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PLANNING BOARD

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VILLAGE OF NORTH HAVEN

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Held at:

335 Ferry Road

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Sag Harbor, New York 11963

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Also Held Via:

Zoom Video Communications

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December 18, 2023

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4:30 p.m.

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

Bryan von Hagn, Chairperson

Ernest Schieferstein, Deputy Chairperson
(Absent)

Allen Kopelson, Board Member

Gregory Churchill, Board Member

Christian Duryea, Board Member

Susan Edwards, Board Member

Scott Middleton, Esq., Village Attorney

Billy Hajek, Planning & Environmental
Consultant

George Butts, Village Building Inspector

Erika Gubitosi, Village Clerk/Secretary

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NORTH HAVEN PLANNING BOARD - 12/18/2023

CHAIRMAN VON HAGN: All right, everybody, welcome to the Village of North Haven Planning Board for Monday, December 18th, 2023.

We'd like to start with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN VON HAGN: All right. Thank you.

All right. So we're gonna start with the approval of the November 20th, '23 transcript. If I can have a motion to approve, if everybody's read it?

MR. DURYEA: I'll make a motion.

CHAIRMAN VON HAGN: Okay.

MR. CHURCHILL: Second.

CHAIRMAN VON HAGN: Second. All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: Okay. All right, this is gonna be a quick one. This is our holiday session, and there's not much on it.

NORTH HAVEN PLANNING BOARD - 12/18/2023

First up, we have Subdivisions.

We have 370 North Ferry Road L.P.
and 2104 Cahuenga Partners L.P.,
Owners/Anthony C. Pasca, Esq., Agent. The
property is located at 370 and 362 North
Ferry Road, North Haven, New York.
Suffolk County Tax Map No. 901-1-2-1, 2, 3
and 4. The applicant requests an
extension to the Board's approval issued
on February 27, 2023.

Is there anyone here for the
applicant? Okay. Come on up. Can you
give your -- can you provide your name for
the record, please?

MR. LOMBARDI: Yes. Joe Lombardi,
from The Raynor Group.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: Just so the Board
understands, we can do this by just an
oral resolution. I didn't prepare
anything for tonight.

It's an extension, but the
extension will be retroactive to the date
when they should have submitted. So it'll

NORTH HAVEN PLANNING BOARD - 12/18/2023

be six months from whatever date that was.
I want to say back in August. So I think
they'll have until some date in February
to submit the final.

So if you folks are in favor of
that, you can have a motion and then
second.

CHAIRMAN VON HAGN: Does anyone
have any questions to that? This is just
an extension to what we already approved.

MR. LOMBARDI: Right. We're at
the Health Department right now --

CHAIRMAN VON HAGN: Okay.

MR. LOMBARDI: -- dealing with --
yeah.

MR. MIDDLETON: Yeah, I spoke to
counsel and that was the biggest thing
that's been holding it up. Health
Department is a bit slow. So, you know,
and then it was just an oversight that
they didn't apply for it --

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: -- when it
expired.

NORTH HAVEN PLANNING BOARD - 12/18/2023

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2 CHAIRMAN VON HAGN: Okay. So can
3 I have a motion to approve the extension?

4 MR. KOPELSON: I'll move it.

5 CHAIRMAN VON HAGN: Second?

6 MR. DURYEA: Second.

7 CHAIRMAN VON HAGN: In favor?

8 Aye.

9 MR. CHURCHILL: Aye.

10 MR. DURYEA: Aye.

11 MR. KOPELSON: Aye.

12 MS. EDWARDS: Should I even vote
13 on this since I didn't --

14 MR. MIDDLETON: Yeah, you can.

15 MS. EDWARDS: -- review it the
16 first time?

17 MR. MIDDLETON: You can.

18 CHAIRMAN VON HAGN: You don't have
19 to.

20 MS. EDWARDS: Well, I'll step away
21 or whatever.

22 MR. MIDDLETON: What's that? I'm
23 sorry?

24 MS. EDWARDS: I will be a non
25 vote.

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. MIDDLETON: You abstain?

Okay. That's fine.

CHAIRMAN VON HAGN: All in favor,
aside from Susan? Aye.

MR. CHURCHILL: Aye.

MR. DURYEA: Aye.

MR. KOPELSON: Aye.

CHAIRMAN VON HAGN: All right.

Just out of curiosity, what is the
plan with the small house that's sitting
there on the lot that's getting
revegetated? Is that gonna get
demolished?

MR. LOMBARDI: Yes. Yeah.

CHAIRMAN VON HAGN: Early in the
process? We don't know yet?

MR. LOMBARDI: It should be early
in the process.

CHAIRMAN VON HAGN: Yeah.

MR. LOMBARDI: It's going to be a
condition of approval with the Health
Department and certainly with the Board.
And there was a revegetation plan --

CHAIRMAN VON HAGN: Yes.

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. LOMBARDI: -- for that lot.

So that building is coming out.

CHAIRMAN VON HAGN: Yeah.

MR. LOMBARDI: You know, it may
wind up being a condition of final
approval.

CHAIRMAN VON HAGN: Yeah. Okay.
All right.

MR. LOMBARDI: Eliminate the
building.

CHAIRMAN VON HAGN: Okay. Sounds
good. All right, Joe. Thanks. Happy
holidays. Good to see you.

All right. Next up, we have Site
Plans/Applications.

First up, we have 20 Forest Road
LLC, Owner/Tiffany Scarlato, Esq. Agent.
The property is located at 20 Forest Road,
North Haven, New York. Suffolk County Tax
Map No. 901-5-1-62. Discussion regarding
revegetation plan submitted by the
applicant on November 2, 2023.

If you can give your name for the
record, please.

NORTH HAVEN PLANNING BOARD - 12/18/2023

MS. SCARLATO: Tiffany Scarlato,
45 Division Street, for the applicant, in
Sag Harbor. I'm sorry.

CHAIRMAN VON HAGN: Good to see
you, Tiffany.

MS. SCARLATO: Good to see you, as
well.

We did submit a revegetation plan
pursuant to the previous Planning Board
extension. I know Billy just reviewed
that and went over it with LaGuardia
Design. And I had a couple of -- he had a
couple of recommended changes.

CHAIRMAN VON HAGN: Right.

MS. SCARLATO: So I think -- I
don't know if they sent you back that plan
with the changes yet?

MR. HAJEK: Not yet.

MS. SCARLATO: Okay.

MR. HAJEK: No.

MS. SCARLATO: There were just
some minor tweaks. It was basically the
old plan that you had seen. The first
plan we submitted was insufficient. The

NORTH HAVEN PLANNING BOARD - 12/18/2023

second plan, we went back to basically the old reveg from what would have been the site plan.

We just had a few hiccups because we had to use a different surveyor. Dave Saskas was originally (inaudible) and we had to switch back and forth. We also submitted the Health Department application on December 10th, and that's under the previous -- for the prior --

CHAIRMAN VON HAGN: Got it. So we can't really -- there's nothing else --

MR. HAJEK: No, they --

CHAIRMAN VON HAGN: -- to do at this point.

MR. HAJEK: I mean, I think LaGuardia's office is making a couple of tweaks to their plan. And I assume when they, you know, finalize it, they'll submit to the Planning -- formally to the Planning Board.

MS. SCARLATO: Yes.

CHAIRMAN VON HAGN: Okay.

MR. KOPELSON: Sounds good.

NORTH HAVEN PLANNING BOARD - 12/18/2023

MS. SCARLATO: Okay.

CHAIRMAN VON HAGN: Thanks for
coming.

MS. SCARLATO: Thank you.

MR. MIDDLETON: Merry Christmas.

MS. SCARLATO: Merry Christmas to
everyone.

MR. KOPELSON: Moving right along.

CHAIRMAN VON HAGN: Next up, we
have Carpe North LLC, Owner/Brian C.
Doyle, Esq., Agent. The property is
located at 43 Robertson Drive, North
Haven, New York. Suffolk County Tax Map
No. 901-4-1-32.7. The applicant proposes
modifications to the site plan approval
approved by the Board on January 13, 2020.

Can we just have your names for
the record, please?

MR. KEANE: John Keane, Keane
Development.

CHAIRMAN VON HAGN: Hey, John.

MR. DOYLE: Greenberg Traurig, by
Brian Doyle.

CHAIRMAN VON HAGN: Hey, Brian.

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 MR. DOYLE: Good evening.

3 CHAIRMAN VON HAGN: Good to see
4 you.

5 MR. DOYLE: You, as well.

6 MR. KEANE: And we also -- we also
7 have Pat Collins, lead design from Keane
8 Development, and Giorgio Citarella from
9 Keane Development.

10 CHAIRMAN VON HAGN: Okay.
11 Welcome, guys.

12 So we see -- we did get a chance
13 to look at a few things that changed. We
14 did see the padel court now.

15 MR. KEANE: Yup.

16 CHAIRMAN VON HAGN: Which is a fun
17 game.

18 MR. KEANE: Yeah.

19 CHAIRMAN VON HAGN: And a few
20 questions with lighting. I think it
21 said --

22 (Crosstalk)

23 CHAIRMAN VON HAGN: So that would
24 obviously be a no-no for --

25 MR. KEANE: No light, yup.

NORTH HAVEN PLANNING BOARD - 12/18/2023

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2 MR. MIDDLETON: And we can -- as I
3 indicated to you before the meeting,
4 Bryan, just so the other Board members
5 understand, when there's a resolution of
6 approval for the amended site plan, we can
7 build in to that there's no lighting for
8 the court.

9 MR. DOYLE: Okay.

10 CHAIRMAN VON HAGN: Billy, do you
11 want to take us through some of the
12 other -- I know there's some egresses.

13 MR. HAJEK: Yeah. There are two
14 or three sort of egress window wells that
15 were added on either side of the -- where
16 the tennis court area is. I don't think
17 they substantially changed the layout that
18 the Board previously approved.

19 CHAIRMAN VON HAGN: Okay.

20 MR. HAJEK: And I think there are
21 some minor modifications to some of the
22 retaining walls and walkways. Again, I
23 don't think they yield any substantial
24 change or deviation from what the original
25 plan was. I think it's just refining what

NORTH HAVEN PLANNING BOARD - 12/18/2023

was previously approved.

CHAIRMAN VON HAGN: Okay.

MR. KEANE: Those were actually just their intakes. We didn't -- they're not windows.

MR. HAJEK: Oh, they're not win -- oh, okay.

MR. KEANE: We had put a generator in there and so we needed venting for the generator.

MR. HAJEK: Got it. Oh, okay.

MR. KEANE: And that's what that's there for.

MR. HAJEK: Oh, okay.

MR. KEANE: There's no -- no, you know, access or anything to it.

MR. HAJEK: Oh, okay.

MR. KEANE: And we did -- I'm sorry to interrupt you, but we did also -- when all these changes were made -- they're minor, as you said. A little left, a little right here and there to adjust things, and things like the intakes that we were not aware of. And we did

NORTH HAVEN PLANNING BOARD - 12/18/2023

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2 meet with the building inspector with that
3 as well as, I believe, Village attorney
4 was there, and we went over that with
5 them, too, before.

6 MR. MIDDLETON: With respect --
7 the only -- the only other thing that I
8 think this Board should address is the
9 driveway. If it's gravel, nothing but
10 gravel, or if there's a pervious base
11 under it, that's fine. But if it's
12 asphalt covered with gravel, then I --
13 it's gonna count towards coverage. So we
14 just need a detail on that, I think.

15 MR. KEANE: Yeah, I think the
16 original plan shows it as gravel. We're
17 gonna keep it as gravel. The guest
18 cottage is an asphalt driveway because we
19 had plenty of lot coverage, so we could do
20 it there. But in the main house, we're
21 not going to do it there.

22 MR. HAJEK: Okay. Pervious
23 gravel, right?

24 MR. KEANE: Yeah.

25 MR. HAJEK: Okay.

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. KEANE: Pea gravel.

MR. HAJEK: Yeah. Perfect.

CHAIRMAN VON HAGN: What's the
driveway now, RCA?

MR. KEANE: Right now, dirt.

MR. MIDDLETON: Packed dirt.

MR. KEANE: Packed dirt, yeah.

MR. MIDDLETON: Right now, packed
mud.

MR. KEANE: But we wanted to do
the other driveway because there's so much
construction, we wanted to have -- the
house that they're gonna be living in, the
guest cottage, in the meantime, we paved
that.

MR. MIDDLETON: But didn't you
cover that with gravel?

MR. KEANE: Did we?

MR. MIDDLETON: I think so.

MR. KEANE: We did? Okay.

MR. MIDDLETON: Yeah.

MR. KEANE: You know more about my
job than I do.

MR. HAJEK: My only other

NORTH HAVEN PLANNING BOARD - 12/18/2023

question, does the padel court change any of the drainage that's needed for that area, or --

MR. KEANE: It's actually -- all the drainage was already built and designed for the tennis court.

MR. HAJEK: Okay.

MR. KEANE: So the base of the tennis court is there with all the drainage. Then what we're doing -- a padel court is about one-third the size of the tennis court. So basically, we're taking the large tennis court, putting the padel court right in the middle, and then we're planting completely around it. But the drainage all stays, so it's actually -- we have over -- we're overdrainage now.

MR. HAJEK: Okay.

CHAIRMAN VON HAGN: How are you doing a padel court? Is that gonna be -- just out of curiosity, that's a pitched slab?

MR. KEANE: It's actually gonna be

NORTH HAVEN PLANNING BOARD - 12/18/2023

raised up a little bit off of the current court and it'll -- so it'll drain properly on -- you know, underneath and go out.

CHAIRMAN VON HAGN: So it'll be flat.

MR. KEANE: It'll be flat, yes. It'll be flat.

MS. EDWARDS: Is it sunk in at all?

MR. KEANE: No, no. It sits right on top.

MS. EDWARDS: Is it really glass?

MR. KEANE: There's glass. There's glass around it, but then you've got planting all the way around that as well.

MR. BUTTS: And how high -- excuse me. George Butts, building inspector.

How high --

MR. KEANE: The glass is nine foot ten inches high.

MR. BUTTS: Nine foot ten.

MR. KEANE: But again, it's -- if you think about it, you know, if this is

NORTH HAVEN PLANNING BOARD - 12/18/2023

1 the tennis court with a fence all the way
2 around it and evergreens, which we had on
3 the original plan, the padel court's gonna
4 sit inside this. So it's inside a
5 completely screened-in area, and then it's
6 gonna be gardens around it.

7
8 MS. EDWARDS: So even though we
9 have no noise things for these courts yet,
10 I'm assuming a glass wall would --

11 MR. KEANE: It's much better for
12 the noise. I mean, it's -- we're having
13 problems with paddle tennis because that's
14 a much noisier game, I guess. I've played
15 it. It's a lot of fun. But padel is
16 inside this glass enclosure, so it's
17 really kind of the noise is kept inside.
18 I don't think it's -- I think it's much
19 better.

20 CHAIRMAN VON HAGN: And then the
21 one thing I would check is -- that's for
22 you, George. But, I mean, this is off --
23 out of our purview, but the wind rating on
24 that glass, that's --

25 MR. KEANE: It has to be this --

NORTH HAVEN PLANNING BOARD - 12/18/2023

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2 it's very popular down in Florida. So it
3 start -- it really -- it's growing from
4 there. And so I believe the court we have
5 has gotta be wind rated for, like,
6 Florida, for Dade County.

7 CHAIRMAN VON HAGN: Yeah.

8 MR. KEANE: So it's basically
9 hurricane rated.

10 MR. HAJEK: Wow.

11 MR. KEANE: Yeah.

12 I also should mention I have a
13 letter from the -- there's really only one
14 neighbor that's infected (sic) at all
15 because it's such a big piece of property,
16 and they do have a letter here that I can
17 submit. She has no problem and she
18 supports it.

19 CHAIRMAN VON HAGN: Great.

20 MS. EDWARDS: I hope it's the
21 neighbor immediately across from this
22 court?

23 MR. KEANE: It's the one, you
24 know --

25 MR. HAJEK: To the south?

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. KEANE: To the --

MR. HAJEK: Probably to the south.

MR. KEANE: If the water's out here, we're putting the padel court here, it's the neighbor right here. It's the one closest to it.

MR. HAJEK: Yup.

MR. KEANE: Everybody else is -- no way they'd hear it or see it.

MR. BUTTS: (Inaudible) pool, and it's way far away.

MR. KEANE: Yeah.

MR. HAJEK: Yeah, their pool is on the south side of their property.

MR. MIDDLETON: So, Erika, if you can just have the court reporter put that in as an exhibit to the minutes.

MS. GUBITOSI: Sure. Can I just have a copy?

MR. KEANE: Here you go.

CHAIRMAN VON HAGN: Any other changes that --

MR. HAJEK: No.

CHAIRMAN VON HAGN: Okay. That's

NORTH HAVEN PLANNING BOARD - 12/18/2023

the only changes.

MR. KEANE: That's it.

MR. CHURCHILL: Good.

CHAIRMAN VON HAGN: Okay. Any other questions, or?

MR. MIDDLETON: So you'll have a resolution at the January meeting.

CHAIRMAN VON HAGN: Do we have to vote?

MR. MIDDLETON: In January?

CHAIRMAN VON HAGN: In January.

MR. MIDDLETON: Yeah. Yeah, I'd rather -- because of the lighting issue, I'd rather do it in as a written resolution, you know. That gives us some point of reference if anything changes or, you know --

MR. KEANE: Do we need to be there for that?

MR. MIDDLETON: No.

MR. KEANE: Good.

MR. MIDDLETON: We'll just send it to -- we'll send it to Brian afterwards.

MR. KEANE: Brian -- Brian's happy

NORTH HAVEN PLANNING BOARD - 12/18/2023

to go.

MR. MIDDLETON: Yeah. Well,
he's --

MR. DOYLE: I say nothing. I just
look for whoever (inaudible). Hear no
evil, see no evil.

CHAIRMAN VON HAGN: Well, no,
George has something.

MR. BUTTS: Just let me tell you
guys, just remember that we're not quite
100 percent Dark Sky, but we are so close.
So just remember that when you go and
light this house up.

MR. KEANE: Okay. Well, not the
inside. You're talking about the exterior
lighting?

MR. BUTTS: Exterior lighting.

MR. KEANE: Right, yeah.

CHAIRMAN VON HAGN: Well, I think
that was in our -- we had Dark Sky
compliance.

MR. MIDDLETON: It's in the
original resolution.

MR. KEANE: Yeah. We had that,

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 yeah.

3 MR. MIDDLETON: Yeah, for only
4 exterior.

5 MR. KEANE: Right.

6 Am I correct in that there's a
7 code in the Village already that there's
8 no tennis court lighting, or?

9 MR. MIDDLETON: Correct.

10 MR. HAJEK: Correct.

11 MR. MIDDLETON: Correct. Yup.

12 CHAIRMAN VON HAGN: Great. Okay.
13 All right, guys.

14 MR. KEANE: That's it.

15 MR. MIDDLETON: Happy holidays.

16 MR. KEANE: Thank you.

17 MR. MIDDLETON: Enjoy.

18 MR. KEANE: This would be the
19 fastest night ever here.

20 CHAIRMAN VON HAGN: Yeah.

21 MR. KEANE: Yeah, no sweating, no
22 fighting. Have a nice holiday, everybody.

23 CHAIRMAN VON HAGN: You, too. See
24 you, John.

25 MR. KEANE: Thank you.

NORTH HAVEN PLANNING BOARD - 12/18/2023

CHAIRMAN VON HAGN: All right.

Last up, we have a Preliminary
Application.

54 LC LLC, Owner/Brian C. Doyle,
Esq., Agent. The property is located at
54 Robertson Drive, North Haven, New York.
Suffolk County Tax Map No. 901-4-1-37.

If you could just give your name
again for the record.

MR. DOYLE: For the applicant, the
appearance is Greenberg Traurig,
Bridgehampton, by Brian Doyle. Good
evening.

CHAIRMAN VON HAGN: Okay. Thanks,
Brian.

MR. MIDDLETON: Just so the Board
knows, myself and Billy Hajek met Brian
out at the property a few months back.

Really, the big sticking point is
the serpentine path down to the beach.
And there -- as you'll see on the survey,
it's a 20 or 22-foot drop from start to
finish, so that's why it's that serpentine
nature.

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. DOYLE: Yeah, this -- this property's been -- I don't think I'm being hyperbolic by saying it's been a source of frustration for the building inspector for -- for a long time it was overcleared. We are now compliant with clearing. And what we're asking to do is to put this serpentine walk in the crest of the dune, effectively, to allow us to get down to the water.

The reason we're here is our client has DEC and Army Corps approval to build a revetment. But he went in to George to try to get permission to build a revetment. George would not give it to him because my client had installed a stone wall in this revetment area, which we need to remove. And that wall permitted him and enabled him to get down to the water. So we want to remove that and we want to put this four-foot wide path through this area down to the water.

What we also want to do is, there was an original site plan approval from

NORTH HAVEN PLANNING BOARD - 12/18/2023

1 when my client built the house, that Mr.
2 Hollander made the application. There's a
3 small area, you'll see, in the crest of
4 dune, about 1,700 square feet where we
5 would like to revegetate that. And then
6 we'd like to keep the original envelope on
7 the lawn so that we have an area to
8 congregate.
9

10 There's very -- even though it's a
11 big piece of property, most of it is dune
12 grass and meadow grass now and there isn't
13 a great deal of area for people to kind of
14 hang out and recreate. So we'd like to be
15 able to just go back to that original
16 envelope that Mr. Hollander -- that was
17 approved.

18 And candidly, it was not installed
19 that way. My client, I think, over time
20 took the advice of one of his neighbors
21 who told him how to vegetate this
22 property, and that was to his detriment.
23 So now we've corrected all that.

24 MR. BUTTS: Brian, and how about
25 the driveway and stuff?

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. DOYLE: So that's all coming out.

MR. BUTTS: That's just -- as long as you --

MR. DOYLE: Yup. Yeah, so George is right to point out. You'll see at the top of Robertson, over here by the cul-de-sac, my client installed this kind of brick driveway up here, which, again, was not part of the original Planning approval. We're taking that out and we're going to revegetate that, as well. So that's just helping us move towards -- you know, we're over -- we're basically, you know, more compliant than we need to be with clearing.

We do have a pool here that we're proposing, as well. Honestly, the client asked us to look at that a few years ago. And if we do do that pool -- and that pool's in a conforming location. I don't think we need any variance relief to do that. But there's septic rings located near that, so we'd have to move everything

NORTH HAVEN PLANNING BOARD - 12/18/2023

if we did that.

MR. MIDDLETON: The garage that's proposed in the front, you may have to go to Zoning on that.

MR. DOYLE: Yeah. And I don't think that that'll be part of this application, because I had spoken to architects about that garage maybe a year or two ago, and I haven't seen any real plans.

So if I come in in January, this'll all be, effectively, the same. I may or may not have the pool. I -- I've got the ranch. I'm not gonna have the garage there 'cause there's no -- there's no architectural drawings for that.

CHAIRMAN VON HAGN: Billy, what's your -- what's your thought on this switchback? Do we have to go to RACE to get their opinion if it's gonna affect the bluff at all, or?

MR. HAJEK: I -- I don't think it's gonna destabilize the bluff, per say. It's just sort of a circuitous way to

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 get -- I mean, typically, it's just an
3 elevated walkway. In areas where, you
4 know, you have -- you're dealing with
5 slopes, usually you just elevate a
6 walkway. But I understand the visual
7 aspect of that. He doesn't want to see
8 necessarily an elevated staircase, right.

9 MR. DOYLE: That was -- that was
10 his objection. We, through Araiys Design,
11 did show him multiple ways of putting an
12 elevated staircase, and he wanted to keep
13 it as natural as he could. So I
14 recognized that.

15 I mean, it is, as many of the
16 properties over there are, you know,
17 physically beautiful, and he wants to just
18 kind of keep it in its natural state,
19 which, given the circumstances and the
20 history here, is a nice change.

21 MR. HAJEK: Is that a staircase?
22 Is that designed to get down the steep
23 part or is that basically a future
24 staircase for when there's a revetment?

25 MR. DOYLE: I think it's a future

NORTH HAVEN PLANNING BOARD - 12/18/2023

staircase when the revetment --

(Crosstalk)

MR. DOYLE: You gotta get over the
revetment and --

MR. HAJEK: Okay.

MR. DOYLE: And that may be
something that Costello can give us detail
on --

MR. HAJEK: Yeah, okay.

MR. DOYLE: -- if you want that.

MR. HAJEK: Yeah.

MR. MIDDLETON: So you're coming
in with this plan before you come in with
the shoreline, asking for the shoreline
permit, or is it all gonna be part of the
same?

MR. DOYLE: Hopefully, it'll be
part of the same --

MR. MIDDLETON: Okay.

MR. DOYLE: -- thing, yeah.

MR. MIDDLETON: Yeah, that would
make sense, but I just wanted to -- you
know, 'cause the other -- the proposed
structures, if they're not good to go,

NORTH HAVEN PLANNING BOARD - 12/18/2023

especially the garage, you can go to
Zoning first anyway, so.

MR. DOYLE: I mean, our -- you
know, we just wanted to show you really
this path and kind of this -- this
envelope was important because, you know,
that's different than -- that's the
Hollander plan. And it's -- you'll see
the 75-foot line is kind of cutting
through there.

CHAIRMAN VON HAGN: Yeah,
that's what I'm worried -- 'cause, I mean,
you have a two-acre -- just about a little
under a two-acre property. But, you know,
obviously, you see, you know the code.
They're asking for 75 foot.

MR. DOYLE: Yup. And you have --
I think you have --

CHAIRMAN VON HAGN: I know you're
giving some here and, like, it's coming
in. And, I don't know. I don't know what
the Board feels about that, per say.

MR. DOYLE: Yeah, no, you have the
right, as you know, under the code to give

NORTH HAVEN PLANNING BOARD - 12/18/2023

us relief from that.

CHAIRMAN VON HAGN: Yeah.

MR. DOYLE: And --

CHAIRMAN VON HAGN: It's a small amount.

MR. HAJEK: The Board -- I mean, it's a preliminary application, too, so you don't have to make any --

CHAIRMAN VON HAGN: Yeah.

MR. HAJEK: -- firm decisions today. And when the regular application comes in, the Board members are free to go and look at the property, too. It might help you to visualize it and see the conditions in the field before you make a decision.

CHAIRMAN VON HAGN: I think the Board --

MR. DOYLE: If you want to -- if you want to do that, maybe what I'll do is I'll try to put this on the January calendar, if I can. And prior to that being done, maybe I can have that -- that different area staked out or flagged so

NORTH HAVEN PLANNING BOARD - 12/18/2023

you can visualize what we're seeking.

CHAIRMAN VON HAGN: And then
you're -- you're doing a new sep- --
what's the -- I don't know what you're
doing. 'Cause you might be doing this,
you might not be doing this.

MR. DOYLE: I have to check with
the client. The problem with that, Bryan,
is there is septic right there, so the
client hasn't contemplated that.

(Crosstalk)

MR. DOYLE: Yeah. So, you know,
that was, again, something he talked about
a while ago.

When I spoke to George, you know,
I said, "George, can I just come in with
the pool at some point with a building
permit?" He said no, I'd have to come
before you.

So I need to speak to the client
and say, "I showed it to the Board. Do
you want me to try to get this pool done
or do you want to just get the" -- you
know, the -- 'cause right now, I think

NORTH HAVEN PLANNING BOARD - 12/18/2023

1 he's really having a problem with erosion.
2 So that might be the first kind of thing
3 to address rather than worrying about a
4 pool right now.
5

6 CHAIRMAN VON HAGN: Yeah. What do
7 you guys think? Anything that's -- I
8 mean, I know it's preliminary. There's
9 not much to talk about at this point, but
10 do -- we probably have to see it, right?
11 You want to go see it?

12 MR. DURYEA: I don't mind a
13 switchback.

14 MS. EDWARDS: I kind of do mind a
15 switchback because I see this as really --
16 this is a ten-foot change in elevation.
17 That's a stairway. So I just don't see
18 that as intrusive, to be elevated, a
19 stairway off to the side here like that,
20 as opposed to this, which is going to
21 create, in order to build this, a lot of
22 disturbance. So I'm not so sold on that.

23 MR. DOYLE: Yeah, I would just
24 point out, I hear what you're saying.
25 That area is disturbed now. That area --

NORTH HAVEN PLANNING BOARD - 12/18/2023

1
2 so when we go in and take out those stone
3 walls, there's gonna be some disturbance
4 just because he did stuff without the
5 benefit of permits. But I hear what
6 you're saying.

7 MS. EDWARDS: Well, right. That's
8 sort of like two wrongs making a right.

9 MR. DOYLE: I hear you.

10 MR. KOPELSON: When you say
11 "they," that's the same --

12 MR. DOYLE: Effectively.
13 There's -- there's some stone walls in
14 there that kind of retain up almost in a
15 crescent shape into this area of the
16 bluff. They have to come out. The
17 stone's nonnative. And then there's also,
18 kind of the stone is playing a role in
19 creating a path down there as well.

20 So the client was gonna take that
21 out preliminarily. And I said, "No, wait
22 for us to go the Board and wait for George
23 to be involved so that it's under his
24 supervision before you do anything in the
25 bluff area."

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. MIDDLETON: And I think the suggestion of staking that house so the Board can get a visual of where the setback would be and how big an area it is and what you're giving back in terms of revegetation.

MR. DOYLE: Okay.

MS. EDWARDS: You're also looking for this whole area here, which is way (inaudible) 75 feet.

MR. DOYLE: Yeah. So that area's being revegetated.

CHAIRMAN VON HAGN: That's existing.

MR. HAJEK: That exists. That's proposed to be revegetated.

MR. DOYLE: Yeah, we're gonna revegetate. Here, let me show you.

MS. EDWARDS: So explain one more time. You want to go to your existing --

MR. DOYLE: So we are going to --

MS. EDWARDS: -- edge of lawn or you just want this?

MR. DOYLE: We are going to

NORTH HAVEN PLANNING BOARD - 12/18/2023

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revegetate this, okay.

MS. EDWARDS: Okay.

MR. DOYLE: There's the 75-foot crest of dune line. So this area was the original area where he was permitted to have lawn. So we'd like to be able to at least have the lawn there.

MS. EDWARDS: So this line --

MR. DOYLE: That's the 75-foot crest of dune line.

MS. EDWARDS: I see. Turns here a little bit. Got it.

MR. KOPELSON: When do you plan to come in with the (inaudible)?

MR. DOYLE: I can't hear, I'm sorry.

MR. KOPELSON: When do you plan to come in with the work that would be done down here with the repair, stone wall here?

MR. DOYLE: We'd like to do it right away. We have --

MR. KOPELSON: (Inaudible) a combination of that with this?

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. DOYLE: Correct. Yeah. We have the permission from Army Corps and DEC to do it. We can't get the permission from George because of these violations that exist. So I need to correct them and --

MR. KOPELSON: So you have to take all this out first?

MR. DOYLE: Or at least -- at least need a resolution from you all permitting me to do it and giving me a permit to do that work so that I can at least correct what's there.

MR. CHURCHILL: Do you know what they plan to construct that serpentine walkway with?

MR. DOYLE: I think it's a four-foot wide mulch path, basically.

MR. CHURCHILL: Oh, just mulch?

MR. DOYLE: Yup.

MS. EDWARDS: Okay. So that's just gonna wash away.

MR. CHURCHILL: It'll wash out, won't it?

NORTH HAVEN PLANNING BOARD - 12/18/2023

MR. DOYLE: You know, I can have Aram come in and tell us if it'll stay in. I mean, Steven Nieroda's working with me on it and he said that he'll be able to keep it in there. He's gonna plant grasses and things around it that are native to the dune to keep it --

MR. CHURCHILL: But there are no steps on that path?

MR. DOYLE: No. No.

MS. EDWARDS: And all of that path is within the 75-foot setback?

MR. MIDDLETON: But it's customary to have a path down to the beach, anyway.

MS. EDWARDS: Well, is it customary to have --

MR. KOPELSON: You know what kids are gonna do with this.

MS. EDWARDS: -- a straightaway stair, like, on the big bluffs, the North Haven Point, the West Banks bluffs? You get one stair between neighbors, correct?

MR. MIDDLETON: But that's --

MR. DOYLE: That's a homeowner's

NORTH HAVEN PLANNING BOARD - 12/18/2023

association.

MR. MIDDLETON: That's an HOA rule.

CHAIRMAN VON HAGN: Right.

MR. MIDDLETON: So we don't apply the HOA rules here.

MS. EDWARDS: Well, the HOA might be on the right track.

MR. MIDDLETON: Well, then you can have the Village code changed.

MS. EDWARDS: On the bluff.

(Crosstalk)

MR. KOPELSON: This is not gonna be part of your --

MR. DOYLE: I don't think so, no. That was shown on the Araiys plan previously, so that'll be vegetated area.

MR. KOPELSON: This may or may not be.

MR. DOYLE: Yeah, I suspect not, if I had to guess.

MR. KOPELSON: And this may or may not be.

MR. DOYLE: What are you showing

NORTH HAVEN PLANNING BOARD - 12/18/2023

there? No, that's --

MS. EDWARDS: Red reveg.

MR. DOYLE: That's revegged now.

That's revegged now. That's already
revegged. So those were -- meadow grasses
have been planted all in those areas
already.

MR. KOPELSON: And this guy put
this drive in here.

MR. CHURCHILL: That'll come out.

MR. DOYLE: That's gotta come out.
That's, like, a red brick almost kind of
at grade.

MS. EDWARDS: We're going back to
that, which is clearly over here in your
neighbor's yard, as well.

MR. DOYLE: That's his -- yeah,
that's his property.

MS. EDWARDS: Well, still.

MR. KOPELSON: This guy took a lot
of liberties.

MS. EDWARDS: So the 1,000 square
feet that you say you're giving back, just
to be sure, is the 1,000 square feet only

NORTH HAVEN PLANNING BOARD - 12/18/2023

on this property or is it really on both?

MR. DOYLE: No. It's 979 square feet on this property.

MS. EDWARDS: So from the border west.

MR. DOYLE: Right, right here. That's --

MR. DURYEA: So would there be an option for your client if you split the difference with the 75-foot buffer, and we brought this this way a little bit and then we brought this this way a little bit and then shortened the switchback a little bit?

MR. DOYLE: Yeah. Yeah, I'm open to some reasonable suggestion, sure. So you're saying, you know --

MR. DURYEA: You know, I know you want to come all the way down here with the lawn. I'm saying maybe we (inaudible) a little bit back this way and then we come down a little bit this way. You know, it looks like you want a square plan on your lawn, right?

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. DOYLE: That's just what --

MR. DURYEA: Like you want --

MR. DOYLE: That was what was
there on the Hollander plan.

MR. DURYEA: Okay.

MR. DOYLE: So that's -- that's
what you guys had previously approved.

MR. DURYEA: Right.

MR. DOYLE: I mean, sure, I'd like
as much as we can get. But if -- I'm open
to a reasonable solution here.

MR. DURYEA: I mean, this only
looks like, what, about 18 feet maybe from
here to here.

MR. MIDDLETON: So what are you
proposing, like contouring?

MR. DURYEA: So we give -- we'd be
giving them back, like, nine feet.
Instead of 75 feet, we'd be about, like,
66, you know.

And then you would shorten the
switchback, you know, make the -- I like
the switchback because I'd rather see a
natural path than a structure, personally.

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 You know, I like -- I like the switchback.
3 Instead of looking at stairs from the
4 water, I like looking -- I'd rather --

5 MR. DOYLE: That's what the client
6 liked.

7 MR. DURYEA: And then if you have
8 natural grass, it's high, you're never
9 gonna see the switchback. So I prefer the
10 switchback over the stairs.

11 MR. DOYLE: I can get Steve to
12 draw -- to give you kind of a visual, too,
13 of what it might look like with the
14 plantings around it so you have a better
15 idea.

16 CHAIRMAN VON HAGN: Yeah. I hate
17 those long staircases that go down 20
18 feet. Aside from being dangerous, some,
19 many times, it does -- I just don't know
20 if it would affect the bluff face. That
21 would be the only question I have.

22 MR. MIDDLETON: I think when we
23 looked at it --

24 MR. DURYEA: You're looking at --
25 it's only --

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. MIDDLETON: I mean it's all gotta be -- it's gonna be impacted anyway because, as Bryan pointed out, you know, what's there has to come out.

MR. DURYEA: And it's only 10 feet. This path looks like it's gotta be --

MR. KOPELSON: You're doing a lot of work on that slope, anyway. The whole --

(Crosstalk)

MR. DURYEA: By the time you straighten it out, so you're looking at, like --

MR. HAJEK: A ten-foot change over 75 feet.

MR. DURYEA: It's not that big.

(Crosstalk)

MR. DURYEA: It's not a tremendous grade that you're looking at, you know.

MR. HAJEK: The steeper grades is when you get to where the staircase --

MR. DURYEA: Yeah. I think it would look good, to tell you the truth.

NORTH HAVEN PLANNING BOARD - 12/18/2023

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MR. DOYLE: All right. Let me -- let me get you a better visual of what it will look like and, you know, and that may help everybody. And I'll get this flagged.

CHAIRMAN VON HAGN: Well, as soon as you apply, then we can all go out.

MR. DOYLE: Fine.

CHAIRMAN VON HAGN: We can't go -- we don't have the --

MR. DOYLE: Okay.

CHAIRMAN VON HAGN: -- permits, so we can't go walking around someone's property.

MR. DOYLE: All right. And I'll clean up this plan. I just wanted to show you those concepts to see if it was going to be a loud objection or not.

CHAIRMAN VON HAGN: Yeah. And obviously, the garage, you have to go to the vari- -- get a variance, it sounds like. We read the code before you got here and it seems like if it's in the front yard, even though generally relief

NORTH HAVEN PLANNING BOARD - 12/18/2023

is granted, the fact that it's a waterfront house, with the Zoning Board --

MR. MIDDLETON: It's the fact that it's in front of the principal structure.

MR. DOYLE: You need ZBA relief.

MR. MIDDLETON: So even if it's 90 feet from the road, you still need to go to Zoning.

MR. DOYLE: Understood.

CHAIRMAN VON HAGN: Yeah.

MR. DOYLE: Okay.

MR. MIDDLETON: It's odd, but that's the way the code reads.

CHAIRMAN VON HAGN: And then what about the pool being in the front yard? There's no --

MR. DOYLE: We attem- -- well, so we -- this is the front yard because of the water, right.

So there was an application years ago to put this pool here. Mr. Downes made that application. The application was denied. He sought a variance to put it in the front yard and it was denied.

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 So this is the rear yard.

3 CHAIRMAN VON HAGN: They couldn't
4 put it here, you're saying?

5 MR. DOYLE: They made an
6 application to do -- they made an
7 application to do it here, Mr. Chairman,
8 and it was denied. So -- and the way that
9 denial reads is, "You made an application
10 for a pool in a front yard, and it's
11 denied."

12 The applicant was given an
13 opportunity to withdraw it and they
14 didn't, so there's a Zoning determination
15 that you can't have a pool in the front
16 yard of this house.

17 MR. HAJEK: I didn't think they --

18 MR. MIDDLETON: They determined
19 the waterfront -- the front yard as
20 between the water and the house.

21 CHAIRMAN VON HAGN: Well, we have
22 to look at that, because then they
23 wouldn't need -- if this is not the front
24 yard --

25 MR. HAJEK: I don't think

NORTH HAVEN PLANNING BOARD - 12/18/2023

that's --

MR. MIDDLETON: No, it's --

MR. HAJEK: I wonder if they needed, like, a side yard setback variance or something and then they just -- the determination may have been incorrect in terms of the yard.

MR. DOYLE: I can take a look at what -- I haven't looked at that decision in a long time. I think the pool was proposed over here --

MR. HAJEK: Okay.

MR. DOYLE: -- within a conforming location. And I think they said 'cause it was in a front yard, but --

MR. MIDDLETON: Erika, can you pull that decision for me when you get a chance?

CHAIRMAN VON HAGN: So they would rather have it here?

MR. DOYLE: I -- I haven't discussed that with him in a long time, Bryan. But if they could have it there, yeah. But then, you know, that's a change

NORTH HAVEN PLANNING BOARD - 12/18/2023

in everything we're thinking about.

MR. MIDDLETON: Well, let's see if there's a change in the code since that decision.

MR. DOYLE: Yeah.

CHAIRMAN VON HAGN: Yeah.

MS. EDWARDS: It was actually explained to us exactly the opposite at one time, that if you had a waterfront property, you could put the pool on the street side, but you cannot do anywhere else.

MR. BUTTS: I'm not sure whether that was because it was in the side yard.

MR. HAJEK: Okay.

MR. BUTTS: I think -- I'm trying to wrack my brain. That was six or seven years ago when they came before us.

CHAIRMAN VON HAGN: I -- we'll have to figure -- we'll have to look into that.

MR. DOYLE: I'll -- I'll work with Erika to look at it.

MR. MIDDLETON: I'll look at the

NORTH HAVEN PLANNING BOARD - 12/18/2023

decision. I'll let you guys know.

CHAIRMAN VON HAGN: Yeah.

MR. MIDDLETON: I don't know -- I don't --

CHAIRMAN VON HAGN: I don't know -- I don't know --

MR. MIDDLETON: I'm not familiar with the decision, so I don't know what it said. And like I said, there may have been a code change in the interim, I don't know, or it may have been misinterpreted.

MS. EDWARDS: Do you happen to know what is the rough square footage of this lawn area?

MR. DOYLE: I'll have to get that. The entire lawn or the area between the dark black line and the crest of dune, I can get you all those measurements.

MS. EDWARDS: No. The rectangle that's represented by lawn.

MR. DOYLE: I can --

MS. EDWARDS: What is that?

MR. DOYLE: I can get you that measurement. I don't know it off the top

NORTH HAVEN PLANNING BOARD - 12/18/2023

of my head.

CHAIRMAN VON HAGN: So, all right,
so we're gonna see what you come up with.

MR. DOYLE: Yeah. I'll come back.

CHAIRMAN VON HAGN: 'Cause if
you're coming back with the pool -- yeah,
I mean, there's nothing that jumping --
you know, aside from what we discussed, I
don't see --

MR. DOYLE: This was helpful.

MR. MIDDLETON: Before you redraw
it, too, if -- I'll look at the decision.
You and I can have a discussion with
respect to what the decision says and how
it impacts things at this point in time,
whether it's, you know, binding or not.

MR. DOYLE: Okay.

MR. MIDDLETON: Because if they
can shift the pool toward the water --

MR. DOYLE: We're not dealing with
the septic.

MR. MIDDLETON: -- it avoids the
problem with the septic.

MR. DOYLE: Yup.

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 MR. MIDDLETON: So then they may
3 want to do it. You may want to put it all
4 in one application and just be done with
5 it.

6 MR. DOYLE: Okay. All right.
7 Thanks, everybody.

8 CHAIRMAN VON HAGN: All right.
9 Thanks, Brian.

10 MR. DOYLE: Appreciate it.

11 CHAIRMAN VON HAGN: Happy
12 holidays.

13 MR. DOYLE: Merry Christmas.
14 Thank you.

15 CHAIRMAN VON HAGN: Next meeting
16 is gonna be sometime in January. Okay.

17 MS. GUBITOSI: There's a conflict
18 on the 15th, which is the normally
19 scheduled date, so.

20 CHAIRMAN VON HAGN: What's the
21 15th?

22 MR. MIDDLETON: It's a holiday.

23 MS. GUBITOSI: Martin Luther King,
24 Jr. Day.

25 CHAIRMAN VON HAGN: All right. We

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 can't do it then.

3 MS. GUBITOSI: So we were hoping
4 to plan for the following day, which is a
5 Tuesday. It's the 16th.

6 MR. MIDDLETON: I can be here by
7 Zoom that day, but I can't be here in
8 person.

9 CHAIRMAN VON HAGN: And what
10 about -- what do you guys think? Tuesdays
11 are hard for some people, right? Allen?

12 MR. KOPELSON: I won't be here.

13 CHAIRMAN VON HAGN: What about the
14 following Monday?

15 MR. CHURCHILL: The 22nd?

16 MS. GUBITOSI: The following
17 Monday is not good at all for Scott,
18 either.

19 MR. MIDDLETON: Yeah. I have to
20 be up in Troy, New York, so --

21 CHAIRMAN VON HAGN: Okay.

22 MR. MIDDLETON: -- for an 11:00
23 conference. I never -- I don't think I'd
24 be back here in time.

25 CHAIRMAN VON HAGN: So we can do

1 **NORTH HAVEN PLANNING BOARD - 12/18/2023**

2 Zoom. Scott's on Zoom. Allen can be on
3 Zoom or miss it completely, right?

4 Tuesdays are tough for you.

5 MR. KOPELSON: I can be on Zoom.

6 MS. GUBITOSI: Okay.

7 CHAIRMAN VON HAGN: If we need it.
8 Greg, you're around?

9 MR. CHURCHILL: I'll be around,
10 either way.

11 CHAIRMAN VON HAGN: Susan, you
12 think you might be around?

13 MS. EDWARDS: I'm sure I can make
14 it work. But which day are we talking
15 about now?

16 CHAIRMAN VON HAGN: Tuesday --

17 MS. EDWARDS: The following
18 Monday?

19 MR. MIDDLETON: The 16th.

20 CHAIRMAN VON HAGN: The 16th.
21 We're gonna move it to a Tuesday.

22 MR. MIDDLETON: Does that work for
23 you?

24 MR. HAJEK: Yeah.

25 MR. KOPELSON: So Tuesday, the

NORTH HAVEN PLANNING BOARD - 12/18/2023

16th.

MS. GUBITOSI: And it should be a relatively quick meeting based on what's in --

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: It only took six years to get quiet.

CHAIRMAN VON HAGN: Or it was that subdivision.

MR. MIDDLETON: Yeah.

CHAIRMAN VON HAGN: Made it seem really busy.

MR. MIDDLETON: That, and Carpe.

(Crosstalk)

CHAIRMAN VON HAGN: Well, happy holidays to everybody, and enjoy the --

MR. MIDDLETON: Motion to adjourn.

CHAIRMAN VON HAGN: If I could make a motion to adjourn, please?

MR. KOPELSON: So moved.

MR. DURYEA: Second.

CHAIRMAN VON HAGN: Second. All in favor?

ALL BOARD MEMBERS: Aye.

NORTH HAVEN PLANNING BOARD - 12/18/2023

(End of Provided Recording)

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ERRATA SHEET FOR THE TRANSCRIPT OF:

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Hearing Name: North Haven Planning Board

Hearing Date: December 18, 2023

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CORRECTIONS

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PG	LN	NOW READS	SHOULD READ	REASON FOR
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Subscribed and sworn to
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of _____, 2023

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Notary Public

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1
2 I, Agata Davis, certify that the
3 foregoing transcript of Proceedings of the
4 Planning Board of the Village of North Haven,
5 held on December 18, 2023, was prepared using
6 the required electronic transcription
7 equipment and is a true and accurate record of
8 the Proceedings.

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	7	application [12] - 10:10, 27:3, 29:8, 33:8, 33:12, 48:21, 48:23, 49:6, 49:7, 49:9, 54:4 Application [1] - 25:4 apply [3] - 5:22, 41:6, 47:8 appreciate [1] - 54:10 approval [9] - 3:13, 4:10, 7:22, 8:7, 11:16, 13:6, 26:13, 26:25, 28:12 approve [2] - 3:15, 6:3 approved [6] - 5:11, 11:17, 13:18, 14:2, 27:17, 44:8 Araiys [2] - 30:10, 41:17 Aram [1] - 40:3 architects [1] - 29:9 architectural [1] - 29:17 area [20] - 13:16, 17:4, 19:6, 26:18, 26:23, 27:4, 27:8, 27:13, 33:25, 35:25, 36:15, 36:25, 37:5, 37:10, 38:5, 38:6, 41:18, 52:15, 52:17 area's [1] - 37:12 areas [2] - 30:3, 42:7 Army [2] - 26:13, 39:3 aside [3] - 7:5, 45:18, 53:9 aspect [1] - 30:7 asphalt [2] - 15:12, 15:18 association [1] - 41:2 assume [1] - 10:19 assuming [1] - 19:10 attem [1] - 48:18 Attorney [1] - 2:10 attorney [1] - 15:3 August [1] - 5:3 avoids [1] - 53:23 aware [1] - 14:25 aye [10] - 3:21, 6:8, 6:9, 6:10, 6:11, 7:5, 7:6, 7:7, 7:8, 57:25	better [4] - 19:11, 19:19, 45:14, 47:3 between [3] - 40:23, 49:20, 52:17 big [6] - 20:15, 25:20, 27:11, 37:5, 40:21, 46:18 biggest [1] - 5:18 Billy [5] - 2:11, 9:11, 13:10, 25:18, 29:18 binding [1] - 53:17 bit [8] - 5:20, 18:2, 38:13, 43:12, 43:13, 43:15, 43:22, 43:23 black [1] - 52:18 bluff [6] - 29:22, 29:24, 36:16, 36:25, 41:12, 45:20 bluffs [2] - 40:21, 40:22 BOARD [3] - 1:5, 3:21, 57:25 Board [24] - 2:6, 2:7, 2:8, 2:9, 3:4, 4:19, 7:23, 9:10, 10:22, 11:17, 13:4, 13:18, 15:8, 25:17, 32:23, 33:7, 33:13, 33:19, 34:22, 36:22, 37:4, 48:3, 59:2, 60:4 Board's [1] - 4:10 border [1] - 43:5 brain [1] - 51:18 brian [2] - 22:25, 27:24 Brian [7] - 11:24, 11:25, 22:24, 25:13, 25:16, 25:18, 54:9 Brian's [1] - 22:25 brick [2] - 28:10, 42:13 Bridgehampton [1] - 25:13 brought [2] - 43:12, 43:13 Bryan [5] - 2:4, 13:4, 34:9, 46:4, 50:24 buffer [1] - 43:11 build [4] - 13:7, 26:14, 26:15, 35:21 Building [1] - 2:13 building [6] - 8:3, 8:11, 15:2, 18:19, 26:5, 34:18 built [2] - 17:6, 27:2 busy [1] - 57:13 BUTTS [9] - 18:18, 18:23, 21:11, 23:10, 23:18, 27:24, 28:4, 51:14, 51:17	Butts [2] - 2:13, 18:19
'23 [1] - 3:14	75 [4] - 32:17, 37:11, 44:20, 46:17 75-foot [5] - 32:10, 38:4, 38:10, 40:13, 43:11		C	
1	9		Cahuenga [1] - 4:4 calendar [1] - 33:23 candidly [1] - 27:18 cannot [1] - 51:12 Carpe [2] - 11:11, 57:14 certainly [1] - 7:23 certify [1] - 60:2 Chairman [1] - 49:7 CHAIRMAN [102] - 3:2, 3:10, 3:17, 3:19, 3:22, 4:18, 5:9, 5:14, 5:23, 6:2, 6:5, 6:7, 6:18, 7:4, 7:9, 7:16, 7:20, 7:25, 8:4, 8:8, 8:12, 9:5, 9:15, 10:12, 10:15, 10:24, 11:3, 11:10, 11:22, 11:25, 12:3, 12:10, 12:16, 12:19, 12:23, 13:10, 13:19, 14:3, 16:4, 17:21, 18:5, 19:20, 20:7, 20:19, 21:22, 21:25, 22:5, 22:9, 22:12, 23:8, 23:20, 24:12, 24:20, 24:23, 25:2, 25:15, 29:18, 32:12, 32:20, 33:3, 33:5, 33:10, 33:18, 34:3, 35:6, 37:14, 41:5, 45:16, 47:7, 47:10, 47:13, 47:20, 48:11, 48:15, 49:3, 49:21, 50:20, 51:7, 51:20, 52:3, 52:6, 53:3, 53:6, 54:8, 54:11, 54:15, 54:20, 54:25, 55:9, 55:13, 55:21, 55:25, 56:7, 56:11, 56:16, 56:20, 57:6, 57:9, 57:12, 57:16, 57:19, 57:23 Chairperson [2] - 2:4, 2:5 chance [2] - 12:12, 50:19 change [8] - 13:24, 17:2, 30:20, 35:16, 46:16, 50:25, 51:4, 52:11 changed [3] - 12:13, 13:17, 41:11 changes [6] - 9:14, 9:18, 14:21, 21:23, 22:2, 22:17	
1,000 [2] - 42:23, 42:25 1,700 [1] - 27:5 10 [1] - 46:6 100 [1] - 23:12 10th [1] - 10:10 11963 [1] - 1:10 11:00 [1] - 55:22 13 [1] - 11:17 15th [2] - 54:18, 54:21 16th [4] - 55:5, 56:19, 56:20, 57:2 18 [4] - 1:13, 44:14, 59:3, 60:5 18th [1] - 3:5	90 [1] - 48:7 901-1-2-1 [1] - 4:8 901-4-1-32.7 [1] - 11:15 901-4-1-37 [1] - 25:8 901-5-1-62 [1] - 8:21 979 [1] - 43:3			
2	A			
2 [2] - 4:8, 8:23 20 [4] - 8:17, 8:19, 25:23, 45:17 2020 [1] - 11:17 2023 [7] - 1:13, 3:5, 4:11, 8:23, 59:3, 59:22, 60:5 20th [1] - 3:13 2104 [1] - 4:4 22-foot [1] - 25:23 22nd [1] - 55:15 27 [1] - 4:11	able [3] - 27:15, 38:7, 40:5 Absent [1] - 2:5 abstain [1] - 7:2 access [1] - 14:17 accurate [1] - 60:7 acre [2] - 32:14, 32:15 added [1] - 13:15 address [2] - 15:8, 35:4 adjourn [2] - 57:18, 57:20 adjust [1] - 14:24 advice [1] - 27:20 affect [2] - 29:21, 45:20 afterwards [1] - 22:24 Agata [3] - 1:24, 60:2, 60:11 Agent [4] - 4:5, 8:18, 11:12, 25:6 ago [5] - 28:20, 29:10, 34:15, 48:22, 51:19 ALL [2] - 3:21, 57:25 Allegiance [2] - 3:7, 3:9 Allen [1] - 2:6 allen [2] - 55:11, 56:2 allow [1] - 26:10 almost [2] - 36:14, 42:13 amended [1] - 13:6 amount [1] - 33:6 anyway [4] - 32:3, 40:15, 46:3, 46:10 appearance [1] - 25:12 applicant [7] - 4:9, 4:13, 8:23, 9:3, 11:15, 25:11, 49:12			
3				
3 [1] - 4:8 335 [1] - 1:9 362 [1] - 4:6 370 [2] - 4:3, 4:6				
4				
4 [1] - 4:9 43 [1] - 11:13 45 [1] - 9:3 4:30 [1] - 1:13				
5				
54 [2] - 25:5, 25:7				
6				
66 [1] - 44:21				

<p>check [2] - 19:21, 34:8 Christian [1] - 2:8 Christmas [3] - 11:6, 11:7, 54:13 CHURCHILL [11] - 3:18, 6:9, 7:6, 22:4, 39:15, 39:20, 39:24, 40:9, 42:11, 55:15, 56:9 Churchill [1] - 2:7 circuitous [1] - 29:25 circumstances [1] - 30:19 Citarella [1] - 12:8 clean [1] - 47:17 clearing [2] - 26:7, 28:17 clearly [1] - 42:16 Clerk/Secretary [1] - 2:14 client [12] - 26:13, 26:17, 27:2, 27:19, 28:9, 28:19, 34:9, 34:11, 34:21, 36:20, 43:10, 45:5 close [1] - 23:12 closest [1] - 21:7 code [8] - 24:7, 32:16, 32:25, 41:11, 47:23, 48:14, 51:4, 52:11 Collins [1] - 12:7 combination [1] - 38:25 coming [6] - 8:3, 11:4, 28:2, 31:13, 32:21, 53:7 Communications [1] - 1:11 completely [3] - 17:16, 19:6, 56:3 compliance [1] - 23:22 compliant [2] - 26:7, 28:16 concepts [1] - 47:18 condition [2] - 7:22, 8:6 conditions [1] - 33:16 conference [1] - 55:23 conflict [1] - 54:17 conforming [2] - 28:22, 50:14 congregate [1] - 27:9 construct [1] - 39:16 construction [1] - 16:13 Consultant [1] - 2:12 contemplated [1] - 34:11 contouring [1] - 44:17</p>	<p>copy [1] - 21:20 Corps [2] - 26:13, 39:3 correct [8] - 24:6, 24:9, 24:10, 24:11, 39:2, 39:6, 39:14, 40:23 corrected [1] - 27:23 CORRECTIONS [1] - 59:4 Costello [1] - 31:8 cottage [2] - 15:18, 16:15 counsel [1] - 5:18 count [1] - 15:13 County [5] - 4:8, 8:20, 11:14, 20:6, 25:8 couple [3] - 9:13, 9:14, 10:18 court [18] - 12:14, 13:8, 13:16, 17:2, 17:7, 17:10, 17:12, 17:13, 17:14, 17:15, 17:22, 18:3, 19:2, 20:4, 20:22, 21:5, 21:17, 24:8 court's [1] - 19:4 courts [1] - 19:9 cover [1] - 16:18 coverage [2] - 15:13, 15:19 covered [1] - 15:12 create [1] - 35:21 creating [1] - 36:19 crescent [1] - 36:15 crest [5] - 26:9, 27:4, 38:5, 38:11, 52:18 Crosstalk [7] - 12:22, 31:3, 34:12, 41:13, 46:12, 46:19, 57:15 cul [1] - 28:9 cul-de-sac [1] - 28:9 curiosity [2] - 7:10, 17:23 current [1] - 18:2 customary [2] - 40:14, 40:17 cutting [1] - 32:10</p>	<p>de [1] - 28:9 deal [1] - 27:13 dealing [3] - 5:15, 30:4, 53:21 DEC [2] - 26:13, 39:4 December [5] - 1:13, 3:4, 10:10, 59:3, 60:5 decision [8] - 33:17, 50:10, 50:18, 51:5, 52:2, 52:9, 53:13, 53:15 decisions [1] - 33:11 demolished [1] - 7:14 denial [1] - 49:9 denied [4] - 48:24, 48:25, 49:8, 49:11 Department [4] - 5:13, 5:20, 7:23, 10:9 Deputy [1] - 2:5 design [1] - 12:7 Design [2] - 9:13, 30:10 designed [2] - 17:7, 30:22 destabilize [1] - 29:24 detail [2] - 15:14, 31:8 determination [2] - 49:14, 50:7 determined [1] - 49:18 detriment [1] - 27:22 Development [3] - 11:21, 12:8, 12:9 deviation [1] - 13:24 difference [1] - 43:11 different [3] - 10:6, 32:8, 33:25 dirt [3] - 16:6, 16:7, 16:8 discussed [2] - 50:23, 53:9 discussion [2] - 8:21, 53:14 disturbance [2] - 35:22, 36:3 disturbed [1] - 35:25 Division [1] - 9:3 done [4] - 33:24, 34:23, 38:19, 54:4 down [12] - 20:2, 25:21, 26:10, 26:20, 26:23, 30:22, 36:19, 38:20, 40:15, 43:20, 43:23, 45:17 downes [1] - 48:22 Doyle [4] - 11:12, 11:24, 25:5, 25:13 DOYLE [83] - 11:23, 12:2, 12:5, 13:9, 23:5, 25:11, 26:2,</p>	<p>28:2, 28:6, 29:6, 30:9, 30:25, 31:4, 31:7, 31:11, 31:18, 31:21, 32:4, 32:18, 32:24, 33:4, 33:20, 34:8, 34:13, 35:23, 36:9, 36:12, 37:8, 37:12, 37:18, 37:22, 37:25, 38:4, 38:10, 38:16, 38:22, 39:2, 39:10, 39:18, 39:21, 40:2, 40:11, 40:25, 41:16, 41:21, 41:25, 42:4, 42:12, 42:18, 43:3, 43:7, 43:16, 44:2, 44:4, 44:7, 44:10, 45:5, 45:11, 47:2, 47:9, 47:12, 47:16, 48:6, 48:10, 48:12, 48:18, 49:5, 50:9, 50:14, 50:22, 51:6, 51:23, 52:16, 52:22, 52:24, 53:5, 53:11, 53:18, 53:21, 53:25, 54:6, 54:10, 54:13 drain [1] - 18:3 drainage [4] - 17:3, 17:6, 17:11, 17:17 draw [1] - 45:12 drawings [1] - 29:17 drive [1] - 42:10 Drive [2] - 11:13, 25:7 driveway [6] - 15:9, 15:18, 16:5, 16:12, 27:25, 28:10 drop [1] - 25:23 dune [7] - 26:9, 27:5, 27:11, 38:5, 38:11, 40:8, 52:18 Duryea [1] - 2:8 DURYEA [20] - 3:16, 6:6, 6:10, 7:7, 35:12, 43:9, 43:19, 44:3, 44:6, 44:9, 44:13, 44:18, 45:7, 45:24, 46:6, 46:13, 46:18, 46:20, 46:24, 57:22</p>	<p>39:22, 40:12, 40:16, 40:20, 41:8, 41:12, 42:3, 42:15, 42:20, 42:23, 43:5, 51:8, 52:13, 52:20, 52:23, 56:13, 56:17 effectively [3] - 26:10, 29:13, 36:12 egress [1] - 13:14 egresses [1] - 13:12 either [3] - 13:15, 55:18, 56:10 electronic [2] - 1:23, 60:6 elevate [1] - 30:5 elevated [4] - 30:3, 30:8, 30:12, 35:18 elevation [1] - 35:16 eliminate [1] - 8:10 enabled [1] - 26:20 enclosure [1] - 19:16 end [1] - 58:2 enjoy [2] - 24:17, 57:17 entire [1] - 52:17 envelope [3] - 27:7, 27:16, 32:7 Environmental [1] - 2:11 equipment [1] - 60:7 Erika [4] - 2:14, 21:16, 50:17, 51:24 Ernest [1] - 2:5 erosion [1] - 35:2 ERRATA [1] - 59:2 especially [1] - 32:2 Esq [5] - 2:10, 4:5, 8:18, 11:12, 25:6 evening [2] - 12:2, 25:14 evergreens [1] - 19:3 evil [2] - 23:7 exactly [1] - 51:9 excuse [1] - 18:18 exhibit [1] - 21:18 exist [1] - 39:6 existing [2] - 37:15, 37:21 exists [1] - 37:16 expired [1] - 5:25 explain [1] - 37:20 explained [1] - 51:9 extension [6] - 4:10, 4:23, 4:24, 5:11, 6:3, 9:11 exterior [3] - 23:16, 23:18, 24:4</p>
D		E		
<p>Dade [1] - 20:6 dangerous [1] - 45:18 Dark [2] - 23:12, 23:21 dark [1] - 52:18 Date [2] - 59:3, 59:19 date [4] - 4:24, 5:2, 5:4, 54:19 Dave [1] - 10:6 Davis [3] - 1:24, 60:2, 60:11</p>		<p>early [2] - 7:16, 7:18 edge [1] - 37:23 Edwards [1] - 2:9 EDWARDS [33] - 6:12, 6:15, 6:20, 6:24, 18:9, 18:13, 19:8, 20:20, 35:14, 36:7, 37:9, 37:20, 37:23, 38:3, 38:9, 38:12,</p>		

F	fun [2] - 12:16, 19:15 future [2] - 30:23, 30:25	G	Gubitosi [1] - 2:14 guess [2] - 19:14, 41:22 guest [2] - 15:17, 16:15 guy [2] - 42:9, 42:21 guys [7] - 12:11, 23:11, 24:13, 35:7, 44:8, 52:2, 55:10	H	Hajek [2] - 2:11, 25:18 hang [1] - 27:14 happy [5] - 8:13, 22:25, 24:15, 54:11, 57:16 Harbor [2] - 1:10, 9:4 hard [1] - 55:11 hate [1] - 45:16 Haven [8] - 3:4, 4:7, 8:20, 11:14, 25:7, 40:22, 59:2, 60:4 HAVEN [1] - 1:6 head [1] - 53:2 Health [4] - 5:13, 5:19, 7:22, 10:9 hear [6] - 21:10, 23:6, 35:24, 36:5, 36:9, 38:16 Hearing [2] - 59:2, 59:3 Held [2] - 1:9, 1:11 held [1] - 60:5 help [2] - 33:15, 47:5 helpful [1] - 53:11 helping [1] - 28:14 hiccups [1] - 10:5 high [4] - 18:18, 18:20, 18:22, 45:8 history [1] - 30:20 HOA [3] - 41:3, 41:7, 41:8 holding [1] - 5:19 holiday [3] - 3:24, 24:22, 54:22 holidays [4] - 8:14, 24:15, 54:12, 57:17 Hollander [3] - 27:3, 32:9, 44:5 hollander [1] - 27:16 homeowner's [1] - 40:25 honestly [1] - 28:19 hope [1] - 20:20 hopefully [1] - 31:18 hoping [1] - 55:3 house [9] - 7:11, 15:20, 16:14, 23:14, 27:2, 37:3, 48:3, 49:16, 49:20 hurricane [1] - 20:9 hyperbolic [1] - 26:4	inaudible [6] - 10:7, 21:11, 37:11, 38:15, 38:24, 43:21 inaudible [1] - 23:6 inches [1] - 18:22 incorrect [1] - 50:7 indicated [1] - 13:3 infected [1] - 20:14 inside [5] - 19:5, 19:16, 19:17, 23:16 inspector [3] - 15:2, 18:19, 26:5 Inspector [1] - 2:13 installed [3] - 26:17, 27:18, 28:9 instead [2] - 44:20, 45:3 insufficient [1] - 9:25 intakes [2] - 14:5, 14:24 interim [1] - 52:11 interrupt [1] - 14:20 intrusive [1] - 35:18 involved [1] - 36:23 issue [1] - 22:14 issued [1] - 4:10 it'll [9] - 4:25, 18:3, 18:5, 18:7, 18:8, 31:18, 39:24, 40:3
face [1] - 45:20 fact [2] - 48:2, 48:4 familiar [1] - 52:8 far [1] - 21:12 fastest [1] - 24:19 favor [5] - 3:20, 5:6, 6:7, 7:4, 57:24 February [2] - 4:11, 5:4 feet [12] - 27:5, 37:11, 42:24, 42:25, 43:4, 44:14, 44:19, 44:20, 45:18, 46:7, 46:17, 48:8 fence [1] - 19:2 Ferry [3] - 1:9, 4:3, 4:7 few [5] - 10:5, 12:13, 12:19, 25:19, 28:20 field [1] - 33:16 fighting [1] - 24:22 figure [1] - 51:21 final [2] - 5:5, 8:6 finalize [1] - 10:20 fine [3] - 7:3, 15:11, 47:9 finish [1] - 25:24 firm [1] - 33:11 first [7] - 4:2, 6:16, 8:17, 9:24, 32:3, 35:3, 39:9 flagged [2] - 33:25, 47:6 flat [3] - 18:6, 18:7, 18:8 Florida [2] - 20:2, 20:6 folks [1] - 5:6 following [4] - 55:4, 55:14, 55:16, 56:17 foot [7] - 18:21, 18:23, 26:22, 32:17, 35:16, 39:19, 46:16 footage [1] - 52:14 FOR [2] - 59:2, 59:4 foregoing [1] - 60:3 Forest [2] - 8:17, 8:19 formally [1] - 10:21 forth [1] - 10:8 four [2] - 26:22, 39:19 four-foot [2] - 26:22, 39:19 free [1] - 33:13 front [11] - 29:4, 47:25, 48:5, 48:16, 48:19, 48:25, 49:10, 49:15, 49:19, 49:23, 50:16 frustration [1] - 26:5	game [2] - 12:17, 19:14 garage [5] - 29:3, 29:9, 29:16, 32:2, 47:21 gardens [1] - 19:7 generally [1] - 47:25 generator [2] - 14:9, 14:11 George [11] - 2:13, 18:19, 19:22, 23:9, 26:15, 26:16, 28:6, 34:16, 34:17, 36:22, 39:5 Giorgio [1] - 12:8 given [2] - 30:19, 49:12 glass [7] - 18:13, 18:14, 18:15, 18:21, 19:10, 19:16, 19:24 gonna [26] - 3:12, 3:23, 7:13, 15:13, 15:17, 16:14, 17:22, 17:25, 19:4, 19:7, 29:15, 29:21, 29:24, 31:16, 36:3, 36:20, 37:18, 39:23, 40:6, 40:19, 41:14, 45:9, 46:3, 53:4, 54:16, 56:21 gotta [5] - 20:5, 31:4, 42:12, 46:3, 46:7 grade [2] - 42:14, 46:21 grades [1] - 46:22 granted [1] - 48:2 grass [3] - 27:12, 45:8 grasses [2] - 40:7, 42:6 gravel [8] - 15:9, 15:10, 15:12, 15:16, 15:17, 15:23, 16:2, 16:18 great [3] - 20:19, 24:12, 27:13 greenberg [1] - 11:23 Greenberg [1] - 25:12 greg [1] - 56:8 Gregory [1] - 2:7 Group [1] - 4:17 growing [1] - 20:3 GUBITOSI [7] - 21:19, 54:17, 54:23, 55:3, 55:16, 56:6, 57:3	Hagn [1] - 2:4 HAGN [102] - 3:2, 3:10, 3:17, 3:19, 3:22, 4:18, 5:9, 5:14, 5:23, 6:2, 6:5, 6:7, 6:18, 7:4, 7:9, 7:16, 7:20, 7:25, 8:4, 8:8, 8:12, 9:5, 9:15, 10:12, 10:15, 10:24, 11:3, 11:10, 11:22, 11:25, 12:3, 12:10, 12:16, 12:19, 12:23, 13:10, 13:19, 14:3, 16:4, 17:21, 18:5, 19:20, 20:7, 20:19, 21:22, 21:25, 22:5, 22:9, 22:12, 23:8, 23:20, 24:12, 24:20, 24:23, 25:2, 25:15, 29:18, 32:12, 32:20, 33:3, 33:5, 33:10, 33:18, 34:3, 35:6, 37:14, 41:5, 45:16, 47:7, 47:10, 47:13, 47:20, 48:11, 48:15, 49:3, 49:21, 50:20, 51:7, 51:20, 52:3, 52:6, 53:3, 53:6, 54:8, 54:11, 54:15, 54:20, 54:25, 55:9, 55:13, 55:21, 55:25, 56:7, 56:11, 56:16, 56:20, 57:6, 57:9, 57:12, 57:16, 57:19, 57:23 HAJEK [39] - 9:19, 9:21, 10:14, 10:17, 13:13, 13:20, 14:7, 14:12, 14:15, 14:18, 15:22, 15:25, 16:3, 16:25, 17:8, 17:20, 20:10, 20:25, 21:3, 21:8, 21:14, 21:24, 24:10, 29:23, 30:21, 31:6, 31:10, 31:12, 33:7, 33:11, 37:16, 46:16, 46:22, 49:17, 49:25, 50:4, 50:13, 51:16, 56:24	I idea [1] - 45:15 immediately [1] - 20:21 impacted [1] - 46:3 impacts [1] - 53:16 important [1] - 32:7	J January [7] - 11:17, 22:8, 22:11, 22:12, 29:12, 33:22, 54:16 job [1] - 16:24 Joe [1] - 8:13 joe [1] - 4:16 john [1] - 11:20 John [2] - 11:22, 24:24 Jr [1] - 54:24 jumping [1] - 53:8		
		K KEANE [50] - 11:20, 12:6, 12:15, 12:18, 12:25, 14:4, 14:9, 14:13, 14:16, 14:19, 15:15, 15:24, 16:2, 16:6, 16:8, 16:11, 16:19, 16:21, 16:23, 17:5, 17:9, 17:25, 18:7, 18:11, 18:14, 18:21, 18:24, 19:11, 19:25, 20:8, 20:11, 20:23, 21:2, 21:4, 21:9, 21:13, 21:21, 22:3, 22:19, 22:22,				

22:25, 23:15, 23:19, 23:25, 24:5, 24:14, 24:16, 24:18, 24:21, 24:25 Keane [4] - 11:20, 12:7, 12:9 keep [6] - 15:17, 27:7, 30:12, 30:18, 40:6, 40:8 kept [1] - 19:17 kids [1] - 40:18 kind [12] - 19:17, 27:13, 28:9, 30:18, 32:6, 32:10, 35:3, 35:14, 36:14, 36:18, 42:13, 45:12 King [1] - 54:23 knows [1] - 25:18 KOPELSON [21] - 6:4, 6:11, 7:8, 10:25, 11:9, 36:10, 38:14, 38:18, 38:24, 39:8, 40:18, 41:14, 41:19, 41:23, 42:9, 42:21, 46:9, 55:12, 56:5, 56:25, 57:21 Kopelson [1] - 2:6	11:13, 25:6, 28:24 location [2] - 28:22, 50:15 LOMBARDI [9] - 4:16, 5:12, 5:15, 7:15, 7:18, 7:21, 8:2, 8:5, 8:10 Lombardi [1] - 4:16 look [13] - 12:13, 23:6, 28:20, 33:14, 45:13, 46:25, 47:4, 49:22, 50:9, 51:21, 51:24, 51:25, 53:13 looked [2] - 45:23, 50:10 looking [6] - 37:9, 45:3, 45:4, 45:24, 46:14, 46:21 looks [3] - 43:24, 44:14, 46:7 loud [1] - 47:19 Luther [1] - 54:23	11:6, 13:2, 15:6, 16:7, 16:9, 16:17, 16:20, 16:22, 21:16, 22:7, 22:11, 22:13, 22:21, 22:23, 23:3, 23:23, 24:3, 24:9, 24:11, 24:15, 24:17, 25:17, 29:3, 31:13, 31:20, 31:22, 37:2, 40:14, 40:24, 41:3, 41:6, 41:10, 44:16, 45:22, 46:2, 48:4, 48:7, 48:13, 49:18, 50:3, 50:17, 51:3, 51:25, 52:4, 52:8, 53:12, 53:19, 53:23, 54:2, 54:22, 55:6, 55:19, 55:22, 56:19, 56:22, 57:7, 57:11, 57:14, 57:18 might [7] - 33:14, 34:6, 34:7, 35:3, 41:8, 45:13, 56:12 mind [2] - 35:12, 35:14 minor [3] - 9:23, 13:21, 14:22 minutes [1] - 21:18 misinterpreted [1] - 52:12 miss [1] - 56:3 modifications [2] - 11:16, 13:21 Monday [4] - 3:4, 55:14, 55:17, 56:18 months [2] - 5:2, 25:19 most [1] - 27:11 motion [6] - 3:14, 3:16, 5:7, 6:3, 57:18, 57:20 move [4] - 6:4, 28:14, 28:25, 56:21 moved [1] - 57:21 moving [1] - 11:9 MR [308] - 3:16, 3:18, 4:16, 4:19, 5:12, 5:15, 5:17, 5:24, 6:4, 6:6, 6:9, 6:10, 6:11, 6:14, 6:17, 6:22, 7:2, 7:6, 7:7, 7:8, 7:15, 7:18, 7:21, 8:2, 8:5, 8:10, 9:19, 9:21, 10:14, 10:17, 10:25, 11:6, 11:9, 11:20, 11:23, 12:2, 12:5, 12:6, 12:15, 12:18, 12:25, 13:2, 13:9, 13:13, 13:20, 14:4, 14:7, 14:9, 14:12,	14:13, 14:15, 14:16, 14:18, 14:19, 15:6, 15:15, 15:22, 15:24, 15:25, 16:2, 16:3, 16:6, 16:7, 16:8, 16:9, 16:11, 16:17, 16:19, 16:20, 16:21, 16:22, 16:23, 16:25, 17:5, 17:8, 17:9, 17:20, 17:25, 18:7, 18:11, 18:14, 18:18, 18:21, 18:23, 18:24, 19:11, 19:25, 20:8, 20:10, 20:11, 20:23, 20:25, 21:2, 21:3, 21:4, 21:8, 21:9, 21:11, 21:13, 21:14, 21:16, 21:21, 21:24, 22:3, 22:4, 22:7, 22:11, 22:13, 22:19, 22:21, 22:22, 22:23, 22:25, 23:3, 23:5, 23:10, 23:15, 23:18, 23:19, 23:23, 23:25, 24:3, 24:5, 24:9, 24:10, 24:11, 24:14, 24:15, 24:16, 24:17, 24:18, 24:21, 24:25, 25:11, 25:17, 26:2, 27:24, 28:2, 28:4, 28:6, 29:3, 29:6, 29:23, 30:9, 30:21, 30:25, 31:4, 31:6, 31:7, 31:10, 31:11, 31:12, 31:13, 31:18, 31:20, 31:21, 31:22, 32:4, 32:18, 32:24, 33:4, 33:7, 33:11, 33:20, 34:8, 34:13, 35:12, 35:23, 36:9, 36:10, 36:12, 37:2, 37:8, 37:12, 37:16, 37:18, 37:22, 37:25, 38:4, 38:10, 38:14, 38:16, 38:18, 38:22, 38:24, 39:2, 39:8, 39:10, 39:15, 39:18, 39:20, 39:21, 39:24, 40:2, 40:9, 40:11, 40:14, 40:18, 40:24, 40:25, 41:3, 41:6, 41:10, 41:14, 41:16, 41:19, 41:21, 41:23, 41:25, 42:4, 42:9, 42:11, 42:12, 42:18, 42:21, 43:3, 43:7, 43:9, 43:16, 43:19, 44:2, 44:3, 44:4, 44:6, 44:7, 44:9, 44:10, 44:13, 44:16, 44:18, 45:5, 45:7,	45:11, 45:22, 45:24, 46:2, 46:6, 46:9, 46:13, 46:16, 46:18, 46:20, 46:22, 46:24, 47:2, 47:9, 47:12, 47:16, 48:4, 48:6, 48:7, 48:10, 48:12, 48:13, 48:18, 49:5, 49:17, 49:18, 49:25, 50:3, 50:4, 50:9, 50:13, 50:14, 50:17, 50:22, 51:3, 51:6, 51:14, 51:16, 51:17, 51:23, 51:25, 52:4, 52:8, 52:16, 52:22, 52:24, 53:5, 53:11, 53:12, 53:18, 53:19, 53:21, 53:23, 53:25, 54:2, 54:6, 54:10, 54:13, 54:22, 55:6, 55:12, 55:15, 55:19, 55:22, 56:5, 56:9, 56:19, 56:22, 56:24, 56:25, 57:7, 57:11, 57:14, 57:18, 57:21, 57:22 MS [49] - 6:12, 6:15, 6:20, 6:24, 9:2, 9:7, 9:16, 9:20, 9:22, 10:23, 11:2, 11:5, 11:7, 18:9, 18:13, 19:8, 20:20, 21:19, 35:14, 36:7, 37:9, 37:20, 37:23, 38:3, 38:9, 38:12, 39:22, 40:12, 40:16, 40:20, 41:8, 41:12, 42:3, 42:15, 42:20, 42:23, 43:5, 51:8, 52:13, 52:20, 52:23, 54:17, 54:23, 55:3, 55:16, 56:6, 56:13, 56:17, 57:3 mud [1] - 16:10 mulch [2] - 39:19, 39:20 multiple [1] - 30:11
L	M			N
L.P [2] - 4:3, 4:4 LaGuardia [1] - 9:12 LaGuardia's [1] - 10:18 large [1] - 17:14 last [1] - 25:3 lawn [9] - 27:8, 37:23, 38:7, 38:8, 43:21, 43:25, 52:15, 52:17, 52:21 layout [1] - 13:17 LC [1] - 25:5 lead [1] - 12:7 least [4] - 38:8, 39:10, 39:11, 39:14 left [1] - 14:23 letter [2] - 20:13, 20:16 liberties [1] - 42:22 light [2] - 12:25, 23:14 lighting [6] - 12:20, 13:7, 22:14, 23:17, 23:18, 24:8 line [5] - 32:10, 38:5, 38:9, 38:11, 52:18 living [1] - 16:14 LLC [3] - 8:18, 11:11, 25:5 LN [1] - 59:4 located [5] - 4:6, 8:19,	main [1] - 15:20 Map [4] - 4:8, 8:21, 11:14, 25:8 martin [1] - 54:23 meadow [2] - 27:12, 42:6 mean [14] - 10:17, 19:12, 19:22, 30:2, 30:15, 32:4, 32:13, 33:7, 35:8, 40:4, 44:10, 44:13, 46:2, 53:8 meantime [1] - 16:15 measurement [1] - 52:25 measurements [1] - 52:19 meet [1] - 15:2 meeting [4] - 13:3, 22:8, 54:15, 57:4 Member [4] - 2:6, 2:7, 2:8, 2:9 MEMBERS [2] - 3:21, 57:25 members [2] - 13:4, 33:13 mention [1] - 20:12 merry [3] - 11:6, 11:7, 54:13 met [1] - 25:18 middle [1] - 17:15 Middleton [1] - 2:10 MIDDLETON [66] - 4:19, 5:17, 5:24, 6:14, 6:17, 6:22, 7:2,	11:6, 13:2, 15:6, 16:7, 16:9, 16:17, 16:20, 16:22, 21:16, 22:7, 22:11, 22:13, 22:21, 22:23, 23:3, 23:23, 24:3, 24:9, 24:11, 24:15, 24:17, 25:17, 29:3, 31:13, 31:20, 31:22, 37:2, 40:14, 40:24, 41:3, 41:6, 41:10, 44:16, 45:22, 46:2, 48:4, 48:7, 48:13, 49:18, 50:3, 50:17, 51:3, 51:25, 52:4, 52:8, 53:12, 53:19, 53:23, 54:2, 54:22, 55:6, 55:19, 55:22, 56:19, 56:22, 57:7, 57:11, 57:14, 57:18 might [7] - 33:14, 34:6, 34:7, 35:3, 41:8, 45:13, 56:12 mind [2] - 35:12, 35:14 minor [3] - 9:23, 13:21, 14:22 minutes [1] - 21:18 misinterpreted [1] - 52:12 miss [1] - 56:3 modifications [2] - 11:16, 13:21 Monday [4] - 3:4, 55:14, 55:17, 56:18 months [2] - 5:2, 25:19 most [1] - 27:11 motion [6] - 3:14, 3:16, 5:7, 6:3, 57:18, 57:20 move [4] - 6:4, 28:14, 28:25, 56:21 moved [1] - 57:21 moving [1] - 11:9 MR [308] - 3:16, 3:18, 4:16, 4:19, 5:12, 5:15, 5:17, 5:24, 6:4, 6:6, 6:9, 6:10, 6:11, 6:14, 6:17, 6:22, 7:2, 7:6, 7:7, 7:8, 7:15, 7:18, 7:21, 8:2, 8:5, 8:10, 9:19, 9:21, 10:14, 10:17, 10:25, 11:6, 11:9, 11:20, 11:23, 12:2, 12:5, 12:6, 12:15, 12:18, 12:25, 13:2, 13:9, 13:13, 13:20, 14:4, 14:7, 14:9, 14:12,	14:13, 14:15, 14:16, 14:18, 14:19, 15:6, 15:15, 15:22, 15:24, 15:25, 16:2, 16:3, 16:6, 16:7, 16:8, 16:9, 16:11, 16:17, 16:19, 16:20, 16:21, 16:22, 16:23, 16:25, 17:5, 17:8, 17:9, 17:20, 17:25, 18:7, 18:11, 18:14, 18:18, 18:21, 18:23, 18:24, 19:11, 19:25, 20:8, 20:10, 20:11, 20:23, 20:25, 21:2, 21:3, 21:4, 21:8, 21:9, 21:11, 21:13, 21:14, 21:16, 21:21, 21:24, 22:3, 22:4, 22:7, 22:11, 22:13, 22:19, 22:21, 22:22, 22:23, 22:25, 23:3, 23:5, 23:10, 23:15, 23:18, 23:19, 23:23, 23:25, 24:3, 24:5, 24:9, 24:10, 24:11, 24:14, 24:15, 24:16, 24:17, 24:18, 24:21, 24:25, 25:11, 25:17, 26:2, 27:24, 28:2, 28:4, 28:6, 29:3, 29:6, 29:23, 30:9, 30:21, 30:25, 31:4, 31:6, 31:7, 31:10, 31:11, 31:12, 31:13, 31:18, 31:20, 31:21, 31:22, 32:4, 32:18, 32:24, 33:4, 33:7, 33:11, 33:20, 34:8, 34:13, 35:12, 35:23, 36:9, 36:10, 36:12, 37:2, 37:8, 37:12, 37:16, 37:18, 37:22, 37:25, 38:4, 38:10, 38:14, 38:16, 38:18, 38:22, 38:24, 39:2, 39:8, 39:10, 39:15, 39:18, 39:20, 39:21, 39:24, 40:2, 40:9, 40:11, 40:14, 40:18, 40:24, 40:25, 41:3, 41:6, 41:10, 41:14, 41:16, 41:19, 41:21, 41:23, 41:25, 42:4, 42:9, 42:11, 42:12, 42:18, 42:21, 43:3, 43:7, 43:9, 43:16, 43:19, 44:2, 44:3, 44:4, 44:6, 44:7, 44:9, 44:10, 44:13, 44:16, 44:18, 45:5, 45:7,	45:11, 45:22, 45:24, 46:2, 46:6, 46:9, 46:13, 46:16, 46:18, 46:20, 46:22, 46:24, 47:2, 47:9, 47:12, 47:16, 48:4, 48:6, 48:7, 48:10, 48:12, 48:13, 48:18, 49:5, 49:17, 49:18, 49:25, 50:3, 50:4, 50:9, 50:13, 50:14, 50:17, 50:22, 51:3, 51:6, 51:14, 51:16, 51:17, 51:23, 51:25, 52:4, 52:8, 52:16, 52:22, 52:24, 53:5, 53:11, 53:12, 53:18, 53:19, 53:21, 53:23, 53:25, 54:2, 54:6, 54:10, 54:13, 54:22, 55:6, 55:12, 55:15, 55:19, 55:22, 56:5, 56:9, 56:19, 56:22, 56:24, 56:25, 57:7, 57:11, 57:14, 57:18, 57:21, 57:22 MS [49] - 6:12, 6:15, 6:20, 6:24, 9:2, 9:7, 9:16, 9:20, 9:22, 10:23, 11:2, 11:5, 11:7, 18:9, 18:13, 19:8, 20:20, 21:19, 35:14, 36:7, 37:9, 37:20, 37:23, 38:3, 38:9, 38:12, 39:22, 40:12, 40:16, 40:20, 41:8, 41:12, 42:3, 42:15, 42:20, 42:23, 43:5, 51:8, 52:13, 52:20, 52:23, 54:17, 54:23, 55:3, 55:16, 56:6, 56:13, 56:17, 57:3 mud [1] - 16:10 mulch [2] - 39:19, 39:20 multiple [1] - 30:11
				name [3] - 4:14, 8:24, 25:9 Name [1] - 59:2 names [1] - 11:18 native [1] - 40:8 natural [4] - 30:13, 30:18, 44:25, 45:8 nature [1] - 25:25 near [1] - 28:25 necessarily [1] - 30:8

<p>need [12] - 15:14, 22:19, 26:19, 28:16, 28:23, 34:21, 39:6, 39:11, 48:6, 48:8, 49:23, 56:7</p> <p>needed [3] - 14:10, 17:3, 50:5</p> <p>neighbor [3] - 20:14, 20:21, 21:6</p> <p>neighbor's [1] - 42:17</p> <p>neighbors [2] - 27:20, 40:23</p> <p>never [2] - 45:8, 55:23</p> <p>new [1] - 34:4</p> <p>New [6] - 1:10, 4:7, 8:20, 11:14, 25:7, 55:20</p> <p>next [3] - 8:15, 11:10, 54:15</p> <p>nice [2] - 24:22, 30:20</p> <p>Nieroda's [1] - 40:4</p> <p>night [1] - 24:19</p> <p>nine [3] - 18:21, 18:23, 44:19</p> <p>noise [3] - 19:9, 19:12, 19:17</p> <p>noisier [1] - 19:14</p> <p>non [1] - 6:24</p> <p>nonnative [1] - 36:17</p> <p>normally [1] - 54:18</p> <p>North [11] - 3:3, 4:3, 4:6, 4:7, 8:20, 11:11, 11:13, 25:7, 40:21, 59:2, 60:4</p> <p>NORTH [1] - 1:6</p> <p>Notary [1] - 59:24</p> <p>nothing [4] - 10:13, 15:9, 23:5, 53:8</p> <p>November [2] - 3:13, 8:23</p> <p>NOW [1] - 59:4</p>	<p>opportunity [1] - 49:13</p> <p>opposed [1] - 35:20</p> <p>opposite [1] - 51:9</p> <p>option [1] - 43:10</p> <p>oral [1] - 4:21</p> <p>order [1] - 35:21</p> <p>original [9] - 13:24, 15:16, 19:4, 23:24, 26:25, 27:7, 27:15, 28:11, 38:6</p> <p>originally [1] - 10:7</p> <p>overcleared [1] - 26:6</p> <p>overdrainage [1] - 17:19</p> <p>oversight [1] - 5:21</p> <p>Owner/Brian [2] - 11:11, 25:5</p> <p>Owner/Tiffany [1] - 8:18</p> <p>Owners/Anthony [1] - 4:5</p>	<p>pervious [2] - 15:10, 15:22</p> <p>PG [1] - 59:4</p> <p>physically [1] - 30:17</p> <p>piece [2] - 20:15, 27:11</p> <p>pitched [1] - 17:23</p> <p>plan [26] - 7:11, 7:24, 8:22, 9:9, 9:17, 9:24, 9:25, 10:2, 10:4, 10:19, 11:16, 13:6, 13:25, 15:16, 19:4, 26:25, 31:14, 32:9, 38:14, 38:18, 39:16, 41:17, 43:24, 44:5, 47:17, 55:4</p> <p>PLANNING [1] - 1:5</p> <p>Planning [8] - 2:11, 3:4, 9:10, 10:21, 10:22, 28:11, 59:2, 60:4</p> <p>plans [1] - 29:11</p> <p>Plans/Applications [1] - 8:16</p> <p>plant [1] - 40:6</p> <p>planted [1] - 42:7</p> <p>planting [2] - 17:16, 18:16</p> <p>plantings [1] - 45:14</p> <p>played [1] - 19:14</p> <p>playing [1] - 36:18</p> <p>Pledge [2] - 3:6, 3:8</p> <p>plenty [1] - 15:19</p> <p>Point [1] - 40:22</p> <p>point [8] - 10:16, 22:17, 25:20, 28:7, 34:18, 35:9, 35:24, 53:16</p> <p>pointed [1] - 46:4</p> <p>pool [16] - 21:11, 21:14, 28:18, 28:21, 29:14, 34:18, 34:23, 35:5, 48:16, 48:22, 49:10, 49:15, 50:11, 51:11, 53:7, 53:20</p> <p>pool's [1] - 28:22</p> <p>popular [1] - 20:2</p> <p>prefer [1] - 45:9</p> <p>preliminarily [1] - 36:21</p> <p>Preliminary [1] - 25:3</p> <p>preliminary [2] - 33:8, 35:8</p> <p>prepare [1] - 4:21</p> <p>prepared [1] - 60:5</p> <p>previous [2] - 9:10, 10:11</p> <p>previously [4] - 13:18, 14:2, 41:18, 44:8</p> <p>principal [1] - 48:5</p>	<p>problem [4] - 20:17, 34:9, 35:2, 53:24</p> <p>problems [1] - 19:13</p> <p>proceedings [1] - 1:23</p> <p>Proceedings [2] - 60:3, 60:8</p> <p>process [2] - 7:17, 7:19</p> <p>properly [1] - 18:3</p> <p>properties [1] - 30:16</p> <p>property [16] - 4:6, 8:19, 11:12, 20:15, 21:15, 25:6, 25:19, 27:11, 27:22, 32:15, 33:14, 42:19, 43:2, 43:4, 47:15, 51:11</p> <p>property's [1] - 26:3</p> <p>proposed [4] - 29:4, 31:24, 37:17, 50:12</p> <p>proposes [1] - 11:15</p> <p>proposing [2] - 28:19, 44:17</p> <p>provide [1] - 4:14</p> <p>Provided [1] - 58:2</p> <p>Public [1] - 59:24</p> <p>pull [1] - 50:18</p> <p>pursuant [1] - 9:10</p> <p>purview [1] - 19:23</p> <p>put [11] - 14:9, 21:17, 26:8, 26:22, 33:22, 42:9, 48:22, 48:24, 49:4, 51:11, 54:3</p> <p>putting [3] - 17:14, 21:5, 30:11</p>	<p>really [11] - 10:13, 18:13, 19:17, 20:3, 20:13, 25:20, 32:5, 35:2, 35:15, 43:2, 57:13</p> <p>rear [1] - 49:2</p> <p>REASON [1] - 59:4</p> <p>reason [1] - 26:12</p> <p>reasonable [2] - 43:17, 44:12</p> <p>recited [1] - 3:9</p> <p>recognized [1] - 30:14</p> <p>recommended [1] - 9:14</p> <p>record [5] - 4:15, 8:25, 11:19, 25:10, 60:7</p> <p>Recorded [1] - 1:23</p> <p>Recording [2] - 1:23, 58:2</p> <p>recreate [1] - 27:14</p> <p>rectangle [1] - 52:20</p> <p>red [2] - 42:3, 42:13</p> <p>redraw [1] - 53:12</p> <p>reference [1] - 22:17</p> <p>refining [1] - 13:25</p> <p>regarding [1] - 8:21</p> <p>regular [1] - 33:12</p> <p>relatively [1] - 57:4</p> <p>relief [4] - 28:23, 33:2, 47:25, 48:6</p> <p>remember [2] - 23:11, 23:13</p> <p>remove [2] - 26:19, 26:21</p> <p>repair [1] - 38:20</p> <p>reporter [1] - 21:17</p> <p>represented [1] - 52:21</p> <p>requests [1] - 4:9</p> <p>required [1] - 60:6</p> <p>resolution [6] - 4:21, 13:5, 22:8, 22:16, 23:24, 39:11</p> <p>respect [2] - 15:6, 53:15</p> <p>retain [1] - 36:14</p> <p>retaining [1] - 13:22</p> <p>retroactive [1] - 4:24</p> <p>reveg [2] - 10:3, 42:3</p> <p>revegetate [4] - 27:6, 28:13, 37:19, 38:2</p> <p>revegetated [3] - 7:13, 37:13, 37:17</p> <p>revegetation [4] - 7:24, 8:22, 9:9, 37:7</p> <p>revegged [3] - 42:4, 42:5, 42:6</p> <p>revetment [6] - 26:14, 26:16, 26:18, 30:24, 31:2, 31:5</p>
<p>O</p> <p>objection [2] - 30:10, 47:19</p> <p>obviously [3] - 12:24, 32:16, 47:21</p> <p>odd [1] - 48:13</p> <p>OF [2] - 1:6, 59:2</p> <p>office [1] - 10:18</p> <p>old [2] - 9:24, 10:3</p> <p>one [11] - 3:23, 17:12, 19:21, 20:13, 20:23, 21:7, 27:20, 37:20, 40:23, 51:10, 54:4</p> <p>one-third [1] - 17:12</p> <p>open [2] - 43:16, 44:11</p> <p>opinion [1] - 29:21</p>	<p>P</p> <p>p.m [1] - 1:13</p> <p>packed [3] - 16:7, 16:8, 16:9</p> <p>paddle [1] - 19:13</p> <p>padel [8] - 12:14, 17:2, 17:12, 17:15, 17:22, 19:4, 19:15, 21:5</p> <p>part [6] - 28:11, 29:7, 30:23, 31:16, 31:19, 41:15</p> <p>Partners [1] - 4:4</p> <p>Pasca [1] - 4:5</p> <p>Pat [1] - 12:7</p> <p>path [10] - 25:21, 26:23, 32:6, 36:19, 39:19, 40:10, 40:12, 40:15, 44:25, 46:7</p> <p>paved [1] - 16:15</p> <p>pea [1] - 16:2</p> <p>people [2] - 27:13, 55:11</p> <p>per [2] - 29:24, 32:23</p> <p>percent [1] - 23:12</p> <p>perfect [1] - 16:3</p> <p>permission [3] - 26:15, 39:3, 39:4</p> <p>permit [3] - 31:16, 34:19, 39:13</p> <p>permits [2] - 36:5, 47:13</p> <p>permitted [2] - 26:20, 38:6</p> <p>permitting [1] - 39:12</p> <p>person [1] - 55:8</p> <p>personally [1] - 44:25</p>	<p>Q</p> <p>questions [3] - 5:10, 12:20, 22:6</p> <p>quick [2] - 3:23, 57:4</p> <p>quiet [1] - 57:8</p> <p>quite [1] - 23:11</p>	<p>R</p> <p>RACE [1] - 29:20</p> <p>raised [1] - 18:2</p> <p>ranch [1] - 29:15</p> <p>rated [2] - 20:5, 20:9</p> <p>rather [6] - 22:14, 22:15, 35:4, 44:24, 45:4, 50:21</p> <p>rating [1] - 19:23</p> <p>Raynor [1] - 4:17</p> <p>RCA [1] - 16:5</p> <p>read [2] - 3:15, 47:23</p> <p>READ [1] - 59:4</p> <p>reads [2] - 48:14, 49:9</p> <p>READS [1] - 59:4</p> <p>real [1] - 29:10</p>	

review ^[1] - 6:15 reviewed ^[1] - 9:11 rings ^[1] - 28:24 Road ^[5] - 1:9, 4:3, 4:7, 8:17, 8:19 road ^[1] - 48:8 Robertson ^[3] - 11:13, 25:7, 28:8 role ^[1] - 36:18 rough ^[1] - 52:14 rule ^[1] - 41:4 rules ^[1] - 41:7	shorten ^[1] - 44:22 shortened ^[1] - 43:14 SHOULD ^[1] - 59:4 show ^[4] - 30:11, 32:5, 37:19, 47:17 showed ^[1] - 34:22 showing ^[1] - 41:25 shown ^[1] - 41:17 shows ^[1] - 15:16 sic ^[1] - 20:14 side ^[6] - 13:15, 21:15, 35:19, 50:5, 51:12, 51:15 Signature ^[1] - 59:19 sit ^[1] - 19:5 Site ^[1] - 8:15 site ^[4] - 10:4, 11:16, 13:6, 26:25 sits ^[1] - 18:11 sitting ^[1] - 7:11 six ^[3] - 5:2, 51:18, 57:7 size ^[1] - 17:12 Sky ^[2] - 23:12, 23:21 slab ^[1] - 17:24 slope ^[1] - 46:10 slopes ^[1] - 30:5 slow ^[1] - 5:20 small ^[3] - 7:11, 27:4, 33:5 sold ^[1] - 35:22 solution ^[1] - 44:12 sometime ^[1] - 54:16 soon ^[1] - 47:7 sorry ^[4] - 6:23, 9:4, 14:20, 38:17 sort ^[3] - 13:14, 29:25, 36:8 sought ^[1] - 48:24 Sound ^[1] - 1:23 sounds ^[3] - 8:12, 10:25, 47:22 source ^[1] - 26:4 south ^[3] - 20:25, 21:3, 21:15 split ^[1] - 43:10 spoken ^[1] - 29:8 square ^[6] - 27:5, 42:23, 42:25, 43:3, 43:24, 52:14 stair ^[2] - 40:21, 40:23 staircase ^[6] - 30:8, 30:12, 30:21, 30:24, 31:2, 46:23 staircases ^[1] - 45:17 stairs ^[2] - 45:3, 45:10 stairway ^[2] - 35:17, 35:19 staked ^[1] - 33:25	staking ^[1] - 37:3 start ^[4] - 3:6, 3:12, 20:3, 25:23 state ^[1] - 30:18 stay ^[1] - 40:3 stays ^[1] - 17:17 steep ^[1] - 30:22 steeper ^[1] - 46:22 step ^[1] - 6:20 steps ^[1] - 40:10 Steve ^[1] - 45:11 Steven ^[1] - 40:4 sticking ^[1] - 25:20 still ^[2] - 42:20, 48:8 stone ^[5] - 26:18, 36:2, 36:13, 36:18, 38:20 stone's ^[1] - 36:17 straightaway ^[1] - 40:20 straighten ^[1] - 46:14 street ^[1] - 51:12 Street ^[1] - 9:3 structure ^[2] - 44:25, 48:5 structures ^[1] - 31:25 stuff ^[2] - 27:25, 36:4 subdivision ^[1] - 57:10 Subdivisions ^[1] - 4:2 submit ^[4] - 5:5, 9:9, 10:21, 20:17 submitted ^[4] - 4:25, 8:22, 9:25, 10:9 Subscribed ^[1] - 59:21 substantial ^[1] - 13:23 substantially ^[1] - 13:17 Suffolk ^[1] - 25:8 suffolk ^[3] - 4:8, 8:20, 11:14 suggestion ^[2] - 37:3, 43:17 sunk ^[1] - 18:9 supervision ^[1] - 36:24 supports ^[1] - 20:18 survey ^[1] - 25:22 surveyor ^[1] - 10:6 susan ^[1] - 56:11 Susan ^[2] - 2:9, 7:5 suspect ^[1] - 41:21 sweating ^[1] - 24:21 switch ^[1] - 10:8 switchback ^[9] - 29:20, 35:13, 35:15, 43:14, 44:23, 44:24, 45:2, 45:9, 45:10	sworn ^[1] - 59:21	two ^[5] - 13:13, 29:10, 32:14, 32:15, 36:8 two-acre ^[2] - 32:14, 32:15 typically ^[1] - 30:2
T				
Tax ^[4] - 4:8, 8:20, 11:14, 25:8 ten ^[4] - 18:22, 18:23, 35:16, 46:16 ten-foot ^[2] - 35:16, 46:16 tennis ^[8] - 13:16, 17:7, 17:10, 17:13, 17:14, 19:2, 19:13, 24:8 terms ^[2] - 37:6, 50:8 that'll ^[3] - 29:7, 41:18, 42:11 THE ^[1] - 59:2 thinking ^[1] - 51:2 third ^[1] - 17:12 this'll ^[1] - 29:13 three ^[1] - 13:14 tiffany ^[1] - 9:2 Tiffany ^[1] - 9:6 today ^[1] - 33:12 tonight ^[1] - 4:22 took ^[3] - 27:20, 42:21, 57:7 top ^[3] - 18:12, 28:8, 52:25 tough ^[1] - 56:4 toward ^[1] - 53:20 towards ^[2] - 15:13, 28:14 track ^[1] - 41:9 Transcribed ^[1] - 1:24 TRANSCRIPT ^[1] - 59:2 transcript ^[2] - 3:14, 60:3 transcription ^[1] - 60:6 Traurig ^[2] - 11:23, 25:12 tremendous ^[1] - 46:20 Troy ^[1] - 55:20 true ^[1] - 60:7 truth ^[1] - 46:25 try ^[3] - 26:15, 33:22, 34:23 trying ^[1] - 51:17 Tuesday ^[3] - 55:5, 56:21, 56:25 tuesday ^[1] - 56:16 tuesdays ^[1] - 55:10 Tuesdays ^[1] - 56:4 turns ^[1] - 38:12 tweaks ^[2] - 9:23, 10:19				
U				
under ^[5] - 10:11, 15:11, 32:15, 32:25, 36:23 underneath ^[1] - 18:4 understood ^[1] - 48:10 up ^[15] - 4:2, 4:13, 5:19, 8:6, 8:15, 8:17, 11:10, 18:2, 23:14, 25:3, 28:10, 36:14, 47:17, 53:4, 55:20				
V				
vari ^[1] - 47:22 variance ^[4] - 28:23, 47:22, 48:24, 50:5 vegetate ^[1] - 27:21 vegetated ^[1] - 41:18 venting ^[1] - 14:10 Via ^[1] - 1:11 Video ^[1] - 1:11 VILLAGE ^[1] - 1:6 Village ^[8] - 2:10, 2:13, 2:14, 3:3, 15:3, 24:7, 41:11, 60:4 violations ^[1] - 39:5 visual ^[4] - 30:6, 37:4, 45:12, 47:3 visualize ^[2] - 33:15, 34:2 von ^[1] - 2:4 VON ^[102] - 3:2, 3:10, 3:17, 3:19, 3:22, 4:18, 5:9, 5:14, 5:23, 6:2, 6:5, 6:7, 6:18, 7:4, 7:9, 7:16, 7:20, 7:25, 8:4, 8:8, 8:12, 9:5, 9:15, 10:12, 10:15, 10:24, 11:3, 11:10, 11:22, 11:25, 12:3, 12:10, 12:16, 12:19, 12:23, 13:10, 13:19, 14:3, 16:4, 17:21, 18:5, 19:20, 20:7, 20:19, 21:22, 21:25, 22:5, 22:9, 22:12, 23:8, 23:20, 24:12, 24:20, 24:23, 25:2, 25:15, 29:18, 32:12, 32:20, 33:3, 33:5, 33:10, 33:18,				

34:3, 35:6, 37:14, 41:5, 45:16, 47:7, 47:10, 47:13, 47:20, 48:11, 48:15, 49:3, 49:21, 50:20, 51:7, 51:20, 52:3, 52:6, 53:3, 53:6, 54:8, 54:11, 54:15, 54:20, 54:25, 55:9, 55:13, 55:21, 55:25, 56:7, 56:11, 56:16, 56:20, 57:6, 57:9, 57:12, 57:16, 57:19, 57:23 vote [3] - 6:12, 6:25, 22:10	Y
wait [2] - 36:21, 36:22 walk [1] - 26:9 walking [1] - 47:14 walkway [3] - 30:3, 30:6, 39:17 walkways [1] - 13:22 wall [4] - 19:10, 26:18, 26:19, 38:20 walls [3] - 13:22, 36:3, 36:13 wants [1] - 30:17 wash [2] - 39:23, 39:24 water [7] - 26:11, 26:21, 26:23, 45:4, 48:20, 49:20, 53:20 water's [1] - 21:4 waterfront [3] - 48:3, 49:19, 51:10 ways [1] - 30:11 welcome [2] - 3:3, 12:11 wells [1] - 13:14 West [1] - 40:22 west [1] - 43:6 whole [2] - 37:10, 46:11 wide [2] - 26:22, 39:19 win [1] - 14:7 wind [3] - 8:6, 19:23, 20:5 window [1] - 13:14 windows [1] - 14:6 withdraw [1] - 49:13 wonder [1] - 50:4 worried [1] - 32:13 worrying [1] - 35:4 wow [1] - 20:10 wrack [1] - 51:18 written [1] - 22:15 wrongs [1] - 36:8	yard [14] - 42:17, 47:25, 48:16, 48:19, 48:25, 49:2, 49:10, 49:16, 49:19, 49:24, 50:5, 50:8, 50:16, 51:15 year [1] - 29:9 years [4] - 28:20, 48:21, 51:19, 57:8 yield [1] - 13:23 York [6] - 1:10, 4:7, 8:20, 11:14, 25:7, 55:20 yup [8] - 12:15, 12:25, 21:8, 24:11, 28:6, 32:18, 39:21, 53:25
W	Z
	ZBA [1] - 48:6 Zoning [5] - 29:5, 32:3, 48:3, 48:9, 49:14 Zoom [6] - 1:11, 55:7, 56:2, 56:3, 56:5