properties.

21 MR. GRAY: They would be better off with two
22 separate surveys, Joe.

23 CHAIRMAN SPERANZA: I agree with you, but
24 just to get through this today. If you, Ken, as
25 Village Attorney want one, we'll do one. Or if

SPA NO. 304

1 you want two, we'll have two. I'll go with your
2 recommendation for that. And then do the work,
3 have it surveyed, submit the new survey to the
4 Building Inspector, and ask for an inspection.
5 He'll make an inspection. Assuming everything is
6 done, we will have a final Planning Board meeting
7 to grant a final approval of the subdivision.
8 From that point, it gets processed to the county,
9 I believe, correct me if I'm wrong, Ken, for
10 recordation and then the Village is out of it.
11 Okay. Did I explain that correctly?

12 MR. GRAY: It sounded good.

13 CHAIRMAN SPERANZA: Very good.

14 MEMBER STEINMAN: Joe, I think it's
15 appropriate to hear from the Building Inspector as
16 to why he initially denied this.

17 CHAIRMAN SPERANZA: He's on the phone. So,
18 Judy, you can ask any questions you wish, as I had
19 indicated earlier in the meeting.

20 MEMBER STEINMAN: Well, I just asked a very
21 general question to Mike. Mike, why did you
22 initially turn down this application or deny it?

23 BUILDING INSPECTOR MANDARINO: Well, I think
24 Ken just explained it to you. The denials are
25 one, two, three. They're requiring setbacks on

SPA NO. 304

1 the side yard, the rear yard, and the rear
2 accessory, the garage, as far as setbacks and size
3 as being nonconforming. So that was already
4 explained. If you want me to explain it again,
5 I'd just be reading what Ken just read.

6 MEMBER STEINMAN: No, I understand what you
7 just said.

8 BUILDING INSPECTOR MANDARINO: Right. It's
9 as simple as that. Basically, the subdivision
10 creates a nonconforming setback for the house, for
11 the accessory and maintaining the setback and the
12 size of the accessory.

13 CHAIRMAN SPERANZA: Judy, do you have the
14 Building Inspector's letter?

15 MEMBER STEINMAN: No.

16 CHAIRMAN SPERANZA: Well, that's why you
17 asked the question, I guess.

18 MEMBER STEINMAN: It wasn't in the packet
19 that I got. Sorry.

20 BUILDING INSPECTOR MANDARINO: The one, two,
21 three are basically the context of the letter.
22 Most of the parts of the other letter --

23 MEMBER STEINMAN: One has to do with the side
24 yard setback. Okay. Two has to do with the
25 garage, and three has to do with the garage.

SPA NO. 304

1 BUILDING INSPECTOR MANDARINO: Right. One
2 has to do with the setback and one has to do with
3 the oversized accessory with nonconforming rear
4 setback.

5 MEMBER STEINMAN: Gotcha. Okay.

6 CHAIRMAN SPERANZA: Okay. Any other
7 questions from any other members of the Board?

8 (No verbal response given.)

9 All right. Hearing none --

10 MR. LEVINE: Can I ask a question?

11 CHAIRMAN SPERANZA: I will allow questions
12 before we close out. Go ahead, Ian.

13 MR. LEVINE: Thank you. The height
14 restriction that you're asking for us --

15 MEMBER STEINMAN: Who's speaking?

16 CHAIRMAN SPERANZA: Ian Levine.

17 MR. LEVINE: My name is Ian Levine, 768 Ocean
18 Breeze. The height that you're asking for us to
19 provide, is that when the new survey is done at
20 the completion of everything? Or is that needed
21 before we go in front of the ZBA?

22 MEMBER SILVERBERG: You need it before.

23 MR. LEVINE: Okay. Thank you.

24 CHAIRMAN SPERANZA: Yeah. We're not going to
25 speak for the ZBA, but I would suggest you go in

SPA NO. 304

1 there --

2 MR. LEVINE: Is it something official, or do
3 we just drop a tape measure from the top of the
4 house?

5 MEMBER SILVERBERG: No. A surveyor has to do
6 it.

7 MR. LEVINE: Okay.

8 CHAIRMAN SPERANZA: Also the flood elevation.

9 MEMBER SILVERBERG: First floor elevation is
10 required. Overall height is required.

11 CHAIRMAN SPERANZA: Okay. Again, any other
12 questions from anyone on the Board?

13 (No verbal response given.)

14 Hearing none, do I have -- Kenny, I guess
15 procedurally, what, we close the public
16 hearing?

17 MR. GRAY: You can close the public hearing
18 and then entertain a motion to approve preliminary
19 subdivision subject to zoning compliance.

20 CHAIRMAN SPERANZA: Okay. Would you draft
21 such a motion and read it so that we could vote on
22 it?

23 MR. GRAY: I just read it.

24 CHAIRMAN SPERANZA: Okay.

25 Do I have a motion to close the public

SPA NO. 304

1 hearing?

2 MEMBER SILVERBERG: Motion.

3 CHAIRMAN SPERANZA: That's Joel.

4 ALTERNATE MEMBER RAGUSA: Second.

5 CHAIRMAN SPERANZA: Gina seconds.

6 All in favor?

7 (All members vote aye.)

8 All right.

9 MR. GRAY: Now will somebody entertain a
10 motion to approve the preliminary subdivision
11 subject to zoning compliance and/or the required
12 variances?

13 CHAIRMAN SPERANZA: Anybody want to make that
14 motion?

15 MEMBER SILVERBERG: I make the motion.

16 CHAIRMAN SPERANZA: Joel Silverberg makes the
17 motion. Do I have a second?

18 ALTERNATE MEMBER KARALIS: Aye.

19 CHAIRMAN SPERANZA: Constantine Karalis
20 seconds.

21 All in favor? Gina?

22 ALTERNATE MEMBER RAGUSA: Aye.

23 CHAIRMAN SPERANZA: Constantine?

24 ALTERNATE MEMBER KARALIS: Aye.

25 CHAIRMAN SPERANZA: Joel?

SPA NO. 304

1 MEMBER SILVERBERG: Aye.

2 CHAIRMAN SPERANZA: Judy?

3 MEMBER STEINMAN: Yes.

4 CHAIRMAN SPERANZA: Who else?

5 ALTERNATE MEMBER RAGUSA: David.

6 CHAIRMAN SPERANZA: No, David doesn't vote.

7 Wait a minute, I should say I'm appointing David
8 as a voting member today. He'll be the fifth
9 member of the Board. No. That way Judy is the
10 fifth, so forget what I said. We have five. I
11 forgot that. So Judy voted, so it's just up to
12 me. My vote doesn't matter here, but I vote aye.

13 MS. SILDORF: Thank you.

14 CHAIRMAN SPERANZA: Doesn't matter because
15 you had a majority.

16 MS. SILDORF: Got it. I'm good with math.

17 CHAIRMAN SPERANZA: Okay. Very good.

18 Is there anything else anyone else wants
19 to bring up before we have a motion to close,
20 or to adjourn, rather?

21 MS. SILDORF: How do we get the ZBA meeting
22 scheduled?

23 CHAIRMAN SPERANZA: How?

24 MS. SILDORF: Through Jackie or Bunny?

25 CHAIRMAN SPERANZA: Yes.

SPA NO. 304

1 MS. SILDORF: We'll do that. Thank you.

2 MR. LEVINE: Can you guys share with us
3 electronically the drawings and the notes?

4 CHAIRMAN SPERANZA: They were sent to you.

5 MR. LEVINE: Not to us.

6 MS. SILDORF: The only one we don't have is
7 the one that Constantine did.

8 ALTERNATE MEMBER RAGUSA: That was emailed
9 Friday.

10 MS. SILDORF: If not, I'll get it. Not a
11 problem.

12 CHAIRMAN SPERANZA: I asked her to. She said
13 she would.

14 MS. SILDORF: Thank you. I'll take care of
15 it. Don't worry about it.

16 CHAIRMAN SPERANZA: Okay. Do I have a motion
17 to adjourn?

18 MEMBER SILVERBERG: I make a motion.

19 CHAIRMAN SPERANZA: Joel makes the motion.

20 ALTERNATE MEMBER RAGUSA: Second.

21 CHAIRMAN SPERANZA: Gina seconds. Okay.

22 All in favor?

23 (All members vote aye.)

24 Thank you very much.

25 (Time Noted: 11:30 a.m.)

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 13th day of October, 2022.

D. LEIGH CHAPMAN

	accepted [1] 13/10 accessory [6] 12/11 13/3 16/2 16/11 16/12 17/3 accurate [1] 22/6 acquired [1] 5/20 actually [1] 8/11 add [2] 5/22 8/10 adjacent [1] 5/16 adjourn [2] 20/20 21/17 After [1] 14/16 again [4] 5/23 6/3 16/4 18/11 agenda [1] 3/24 ago [2] 5/2 5/20 agree [1] 14/23 ahead [1] 17/12 all [20] 4/13 4/17 4/17 6/12 6/21 7/5 7/7 7/7 8/23 10/19 12/24 13/23 13/24 17/9 19/6 19/7 19/8 19/21 21/22 21/23 allow [1] 17/11 allowable [1] 13/20 allowed [3] 9/2 11/16 11/17 already [1] 16/3 Also [2] 8/7 18/8 ALTERNATE [3] 1/16 1/17 1/21 amenable [1] 14/11 another [1] 9/3 answer [1] 7/19 any [7] 7/8 9/11 10/5 15/18 17/6 17/7 18/11 Anybody [1] 19/13 anyone [3] 9/10 18/12 20/18 anything [3] 5/21 6/10 20/18 apologize [1] 8/21 apparent [1] 9/6 Appearing [1] 1/19 applicant [6] 2/4 2/5 3/11 4/6 9/25 10/12 applicant's [2] 6/11 12/21 applicants [1] 10/1 application [5] 1/5 7/2 9/23 9/23 15/22 applied [1] 10/2 appointing [1] 20/7 appropriate [1] 15/15 approval [3] 14/10 14/12 15/7 approve [3] 12/1 18/18 19/10 are [8] 7/3 7/11 7/15 7/16 10/10 11/21 15/24 16/21 area [4] 13/17 13/21 13/22 13/23 articulates [1] 11/5 as [20] 4/6 5/21 6/1 6/5 6/21 8/10 10/3 11/1 12/1 12/8 12/18 14/24 15/15 15/18 16/2 16/2 16/3 16/9 16/9 20/8 ascertain [1] 8/25 ask [5] 7/9 11/19 15/4 15/18 17/10 asked [3] 15/20 16/17 21/12 asking [3] 6/4 17/14 17/18 assume [2] 7/15 7/21 assuming [2] 14/10 15/5 astronomical [2] 8/1 8/4 attach [1] 6/5 attached [2] 5/7 5/8 ATTORNEY [2] 1/23 14/25 aye [7] 19/7 19/18 19/22 19/24 20/1 20/12 21/23	before [4] 17/12 17/21 17/22 20/19 being [2] 5/17 16/3 believe [3] 13/1 14/8 15/9 below [2] 7/16 7/22 better [2] 11/17 14/21 bigger [1] 13/3 BOARD [19] 1/4 6/12 6/13 6/13 6/19 8/20 9/4 9/8 10/6 11/13 12/19 12/20 12/23 14/9 14/10 15/6 17/7 18/12 20/9 both [5] 7/16 7/17 13/17 14/5 14/20 bottom [2] 8/12 10/25 bought [1] 5/24 break [1] 8/5 Breeze [3] 2/6 4/1 17/18 bring [1] 20/19 buffer [1] 6/6 building [16] 1/22 3/3 5/22 6/22 8/17 9/24 11/15 11/20 11/22 13/3 14/1 14/2 14/13 15/4 15/15 16/14 buildings [1] 7/11 built [1] 5/17 Bunny [2] 6/15 20/24 buy [1] 4/24
-		C
-----x [3] 1/2 1/7 1/11		calculated [1] 13/21 call [3] 3/1 3/18 3/21 can [16] 3/4 3/21 4/21 6/15 6/24 8/4 8/5 11/11 11/17 11/19 11/23 14/17 15/18 17/10 18/17 21/2 can't [2] 4/1 8/13 care [1] 21/14 CERTIFICATION [1] 22/2 certify [1] 22/5 CHAIRMAN [1] 1/14 change [3] 5/9 5/21 6/2 changes [1] 10/12 Chapman [3] 1/25 22/4 22/12 chart [1] 9/14 check [1] 9/1 circled [1] 11/20 circles [1] 10/15 clear [2] 9/13 9/24 CLERK [2] 1/18 3/13 close [5] 17/12 18/15 18/17 18/25 20/19 color [2] 6/21 10/25 come [3] 6/15 12/20 14/9 completion [1] 17/20 compliance [5] 8/25 12/20 14/12 18/19 19/11 compliant [2] 13/17 13/23 comply [1] 13/22 condition [1] 13/10 conditioned [1] 14/12 cons [2] 11/13 11/15 CONSTANTINE [7] 1/17 3/5 8/15 10/9 19/19 19/23 21/7 context [2] 6/8 16/21 continue [1] 12/17 correct [2] 8/9 15/9 correctly [1] 15/11 could [1] 18/21 Counsel [2] 3/3 3/17 county [1] 15/8 couple [1] 5/2 Court [3] 1/25 3/13 3/14 creates [1] 16/10
1	1,022 [1] 13/18 11770 [1] 2/6 11:00 [1] 1/8 11:30 [1] 21/25 13th [1] 22/9 1600 [1] 13/20 161-164 [1] 1/9 164 [1] 1/9 1912 [1] 5/19	
2	2022 [2] 1/8 22/9 24 feet [1] 9/3	
3	304 [1] 1/5 32 [2] 4/23 5/20	
4	4.1 [1] 7/13 4.1 feet [1] 14/3 40 [1] 13/3	
7	76 [1] 4/3 765 [3] 4/25 5/3 5/12 765-767 [1] 2/6 766 [3] 4/1 5/3 5/12 767 [3] 2/6 4/1 5/4 768 [3] 4/16 4/22 17/17 768-769 [1] 4/23 769 [3] 4/5 4/23 14/2 77 [1] 4/3 78 [1] 4/3 79 [1] 4/3	
8	80 [1] 6/1	
A	a.m [2] 1/8 21/25 able [1] 5/1 about [5] 4/23 11/7 11/9 13/6 21/15 above [1] 14/3	
	B back [1] 4/25 basically [2] 16/9 16/21 bay [1] 14/3 be [19] 3/8 5/7 5/11 5/13 5/14 5/15 8/4 8/23 9/3 9/8 9/13 9/18 9/24 12/2 12/17 14/12 14/21 16/5 20/8 BEACH [3] 1/1 1/10 2/6 beautiful [1] 4/12 because [4] 3/22 12/3 13/2 20/14 become [2] 7/5 9/6 becomes [1] 9/3 been [5] 4/17 4/24 5/19 5/25 6/1	
		D data [1] 14/2 DAVID [5] 1/21 3/2 20/5 20/6 20/7 day [2] 8/23 22/9 days [1] 5/1 decision [1] 11/18 deck [1] 12/6 deficient [1] 9/4 delineates [1] 6/20

D
denial [2] 7/1 11/21
denials [1] 15/24
denied [2] 11/15 15/16
deny [1] 15/22
describe [1] 4/9
described [1] 11/2
description [3] 10/24 11/4 11/5
desire [1] 12/22
developed [1] 13/25
diagram [1] 10/25
Diane [1] 3/14
did [4] 6/25 15/11 15/21 21/7
discussed [1] 3/23
discussion [3] 8/18 11/9 11/11
dispense [1] 3/21
do [21] 4/9 7/10 11/11 14/17 14/25 15/2 16/13
16/23 16/24 16/25 17/2 17/2 18/2 18/5 18/14
18/25 19/17 20/21 21/1 21/16 22/5
does [1] 9/18
doesn't [4] 7/14 20/6 20/12 20/14
don't [11] 5/14 7/19 8/7 8/9 9/5 10/20 10/22
12/21 12/24 21/6 21/15
done [4] 6/10 6/18 15/6 17/19
down [3] 5/14 12/23 15/22
draft [1] 18/20
drawings [1] 21/3
drop [1] 18/3
during [1] 7/17

E
earlier [1] 15/19
eight [7] 4/4 5/8 7/6 10/10 12/4 12/7 12/12
eight feet [1] 12/7
eight-foot [1] 12/12
either [1] 12/19
electronically [3] 6/14 6/17 21/3
elevation [6] 7/16 7/23 8/17 14/1 18/8 18/9
elevations [1] 7/11
else [5] 6/10 9/10 20/4 20/18 20/18
emailed [1] 21/8
empty [5] 5/4 5/6 5/10 5/15 6/4
encompassing [1] 14/19
entertain [2] 18/18 19/9
enumerated [1] 9/9
eventually [2] 9/6 14/4
everybody [1] 4/11
everyone [2] 6/13 11/14
everything [3] 10/23 15/5 17/20
exactly [1] 5/20
example [1] 9/2
except [2] 10/24 14/2
exist [1] 12/12
existing [5] 5/9 5/12 6/6 12/5 13/9
explain [2] 15/11 16/4
explained [2] 15/24 16/4
explanatory [3] 7/7 10/8 10/11

F
fact [1] 13/2
familiar [1] 7/5
far [1] 16/2
favor [3] 19/6 19/21 21/22
feet [7] 9/3 12/4 12/7 12/12 13/4 13/19 14/3
fifth [2] 20/8 20/10
final [2] 15/6 15/7
finally [1] 5/1
find [1] 10/15
finding [1] 14/13
finished [1] 6/23
fire [2] 1/2 5/4
first [4] 5/24 6/25 11/20 18/9
five [6] 4/3 5/7 13/7 13/7 13/11 20/10
flood [4] 7/16 7/22 7/25 18/8
flooded [1] 7/17

floor [3] 4/7 7/11 18/9
foot [3] 12/4 12/6 12/12
forever [1] 6/2
forget [1] 20/10
forgoing [1] 22/6
forgot [1] 20/11
forward [1] 10/3
four [2] 12/6 12/12
four feet [1] 12/12
four-foot [1] 12/6
Friday [1] 21/9
front [2] 10/17 17/21
future [1] 12/24

G
garage [8] 9/15 12/11 12/16 12/22 13/1 16/2
16/25 16/25
general [1] 15/21
George [1] 5/1
get [9] 6/14 8/5 11/5 12/21 14/15 14/16 14/24
20/21 21/10
gets [1] 15/8
GINA [9] 1/16 3/6 3/7 3/8 3/10 11/19 19/5
19/21 21/21
given [2] 17/8 18/13
go [7] 9/7 12/19 12/20 15/1 17/12 17/21 17/25
14/8 17/24
gone [1] 4/19
gonna [1] 12/19
good [6] 4/11 10/18 15/12 15/13 20/16 20/17
got [5] 5/2 5/3 6/13 16/19 20/16
Gotcha [2] 12/13 17/5
grant [1] 15/7
graphically [1] 6/20
GRAY [2] 1/23 3/3
green [2] 13/14 13/16
ground [3] 7/11 8/17 14/1
guess [2] 16/17 18/14
guys [1] 21/2

H
had [4] 5/22 9/12 15/18 20/15
hand [1] 22/9
has [11] 5/19 5/25 6/16 12/4 12/6 16/23 16/24
16/25 17/2 17/2 18/5
have [35]
he [2] 6/25 15/16
He'll [2] 15/5 20/8
He's [1] 15/17
hear [3] 4/20 8/13 15/15
hearing [5] 17/9 18/14 18/16 18/17 19/1
height [4] 8/17 17/13 17/18 18/10
heights [2] 8/8 14/1
her [1] 21/12
here [10] 3/11 4/6 4/12 4/13 4/14 6/16 7/4
8/23 9/22 20/12
hereby [2] 13/21 22/5
hereunto [1] 22/8
high [1] 14/3
higher [1] 9/2
highlights [1] 6/21
him [1] 6/24
his [1] 7/1
house [16] 4/16 5/2 5/3 5/9 5/13 5/16 5/16
5/19 5/24 5/25 6/6 9/2 12/2 12/6 16/10 18/4
how [3] 11/18 20/21 20/23

I
I'd [1] 16/5
I'll [4] 3/17 15/1 21/10 21/14
I'm [11] 4/7 4/12 4/14 4/15 6/23 7/21 8/21
14/8 15/9 20/7 20/16
Ian [6] 2/4 3/12 4/14 17/12 17/16 17/17
Ian's [1] 5/4
identified [1] 9/9

identify [1] 3/4
impact [1] 10/11
importance [1] 8/16
includes [1] 14/1
INCORPORATED [1] 1/1
indicated [1] 15/19
infringement [1] 13/11
initially [2] 15/16 15/22
inspection [2] 15/4 15/5
INSPECTOR [7] 1/22 3/3 11/15 11/20 11/22
15/4 15/15
Inspector's [2] 14/13 16/14
insurance [1] 7/25
intent [2] 5/6 5/18
interject [2] 8/22 9/21
is [60]
ISLAND [1] 1/2
isn't [1] 9/5
issue [1] 12/14
issues [1] 6/21
it [41]
it's [14] 4/12 5/2 5/3 7/7 8/11 8/19 9/23 9/25
10/7 12/18 13/2 15/14 16/8 20/11
item [2] 3/24 9/3
items [5] 7/6 9/1 9/8 10/9 10/16

J
Jackie [3] 3/13 6/16 20/24
JACQUELINE [1] 1/18
Joe [6] 3/4 8/13 10/7 11/23 14/22 15/14
JOEL [7] 1/15 3/6 12/25 19/3 19/16 19/25
21/19
joining [1] 4/12
JOSEPH [1] 1/14
JUDY [10] 1/20 3/1 4/20 11/6 11/25 15/18
16/13 20/2 20/9 20/11
jump [1] 11/23
just [17] 3/20 3/22 6/24 7/3 7/4 9/12 9/21 14/7
14/24 15/20 15/24 16/5 16/5 16/7 18/3 18/23
20/11

K
KARALIS [4] 1/17 3/6 6/19 19/19
keep [1] 5/15
Ken [6] 3/3 14/7 14/24 15/9 15/24 16/5
KENNETH [1] 1/23
Kenny [3] 12/16 13/7 18/14
kind [1] 6/5
know [10] 4/17 5/14 7/10 7/19 9/5 10/7 11/16
12/21 12/24 13/5

L
landscaping [2] 9/18 9/19
large [2] 5/16 14/19
last [3] 4/2 4/2 8/12
least [2] 5/25 14/8
Leigh [4] 1/25 3/14 22/4 22/12
let [3] 4/7 8/22 9/21
Let's [1] 9/24
letter [6] 7/1 11/21 14/13 16/14 16/21 16/22
Levine [5] 2/4 3/12 4/14 17/16 17/17
LIEBER [2] 1/21 3/2
like [2] 4/9 6/24
list [1] 9/1
literally [2] 5/17 6/1
little [1] 10/15
live [1] 4/17
living [4] 13/17 13/21 13/22 13/23
look [2] 5/10 6/17
looking [3] 5/15 6/4 11/9
lot [7] 4/23 4/25 5/4 5/6 5/10 5/15 6/4
lots [4] 4/5 4/5 5/12 6/7
lowered [1] 8/4

M
mail [1] 6/14

M
maintain [2] 12/10 12/22
maintaining [1] 16/11
majority [1] 20/15
make [9] 4/8 10/13 11/7 11/17 14/7 15/5 19/13 19/15 21/18
makes [2] 19/16 21/19
MANDARINO [2] 1/22 3/2
Maria [5] 2/5 3/11 4/13 4/19 8/19
math [1] 20/16
matter [2] 20/12 20/14
may [3] 5/13 5/14 8/10
maybe [1] 12/22
me [8] 4/9 4/20 6/10 9/21 10/17 15/9 16/4 20/12
mean [1] 14/3
measure [1] 18/3
meeting [5] 1/4 3/18 15/6 15/19 20/21
member [8] 1/15 1/16 1/17 1/20 1/21 6/19 20/8 20/9
members [4] 7/4 17/7 19/7 21/23
MICHAEL [1] 1/22
middle [1] 9/13
Mike [3] 3/2 15/21 15/21
mind [1] 11/7
minimize [1] 6/3
minute [1] 20/7
morning [1] 4/11
Most [1] 16/22
moths [1] 5/2
motion [12] 18/18 18/21 18/25 19/2 19/10 19/14 19/15 19/17 20/19 21/16 21/18 21/19
move [1] 5/7
much [2] 6/20 21/24
my [7] 5/19 7/25 14/8 17/17 20/12 22/7 22/8
myself [2] 3/6 9/22

N
name [1] 17/17
need [5] 11/6 11/6 13/1 14/4 17/22
need to [1] 11/6
needed [3] 10/4 14/14 17/20
needing [1] 8/17
neither [1] 13/24
new [9] 1/2 1/10 2/6 5/11 14/4 14/19 15/3 17/19 22/5
next [4] 4/24 5/10 5/25 9/7
nice [1] 10/8
nine [2] 5/8 8/10
no [14] 5/9 5/21 6/1 8/6 8/6 9/20 10/24 16/6 16/15 17/8 18/5 18/13 20/6 20/9
nonconforming [4] 12/11 16/3 16/10 17/3
none [2] 17/9 18/14
not [13] 4/13 6/3 7/25 8/3 9/23 9/25 11/16 13/9 13/21 17/24 21/5 21/10 21/10
Notary [1] 22/4
note [1] 8/12
noted [2] 9/4 21/25
notes [2] 21/3 22/7
now [8] 4/21 4/23 5/7 6/13 7/9 8/19 12/18 19/9
number [8] 1/5 8/10 9/14 10/18 10/19 11/12 12/9 12/14
numbered [1] 4/1
numbers [2] 10/15 11/21

O
OCEAN [7] 1/1 1/9 1/10 2/6 2/6 4/1 17/17
October [2] 1/8 22/9
off [3] 5/11 6/6 14/21
official [2] 6/22 18/2
often [1] 5/4
Oh [3] 3/13 8/21 13/16
okay [21] 3/16 3/20 4/22 6/7 6/9 6/10 9/10 11/19 12/9 15/11 16/24 17/5 17/6 17/23 18/7

18/11 18/20 18/24 20/17 21/16 21/21
one [25]
one-story [1] 5/3
only [10] 3/10 5/11 11/2 11/3 11/4 12/3 12/6 12/12 13/18 21/6
open [1] 10/14
opinion [1] 14/8
order [2] 3/18 8/25
other [7] 5/22 7/14 10/5 16/22 17/6 17/7 18/11
others [1] 10/3
otherwise [1] 8/23
our [5] 5/6 5/9 5/16 5/18 6/5
out [4] 6/22 10/23 15/10 17/12
outdoor [1] 5/23
over [1] 4/7
Overall [1] 18/10
oversized [1] 17/3
overview [1] 6/7
owned [2] 4/16 4/22
owner [1] 11/1

P
package [2] 6/13 6/18
packet [1] 16/18
parts [1] 16/22
percent [1] 13/12
permission [1] 3/17
permit [3] 1/5 5/22 9/24
Phillips [2] 5/1 5/24
phone [4] 6/23 11/14 11/22 15/17
pick [1] 6/15
plan [9] 6/18 6/25 7/6 9/18 9/19 10/1 10/15 10/16 13/25
PLANNING [5] 1/4 6/19 9/4 10/5 15/6
Please [1] 3/19
Plot [2] 13/18 13/21
point [2] 10/16 15/8
pointed [1] 6/22
precipitated [1] 7/1
preexisting [1] 12/10
preliminary [2] 18/18 19/10
preposes [1] 11/1
present [2] 3/17 6/16
presentation [2] 4/8 6/11
Presumably [1] 9/7
pretty [1] 6/20
prevent [1] 5/16
primary [2] 8/2 8/5
printed [1] 10/23
probably [1] 11/17
problem [1] 21/11
procedurally [1] 18/15
proceed [1] 11/18
process [1] 14/6
processed [1] 15/8
produce [1] 14/18
properties [5] 3/25 7/5 13/17 14/5 14/20
property [6] 4/24 5/11 6/2 6/5 11/1 13/10
propose [1] 12/10
proposed [2] 12/2 12/18
proposing [1] 10/12
pros [2] 11/13 11/14
provide [1] 17/19
public [4] 18/15 18/17 18/25 22/4
purchase [1] 5/2

Q
question [6] 6/24 7/20 9/13 15/21 16/17 17/10
questions [7] 7/9 9/11 10/5 15/18 17/7 17/11 18/12
quorum [1] 3/16

R
RAGUSA [3] 1/16 3/7 3/8
ramp [1] 12/5
rather [1] 20/20

read [8] 4/2 6/24 7/8 10/19 11/6 16/5 18/21 18/23
reading [1] 16/5
real [2] 8/5 10/8
rear [5] 13/9 13/11 16/1 16/1 17/3
reason [1] 10/20
recommend [1] 14/9
recommendation [1] 15/2
record [1] 3/22
recording [1] 15/10
refer [2] 14/11 14/15
Referring [1] 3/14
remediated [1] 5/13
renovated [1] 5/14
Reporter [2] 1/25 3/15
require [1] 12/23
required [6] 12/5 12/7 14/17 18/10 18/10 19/11
requirement [2] 13/15 13/16
requires [1] 12/11
requiring [1] 15/25
residence [1] 8/3
response [2] 17/8 18/13
restriction [1] 17/14
returned [2] 7/3 7/4
review [1] 10/1
reviewing [1] 10/3
right [14] 3/9 5/17 8/19 9/15 11/13 12/2 12/17 12/18 13/24 14/6 16/8 17/1 17/9 19/8
Road [1] 1/9
roll [1] 3/21
room [1] 3/4
RULON [1] 1/18
run [1] 10/9

S
said [6] 8/3 10/7 14/7 16/7 20/10 21/12
same [1] 5/21
Sandy [1] 7/18
say [4] 6/9 7/3 8/24 20/7
saying [1] 11/25
says [2] 10/25 11/7
scheduled [1] 20/22
second [4] 11/23 19/4 19/17 21/20
seconds [3] 19/5 19/20 21/21
see [4] 5/4 6/18 11/2 12/8
self [3] 7/7 10/8 10/11
self-explanatory [3] 7/7 10/8 10/11
sell [2] 5/11 6/6
sent [2] 10/24 21/4
separate [2] 13/1 14/22
set [1] 22/8
setback [11] 12/3 12/4 12/6 12/12 13/9 13/11 16/10 16/11 16/24 17/2 17/4
setbacks [2] 15/25 16/2
seven [3] 4/4 10/10 12/4
seven-foot [1] 12/4
Seventy [1] 4/3
Seventy-five [1] 4/3
share [1] 21/2
she [2] 21/12 21/13
shed [1] 5/23
should [3] 7/3 9/8 20/7
show [2] 7/14 10/11
shower [1] 5/23
shown [1] 7/6
shows [2] 6/25 7/13
side [3] 12/3 16/1 16/23
Silsdorf [3] 2/5 3/12 4/13
SILVERBERG [3] 1/15 3/6 19/16
simple [1] 16/9
since [1] 5/19
site [1] 10/1
six [4] 5/7 13/7 13/8 13/13
Sixty [1] 4/4
Sixty-eight [1] 4/4

S
size [2] 16/2 16/12
sketch [4] 6/18 7/6 10/16 13/25
so [23]
some [1] 10/20
somebody [1] 19/9
something [2] 4/10 18/2
somewhat [1] 11/5
sorry [4] 4/13 4/15 8/21 16/19
sound [1] 4/19
sounded [1] 15/12
space [2] 13/14 13/16
speak [1] 17/25
speaking [3] 6/12 12/25 17/15
SPECIAL [1] 1/5
specific [1] 10/16
SPERANZA [1] 1/14
square [2] 13/3 13/19
standing [1] 5/19
State [1] 22/5
STEINMAN [2] 1/20 3/2
stenographic [1] 22/7
step [1] 9/7
story [1] 5/3
subdivide [1] 11/1
subdivision [8] 3/25 9/23 10/2 12/1 15/7 16/9
18/19 19/10
subject [2] 18/19 19/11
submit [1] 15/3
such [2] 4/6 18/21
suggest [1] 17/25
survey [4] 13/25 14/19 15/3 17/19
surveyed [2] 14/18 15/3
surveyor [1] 18/5
surveys [4] 8/8 14/5 14/19 14/22

T
take [6] 5/6 6/4 10/18 11/12 12/23 21/14
talking [1] 8/14
tape [1] 18/3
Tell [1] 6/10
tentative [2] 14/10 14/11
than [3] 5/22 9/2 13/3
Thank [6] 17/13 17/23 20/13 21/1 21/14
21/24
thanks [2] 4/12 6/19
that [64]
that's [22] 3/9 3/22 5/6 5/18 6/11 8/5 9/6 9/14
10/2 10/19 11/2 11/3 11/4 12/5 12/18 12/24
13/3 13/5 13/11 14/17 16/16 19/3
their [1] 4/8
them [8] 4/7 4/8 6/16 7/9 7/16 12/23 14/17
14/18
then [9] 6/6 9/3 10/19 11/7 11/17 14/15 15/2
15/10 18/18
there [9] 5/25 6/17 9/14 9/17 9/18 11/4 12/17
18/1 20/18
there's [6] 3/9 5/12 6/1 8/25 10/24 13/10
they [9] 4/8 4/9 7/17 11/8 12/10 14/16 14/17
14/21 21/4
they're [6] 7/22 11/16 11/16 11/25 12/19
15/25
think [5] 3/16 3/20 11/8 15/14 15/23
third [1] 12/14
this [11] 4/13 8/18 9/22 12/1 12/25 13/25
14/11 14/24 15/16 15/22 22/9
those [3] 4/5 9/8 14/16
three [7] 6/25 9/14 11/20 12/15 15/25 16/21
16/25
through [5] 10/9 10/10 10/10 14/24 20/24
time [3] 7/9 9/8 21/25
today [5] 3/24 6/16 14/10 14/24 20/8
too [1] 3/13
took [1] 3/21
top [2] 5/17 18/3

turn [1] 5/14
transcript [1] 22/7
truck [1] 5/5
true [1] 22/6
trust [1] 7/7
trying [1] 4/24
turn [2] 4/7 15/22
two [12] 3/25 5/12 6/7 7/11 12/9 14/18 14/21
15/1 15/1 15/25 16/20 16/24

U
um [1] 12/15
understand [1] 16/6
understands [1] 11/14
Understood [1] 13/5
unless [1] 4/9
up [5] 6/15 11/7 14/9 20/11 20/19
us [12] 4/12 4/25 5/10 5/18 5/25 6/23 7/2
10/11 17/14 17/18 21/2 21/5

V
variance [1] 13/2
variances [4] 12/21 14/14 14/16 19/12
verbal [2] 17/8 18/13
very [4] 15/13 15/20 20/17 21/24
via [2] 1/19 6/14
view [1] 13/22
VILLAGE [7] 1/1 1/18 1/23 3/3 3/12 14/25
15/10
violation [1] 12/3
visit [1] 7/4
vote [6] 18/21 19/7 20/6 20/12 20/12 21/23
voted [1] 20/11
voting [1] 20/8

W
Wait [1] 20/7
Walk [1] 2/6
want [9] 4/8 6/9 8/10 9/13 11/10 14/25 15/1
16/4 19/13
wants [1] 20/18
was [6] 5/21 8/24 10/24 13/25 16/3 21/8
wasn't [1] 16/18
water [1] 14/3
way [1] 20/9
we [38]
we'll [5] 8/23 14/4 14/25 15/1 21/1
we're [5] 6/3 6/4 10/2 14/7 17/24
we've [1] 4/22
Webex [1] 1/19
well [5] 10/14 12/8 15/20 15/23 16/16
were [5] 5/1 7/17 11/8 12/1 21/4
what [19] 3/22 4/2 4/8 6/3 6/25 7/10 10/2
10/11 10/22 11/7 11/16 11/16 11/25 12/9 14/7
16/5 16/6 18/15 20/10
what's [2] 8/16 9/25
when [5] 5/20 5/23 6/15 6/23 17/19
where [4] 5/4 12/4 12/6 13/20
WHEREOF [1] 22/8
whether [1] 9/5
which [10] 4/16 4/23 4/25 5/11 5/13 7/1 12/11
13/25 14/2 14/16
Who [1] 20/4
who's [6] 3/4 6/16 6/22 8/13 11/22 17/15
whole [1] 11/13
why [5] 8/3 11/15 15/16 15/21 16/16
will [12] 5/8 5/11 6/14 6/18 8/22 10/15 12/23
13/1 13/22 15/6 17/11 19/9
Windswept [1] 1/9
wise [1] 7/12
wish [1] 15/18
WITNESS [1] 22/8
work [3] 14/17 14/18 15/2
worry [1] 21/15
would [14] 3/8 4/9 5/10 5/15 10/8 10/9 12/2
12/16 14/12 14/15 14/21 17/25 18/20 21/13

wrong [1] 15/9
wrote [1] 11/22

Y
yard [6] 12/3 13/9 13/11 16/1 16/1 16/24
Yeah [4] 7/24 9/16 11/24 17/24
years [3] 4/23 5/20 6/1
Yes [3] 3/5 20/3 20/25
YORK [4] 1/2 1/10 2/6 22/5
you [58]
you'll [1] 11/5
you're [4] 4/13 6/10 17/14 17/18
You've [1] 4/17
your [8] 3/4 3/17 4/19 8/2 8/5 10/14 11/7 15/1

Z
ZBA [4] 14/15 17/21 17/25 20/21
zoning [6] 9/7 12/19 12/20 12/23 18/19 19/11
Zoom [1] 3/1