

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS  
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on  
September 2nd, 2015, COMMENCING AT APPROXIMATELY 7:15  
P.M.

September 2nd, 2015  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN  
CHRISTINE CORRADO  
JEANNE DALE  
JUDY SCHWARTZ  
MORREY GOLDMAN  
ANDREA TOMPKINS WRIGHT  
CANDICE BAKER LEIT, ESQ.

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

Reported by: CHAD L. SMITH, Court Reporter  
EDITH E. FORBES COURT REPORTING SERVICE  
21 Woodcrest Drive  
Batavia, New York 14020

1  
2 MR. MIETZ: I would like to call to order the  
3 September 2015 session of the Brighton Zoning Board of  
4 Appeals.

5 Rick, was the meeting properly advertised?

6 MR. DiSTEFANO: Yes, Mr. Chairman. It was  
7 advertised in the Brighton Pittsford Post of August 27,  
8 2015.

9 MR. MIETZ: Okay. Would you please call the  
10 roll?

11 MR. DiSTEFANO: Let the record show all  
12 members are present.

13 MR. MIETZ: Okay. We have a couple of months  
14 worth of minutes to go through. So let's start with  
15 the July minutes.

16 Do we have any -- yes, Judy?

17 MS. SCHWARTZ: On page 19, line 4, the last  
18 word is allow.

19 On page 22, there's -- some help people on  
20 lines 15,16. It reads: "That is one of the reasons we  
21 will need the zoning variance."

22 And I'm not quite sure what the finished part  
23 should be?

24 "But this is a corner lot. The lot is not as  
25 steep as the other lots that are on the street. That

1  
2 is one of the reasons we would need the zoning variance  
3 should be approved by --

4 MR. DiSTEFANO: Should need the zoning  
5 variance.

6 MS. SCHWARTZ: Say that again?

7 MR. DiSTEFANO: Just, this is one of the  
8 reasons we need the zoning variance.

9 MS. SCHWARTZ: Okay.

10 Page 23, line 9, the second word should start  
11 on the, and delete we, and then delete that from the  
12 same line.

13 And page -- I'm sorry, on line 14 the word  
14 and should be is.

15 And on line 18, the word does should be is.

16 On page 29, line 14, the second last word  
17 should be ideal.

18 Page 31, line 15, the last word should be  
19 park.

20 Page 37, I have a question on line 19, the  
21 first word: Recently in the past it was in the winter  
22 so we are moving it. They're talking about an  
23 air-conditioning unit. And that's the same thing; with  
24 the air-conditioning, recently in the past it was in  
25 the winter so we are now moving it.

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Just let is go?

MR. MIETZ: Yeah. I don't think it has any impact.

MS. SCHWARTZ: All right. Okay.

Page 53, line 17, the fourth from last word should be b-a-n-d.

Page 77, in the findings of fact, No. 2, line 20, delete the word be and add the word relieve and then at the end it should just - at the end of line 20 it should say produce.

MR. MIETZ: I'm going to stop you there for a minute.

MS. SCHWARTZ: I'm sorry.

MR. MIETZ: There's one on 75 - keeping it close for you - line 13, let me just read how it should be: The proposed location for the living space in the back was placed in the only location. And the rest is fine.

MS. SCHWARTZ: And that's all I have.

MS. CORRADO: I have a couple more to add. Going back to page 13, line 21, maybe should be two words, may be.

Page 16, line 7, I have a question. I believe the word isn't should actually be is: So I

1  
2 think it is very necessary to have this variance.

3 Line 20, indeed is one word on that same  
4 page.

5 Page 54, line 5 and line 7, the word cue  
6 spelled c-u-e should be queue, q-u-e-u-e in both cases.

7 Page 70, line 22, the first word should be  
8 on.

9 And that's all I have.

10 MR. MIETZ: Okay. Does anyone have anything  
11 else for the July minutes?

12 MS. BAKER LEIT: Just one question on page  
13 12, line 12, it says: First of all the utility  
14 connections, the sanitary.

15 Should there be a comma between sanitary and  
16 storm sewer or are they the same thing?

17 MR. DiSTEFANO: Comma.

18 MR. MIETZ: Okay. All set?

19 (Motion made by Mr. Goldman to approve the  
20 July, 2015 minutes with corrections.)

21 (Seconded by Ms. Schwartz.)

22 (Upon roll call, motion to approve the July,  
23 2015 minutes with corrections carries.)

24 MR. MIETZ: All right. So we will move on to  
25 the August minutes.

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Go ahead, Judy.

MS. SCHWARTZ: Page 9, line 6, the word keep should be heat, h-e-a-t.

Page 11, line 24, delete the word of.

Page 27, line 4, delete the word was.

Page 29, line 4, the last word should be former, f-o-r-m-e-r.

Page 56, line 2, the new sentence should begin o-u-r.

Page 67 -- oh, yes, line 13, I think it was Andy Spencer who was speaking because Geary was the previous application. So line 13 should be Mr. Spencer.

Page 68, line 7, delete off.

Page 100, line 2, delete the.

Page 102, line 24, add the word be - it needs to be.

132, I believe it's -- sorry, line 10 on 132, Jeanne, this was your application and I think it should be motion made by Ms. Dale. The only reason I did that was because you usually take the one who makes the motion last.

MR. DiSTEFANO: Unless I just screwed up, which sometimes I do.

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MS. SCHWARTZ: All right.  
So I don't know if you feel comfortable being the one to move it?  
MS. DALE: Absolutely. Okay.  
MS. SCHWARTZ: That's all I have.  
MR. MIETZ: Do we have anything else?  
MS. CORRADO: A few.  
Backing up to page 14, line 20, the last word should be their, t-h-e-i-r.  
Page 16, line 6, cataclysmic is spelled c-a-t-a-c-l-y-s-m-i-c.  
Page 25, line 10, pierrpont is spelled p-i-e-r-r-p-o-n-t.  
Page 27, line 4, deplete the word tried.  
Page 33, line 8, the second word should be would.  
Page 36, line 9, the third to last word is visible.  
Page 51, line 22, I believe the speaker is Mr. Mietz.  
Page 52, line 4 again, I believe the speaker is Mr. Mietz.  
Page 101, line 13, I believe the line should read: So, again, I'll ask Pastor Steve.

1  
2 And on line 25, the last phrase should say:  
3 We want to make it appealing.

4 Page 102, line 24, add the word we at the end  
5 of the line - and we welcome your suggestions.

6 Page 113 -- nope, never mind.

7 And that will be it.

8 MS. BAKER LEIT: Motion to approve.

9 MR. MIETZ: Okay. Any other corrections?

10 (Motion made by Ms. Baker Leit to approve the  
11 August, 2015 minutes with corrections.)

12 (Seconded by Ms. Schwartz.)

13 (Upon roll call, motion to approve the August,  
14 2015 minutes with corrections carries.)

15 MR. MIETZ: Okay. Thank you for your  
16 patience with that.

17 Rick, will you please read the first  
18 application?

19 6A-05-15Application of Jack Siegrist, applicant, and  
20 James and Sharon Cerone, owners of property located on  
21 East Avenue (between 2940 and 2980 East Avenue) known  
22 as Tax ID #138.05-1-70, for Area Variances from Section  
23 205-2 to 1) allow a new single family house to be  
24 constructed with a 10 ft. side setback (south side) in  
25 lieu of the minimum 16.5 ft. required by code, and 2)

1  
2 allow said house to have 4,480 sf of livable floor area  
3 in lieu of the maximum 3,963 sf allowed by code. All  
4 as described on application and plans on file. TABLED  
5 AT THE JUNE 3, 2015 MEETING - PUBLIC HEARING REMAINS  
6 OPEN

7 MR. SIEGRIST: Hello. I'm Jack Siegrist, the  
8 architect. With me is Sharon Cerone and James Cerone.  
9 I think Sharon wants to say a few things and then I  
10 will speak to some of the technical stuff and we'll  
11 then go from there.

12 MS. CERONE: At the suggestion of Mr.  
13 DiStefano we did prepare a document. I believe it was  
14 in your packet. He thought it would be - you know,  
15 expedite things by allowing you to review the history,  
16 so to speak, of how we got to where we are. And it's  
17 been a rather lengthy process of thinking about the  
18 housing we will need at this point in our life. So I  
19 feel that I probably do not need to reiterate what is  
20 in the document. I believe you have the document.

21 Or do I need to reiterate, I'm not quite  
22 sure?

23 MR. MIETZ: If there's things that you would  
24 like to highlight that you feel are important.  
25 Obviously, you are right, we have the document but if

1  
2 there are things that you would like to highlight or  
3 anything different from what we've heard before that is  
4 highlighted then that would be good.

5 MS. CERONE: Well, what you've heard before  
6 referring to the June meeting --

7 MR. MIETZ: Correct.

8 MS. CERONE: -- when we were originally here?

9 MR. MIETZ: Correct.

10 MS. CERONE: Yes, okay.

11 Which was tabled and we essentially went back  
12 to the drawing board. And this document does describe  
13 the process of how we got to where we are. I just want  
14 to make the point that this was a deliberative, very  
15 thoughtful process that involved an entire team of  
16 people that we've listed here; Mr. Siegrist, our  
17 architect; our interior designer, Jay Oaks; the  
18 builders, the Geraci Brothers; our kitchen designer;  
19 the engineer, Mr. McMahon, who happens to be in the  
20 audience tonight on another matter. But basically this  
21 document outlines how we went our way through this  
22 thought process of our housing.

23 Number one, we did make an effort to modify  
24 our current housing. Where we currently live -- by the  
25 way, we live -- we are taking about building -

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2 currently talking about building a house on the lot  
3 right next to the house where we currently live. But  
4 we did start with our current house, rather modestly  
5 pushing the kitchen back and the garage forward,  
6 modestly adjusting the footprint of the house. But  
7 then when all was said and done we wound up with a  
8 seventy foot expanse on the east side of the property,  
9 which we thought would be objectionable to the  
10 residents on the east side of the property. And  
11 furthermore, we really didn't -- well, the end result  
12 did not warrant the expense of that undertaking.

13 Number two, was really a significant  
14 architectural undertaking where by we - the proposal  
15 was that we would take our current house which sits on  
16 a building lot and the side lot which is actually a  
17 bonafide building lot and combine the two lots and move  
18 the renovated out to the side lot. So that would be  
19 using both lots. This was, as I say, a significant  
20 architectural undertaking by Mr. Siegrist and the rest  
21 of the team so to speak. And the final analysis -- and  
22 that was presented to the -- the only zoning  
23 requirement in that case was could we combine two lots  
24 and that was favorably moved on. But in the final  
25 analysis we didn't go with that option because it was

1  
2 extremely expensive, involving both demolition and  
3 construction and we still wound up it with some fixed  
4 features that just come with a house that was built in  
5 1959.

6 Then we moved on to the idea of building a  
7 free standing custom built house on the side lot. This  
8 is an approved building lot as I mentioned. Once  
9 again, back to the drawing board. And in your packet  
10 of materials and also up on the board here(indicating)  
11 you will see the facade of that house, which is  
12 designed in a French Country style. This is what was  
13 presented to you in the June meeting. You asked us to  
14 go back with two variance requests; one, for the square  
15 footage of the house relative to the size of the lot,  
16 the second variance, being the east side setback. So  
17 you asked us at that meeting to find some comparables,  
18 so back to the drawing board. And also you asked, I  
19 believe, if we could find a way to reduce our request  
20 for variance.

21 So we did go back to the drawing board and  
22 Mr. Siegrist drew up another plan, which will you see  
23 the picture of the facade of that plan in your packet  
24 as well. We'll call that the modified facade. The  
25 modified facade eliminated any need for variance

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2 request. Unfortunately, the facade lost the French  
3 Country appearance. The interior -- some of the rooms  
4 on the interior of the house became too small to be  
5 functional or to represent an improvement over our  
6 current situation.

7 Back to the drawing board again. This time  
8 with the intent of reducing the variance request rather  
9 than necessarily eliminating them completely. And that  
10 is in fact what we are asking you to approve this  
11 evening. And you will see that we have reduced the  
12 square footage of the house from forty-four eighty to  
13 forty-two seventeen square feet. However, the side  
14 setback remains the same, ten feet from the house and  
15 8.5 feet from the roof line.

16 Mr. Siegrist did quite a fair - quite a bit  
17 of research looking for comparables and he of course is  
18 going to speak to the comparables and any technical  
19 questions you have.

20 Also in the document here(indicating) you  
21 will note that I did comment on due diligence with  
22 neighbors. We've only heard from one neighbor on this  
23 topic of housing - proposed housing. We did talk  
24 directly to this neighbor who sent us a letter and we  
25 responded to the letter. We have not heard from any

1  
2 other neighbors.

3 In fact, it was the neighbor on our right  
4 that sort of inspired - actually did inspire our  
5 initiative to get moving on our own housing. It was an  
6 inspiration, sort of a contagion effect, if you will.  
7 Someone in the neighborhood did something we liked.  
8 They got a builder that did a great job. And so we  
9 sort of moved from that inspiration.

10 We have lived on East Avenue in this  
11 particular house, in our current house, for  
12 thirty-seven and a half years. We are -- have - we  
13 think we've been very good stewards of that house. And  
14 I think we could be expected to be very good stewards  
15 of the proposed house. It will meet our needs better  
16 than our current housing does.

17 And we are hoping that when you make a  
18 consideration or deliberations, when you think about  
19 some of the cost benefits here because whenever there  
20 is a proposal of significance there's always competing  
21 issues that you have to think about. When you think  
22 about setback issues and square footage issues we are  
23 hoping that you give some thought to what it would mean  
24 for this neighborhood to have a couple make an  
25 investment in real estate in that neighborhood. Now,

1  
2 to our recollection - and we have thirty-seven and a  
3 half years of living in the area - we do not think that  
4 there has been a new single-family house built on East  
5 Avenue in the Brighton section, so -- this section of  
6 East Avenue. So this will be sort of a new thing for  
7 East Avenue. So we're hoping that the investment that  
8 we're making will inspire other folks to make current  
9 investments. East Avenue is a certainly a lovely  
10 street, but there are certain houses in certain areas  
11 of East Avenue that could use a little bit of a  
12 pick-me-up and we're hoping the investment that we're  
13 making could in turn spark other neighbors to do  
14 similarly. And frankly that's how we got going. We  
15 were inspired by our neighbor's investment in the  
16 neighborhood.

17 MR. MIETZ: Okay.

18 MR. CERONE: Thank you. And I'm also asking  
19 that the Board committee approve our request. And  
20 we're willing to answer any questions in order to  
21 satisfy your request.

22 Thank you.

23 MR. DiSTEFANO: Can I just get a little -  
24 before you guys start, just a little clarification.  
25 Jack, you can help me out here.

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2           You're proposing a bay window on that east  
3 side; is that what it is?

4           MR. SIEGRIST: Yes. But not the roof  
5 overhang -- it's not going past the roof overhang.

6           MR. DiSTEFANO: Well, where's the bay window  
7 though; the bay window is extending how far out?

8           MR. SIEGRIST: The bay window -- there's a  
9 bay window on the front.

10          MR. DiSTEFANO: There's no bay window on the  
11 side setback?

12          MR. SIEGRIST: There's the one in the kitchen  
13 which is just a box-out window.

14          MR. DiSTEFANO: Just the side setback that's  
15 being affected, is there a bay window on that side?

16          MR. SIEGRIST: Yes. There's two. There's  
17 two little bays there that are out about a foot. But  
18 the roof is a foot and a half and they're not extending  
19 past the foot and a half.

20          MR. DiSTEFANO: So the actual request is not  
21 ten feet, but eight and a half feet?

22          MR. SIEGRIST: Yes.

23          MR. DiSTEFANO: So it's eight and a half feet  
24 from the roof line, nine feet from the bay window and  
25 ten feet from the foundation?

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2 MR. SIEGRIST: Yes. As we discussed the last  
3 time, the building was one line that you can maintain  
4 if you stay within the setback and have the two foot  
5 overhang. But what you tell me is once --

6 MR. DiSTEFANO: Once you're impacting that --

7 MR. SIEGRIST: That's right.

8 MR. DiSTEFANO: -- setback is the closest  
9 pont to --

10 MR. SIEGRIST: The roof overhang.

11 MR. DiSTEFANO: That's at 8.5, not at 10 as  
12 was presented and advertised?

13 MR. SIEGRIST: Correct.

14 MR. DiSTEFANO: So this variance request is  
15 8.5 feet from the side lot line and not 10 feet, just  
16 so the Board is aware of that.

17 MR. DOLLINGER: But the structure is --

18 MR. DiSTEFANO: The foundation wall -- well,  
19 the foundation is at ten feet, but then you have those  
20 bay windows that are extending into that setback also  
21 but not as far as the roof.

22 MR. SIEGRIST: They're actually not coming  
23 down to the floor. They're --

24 MR. DiSTEFANO: Yeah, they're just --

25 MR. SIEGRIST: They're just at counter

1  
2 height - the kitchen window and pantry window.

3 MR. DiSTEFANO: So just for legal purposes,  
4 the variance is a 8.5 side setback, not a 10 foot side  
5 setback.

6 MR. MIETZ: Okay. Jack?

7 MR. SIEGRIST: Okay. So we started out with  
8 the square footage of living area, which is living  
9 space in relationship to the size of the lot. We went  
10 up and down East Avenue. We did Whitney, Parsons,  
11 Trevor Court, Sandringham and we found that there were  
12 sixty-nine properties we looked at and there were at  
13 least fifty-six, I believe, that were of equal to our  
14 setback or our lot coverage, and the rest of them were  
15 close to us, but they were below. So we were at 11.7%  
16 and everyone else was higher than that. Some of them  
17 as high as 20%. So we came to the town and looked at  
18 the town records as we tried to look at the pictometry.  
19 We looked at that. And then we went out and we also  
20 just kind of verified it to make sure that it was  
21 right.

22 As far as the side setback, we did the same  
23 thing. We calculated the front of the property and  
24 took fifteen percent of that as the side setback and  
25 gave that as a number. We also then compared that to

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2 what the actual number was, which in some cases was as  
3 low as four or five feet as far as setbacks are  
4 concerned. Nine homes were equal to our distance and  
5 almost twenty homes were equal to our non-conforming  
6 distance.

7 So I mean, I don't know what else I could  
8 say.

9 MS. TOMPKINS WRIGHT: Is there a new site  
10 plan?

11 You've changed the footprint of the building,  
12 but I didn't see a new site plan submitted.

13 MR. SIEGRIST: Same site plan because the  
14 only thing that changed on our site plan -- nothing  
15 changed on the site plan. The square footage was the  
16 only thing that was reduced and it was just in the  
17 building envelope.

18 MS. TOMPKINS WRIGHT: Okay.

19 MR. SIEGRIST: Does it make sense?

20 MS. SCHWARTZ: Could you refresh my memory on  
21 how large is this proposed lot, this second lot?

22 MR. SIEGRIST: As far as square footage on  
23 the lot?

24 MS. SCHWARTZ: Uhm-hum.

25 MR. SIEGRIST: I think it's thirty-five

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thousand.

MR. DOLLINGER: Thirty-six thousand.

MR. SIEGRIST: Thirty-six sixty-one.

MS. SCHWARTZ: Thank you.

MR. MIETZ: Okay. So other questions,  
comments? Yes? No?

MS. TOMPKINS WRIGHT: It looks - the list of  
side setbacks --

MR. SIEGRIST: Yes.

MS. TOMPKINS WRIGHT: -- it looks like you  
relied heavily on Sandringham.

Am I pronouncing that correctly?

MR. SIEGRIST: You are pronouncing that  
correctly.

MS. TOMPKINS WRIGHT: Sandringham Road.

I'm just wondering if you took a broader look  
on East Avenue?

Because you only have two comparables from  
East Avenue on the side setback, where there's  
obviously a plethora of homes on East Avenue but you  
don't, kind of, list what those side setbacks are.

Do you have a more complete, kind of, picture  
of what the side setbacks on East Avenue look like?

MR. SIEGRIST: Yeah, let me -- we - I went up

1  
2 and down East Avenue and I went into Oak - I can't  
3 think of the name, but there was nothing on that. So I  
4 didn't actually list any homes that were larger or that  
5 complied. All I've done is listed the homes that  
6 didn't comply. And so -- I mean, there were some homes  
7 on Parsons and Whitney that some of them were all fine  
8 and some of them weren't. So I took the fifteen  
9 percent and used that as a number.

10 MS. CERONE: I have an additional point to  
11 make. Our current house --

12 MS. SCHWARTZ: Could you speak into the mic  
13 because --

14 MS. CERONE: Yeah, sorry.

15 Our current house is actually occupying more  
16 of a percentage of the lot than we're proposing the  
17 proposed house occupy. Our current house occupies  
18 12.8% of the lot it's on and the new proposed house  
19 would occupy 11.7% of the lot. Regarding side setback,  
20 our current house is 9.5 feet from the lot line. The  
21 proposed house would be depending on how you calculate  
22 that 10 or 8.5 feet to the lot line.

23 So regarding the particulars section of East  
24 Avenue that we are at, our own house is sort of a  
25 comparable, if you will, in terms of setback and house

1  
2 size.

3 MS. BAKER LEIT: All right. I guess one of  
4 the questions that I have is in terms of calculating  
5 the setback. It sounds like the actual eight and a  
6 half feet is going to be from an area that's really  
7 occupied within the house with windows, et cetera. In  
8 some of the other homes that have those setbacks that  
9 are closer may actually be garages that are set back a  
10 little bit and so they're not going to, you know, with  
11 walls that, you know, are not going to impact the  
12 neighbor's privacy in the same way.

13 How do you address that?

14 MS. CERONE: Well, they may or may not be  
15 garages. In the --

16 MS. BAKER LEIT: I'm just telling you I'm  
17 familiar with the neighborhood and some of them are.

18 MS. CERONE: Okay. But --

19 MS. BAKER LEIT: So respond to the question.  
20 Thanks.

21 MS. CERONE: When we - when Mr. Siegrist  
22 looked at the houses in question I'm not sure whether  
23 or not he actually had access information as to whether  
24 or not it was a garage or a window. In our particular  
25 case, it's two windows that poke out - do not go down

1  
2 to the ground, but just poke out a little bit beyond  
3 the house line.

4 So I suppose it's possible that it is garages  
5 on some of these homes. On other homes it's probably  
6 the house - the wall of the house itself that is in the  
7 line in question, the demarcation in question. But I  
8 don't believe he had access to whether or not it was a  
9 garage or -- I don't know if that information is  
10 available to you when you search the roads.

11 MR. SIEGRIST: We did a good, legitimate --  
12 some were -- I mean, obviously if there was a garage  
13 and the driveway coming up to the building on that  
14 side, yeah, it was a garage. But there could have been  
15 a building behind there, like a family room or  
16 something, that I couldn't see. So I really don't  
17 know. I just had to go by what I could see.

18 MS. TOMPKINS WRIGHT: The garage is now  
19 front-facing instead of side-facing?

20 MR. SIEGRIST: Side-facing.

21 MS. TOMPKINS WRIGHT: It's still side-facing.

22 MR. SIEGRIST: We looked at other  
23 alternatives, which we have here(indicating). We have  
24 one that we put at a forty-five degree angle and we  
25 ended up with a 2.5-car garage and the garage out

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front.

I'll bring the plans up if you like?

MR. MIETZ: Could you put the setback --  
sorry, the site plan up there, Jack, so we could really  
see it?

MR. SIEGRIST: Sure.

MR. MIETZ: Put it forward so it's not  
behind.

MR. SIEGRIST: You don't want it behind my  
beautiful drawing?

MR. DiSTEFANO: I think it's just data on  
that.

MR. SIEGRIST: It's just that(indicating).

MR. MIETZ: All right. So we're talking  
about that east elevation, that's where the comments  
are being focused on.

So what's the mitigation that's there on the  
site plan as far as that?

Is there a mitigation being offered on that?

MR. SIEGRIST: We did not offer any reduction  
or expansion of the side setback. We did feel that we  
wanted to keep it where it was. So the building is at  
ten feet and the overhang is eight and a half.

MR. MIETZ: Okay. Are you going to do

1  
2 anything from a landscape perspective or do anything  
3 else there?

4 MR. SIEGRIST: Yes. We will landscape all  
5 along here(indicating). We'll - I'm sure we'll do some  
6 mature trees. We also have all this landscaping along  
7 here(indicating) that now exists.

8 MR. MIETZ: Right.

9 MR. SIEGRIST: So we will bring it along --  
10 there(indicating). I think this is actually a pretty  
11 nice part of the lot, so we'll try to take some of that  
12 - advantage of that.

13 MS. TOMPKINS WRIGHT: I have that part of the  
14 plan was to push it back a little bit from the other  
15 home next door to create that type --

16 Was there any thought to pushing it back even  
17 farther to make it appear even less cluttered?

18 MR. SIEGRIST: We actually could push it back  
19 if we needed to. We just felt that we wanted to keep  
20 it within the neighborhood. But if it was necessary,  
21 if we felt it was approvable to --

22 MR. DiSTEFANO: What's the front setback now;  
23 what do you have it as?

24 MR. SIEGRIST: It's a hundred and  
25 thirty-seven feet, with a seventy foot setback

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required.

MR. DiSTEFANO: Sixty.

MR. SIEGRIST: Sixty.

MR. DiSTEFANO: And the setback of the neighboring house, their current house?

MR. SIEGRIST: This is fourteen seventy-five to the side and it's --

MR. DiSTEFANO: I'm sorry, what was it? No, just the front setback?

MR. SIEGRIST: Oh, ninety-eight.

MR. DiSTEFANO: So it's fifty feet further back.

MS. TOMPKINS WRIGHT: I understand what you presented. Just to go back to my question, I'm not sure, I may have not asked it correctly but -- so I understand what were presented were only homes that don't necessarily comply with code --

MR. SIEGRIST: On the side setback?

MS. TOMPKINS WRIGHT: Right, on the side setback.

MR. SIEGRIST: Correct.

MS. TOMPKINS WRIGHT: But do you have a percentage of how many homes along that area within seven hundred and fifty feet in either direction do

1  
2 comply, as opposed to how many that don't?

3 I think that was more of what I think we were  
4 looking for, how consistent it is with the neighborhood  
5 and not just how consistent it is with other homes that  
6 already don't comply.

7 MR. SIEGRIST: Okay. Well, there are  
8 sixty-eight homes that I surveyed for both pieces of  
9 property or both zoning pieces. Nineteen of them are  
10 less than -- what are they -- are non-conforming, nine  
11 of which are as low as we are.

12 Does that make sense; does that add up?

13 MS. TOMPKINS WRIGHT: Yes, it does.

14 MR. DiSTEFANO: So basically everything on  
15 East Avenue besides the two properties that you listed  
16 here do conform to the setbacks?

17 MR. SIEGRIST: Yes.

18 MR. DiSTEFANO: Okay.

19 MS. TOMPKINS WRIGHT: And how did you choose  
20 the sixty-eight homes that you surveyed?

21 MR. SIEGRIST: I just felt it was a  
22 comparable neighborhood. We didn't go to the other end  
23 because they're all apartments or condos. That didn't  
24 make any sense to us.

25 MS. TOMPKINS WRIGHT: It was all East Avenue

1  
2 and those side streets that --

3 MR. SIEGRIST: East, Parsons, Whitney,  
4 Ambassador, Trevor - part of Trevor, part of  
5 Sandringham.

6 And you could use them as comparables if you  
7 like.

8 MR. MIETZ: Okay. Any other questions of the  
9 applicant?

10 Rick, do you have anything?

11 Okay. Thank you.

12 MR. SIEGRIST: Thank you.

13 MR. MIETZ: Is there anyone in the audience  
14 that would like to speak regarding this application?

15 Jerry?

16 MR. LUDWIG: Jerry Ludwig, 2940 East Avenue.

17 This to there is seven and a half  
18 feet(indicating) just to give you a perspective.

19 Honorable Chair, Members of the Commission,  
20 Staff, I'm here for the same reason I was the last time  
21 the applicants were here. I feel that the proposed  
22 house is too big and it's too close to the property  
23 line.

24 In reviewing the current additional  
25 information presented to this Board there are a couple

1  
2 of things that stand out. One, the list of lot size to  
3 square foot size comps are, in my opinion, mostly  
4 irrelevant. We're talking about subdivisions on side  
5 streets. We're talking about pre-existing conditions  
6 in many cases. We're talking East Avenue, honestly or  
7 arguably - maybe obviously too, the finest street in  
8 Monroe County. Most of the comparables in  
9 subdivisions, as I mentioned, and there are only four  
10 comparables as far as side setbacks go.

11 Secondly, it's stated that no new house has  
12 been built on the street in thirty-seven or more years.  
13 Well, there's probably a reason for that. I think it's  
14 called elegantly maintaining the character of the  
15 streetscape. Fortunately East Avenue as avoided the  
16 plague that has been evident on other streets,  
17 including Clover and even Sandringham, and that is  
18 shoehorning a new house in between two existing houses.

19 Third, and I quote - and it was reiterated  
20 tonight, "This new house may inspire neighbors to  
21 invest in their properties, and the neighborhood as a  
22 whole, which although lovely, is showing signs of  
23 age..." I don't quite get this. If we start at the  
24 corner of Council Rock and head towards the applicant's  
25 house there are two majestic homes at 2351 and 2369

1  
2 which have just in the past number of years undergone  
3 extensive renovations on their existing lots. Then  
4 there's the Stone Tolan house, lovingly maintained by  
5 the Landmark Society. And even the Dryer house at the  
6 corner of Penfield Road and East Avenue across from the  
7 Renaissance apartments has arguably looked better now  
8 than it has in a number of years.

9 And what about Dr. Ronald Reed's house at  
10 2615? I don't think there's anybody in Monroe County  
11 that I know of has put more love and, I might add,  
12 effort - we won't mention money, into restoring the  
13 Bausch estate and its adjacent property.

14 A bit further we have 2669 and 2675 which  
15 also underwent complete do-overs over the past few  
16 years. And Chuck Arena's house - former house, at the  
17 corner of Ambassador and East Avenue has not gone  
18 unnoticed, although sadly this once magnificent lot has  
19 been carved up into several properties.

20 Smaller in scale, but no less important is  
21 the Parson's farmhouse at the corner of Parson's Lane.  
22 Again, loved and well maintained by it's current  
23 owners, the Driscolls.

24 Now you get to our house. Although we don't  
25 have the deep pockets as many, we at 2940 have also

1  
2 tried to do the right thing by our property and are  
3 proud to have it join the list of Brighton historic  
4 landmarks. As you all no doubt know maintaining an  
5 older property sensitively is not for the faint of  
6 heart or the faint of pocket book. Most importantly,  
7 we are merely caretakers of these fine properties for  
8 the time that we are fortunate to live in them.

9 Interestingly, all the above projects and  
10 improvements have happened without any inspiration from  
11 a house at 2960.

12 So if the street is showing signs of age, I  
13 say, "Bravo." It has aged very gracefully, thank you  
14 very much. It must be a familiar welcome for those  
15 that have been away to drive down East Avenue and see  
16 old friends once again.

17 Finally, and I wouldn't go on much longer  
18 here, I would like to quote from the Brighton Town  
19 Code. In making your deliberations the Zoning Board  
20 shall take into consideration a bunch of different  
21 things; one is, "Whether an undesirable change will be  
22 produced in the character of the neighborhood or a  
23 detriment to nearby properties will be created by  
24 granting the area variance." Well, I don't think the  
25 area variance is going to improve our property values

1  
2 any. And I certainly don't think it will improve the  
3 value of the applicant's existing house.

4 "Whether the benefit sought by the applicant  
5 could be created some other way." Well, they certainly  
6 could. They've explored those options. So there is  
7 other options.

8 "Whether the requested area is substantial."  
9 I say if eight and a half feet is the request and  
10 sixteen is the requirement, I would call that  
11 substantial.

12 And finally; "Whether the alleged difficulty  
13 was self-created." Well, I think it is. There's other  
14 options. You can build a smaller house within the  
15 confines of the lot or combine the lots, as they once  
16 had planned to do, and build a bigger house.

17 In closing, I asked the Board to carefully  
18 consider these remarks and not make a non-conforming  
19 lot more non-conforming. Two wrongs don't make a  
20 right.

21 Thank you for your time and consideration.

22 MR. MIETZ: Is there anyone else that would  
23 like to speak regarding this application?

24 There being none, the public hearing is  
25 closed.

1  
2 9A-01-15 Application of John Sweeney and Patricia  
3 Lamos, owners of property located at 2404 Highland  
4 Avenue, for an Area Variance from Section 207-10E to  
5 allow a driveway to extend to the side property line  
6 where a 4 ft. setback is required by code. All as  
7 described on application and plans on file.

8 MR. MIETZ: Okay. Go ahead.

9 UNKNOWN: Any questions?

10 MR. DiSTEFANO: Just state your name and --

11 MR. SWEENEY: I'm John Sweeney.

12 MR. DiSTEFANO: -- and address for the  
13 record.

14 MR. SWEENEY: 2404 Highland Avenue.

15 MR. DiSTEFANO: And just give a real brief  
16 description of what you are looking to do.

17 MR. SWEENEY: Okay. What I'm doing is taking  
18 the last gravel driveway in Brighton and I want to pave  
19 it. And unfortunately the gravel driveway - right over  
20 here(indicating) is the city of Rochester and the  
21 driveway comes back a hundred and sixty feet. So the  
22 area I'm starting is a hundred and fifty feet back from  
23 Highland Avenue. No one sees this in other words. My  
24 neighbors over here in Brighton don't see it.

25 And my neighbor over here, as soon as I moved

1  
2 in he went over to my property grabbed some rose sharon  
3 and built a hedge. The hedge is now twenty feet thick.  
4 And it's Rochester, it turns over every two or three  
5 years. Some people start hacking away at it and I keep  
6 telling them, you know - because if you have children  
7 we don't want them up against the parking area because  
8 I'm turning around. And so everybody has agreed to  
9 just maintain this twenty-foot-thick hedge. It's  
10 fifteen feet high. They don't see it. Nobody sees  
11 this area here(indicating).

12 And so I'm hoping to get a variance because  
13 it's actually very nice for my wife. She's accustomed  
14 to using all that space to turn around. And I don't  
15 want to shrink it by four feet. And I don't want to  
16 move the driveway because it butts right up against the  
17 house. So I'm hoping to get a variance.

18 MR. MIETZ: Mr. Sweeney, the section that  
19 we're talking about, the --

20 MR. SWEENEY: This little strip right  
21 here(indicating).

22 MR. MIETZ: We're familiar with the driveway.  
23 But it's about twenty feet or so along that  
24 session?

25 MR. SWEENEY: Yeah. My wife said don't make

1  
2 it straight, it looks ugly. She wants it curved now.  
3 So we're down to about ten feet that it actually goes  
4 into the four-foot area. So she want's it --

5 MR. MIETZ: So approximately ten feet --

6 MR. SWEENEY: Curved and around.

7 MR. MIETZ: Yeah, but based on the way it was  
8 drawn it looked like it scaled out to about twenty.

9 MR. SWEENEY: Yeah, was guessing about  
10 twenty feet of it.

11 MR. MIETZ: But you think in reality what  
12 you're really going to do will be about ten?

13 MR. SWEENEY: It'll be about ten feet.

14 Judy was out and took a look at it. It was a  
15 mess.

16 MR. MIETZ: I was there.

17 MR. SWEENEY: Oh, you were there too?

18 Oh, great. It's a mess.

19 MR. MIETZ: Definitely needs some attention.  
20 Okay. But that clarifies it a little bit.  
21 And other than that is there anything  
22 different than the way you are planning --

23 MR. SWEENEY: Nope.

24 MR. MIETZ: -- from the rest of the drawings?

25 MR. SWEENEY: Same thing then.

1  
2 MR. MIETZ: Okay. And as we're that close to  
3 the lot line and the paving is being done; do you feel  
4 there's going to be any issues with you handing  
5 drainage so it doesn't --

6 MR. SWEENEY: No, because it is downhill from  
7 Highland Avenue down this way(indicating).

8 MR. MIETZ: Right.

9 MR. SWEENEY: So all the drainage goes that  
10 way. And over in this section(indicating) it actually  
11 drains onto my property.

12 MR. MIETZ: Okay. And so obviously whoever  
13 is doing the paving takes some due care of how that is  
14 pitched on the lot line?

15 MR. SWEENEY: Right.

16 MR. MIETZ: That's the right answer. Okay.  
17 Do we have any other comments or questions?  
18 Okay. Thank you very much.

19 MR. SWEENEY: Thank you.

20 MR. MIETZ: Is there anyone in the audience  
21 that would like to speak regarding this application?

22 There being none --

23 MR. DiSTEFANO: Wait.

24 MR. MIETZ: Oh, I'm sorry.

25 MR. TIMOTHY: Hi, everyone. My name is

1  
2 Lancelot Timothy and I live on the property that is  
3 adjacent and on the east side of Mr. Sweeney and Ms.  
4 Lamos.

5 And I wanted to come tonight because I'm very  
6 concerned with any work that is done on that property  
7 because there is a history by Mr. Sweeney of  
8 encroaching on the property of other people right  
9 adjacent to him. So I have not seen what those plans  
10 look like. I do not know if it's going to encroach  
11 into someone's property or what the future impact would  
12 be or what precedent that would set. So that's why I'm  
13 here tonight, because he has a history of doing that  
14 and trying to adverse possessions.

15 That is why I'm here. I would like to see  
16 what it looks like and what the impact might be now and  
17 for the future.

18 MR. DiSTEFANO: That little hatched area  
19 here(indicating), I can kind of just point to it.

20 UNKNOWN: We currently have a fence --

21 MR. DiSTEFANO: Could you state your name for  
22 the record please?

23 MS. TIMOTHY: Jacquelyn Timothy.

24 He currently has a fence that -- we put up  
25 markers -- I mean, there's a history. Where we have

1  
2 bushes. He removed the bushes and replanted bushes on  
3 our property line. The bushes were ours, within our  
4 property line. And we removed those bushes. We  
5 gathered a surveyor to put up markers. He puts the  
6 markers back. He put up a fence before we could put up  
7 a fence, while we were dealing with personal issues.  
8 So we have to have the fence removed because, again, it  
9 is on our property line.

10 There's a history of this going on back and  
11 forth. We are concerned that this might set another  
12 precedent of, you know, encroaching on someone's  
13 property line. And over the years we had to go to  
14 research and we had to find where his property starts  
15 and ends. That is why we had a surveyor, although we  
16 already knew because when we moved in we, you know, we  
17 had the surveyor.

18 MR. TIMOTHY: Because of this we've had to  
19 resurvey the property twice. The last time about the  
20 last two and a half years. But each time the markers  
21 are moved back or moved in to redefine the property  
22 line.

23 MS. TIMOTHY: So now we have a fence that's  
24 on our property that --

25 MR. TIMOTHY: Inside our property line again.

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MS. TIMOTHY: That we have to deal with now.

MR. TIMOTHY: So I'm very adverse to any sort of work going on without it clearly being defined within the deeded property on file that he owns and he pays taxes on.

MR. MIETZ: Specifically talking - this question is specifically talking about the driveway and not some of these other issues that you're talking about.

Where the driveway appears today - the gravel driveway - do you believe there is any kind of encroachment on where it is today?

MR. TIMOTHY: I believe there is.

MS. TIMOTHY: When we looked at the town years ago - at his property - the driveway really does end where his markers should be. I mean, so if he makes it out wider --

MR. TIMOTHY: It would be in the adjacent property, not within the deed on file. So, like I said, without -- I can't just look at this. I don't have my glasses so I can't really see everything as clearly. So I would need some time to look at it to see if that's setting precedent.

MS. TIMOTHY: Unless he bought it without

1  
2 knowledge.

3 MR. TIMOTHY: Exactly, and it's not just  
4 updated in the town files.

5 MS. TIMOTHY: And like I said, it was years  
6 ago, but we had to go and research it because of all  
7 this we have to deal with.

8 MR. TIMOTHY: Yeah.

9 MS. TOMPKINS WRIGHT: And your property is to  
10 the east?

11 MR. TIMOTHY: It's to the east side. So he's  
12 at 2404, we're at 2420. We're right adjacent to him on  
13 the east side.

14 MS. TOMPKINS WRIGHT: Okay.

15 MR. TIMOTHY: On the west side there's  
16 another set of property that has turned over hands  
17 repeatedly, which is in the city of Rochester  
18 technically because his property sits halfway between  
19 the Brighton Town Line and the City of Rochester. It's  
20 in between.

21 MS. TIMOTHY: Yeah. When we looked it up  
22 before, that lot was -- it was a vacant lot next to  
23 him, but he has planted a lot of bushes on it. But,  
24 you know, as far as when we looked it up, it was not  
25 his to do that but --

1  
2 MR. TIMOTHY: It's lot size of .25 acres  
3 versus what the existing property looks like, which is  
4 approximately one acre.

5 MS. TIMOTHY: Yeah. Because I thought he had  
6 an acre of land. I says you've got an acre of land,  
7 until we looked it up --

8 MR. TIMOTHY: I'm very, very adverse to  
9 anything that might set a precedent.

10 MR. GOLDMAN: Please help me. You're on the  
11 east side of Brighton?

12 MR. TIMOTHY: Right.

13 MR. GOLDMAN: And not the City side?

14 MR. TIMOTHY: Not the city side, yes.

15 MR. GOLDMAN: Okay. And I'm looking at a  
16 picture right now.

17 MR. TIMOTHY: Yup.

18 MR. GOLDMAN: Are you referring to that  
19 wooden fence leaning on your side?

20 MR. TIMOTHY: Yes, exactly. It's on our side  
21 We are at the corner of Grove and Highland Avenue.

22 MR. GOLDMAN: Thank you.

23 MR. MIETZ: Okay. Thank you very much.

24 MR. TIMOTHY: Thank you.

25 MR. MIETZ: Any questions for the --

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Okay. Thank you very much?

MR. TIMOTHY: Thank you.

MR. MIETZ: Is there anyone else in the audience that would like to speak regarding this application?

There being none, the public hearing is closed.

9A-02-15 Application of Hurlbut Real Estate, LLC, owner of property located at 1177 East Henrietta Road (Tax ID #s 149.17-2-14, 149.17-2-15 and 149.17-2-16) for an Area Variance from Section 205-18A to allow for the construction of a parking lot in the front yard (along Metro Park) where not allowed by code. All as described on application and plans on file.

9A-03-15 Application of Hurlbut Real Estate, LLC, owner of property located at 1177 East Henrietta Road (Tax ID #s 149.17-2-14, 149.17-2-15 and 149.17-2-16) for an Area Variance from Section 207-16A(4) to allow for two access points to a lot where only one is allowed by code. All as described on application and plans on file.

MR. McMAHON: Good evening. My name is Gregory McMahon, I'm with McMahon Larue Associates Engineers and Surveyors. We are representing Hurlbut

1  
2 Real Estates, the owners of this property and the  
3 existing nursing home on the corner of Metro Park and  
4 East Henrietta Road.

5 The plan that you see in front of the podium  
6 depicts the proposed parking lot that the Hurlbutts wish  
7 to build on two parcels that they own adjacent to the  
8 nursing home. Over the years the staffing  
9 requirements, the whole nature of the nursing home  
10 business has changed and they have found themselves  
11 recently short on parking, particularly during the  
12 daytime and the shift changes. So they would like to  
13 build a forty-car staff parking lot on there adjoining  
14 property and will be combining these two lots with the  
15 existing lot to form a single parcel. That is before  
16 the Planning Board.

17 The first variance that we're requesting is  
18 for parking in the front yard. When we -- this parcel  
19 is a corner lot. It has a front yard on Henrietta Road  
20 and a front yard on Metro Park and apparently - and  
21 again, this was built a number of years ago - they  
22 selected to have parking virtually on the front yard on  
23 Metro Park, the existing parking. There is no room on  
24 the side of the existing building, and the building is  
25 built right to - almost to the south property line

1  
2 virtually within the setback. So the existing parking  
3 in front of the building is at the only location it  
4 could be.

5 This will be in a similar position in the  
6 front yard and the main reason that we didn't move it  
7 down on the side of the building is we would have had  
8 to clear a very wooded lot or two lots unnecessarily.  
9 So we feel that this matches what's out there.

10 These parking spots are strictly for staff.  
11 Visitors to the nursing home will be available with all  
12 the parking that exists in the front.

13 So that is the reason we are requesting this  
14 parking in the front yard.

15 The second request is for a second entrance  
16 from a public road.

17 Once these three lots are combined they're by  
18 code only permitted one entrance, which they have right  
19 now within a parking lot. This land that they propose  
20 to develop is twelve feet higher than the existing  
21 parking lot. In order to put the parking at the same  
22 level and use the existing entrance we'd have to - if  
23 we could, we'd have to do a huge amount of roof work  
24 and build retaining walls. But in addition, there's a  
25 town sanitary sewer that runs down that property line

1  
2 that is certainly within that twelve feet of elevation  
3 difference. You just - you couldn't build the parking  
4 lot at the same elevation. So we feel that there is  
5 need for the second entrance.

6 It's a fairly minor -- there's no truck  
7 traffic. It's strictly passenger vehicles for staff.

8 And with that, I'll see if there's any  
9 questions.

10 MS. TOMPKINS WRIGHT: Are you proposing any  
11 new vegetation to screen the parking lot at all from  
12 Metro Park?

13 MR. McMAHON: Yes. We have a plan where  
14 we're leaving some of the existing trees when we clear  
15 this. And we are doing some planting here(indicating).  
16 We have a bio-retention area. We're treating storm  
17 water along the back of the property line. Really from  
18 the back here(indicating) all the way back, we're  
19 leaving everything as is. Screening the west side of  
20 the property from the existing building with a row of  
21 cotton colored fern.

22 MS. TOMPKINS WRIGHT: And you have an  
23 application before the Planing Board?

24 MR. McMAHON: We did. We appeared before the  
25 Planning Board two weeks ago and presented this,

1  
2 addressing the Planning Board's comments, and pending  
3 the outcome of the variance request we would then  
4 appear again in two weeks before the Planning Board  
5 looking for approval.

6 MS. TOMPKINS WRIGHT: The application  
7 mentioned that the signage -- or the access - the new  
8 access point would be lit.

9 Do you know how, I guess --

10 MR. McMAHON: We have a light on the entrance  
11 road. We had -- one of the comments from the town  
12 engineer was that the lighting contours - the foot  
13 contours from that light were protruding onto Metro  
14 Park. I've actually -- on the plans we resubmitted  
15 today I removed that light.

16 MS. TOMPKINS WRIGHT: Okay.

17 MR. McMAHON: And kept the four lights in the  
18 parking lot. So we're lighting the parking lot with  
19 four LED fixtures and then we've removed - just allowed  
20 the light on Metro Park to light that.

21 I know what we are -- just as a side, there  
22 will be a side - there'll be a sidewalk and due to the  
23 elevation difference we have a covered stairway that  
24 you can go from this parking lot(indicating) down to  
25 the main parking lot and let the employees enter on the

1  
2 employee entrance of the building.

3 MS. TOMPKINS WRIGHT: And the employees that  
4 will be parking in this lot they'll be, kind of,  
5 working twenty-four seven; not the same employee  
6 obviously, but they'll be coming for night shifts and  
7 parking in this lot?

8 MR. McMAHON: Yes. From what I understand --  
9 well, one of the key times of congestion is when the,  
10 we'll call it, the day shift and the evening shift  
11 change. There's still a lot of visitors seeing family  
12 members in the nursing home. And that's a critical  
13 time where parking is at a premium. And so these will  
14 be - more than likely it will be used to some extent by  
15 day staff, probably to a greater extent by the evening  
16 staff when they come in since the main lot is full.  
17 Naturally any hospital or nursing home there's an  
18 overlap in the staff.

19 MR. MIETZ: Do you remember, Gregg, what the  
20 height of those fixtures in the lot are?

21 MR. McMAHON: They are twelve feet and -  
22 twelve feet and the bases are three -- two and a half  
23 feet high. We used a - in calculating our foot candles  
24 we used fifteen foot total height ground to fixture.

25 MR. MIETZ: You said they're LED light

1  
2 fixtures?

3 MR. McMAHON: They're a down light, dark sky  
4 compliant. We've also lined the walkway to the canopy  
5 with LED Bollards. So they're about thirty-six inches  
6 high and they'll light the walkway from the parking lot  
7 to the staircase.

8 MR. MIETZ: So you would suggest then that  
9 this is probably the minimum to create a safety factor  
10 for the employees, but not to light it up per se?

11 MR. McMAHON: Yeah, just enough to light the  
12 walk, light the path and provide some safety.

13 I think what the nursing home was also  
14 talking, they're going to run cable to these light  
15 poles and they're probably going to be installing video  
16 surveillance on this parking lot. That's a separate,  
17 it's not part of our application.

18 MR. MIETZ: Okay.

19 MR. DiSTEFANO: Gregg, you mentioned by  
20 pushing this parking lot back to the edge of the  
21 building you wouldn't need a variance and that one of  
22 the reasons is that reducing the amount of vegetation  
23 that would be removed.

24 Are there any other concerns that would  
25 suggest that the parking lot closer to the road is a

1  
2 good idea?

3 MR. McMAHON: Well, I think safety is also, I  
4 mean, key. You've got, you know, when the Brighton  
5 Police Department patrols or whatever if we had to move  
6 this back - we try to preserve a lot of the trees in  
7 the front of the lot - you have a long driveway going  
8 back to a parking lot that was basically buried in  
9 pretty thick brush and woods back there. So I think  
10 having this up near the road certainly presents a  
11 safety consideration.

12 MR. DiSTEFANO: And in comparison to the  
13 building next door, does this parking lot extend beyond  
14 the front facade of the building next door?

15 MR. McMAHON: The parking lot is even with  
16 the front face of the building next door.

17 MR. MIETZ: Okay. Any other questions?

18 Okay. Thank you very much.

19 MR. McMAHON: Thank you.

20 MR. MIETZ: Is there anyone in the audience  
21 that would like to speak regarding this application?

22 There being none, this part of the public  
23 hearing is closed.

24 9A-04-15 Application of Andrew Hintenach, architect,  
25 and Morley Gwartzman, owner of property located at 105

1  
2 Victoria Drive, for an Area Variance from Section 205-2  
3 to allow an addition (art studio) to extend 10 ft. into  
4 the 40 ft. rear setback required by code. All as  
5 described on application and plans on file.

6 MR. HINTENACH: Hi. My name is Andrew  
7 Hintenach, architect for Morley and Wendy Gwartzman.  
8 And we're here to seek a variance for setback relief  
9 from their rear yard.

10 Currently in this area(indicating) we have a  
11 required forty foot setback, which is depicted in the  
12 plot plan. And we would like to encroach upon that the  
13 ten feet. I guess probably a little bit further with  
14 our roof overhang, understanding from the last hearing  
15 - or one of the first hearings today.

16 MR. DiSTEFANO: When you say a little bit  
17 further, what does that --

18 MR. HINTENACH: Well, there's a two foot  
19 overhang on the roof. So my understanding of the  
20 seatback would be from the wall, but apparently the  
21 overhang of the roof is two feet.

22 MR. DiSTEFANO: So it's --

23 MR. HINTENACH: Twenty-eight --

24 MR. DiSTEFANO: Twenty-eight feet.

25 MR. HINTENACH: -- feet for code.

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MR. MIETZ: Twelve feet?

MR. DiSTEFANO: Twelve feet into the --

MR. HINTENACH: The reason for the addition is that Wendy is a fairly well-known artist in Rochester, and she has been down at Village Gate for a long time and with the studio downtown. And given her age and wanting to slow down a little bit and not have to travel so far for doing her artwork, she would like to do it at her property in Brighton. So we have reduced down quite a bit the size of what her studio would require from where she is now to make it a little bit smaller, but also to make a unique space for her to be creative and do her work. So that's the reason for the building.

She wanted a nice, a little bit taller building so we could get some lighting - natural lighting - in the space. She also required some walls that didn't have glass in it to display some of her artwork. And we are connecting to the house for her convenience so that she won't have to go outside in the wintertime. And we -- and it also has more of a garden setting. I don't know if anybody visited the yard.

Did anybody go see the yard?

A couple people.

1  
2           It's a very nice garden scape. And this  
3 would fit nicely(indicating) we almost call it a garden  
4 pavilion, where she will do her artwork.

5           So that's what we're here to present.  
6 Hopefully we can gain variance.

7           I know that we could do an addition to the  
8 house without crossing that line, but it would not be  
9 as creative or as, I guess, as aesthetically pleasing  
10 as this might be. And also we have to deal with  
11 bedroom windows and things of that nature going up  
12 against the house.

13           MS. DALE: What's the square footage of the  
14 addition?

15           I'm sorry, is it --

16           MR. HINTENACH: It's three hundred and  
17 sixteen feet - three hundred and sixteen square feet.  
18 And I pretty -- I unfortunately didn't copy the sheet I  
19 filled out with all the square footage information, but  
20 I'm sure - I think we're pretty well below our numbers  
21 for available square footage on the lot and build-out  
22 numbers too.

23           MS. BAKER LEIT: So just as a comparison, how  
24 large is her other studio that she --

25           MR. HINTENACH: It's about twenty -- it's

1  
2 probably about eight to nine hundred square feet.

3 MS. BAKER LEIT: Okay. So this is less than  
4 half of what she previously used as a studio?

5 MR. HINTENACH: Correct. We did -- she  
6 pointed out -- when we went to the studio, she pointed  
7 out what furniture she'd like to bring. And that does  
8 fit within this footprint with some circulation, so  
9 we're okay with that.

10 MS. BAKER LEIT: She'll also be storing  
11 artwork in this space?

12 MR. HINTENACH: Some, but she'll use her  
13 basement for some of that as well. She'll be moving --  
14 you know, there's partial square footage in the  
15 basement of her current house now and she'll be putting  
16 some of that there.

17 We did have a little different storage ideas  
18 going up on top - a little high, but we decided it  
19 would be better to store it in the basement.

20 MS. CORRADO: How high would the structure  
21 be?

22 MR. HINTENACH: The very top is thirteen and  
23 a half feet roughly.

24 MS. CORRADO: Okay. And what sort of  
25 utilities; electric, water?

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MR. HINTENACH: There will be electric. There will be water and sanitary. Sanitary is not far away because she does have to have a sink in her space to, you know, wash up various brushes, hands. So we are doing electric and plumbing.

MS. TOMPKINS WRIGHT: Did the owners approach the neighbors to the rear?

MR. HINTENACH: Yes. We actually delayed our project by a month. We were ready to apply earlier, but they were out of the country and I didn't want to just have that letter show up on the neighbor's property. So they did go and discuss that with the neighbors and they were all fine with it. She -- Wendy might be able to fill you in more. She's here with those discussions. I wasn't available for that, but they did do that and I don't believe any neighbors are here actually.

UNKNOWN: No.

MR. MIETZ: If you like to, please do.

UNKNOWN: We approached six neighbors.

MR. DiSTEFANO: For the record, state your name and address.

MS. GWIRTZMAN: Wendy Gwartzman.

MR. DiSTEFANO: Thank you.

1  
2 MS. GWIRTZMAN: And I'm an artist and I'm  
3 very excited about this possibility.

4 We approached the neighbors in front of us on  
5 each side and over the back fence. Our yard is so  
6 private. We are so built up with shrubbery and trees  
7 that truly nobody, unless invited - which we would be  
8 happy to do, can see into our yard. Everybody was  
9 delightful, even over the back fence who we had never  
10 met before. And she was so delighted and she was so  
11 sweet and she said that sounds wonderful. So, yes, we  
12 did approach the neighbors.

13 I don't know if you have any questions for  
14 me, but I'm thrilled with what Andrew came up with.

15 MR. MIETZ: Okay. Very good.

16 MS. GWIRTZMAN: It will look like the garden  
17 hopefully.

18 MR. MIETZ: Okay. Thank you.

19 MS. GWIRTZMAN: Thank you.

20 MR. DiSTEFANO: I just have one quick  
21 question, and you may have stated it and I missed it:  
22 This is not a three-season room; it's heated for a full  
23 four seasons and --

24 MR. HINTENACH: Correct.

25 MR. DiSTEFANO: -- built to all energy codes?

1  
2 MR. HINTENACH: It will be built to energy  
3 code, correct.

4 And we are, you know, doing a crawl space to  
5 provide some of those utilities.

6 MR. DiSTEFANO: Okay.

7 MR. MIETZ: Okay. Any other questions?

8 Okay. Thank you very much.

9 MR. HINTENACH: Thank you.

10 MR. MIETZ: Is there anyone in the audience  
11 that would like to speak regarding this application?

12 There being none, the public hearing is  
13 closed.

14 9A-05-15 Application of Dean Faklaris, agent, and  
15 Brighton Real Estate Group, LLC, owner of property  
16 located at 180 Sawgrass Drive, for 1) a Sign Variance  
17 from Section 207-32B to allow for business  
18 identification signage on a third building face where  
19 business identification signage on only one building  
20 face is allowed by code (variance for business  
21 identification signage on a second building face  
22 granted on 10/7/09, application 8A-14-09); and 2) a  
23 Sign Variance from Section 207-26D to allow said sign  
24 to have a logo totaling 33% of the sign face in lieu of  
25 the maximum 25% allowed by code. All as described on

1  
2 application and plans on file.

3 MR. FAKLARIS: Good evening. Dean Faklaris,  
4 University of Rochester. I'm here to request a sign  
5 variance for a third sign on the Westfall north facing  
6 side of the 180 Sawgrass to improve wayfinding for  
7 travelers heading east from East Henrietta Road.

8 Currently on that building there is no  
9 signage visible to east travelers at any point. So  
10 often we will have patients pass the building and have  
11 to spin around.

12 So that's been -- when I received this  
13 position when signage consolidated off-site to me and a  
14 note went out to all the department heads that said,  
15 "Okay. Dean is going to be doing this." And those  
16 notes trickled down to managers as well. So I  
17 continually get those emails everyday, "We need help.  
18 We need help." So this is a property that I have had  
19 comments on from practice administrators. We do have  
20 patients miss the turn.

21 Our practice inside primarily is our surgery  
22 center, also gastroenterology and a pain center. As  
23 you can imagine, the surgery center is patients that  
24 don't come often. It's you blew out your knee and you  
25 go to the surgery center, not primary care where you

1  
2 see the same doctor every six months. So they tend to  
3 be one time patients until they go out for the rehab or  
4 whatever.

5 I would like to add I did share in that deck  
6 two other signs. We do have current signs on the east  
7 facing and the south facing side of the building that  
8 currently say University of Rochester Medical Center.  
9 We have submitted permits to change those to UR  
10 Medicine. So that does dramatically reduce the total  
11 footprint of the signs. We're currently at about a  
12 hundred -- I measured a hundred and sixty-three square  
13 feet combined with the two we have. So even adding  
14 this third sign I'm only at about a hundred and  
15 eighty-five square feet. So we're going up twenty-two  
16 square feet even with the addition of this sign. So  
17 it's a little increase, but we're coming down  
18 dramatically on the other two.

19 MS. SCHWARTZ: I have a question to ask you:  
20 How much -- when you're saying that the new logo will  
21 represent the sign in lieu of the twenty-five, will it  
22 be larger than the current logo that's up there now and  
23 if so by how much?

24 MR. FAKLARIS: There's nothing up there now.

25 MS. SCHWARTZ: No, to compare with the logos

1  
2 that are up on your sign?

3 MR. FAKLARIS: Oh, I think --

4 MS. SCHWARTZ: Because it looks very big on  
5 your drawing

6 MR. FAKLARIS: I am at thirty-two square feet  
7 on the other side and I am at -- yes, I am much larger.  
8 I am larger.

9 MS. SCHWARTZ: You are, okay.

10 MR. FAKLARIS: I'm larger because the logo on  
11 the Westfall facing side is how we treat UR Medicine in  
12 every application we can whether it's door signage,  
13 other properties, patient letters, appointment letters.  
14 That is I can't say a hundred percent, but I will say  
15 the ninety-nine percent of the time that is the only  
16 way we use it. For the south facing and east facing  
17 the only reason we would treat it the way we're showing  
18 is there is no room. So it's only on when you have  
19 such a limited height that we would go horizontal, and  
20 these are the only two instances currently that I'm  
21 that.

22 MS. SCHWARTZ: I can appreciate why you're  
23 considering putting a sign on this building face. I  
24 think it would be to your advantage and to patients  
25 coming. And I can understand the one on the east side.

1  
2 But coming in and driving around, the one on the south  
3 side really doesn't do that much for people coming in  
4 because you can see the one on the east.

5 Would you consider taking the second one or  
6 the third - whatever you want to call it --

7 MR. FAKLARIS: On the south side?

8 MS. SCHWARTZ: -- on the south side down?

9 MR. FAKLARIS: If I were to come here and we  
10 had nothing up ever and I'm coming here fresh and I  
11 could only - you told me I could only have two, I would  
12 take east facing and north facing. Because if you are  
13 traveling west from Winton Road area I can't see the  
14 east facing.

15 MS. SCHWARTZ: Right.

16 MR. FAKLARIS: By the time I see the north  
17 facing I missed the turn, and that turn you can't turn  
18 left anyways. But still, there's my building.

19 If I'm coming from East Henrietta, again, I  
20 can't see the east facing. So I --

21 MS. SCHWARTZ: But you can see the north?

22 MR. FAKLARIS: I could see the north,  
23 correct.

24 MS. SCHWARTZ: So who benefits from the south  
25 one actually?

1  
2 MR. FAKLARIS: Well, people with very good  
3 eyes.

4 MS. SCHWARTZ: Why didn't you put it on the  
5 north side to begin with?

6 MR. FAKLARIS: That's a good question. I  
7 don't -- my predecessors worked on that. I think it's  
8 the more important side.

9 MS. SCHWARTZ: Well, can I ask a question?

10 MR. DiSTEFANO: You have been so far.

11 MS. SCHWARTZ: Would you be agreeable to take  
12 down the south sign?

13 MR. FAKLARIS: I think so. If it's  
14 contingent on -- I think the north is the more  
15 important side.

16 MS. SCHWARTZ: Okay. Thank you.

17 MS. CORRADO: One question just to clarify:  
18 In your application you say that you are not asking for  
19 this new sign to be lit, but in the drawings - the  
20 examples that you shared with us --

21 MR. FAKLARIS: Okay. I'll let you -- we are  
22 not asked to be lit.

23 MS. CORRADO: Okay.

24 MR. MIETZ: It says LED illuminated.

25 MR. FAKLARIS: That's standard everywhere

1  
2 else. But, yeah, we are not asking it to be lit.

3 MS. CORRADO: Okay. And the other two  
4 existing signs are --

5 MR. FAKLARIS: Are not lit.

6 MS. CORRADO: Are not lit.

7 And the plans for one or both will also not  
8 be lit?

9 MR. FAKLARIS: Yes. It's just rubber-cut  
10 aluminum painted white.

11 MS. CORRADO: Okay.

12 MR. MIETZ: Go ahead.

13 MR. GOLDMAN: The reason for the sign is when  
14 you are coming from East Henrietta Road down Westfall  
15 you want somebody to see your building?

16 MR. FAKLARIS: Correct.

17 MR. GOLDMAN: You have a picture of your --  
18 looking at it online the same picture, there's a woods  
19 that comes right out to the street. And based on the  
20 placement of the trees here and this walkway it appears  
21 that the sign is going to be a little bit to the east  
22 of that walkway as we went down on this last one. It  
23 appears to me that I should come down Westfall. The  
24 site line to that side it doesn't become visible until  
25 you're past the end of these trees.

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My question is: What are you gaining by placing it there rather than further to the east, where it could be visible sooner?

MR. FAKLARIS: Further east, I don't see a great spot to put it.

I wouldn't be opposed if there was a landing.

MR. GOLDMAN: You're showing it here(indicating).

MR. FAKLARIS: I mean, I could tuck it -- I should say I could put it one block up left, correct. One block up east, yeah.

MR. GOLDMAN: All I'm suggesting is that it appears that your argument to make it visible didn't seem right to me.

MR. FAKLARIS: Okay. No, that's a fair statement.

MR. DiSTEFANO: I have to ask the question --

MR. FAKLARIS: Okay.

MR. DiSTEFANO: And you know what my question is going to be.

MR. FAKLARIS: I may or I may not.

MR. DiSTEFANO: The total height of this sign is?

MR. FAKLARIS: The total height is seven

1  
2 feet.

3 MR. DiSTEFANO: No, I mean from grade to top?

4 MR. FAKLARIS: From grade, I've got to go  
5 measure.

6 You and I had this conversation. I was in  
7 the office and you said, "How high is that?" And I  
8 said, "Good question." And then you said - I think it  
9 was you or Paul said, "I think it's ten feet, the  
10 floor." And I said, "Okay. If that's standard I'll  
11 buy that, and I'm under twenty." So I have to -- it  
12 came up today. I asked the property manager and he  
13 says, "I think it's higher than twenty." Which it puts  
14 me --

15 MR. DiSTEFANO: In the variance.

16 MR. FAKLARIS: It puts me close. I mean, I  
17 just want -- I'm not at forty. I know that.

18 MR. DiSTEFANO: Right.

19 MR. FAKLARIS: Am I at twenty-two feet?

20 MR. DiSTEFANO: If it's going to be approved,  
21 I believe a condition we would add would be that the  
22 sign cannot extend above twenty feet from grade - the  
23 top of the sign cannot extend twenty feet above grade.  
24 So if you decide, being that you do get approval, and  
25 it does extend more than twenty feet above grade then

1  
2 you know you'll have to come back.

3 MR. FAKLARIS: I have to come back next  
4 month. I'm here every month.

5 MR. DiSTEFANO: Whatever. You'll have to  
6 make a new application --

7 MR. FAKLARIS: For a height variance.

8 MR. DiSTEFANO: -- for a height variance.

9 MR. FAKLARIS: For a height variance for a  
10 couple feet. Okay.

11 MR. DiSTEFANO: So it might be --

12 MR. FAKLARIS: It's one of those there's the  
13 roof and the grade that comes up, it's like, okay. I  
14 have to measure it and there's no other way to do it.

15 MR. DiSTEFANO: Okay.

16 MR. MIETZ: Okay. Any other questions at  
17 this point?

18 Okay. Thank you.

19 MR. FAKLARIS: Thank you.

20 MR. MIETZ: Is there anyone in the audience  
21 that would like to speak regarding this application?

22 There being none, the public hearing is  
23 closed.

24 9A-06-15 Application of Allan Pizarz, contract vendee,  
25 and Valvoline Instant Oil, owner of property located at

1  
2 2627 West Henrietta Road, for modification of an  
3 approved use variance (12A-03-85) to allow for the use  
4 of the property to change from a quick oil change  
5 facility to an auto glass replacement facility. All as  
6 described on application and plans on file.

7 MR. PISARZ: How you doing?

8 My name is Allan Pizarz. I am a partner and  
9 cofounder of Auto Glass Fitters.

10 And to give you a little background of our  
11 company; we've been in the auto glass business for a  
12 number of years. My partners and I have over one  
13 hundred years experience in handling auto glass. We  
14 have facilities throughout the country, east coast to  
15 west coast and we're hoping to come into the  
16 Rochester/Brighton area.

17 I would like to explain the building right  
18 now that we have - that we're looking at. The building  
19 is approximately one thousand four hundred and  
20 ninety-six square feet. It would enter from one side  
21 and exit from the back side.

22 Right now the building has been vacant for  
23 eight years. There has been very, very little interest  
24 in the building. And the reason for that is really the  
25 size of the property itself and the size of the

1  
2 building. There's not a lot of the businesses that  
3 could be in there. I have gotten a letter from Flom  
4 Real Estate and they explain that there has been, if I  
5 can quote this, "There has been very little buyer  
6 interest." Most inquiries have been for used car  
7 sales, which again, would have a bigger footprint than  
8 what we would have.

9 We are looking basically to change from a  
10 larger footprint to a smaller footprint. On average,  
11 with a quick-change lube company does thirty oil  
12 changes per day. Because of our operation and most of  
13 our business being on the mobile side - we come to the  
14 people's homes, place of business or whatever - we are  
15 looking to only have about five people in our store per  
16 day. So, again, traffic flow, hazardous waste, noise  
17 anything like that is actually smaller and less  
18 intrusive than even a quick-change lube place.

19 I took a ride around the surrounding  
20 businesses and right now right across the street and  
21 within three tenths of a mile there's a Hyundai  
22 dealership, an Auto Works paint and body, motorcycle  
23 Harley-Davidson, Conway Trucking, Associated Fleet and  
24 Time Warner. So we really are in an automotive area.

25 We have offered a hundred and fifty-nine

1  
2 thousand dollars for this building. They were asking  
3 two hundred and ten thousand. We feel that we've made  
4 a very significant - a very good offer based on, again,  
5 two factors; the fact that it's been on the market for  
6 such a long time and there's not a lot of uses for this  
7 building.

8 We are making absolutely no modifications to  
9 the building whatsoever, except we're going to clean it  
10 thoroughly. We are going to also - if we are granted  
11 the modification, we are going to use phase one  
12 environmental study to make sure the land is properly  
13 used. Again, we are not changing the footprint at all.  
14 There still will be forty-five percent green space in  
15 the property.

16 I don't know if you have been passed the  
17 property at all to see what kind of disrepair that it's  
18 in. You know, we, ourselves, pride ourselves in being  
19 very diligent people when it comes to our stores. And  
20 we will clean it up and the entire area will look  
21 better. Instead of having a lot of vacant properties  
22 on, you know, West Henrietta Road, there will be  
23 another thriving business that will enhance the area.

24 That is basically all my notes. I don't want  
25 to bore you with what we actually do for a living.

1  
2 But, as I said, there are no real  
3 modifications. We are having a smaller footprint. The  
4 Board was kind enough in 1988 to issue a special use  
5 variance and we're hoping you will give us the  
6 modification we are looking for, and we can take an  
7 eyesore and turn it into a viable business.

8 I will be more than happy to answer any  
9 questions you might have.

10 MS. CORRADO: As far as supplies, is  
11 everything stored -- are your plans to store everything  
12 inside the building; will there be exterior storage?

13 MR. PISARZ: Everything will be stored inside  
14 the building. Basically what happens is most of our  
15 work -- or I should say most of the work that's  
16 scheduled for in-shop comes in the night before and  
17 it's put in a dropbox inside. There's -- we don't  
18 really stock a lot of glass. It's mostly coming from  
19 distributors, you know, put in the dropbox and then  
20 either used in our shop or they'll go in our mobile  
21 vans.

22 MR. MIETZ: So for the next couple days worth  
23 of work it's trucked to your location then and then you  
24 load it on to your own vehicles?

25 MR. PISARZ: It's a delivery van. It's not

1  
2 -- we're not -- you know, it's not a tractor trailer  
3 that's coming in with -- I wish it was tractor trailers  
4 coming in with a lot of glass. We would be doing much  
5 better.

6 MR. MIETZ: Is it mostly resident -- mostly  
7 non-commercial applications?

8 MR. PISARZ: It's auto. It's auto cut glass.  
9 It's the size of, you know, a car windshield.

10 MR. MIETZ: So there'll be no heavier trucks  
11 that would be repaired there?

12 MR. PISARZ: No, none.

13 MR. MIETZ: Okay.

14 MR. GOLDMAN: Are there other locations?  
15 Do you have other locations in the area?

16 MR. PISARZ: Not in the area. My closest  
17 location to here right now is Syracuse.

18 We are hoping that - to do the same thing  
19 here we're planning to do in Buffalo within the next  
20 couple of months.

21 MS. SCHWARTZ: How long has the store or shop  
22 in Syracuse been in existence?

23 MR. PISARZ: It has been in existence eight  
24 years. We were originally Diamond Auto Glass. And  
25 we've been in the glass business since 1926. So we're

1  
2 basically the founders, but we happened to change our  
3 name.

4 MS. CORRADO: What are the typical hours of  
5 operation?

6 MR. PISARZ: Typical hours are 8:00 to 5:00,  
7 Monday through Friday and we're from 8:00 to noon on  
8 Saturdays. No Sunday hours.

9 MS. CORRADO: And you said that you were  
10 going to be tidying up the appearance.

11 Can you describe some of the - any exterior  
12 treatment you'll be doing to the building?

13 MR. PISARZ: You know, where the stuff that's  
14 hanging we're gonna fix. Whatever -- I mean, we want  
15 to make the place look nice. We're, you know, like I  
16 said, it's just going to take us some time until we get  
17 in because there's so much stuff in that building right  
18 now. The place has to be really cleaned out before we  
19 can bring any of our people in and see what we're going  
20 to do. But, as I said, there's no structural  
21 modifications that are going to be done. It's just  
22 going to be cleaning up things or anything it'll be  
23 fixed. If we have to change things on the building  
24 we'll do that. But, again, we want to put a nice  
25 appearance out there because we want people, you know,

1  
2 that walk-in to say, "Boy I want to do business with  
3 these guys."

4 MS. SCHWARTZ: And you need parking as far as  
5 staff versus those that are coming to be serviced?

6 MR. PISARZ: There will -- most of -- there  
7 will be only two staff people.

8 MS. SCHWARTZ: Okay.

9 MR. PISARZ: There will be a manager of the  
10 branch and then a customer service representative. So  
11 there will be only two cars there. And most of our  
12 work is done by appointment only. So if we do let's  
13 say five a day, those are spaced out. It's not like  
14 five cars are coming in at one time. They'll just come  
15 in at a specific time.

16 MR. DiSTEFANO: So for the work that's done  
17 on site all that work will be done inside the building?

18 MR. PISARZ: Right, inside the building.  
19 There will be absolutely nothing done in the parking  
20 lot. There's nothing -- you know, our guys want to  
21 work inside. And the main reason why we aren't going  
22 -- why we want this building is really because of the  
23 bad weather. And we all know what last winter was  
24 like. And what happened was - the reason we want the  
25 building was a lot of the work we weren't able to get

1  
2 done because the weather was so bad and people did not  
3 want to have the work done out at their location. They  
4 wanted to, you know, bring it somewhere. So we had  
5 enough call for it so we decided to, you know, go for a  
6 building.

7 And, again, I just want to reiterate also is  
8 that building - a fourteen hundred square foot building  
9 there's really not a lot of uses for. It's just -- it  
10 can't be a fast-food place. It can't be other things  
11 because you need a lot more space for it. And that's  
12 really the main reason why that building has not been  
13 sold. It's just it works very, very well for us.

14 MR. DiSTEFANO: For someone that has an early  
15 morning appointment --

16 MR. PISARZ: Yes.

17 MR. DiSTEFANO: -- do you allow for overnight  
18 parking of the customer's vehicle?

19 MR. PISARZ: What we normally do is this; not  
20 overnight, but we'll let them bring it early and we'll  
21 have a keydrop that they'll just put it in. We don't  
22 store anything overnight.

23 MR. DiSTEFANO: So you don't want them coming  
24 in and, you know, "I'm dropping it off at 7:00 the  
25 night before because that's the only time I can get

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there"?

MR. PISARZ: No.

MR. DiSTEFANO: You don't want that?

MR. PISARZ: No. We really don't want that even for the liability end of it.

MR. DiSTEFANO: Okay.

MR. PISARZ: You know, if they want to bring it at 6:00 in the morning because they're on their way to work, yeah, we'll tell them drop it off there because our guys are usually in by 7:00 just to get the day ready. We don't actually open until 8:00, but somebody, you know, will be there in the morning.

MR. MIETZ: The vehicles that you use to go out and do the remote service, will they be then stored on the --

MR. PISARZ: Our guys, they take their vehicles home with them.

MR. MIETZ: So they might just be there to pick up something or whatever, but they're not stored there?

MR. PISARZ: No, they will not be stored, you know, on the premises. They will be actually at the person's home.

MS. TOMPKINS WRIGHT: Rick, I have a couple

1  
2 of questions for you actually.

3 Are the factors to consider for modification  
4 of use variance is that the same as a new use variance?

5 MR. DiSTEFANO: Not really. And the reason  
6 we did this under a modification was because the uses  
7 are somewhat similar. You know, it's a vehicle coming  
8 in, you're getting your oil changed or putting a new  
9 windshield on. So when we thought about whether or not  
10 this is a use variance - a brand new use variance or a  
11 modification of the original variance, we thought that  
12 the modification made the most sense. So really the  
13 use variance is still in place on the property. So  
14 they really didn't have to go through the tests.

15 MS. TOMPKINS WRIGHT: That's why I just want  
16 to make sure --

17 MR. DiSTEFANO: Right. And we as a group  
18 might say no to the modification and then they can come  
19 back under a new use variance. That's something you  
20 could do if you felt strongly that they weren't  
21 similar. But I think - you know, I think from what  
22 Allan said here I think they are a very similar type of  
23 activity, it's just glass versus oil.

24 MR. PISARZ: I agree a hundred percent.

25 MR. DOLLINGER: Similar, but more intense.

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MR. DiSTEFANO: Right, they're similar --

MR. DOLLINGER: If it were something more intense we may say maybe you need another variance, but this is similar and presumably less intense.

MR. DiSTEFANO: Right.

MR. DOLLINGER: No oil, no petroleum.

MR. PISARZ: And there's --

MR. DiSTEFANO: Less traffic.

MR. DOLLINGER: Yeah.

MR. PISARZ: No hazardous waste. Nothing that we do, again, even from a sound standpoint - I mean the biggest thing that we use is a vacuum cleaner. So it's, you know -- and it's mostly automotive neighbors anyway. But, again, it's not something like you're out there and you hear, you know, the grease monkeys out there working on cars.

MR. DiSTEFANO: No torque wrenches or anything?

MR. PISARZ: Yeah, torque wrenches, it's not happening. The loudest, as I said, is a vacuum cleaner.

MR. MIETZ: Okay. Any other questions?

MR. PISARZ: Any other questions?

Thank you so much.

1  
2 MR. GOLDMAN: I'm looking at your website. It  
3 says you have a location on Howard Road.

4 MR. PISARZ: That is a storage facility.  
5 What happens in a lot of our cases is we just have a  
6 place where we put glass, but we don't install glass in  
7 that location. We just use it for -- there's a hundred  
8 and nine vans that are out on the road and we'll just  
9 use it where we pick up the glass. That would be a  
10 storm or it could be something like that.

11 MR. DiSTEFANO: So you have vans in the area?

12 MR. PISARZ: Yeah, we have vans.

13 MR. DiSTEFANO: You have vans in the area,  
14 but you don't have a set location in the area?

15 MR. PISARZ: No, not yet. Nothing that we're  
16 --

17 MR. DOLLINGER: So you do business in  
18 Rochester?

19 MR. PISARZ: Yeah, we do business in  
20 Rochester, but --

21 MR. DiSTEFANO: They do business in  
22 Rochester, but the building --

23 MR. DOLLINGER: All right. Now I got you.  
24 They take them home and they go to that storage place  
25 and they get the glass there and they go do the job.

1  
2 MR. PISARZ: Sure. And that, again, what  
3 changed for us is we were doing it that way and we've  
4 been doing it in Rochester for almost four years  
5 already, that we've been here, but because of the  
6 weather getting worse and worse each winter we need a  
7 place where if someone wants the job to be done they  
8 can come somewhere.

9 MR. DiSTEFANO: And that Howard Road facility  
10 doesn't afford you with a you need?

11 MR. PISARZ: No. It's just a place to store  
12 glass and that's it. They can't like drive in.

13 MR. DiSTEFANO: Okay. That makes sense.

14 MR. MIETZ: Okay. Any other questions?

15 MR. PISARZ: Thank you very much.

16 I hope you approve it and we'll be your  
17 neighbor shortly.

18 MR. MIETZ: I appreciate it. Thank you.

19 MR. PISARZ: Thank you.

20 MR. MIETZ: Is there anyone in the audience  
21 that would like to speak regarding this application?

22 There being none, the public hearing is  
23 closed.

24 9A-07-10 Application of Jon and Erika Stanat, owners of  
25 property located at 2 Marvin Park, for an Area Variance

1  
2 from Section 205-2 to allow a porch addition to extend  
3 3.5 +/- ft. into the existing 57.5 ft. front setback  
4 where a 60 ft. front setback is required by code. All  
5 as described on application and plans on file.

6 MR. STANAT: Hello. My name is John Stanat,  
7 and thank you for seeing me tonight. I'm the owner of  
8 the residence at 2 Marvin Park.

9 And we're here to ask for a variance for the  
10 setback. We're currently the backside of the house is  
11 within the sixty foot setback. So apparently the house  
12 was built before that rule came into existence.

13 The -- we are looking to improve the front  
14 entrance way by adding a cover and rebuilding the  
15 masonry and wood. Currently the masonry is crumbling  
16 and the wood is decaying at the bottom.

17 We've lived there since 1999. When we moved  
18 in there was a plexiglass sort of booth. There was  
19 plexiglass side lines on the storm door there. The  
20 previous owner was a music teacher, so that's kind of  
21 where the students waited to get picked up by their  
22 parents. So we took that out. But since then the  
23 elements have kind beat down on that entranceway. So  
24 we're looking to cover it a little bit so that it is a  
25 little more comfortable when you're waiting to get

1  
2 picked up or be let in.

3 The current distance of the porch here is  
4 about seven feet five inches. We're actually -- this  
5 may sound weird to you, we're actually trying to get  
6 closer to the setback limit, even though we're already  
7 within it. So we're -- it's going to be about three  
8 and a half feet from the cover out to the middle. So  
9 that's - just approximating - under half the current  
10 distance from where that masonry ends.

11 Brevity is a virtue, so I'm going to try to  
12 keep it short. I'll entertain any questions you might  
13 have.

14 MR. MIETZ: Okay. So -- go ahead.

15 MR. GOLDMAN: The current concrete that's  
16 there in front of your door --

17 MR. STANAT: Yes.

18 MR. GOLDMAN: Is that going to remain?

19 MR. STANAT: We're going to use flagstone.  
20 We may not use that flagstone because of its condition.  
21 But the look and the design are going to be built  
22 within the house. I already went to the Architectural  
23 Design Board.

24 MR. GOLDMAN: So my question is: If you  
25 replace that are you going to replace that all the way

1  
2 out to the driveway?

3 MR. STANAT: Well, there's going to be --  
4 we're going to use flagstone. Depending on the  
5 condition here we're going to use flagstone to  
6 transition from the step down to the driveway.

7 MR. GOLDMAN: Right. Thank you.

8 MS. TOMPKINS WRIGHT: And you were at the  
9 Architectural Review Board?

10 MR. STANAT: Yes.

11 MR. MIETZ: Okay. Any other questions over  
12 here?

13 MR. GOLDMAN: It's going to be in context  
14 with the current house; it's open, columns and will be  
15 painted?

16 MR. STANAT: Correct. We're still going to  
17 use the same color scheme; black and white hues, gray  
18 flagstone. There is a side panel here(indicating) that  
19 just gives you a little more protection from the wind.  
20 But we are adding the pedestals and the roof that  
21 extends out a little bit.

22 Right now, half the house, if you've seen it  
23 the house is just a very flat front. So we're trying  
24 to add a little more depth to it, just not too much.

25 MS. CORRADO: So, I'm sorry, that idea about

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the side panel --

MR. STANAT: Yes.

MS. CORRADO: So you're saying it will be semi-enclosed?

MR. STANAT: Correct, semi-enclosed. It looks like it comes out a little bit more than halfway out from the side of the house.

MS. CORRADO: Oh, I see. All right. Thank you.

MS. BAKER LEIT: So that will function more or less as a windbreak, but it won't actually be enclosed?

MR. STANAT: Correct. There's two pedestals around the front here(indicating). This door(indicating) is actually setback in, you know, behind the facade of the house. So it's -- you can see here(indicating) it's already setback. So we're not enclosing that off, you know, any further out. So the door is going to remain where it is. We're just adding the pedestals and the side panels.

MR. MIETZ: Okay. Any other questions?

MR. STANAT: Thank you very much.

MR. MIETZ: Thanks.

Is there anyone in the audience that would

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like to speak regarding this application?

There being none, the public hearing is closed.

REPORTER CERTIFICATE

I, Chad L. Smith, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated

At Rochester, New York

---

Chad L. Smith

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS  
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on  
September 2nd, 2015, COMMENCING AT APPROXIMATELY 7:15  
P.M.

September 2nd, 2015  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN  
CHRISTINE CORRADO  
JEANNE DALE  
JUDY SCHWARTZ  
MORREY GOLDMAN  
ANDREA TOMPKINS WRIGHT  
CANDICE BAKER LEIT, ESQ.

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

(The Board having considered the information presented  
by the Applicant in each of the following cases and  
having completed the required review pursuant to SEQRA,  
the following decisions were made:)

Reported by: CHAD L. SMITH, Court Reporter  
EDITH E. FORBES COURT REPORTING SERVICE  
21 Woodcrest Drive  
Batavia, New York 14020

1  
2 APPLICATION 6A-05-15:

3 6A-05-15 Application of Jack Siegrist,  
4 applicant, and James and Sharon Cerone, owners of  
5 property located on East Avenue (between 2940 and 2980  
6 East Avenue) known as Tax ID #138.05-1-70, for Area  
7 Variances from Section 205-2 to 1) allow a new single  
8 family house to be constructed with a 10 ft. side  
9 setback (south side) in lieu of the minimum 16.5 ft.  
10 required by code, and 2) allow said house to have 4,480  
11 sf of livable floor area in lieu of the maximum 3,963  
12 sf allowed by code. All as described on application  
13 and plans on file. TABLED AT THE JUNE 3, 2015 MEETING  
14 - PUBLIC HEARING REMAINS OPEN

15 Motion made by Ms. Tompkins Wright to deny  
16 Application 6A-05-15 to 1) to allow a new single family  
17 house to be constructed with a 10 ft. side setback  
18 (south side) in lieu of the minimum 16.5 ft. required  
19 by code.

20 **FINDINGS OF FACT:**

21 1. The granting of the requested variance will produce  
22 an undesirable change in the character of the  
23 neighborhood or will be a detriment to nearby  
24 properties and is substantial. The side setback is  
25 only half of the setback required, and most of the

1  
2 homes on East Avenue appear to have compliant setbacks.

3 2. The benefit sought by the applicant may be achieved  
4 by other methods.

5 3. The variance requested is not the minimum necessary  
6 to grant relief from the applicant's difficulty. A  
7 home of this size could be reasonably constructed on  
8 the lot of this size without or with less of a variance  
9 for a side setback as was requested.

10 4. There is evidence that the proposed variance would  
11 have an adverse effect on the physical conditions in  
12 the neighborhood and the district.

13 5. The difficulty appears to be self-created. While  
14 the lot has existed at this size prior to the current  
15 owner's purchase of the property, a need for the  
16 setback is created by the desire for a specific  
17 footprint and the layout of the individual house.

18 6. This denial is based in part on the side setbacks  
19 comparables submitted in the applicant's application as  
20 well as testimony during the hearing that sixty-eight  
21 homes were surveyed, and less than fifteen had a side  
22 setback that was equal or less than the setback  
23 requested by the applicant. And it's the Board's  
24 opinion that evidence would change the character of the  
25 neighborhood.

(Seconded by Ms. Schwartz.)

(Mr. Goldman, yes; Ms. Dale, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms. Corrado, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes.)

(Upon roll call, motion to denies carries.)

Motion made by Ms. Tompkins Wright to approve Application 6A-05-15 to 2) allow a home of a maximum 4,217 sf of livable floor area in lieu of the maximum 3,963 sf allowed by code.

**FINDINGS OF FACT:**

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties and is not substantial. Several other residential homes along East Avenue and along nearby roads have similar ratios of square feet of house to lot size, as evidenced by the lot size/square foot comparables submitted by the applicant.

2. The benefit sought by the applicant is minimal. The proposed home size is not inconsistent with other homes in the area and it is consistent with the reasonable demand for home size in this neighborhood.

3. There is little evidence that the proposed variance

will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

4. While the difficulty may be self-created, it is consistent with the neighborhood and it is the minimum required by the applicant to meet their needs.

**CONDITIONS:**

1. The maximum livable square footage allowed for this lot shall not exceed 4,217 square feet.

2. All other necessary Board approvals shall be obtained.

(Seconded by Ms. Corrado.)

(Mr. Goldman, yes; Ms. Schwartz, no; Ms. Dale, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms. Corrado, yes; Ms. Tompkins Wright, yes.)

(Upon roll call, motion to approve with conditions carries.)

APPLICATION 9A-01-15

9A-01-15 Application of John Sweeney and Patricia Lamos, owners of property located at 2404 Highland Avenue, for an Area Variance from Section 207-10E to allow a driveway to extend to the side property line where a 4 ft. setback is required by code. All as described on application and plans on file.

Motion made by Mr. Mietz to Approve Application 9A-01-15.

**FINDINGS OF FACT:**

1. The home currently has a gravel driveway that has been in place for many years and there's approximately a ten foot section along the driveway which will encroach to the lot line.

2. The existing driveway will be paved with asphalt, and moving the driveway base over the necessary four feet would be a significant expense and would not meet the needs of the applicant.

3. The property to the west is in the City of Rochester. However, a hedgerow blocks the neighborhood view of this driveway.

4. No negative effect on the character of the neighborhood will result from the approval of this

1  
2 variance since no actual changes in the grade condition  
3 will occur other than within the ten foot section which  
4 will be at the lot line.

5 **CONDITIONS:**

6 1. This variance is based on the drawings submitted  
7 and specifically noted for the encroachment on the  
8 variance and as discussed in testimony given.

9 (Seconded by Ms. Schwartz.)

10 (Ms. Corrado, yes; Ms. Baker Leit, yes; Ms.  
11 Tompkins Wright, yes; Ms. Schwartz, yes; Mr. Goldman,  
12 yes; Ms. Dale, yes; Mr. Mietz, yes.)

13 (Upon roll call, motion to approve with  
14 conditions carries.)  
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2 APPLICATION 9A-02-15

3 9A-02-15 Application of Hurlbut Real Estate,  
4 LLC, owner of property located at 1177 East Henrietta  
5 Road (Tax ID #s 149.17-2-14, 149.17-2-15 and  
6 149.17-2-16) for an Area Variance from Section 205-18A  
7 to allow for the construction of a parking lot in the  
8 front yard (along Metro Park) where not allowed by  
9 code. All as described on application and plans on  
10 file.

11 Motion made by Ms. Schwartz to approve  
12 Application 9A-02-15.

13 **FINDINGS OF FACT:**

14 1. The structure is on a corner lot, which would  
15 require a variance for most changes on the parcel as  
16 there are two front yards.

17 2. The requested variance for forty additional parking  
18 spaces is in a front yard, but it is on a street in an  
19 industrial park and will not change the character of  
20 the neighborhood.

21 3. The rear yard and the remainder of the courtyard  
22 are shallow and difficult to put any parking.

23 4. The additional parking area will be less visible  
24 and less intrusive than the only other possible  
25 location, which would be East Henrietta Road.

1  
2 5. The additional parking spaces are for staff and  
3 will be quite separate from the visitor parking, which  
4 will probably create a safer situation for all.

5 6. The applicant has shown a need for additional  
6 parking.

7 7. The new parking lot will not extend beyond the  
8 front of the building to the west.

9 **CONDITIONS:**

10 1. This variance for forty additional parking spaces  
11 only applies to the plans as described in the  
12 application and testimony presented.

13 2. All necessary approvals and permits from the Town  
14 of Brighton shall be obtained.

15 (Seconded by Ms. Corrado.)

16 (Ms. Baker Leit, yes; Mr. Mietz, yes; Ms.  
17 Dale, yes; Ms. Tompkins Wright, yes; Mr. Goldman, yes;  
18 Ms. Corrado, yes; Ms. Schwartz, yes.)

19 (Upon roll call, motion to approve with  
20 conditions carries.)  
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2 APPLICATION 9A-03-15

3 9A-03-15 Application of Hurlbut Real Estate,  
4 LLC, owner of property located at 1177 East Henrietta  
5 Road (Tax ID #s 149.17-2-14, 149.17-2-15 and  
6 149.17-2-16) for an Area Variance from Section  
7 207-16A(4) to allow for two access points to a lot  
8 where only one is allowed by code. All as described on  
9 application and plans on file.

10 Motion made by Ms. Tompkins Wright to approve  
11 Application 9A-03-15.

12 **FINDINGS OF FACT:**

13 1. The granting of the requested variance will not  
14 produce an undesirable change in the character of the  
15 neighborhood or be a detriment to nearby properties and  
16 is not substantial. Several properties along Metro  
17 Park Road already have multiple access points and the  
18 distance between the existing access point and the  
19 proposed access point, which is well over two hundred  
20 feet, is consistent with or more than other similar  
21 access points for properties in the area and along the  
22 same road.

23 2. The benefit sought by the applicant cannot be  
24 reasonably achieved by any other method and the  
25 variance granted is the minimum necessary to grant

1  
2 relief from the applicant's difficulty. There is no  
3 additional land at the same grade as the existing  
4 parking lot available to expand the current parking  
5 lot, and the difference in elevation of the existing  
6 parking lot and the land available for the additional  
7 parking lot is too great to permit an interior  
8 connection.

9 3. There is no evidence that the proposed variance  
10 will have an adverse effect or impact on the physical  
11 or environmental conditions of the neighborhood or  
12 district.

13 4. The difficulty of expanding the parking lot without  
14 an additional access point is not self-created as it is  
15 dictated by the parking needs of the customers and  
16 visitors topography.

17 5. Under current conditions, there could be actually  
18 two more curb cuts in that location because of the  
19 separate lots.

20 **CONDITIONS:**

21 1. This variance applies only to the access point of  
22 the size and in the location as shown on the plans  
23 submitted.

24 2. The proposed entrance must be appropriately  
25 landscaped similar to other entrances along Metro Park

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Road.

3. All necessary permits and approvals must be obtained.

(Seconded by Ms. Baker Leit.)

(Mr. Goldman, yes; Ms. Schwartz, yes; Ms. Dale, yes; Mr. Mietz, yes; Ms. Corrado, yes; Ms. Baker Leit, yes; Ms. Tompkins Wright, yes.)

(Upon roll call, motion to approve with conditions carries.)

1 APPLICATION 9A-04-15

2 9A-04-15 Application of Andrew Hintenach,  
3 architect, and Morley Gwirtzman, owner of property  
4 located at 105 Victoria Drive, for an Area Variance  
5 from Section 205-2 to allow an addition (art studio) to  
6 extend 12 ft. into the 40 ft. rear setback required by  
7 code. All as described on application and plans on  
8 file.  
9

10 Motion made by Ms. Baker Leit to approve  
11 Application 9A-04-15.

12 **FINDINGS OF FACT:**

13 1. The requested variance is not substantial given  
14 that a twenty-eight foot setback would be nineteen.

15 2. No other alternative can alleviate the difficulty  
16 of creating an art studio with substantial windows and  
17 produce the desired affect without impacting the  
18 windows of the existing home.

19 3. No unacceptable change in the character of the  
20 neighborhood and no substantial detriment to nearby  
21 properties is expected to result because the art studio  
22 is shielded from sight by substantial gardens and is  
23 not visible from the road. Further, it is consistent  
24 with additions within the neighborhood.

25 4. The alleged hardship is not self-created by the

1  
2 applicant given the relatively small lot sizes in the  
3 neighborhood and the modest size of the studio.

4 5. The health, safety and welfare of the community  
5 will not be adversely affected by the approval of this  
6 variance request.

7 **CONDITIONS:**

8 1. This variance will apply only to the structure as  
9 described and in testimony.

10 2. All necessary building permits shall be obtained.

11 (Seconded by Ms. Schwartz.)

12 (Ms. Dale, yes; Mr. Mietz, yes; Ms. Corrado,  
13 yes; Mr. Goldman, yes; Ms. Tompkins Wright, yes; Ms.  
14 Schwartz, yes; Ms. Baker Leit, yes.)

15 (Upon roll call, motion to approve with  
16 conditions carries.)

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2 APPLICATION 9A-05-15

3 9A-05-15 Application of Dean Faklaris, agent,  
4 and Brighton Real Estate Group, LLC, owner of property  
5 located at 180 Sawgrass Drive, for 1) a Sign Variance  
6 from Section 207-32B to allow for business  
7 identification signage on a third building face where  
8 business identification signage on only one building  
9 face is allowed by code (variance for business  
10 identification signage on a second building face  
11 granted on 10/7/09, application 8A-14-09); and 2) a  
12 Sign Variance from Section 207-26D to allow said sign  
13 to have a logo totaling 33% of the sign face in lieu of  
14 the maximum 25% allowed by code. All as described on  
15 application and plans on file.

16 Motion made by Ms. Corrado to deny  
17 Application 9A-05-15 part 1) without prejudice, instead  
18 we move to modify the previously granted variance  
19 8A-14-09 to allow signage on two sides of the building  
20 which will include the north elevation and the east  
21 elevation, in lieu of what was originally approved of  
22 the east elevation and the south elevation.

23 **FINDINGS OF FACT:**

24 1. The signage on the south side of the building has  
25 not proven valuable in assisting wayfinding.

1  
2 2. The requested signage on the north side of the  
3 building will be more physical. In fact, by matching  
4 the sign on the north facing facade of the building  
5 patients who are unfamiliar with the area and are  
6 approaching the office park by Westfall Road or East  
7 Henrietta Road will more easily recognize their  
8 destination well in advance of the turn on Sawgrass  
9 Drive.

10 **CONDITIONS:**

- 11 1. This applies only to the structure and sign  
12 described in application and testimony, particularly  
13 not to additional structures considered in the future  
14 by the applicant that are not included in the present  
15 application.  
16 2. The sign will not be lit in any way.  
17 3. The top of the sign will not extend more than  
18 twenty feet above grade.  
19 4. The south facade sign shall be removed.  
20 5. All necessary permits shall be obtained.

21 (Seconded by Ms. Baker Leit.)

22 (Mr. Goldman, yes; Ms. Tompkins Wright, yes;  
23 Ms. Schwartz, yes; Ms. Dale, yes; Mr. Mietz, yes; Ms.  
24 Baker Leit, yes; Ms. Corrado, yes.)

25 (Upon roll call, motion to deny without

1  
2 prejudice carries.)

3  
4 Motion made by Ms. Corrado to approve  
5 Application 9A-05-15 part 2) for a sign variance to  
6 allow the said sign to have a logo totaling 33% of the  
7 sign face in lieu of the maximum 25% allowed by code.

8 **FINDINGS OF FACT:**

9 1. The requested variance is not substantial.  
10 Additionally, the slightly larger logo, vis-a-vis the  
11 lettered portion of the sign, is consistent with all  
12 other signage for the UR Medicine Health System  
13 throughout the area.

14 2. No unacceptable change in the character of the  
15 neighborhood and no substantial detriment to nearby  
16 properties is expected to result.

17 **CONDITIONS:**

18 1. This applies only to the sign as described in  
19 application and testimony.

20 (Seconded by Ms. Schwartz.)

21 (Mr. Goldman, yes; Ms. Tompkins Wright, yes;  
22 Ms. Dale, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms.  
23 Schwartz, yes; Ms. Corrado, yes.)

24 (Upon roll call, motion to approve with  
25 conditions carries.)

1  
2 APPLICATION 9A-06-15

3 9A-06-15 Application of Allan Pizarz, contract  
4 vendee, and Valvoline Instant Oil, owner of property  
5 located at 2627 West Henrietta Road, for modification  
6 of an approved use variance (12A-03-85) to allow for  
7 the use of the property to change from a quick oil  
8 change facility to an auto glass replacement facility.  
9 All as described on application and plans on file.

10 Motion made by Ms. Dale to approve  
11 Application 9A-06-15.

12 **FINDINGS OF FACT:**

13 1. The change is similar and less intense(still an  
14 auto service) and will result a diminished use capacity  
15 versus the previous and it will have less of an impact  
16 to the environment, traffic and noise exiting the site.

17 2. There are no structural modifications or change of  
18 the footprint of the building and the variance  
19 requested is not substantial.

20 3. There will be no change to the surrounding area and  
21 no detriment to neighboring properties.

22 **CONDITIONS:**

23 1. This variance shall apply to the application  
24 submitted and testimony given.

25 2. There shall be no overnight customer parking in

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this location.

3. There shall be no outdoor storage.

4. There shall be no outdoor repair.

(Seconded by Ms. Baker Leit.)

(Ms. Corrado, yes; Mr. Mietz, yes; Ms. Schwartz, yes; Mr. Goldman, yes; Ms. Tompkins Wright, yes; Ms. Baker Leit, yes; Ms. Dale, yes.)

(Upon roll call, motion to approve with conditions carries.)

1  
2 APPLICATION 9A-07-15

3 9A-07-10 Application of Jon and Erika Stanat,  
4 owners of property located at 2 Marvin Park, for an  
5 Area Variance from Section 205-2 to allow a porch  
6 addition to extend 3.5 +/- ft. into the existing 57.5  
7 ft. front setback where a 60 ft. front setback is  
8 required by code. All as described on application and  
9 plans on file.

10 Motion made by Mr. Goldman to approve  
11 Application 9A-07-15.

12 **FINDINGS OF FACT:**

13 1. The requested variance is not substantial in that  
14 it will appear to be inline with the setback of the  
15 neighboring house.

16 2. No unacceptable change in the character of the  
17 neighborhood and no substantial detriment to nearby  
18 properties is expected to result from the approval of  
19 this variance.

20 **CONDITIONS:**

21 1. The porch shall be constructed as per plans  
22 submitted to the Board on September 2nd, 2015.

23 2. The porch shall remain an open porch.

24 3. All necessary approvals and permits from the Town  
25 of Brighton shall be obtained.

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(Seconded by Ms. Tompkins Wright.)

(Ms. Corrado, yes; Ms. Baker Leit, yes; Mr. Mietz, yes; Ms. Dale, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes; Mr. Goldman, yes.)

(Upon roll call, motion to approve with conditions carries.)

REPORTER CERTIFICATE

I, Chad L. Smith, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated

At Rochester, New York

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Chad L. Smith

•	2615 [1] 30/10	58/11 58/14 67/15 75/9 80/4 80/7 81/25
.25 [1] 41/2	2627 [2] 66/2 102/5	above [7] 31/9 64/22 64/23 64/25 84/6
0	2669 [1] 30/14	100/18 106/6
09 [5] 56/22 56/22 99/11 99/11 99/19	2675 [1] 30/14	above-entitled [2] 84/6 106/6
1	26D [2] 56/23 99/12	absolutely [3] 7/5 68/8 72/19
10 [12] 6/19 7/13 8/24 17/11 17/15 18/4	27 [3] 2/7 6/6 7/15	access [12] 22/23 23/8 42/20 46/7 46/8
21/22 50/3 78/24 86/8 86/17 104/3	29 [2] 3/16 6/7	94/7 94/17 94/18 94/19 94/21 95/14
10/7/09 [2] 56/22 99/11	2940 [4] 8/21 28/16 30/25 86/5	95/21
100 [1] 6/16	2960 [1] 31/11	accurate [2] 84/8 106/8
101 [1] 7/24	2980 [2] 8/21 86/5	accustomed [1] 34/13
102 [2] 6/17 8/4	2nd [5] 1/3 1/4 85/3 85/4 104/22	achieved [2] 87/3 94/24
105 [2] 49/25 97/5	3	acre [3] 41/4 41/6 41/6
10E [2] 33/4 90/6	3,963 [3] 9/3 86/11 88/11	acres [1] 41/2
11 [1] 6/5	3.5 [2] 79/3 104/6	across [2] 30/6 67/20
11.7 [2] 18/15 21/19	31 [1] 3/18	activity [1] 75/23
113 [1] 8/6	32B [2] 56/17 99/6	actual [4] 16/20 19/2 22/5 91/2
1177 [4] 42/10 42/17 92/4 94/4	33 [4] 7/16 56/24 99/13 101/6	actually [27] 4/25 11/16 14/4 17/22 21/4
12 [3] 5/13 5/13 97/7	36 [1] 7/18	21/15 22/9 22/23 25/10 25/18 34/13 35/3
12.8 [1] 21/18	37 [1] 3/20	36/10 46/14 54/9 54/18 60/25 67/17
12A-03-85 [2] 66/3 102/6	4	68/25 74/12 74/23 75/2 80/4 80/5 82/12
13 [5] 4/16 4/22 6/11 6/13 7/24	4,217 [2] 88/10 89/10	82/16 95/17
132 [2] 6/19 6/19	4,480 [2] 9/2 86/10	add [9] 4/9 4/21 6/17 8/4 27/12 30/11
138.05-1-70 [2] 8/22 86/6	40 [2] 50/4 97/7	58/5 64/21 81/24
14 [7] 3/13 3/16 7/9 42/11 42/18 92/5	5	adding [4] 58/13 79/14 81/20 82/20
94/5	51 [1] 7/20	addition [9] 44/24 50/3 51/4 52/7 52/14
14020 [2] 1/25 85/25	52 [1] 7/22	58/16 79/2 97/6 104/6
14618 [2] 1/6 85/6	53 [1] 4/6	additional [11] 21/10 28/24 92/17 92/23
149.17-2-14 [4] 42/11 42/18 92/5 94/5	54 [1] 5/5	93/2 93/5 93/10 95/3 95/6 95/14 100/13
149.17-2-15 [4] 42/11 42/18 92/5 94/5	56 [1] 6/9	Additionally [1] 101/10
149.17-2-16 [4] 42/11 42/18 92/6 94/6	57.5 [2] 79/3 104/6	additions [1] 97/24
15 [37] 3/18 8/19 33/2 42/9 42/11 42/16	5:00 [1] 71/6	address [3] 22/13 33/12 54/23
42/18 49/24 56/14 65/24 86/2 86/3 86/16	6	addressing [1] 46/2
88/9 90/2 90/3 90/11 92/2 92/3 92/5	60 [2] 79/4 104/7	adjacent [6] 30/13 37/3 37/9 39/19 40/12
92/12 94/2 94/3 94/5 94/11 97/2 97/3	67 [1] 6/11	43/7
97/11 99/2 99/3 99/17 101/5 102/2 102/3	68 [1] 6/15	adjoining [1] 43/13
102/11 104/2 104/11	6:00 in [1] 74/9	adjusting [1] 11/6
15.16 [1] 2/20	6A-05-15 [5] 8/19 86/2 86/3 86/16 88/9	administrators [1] 57/19
16 [6] 4/24 7/11 42/11 42/18 92/6 94/6	7	advance [1] 100/8
16.5 [3] 8/25 86/9 86/18	70 [3] 5/7 8/22 86/6	advantage [2] 25/12 59/24
16A [2] 42/19 94/7	75 [1] 4/15	adverse [6] 37/14 39/3 41/8 87/11 89/2
17 [1] 4/6	77 [1] 4/8	95/10
18 [1] 3/15	7:00 [2] 73/24 74/11	adversely [1] 98/5
180 [3] 56/16 57/6 99/5	7:15 [2] 1/3 85/3	advertised [3] 2/5 2/7 17/12
18A [2] 42/12 92/6	8	aesthetically [1] 52/9
19 [2] 2/17 3/20	8.5 [3] 17/11 18/4 21/22	affect [1] 97/17
1926 [1] 70/25	8.5 feet [2] 13/15 17/15	affected [2] 16/15 98/5
1959 [1] 12/5	85 [2] 66/3 102/6	afford [1] 78/10
1988 [1] 69/4	8:00 [3] 71/6 71/7 74/12	again [21] 3/6 7/22 7/25 12/9 13/7 30/22
1999 [1] 79/17	8A-14-09 [3] 56/22 99/11 99/19	31/16 38/8 38/25 43/21 46/4 60/19 67/7
2	9	67/16 68/4 68/13 71/24 73/7 76/12 76/15
2.5-car [1] 23/25	9.5 [1] 21/20	78/2
20 [5] 4/9 4/10 5/3 7/9 18/17	9A-01-15 [4] 33/2 90/2 90/3 90/11	against [3] 34/7 34/16 52/12
2015 [13] 1/3 1/4 2/3 2/8 5/20 5/23 8/11	9A-02-15 [4] 42/9 92/2 92/3 92/12	age [3] 29/23 31/12 51/8
8/14 9/5 85/3 85/4 86/13 104/22	9A-03-15 [4] 42/16 94/2 94/3 94/11	aged [1] 31/13
205-18A [2] 42/12 92/6	9A-04-15 [4] 49/24 97/2 97/3 97/11	agent [2] 56/14 99/3
205-2 [6] 8/23 50/2 79/2 86/7 97/6 104/5	9A-05-15 [5] 56/14 99/2 99/3 99/17	ago [4] 39/16 40/6 43/21 45/25
207-10E [2] 33/4 90/6	101/5	agree [1] 75/24
207-16A [2] 42/19 94/7	9A-06-15 [4] 65/24 102/2 102/3 102/11	agreeable [1] 61/11
207-26D [2] 56/23 99/12	9A-07-10 [2] 78/24 104/3	agreed [1] 34/8
207-32B [2] 56/17 99/6	9A-07-15 [2] 104/2 104/11	ahead [4] 6/2 33/8 62/12 80/14
21 [3] 1/25 4/22 85/25	A	air [2] 3/23 3/24
22 [3] 2/19 5/7 7/20	able [2] 54/15 72/25	air-conditioning [2] 3/23 3/24
23 [1] 3/10	about [33] 3/22 9/17 10/25 11/2 14/18	all [63] 2/11 4/5 4/20 5/9 5/13 5/18 5/24
2300 [4] 1/2 1/5 85/2 85/5	14/21 14/22 16/17 24/16 29/4 29/5 30/9	7/2 7/6 9/3 11/7 21/5 21/7 22/3 24/15
2351 [1] 29/25	34/19 34/23 35/3 35/8 35/9 35/12 35/13	25/4 25/6 27/23 27/25 31/4 31/9 33/6
2369 [1] 29/25	38/19 39/8 39/10 48/5 52/25 53/2 55/3	34/14 36/9 40/6 42/14 42/21 44/11 45/11
24 [3] 6/5 6/17 8/4		45/18 50/4 52/19 54/14 55/25 56/25
2404 [4] 33/3 33/14 40/12 90/4		57/14 63/13 66/5 68/13 68/17 68/24
2420 [1] 40/12		72/17 72/23 77/23 79/4 80/25 82/9 86/12
25 [5] 7/13 8/2 56/25 99/14 101/7		89/11 90/8 92/9 93/4 93/13 94/8 96/3
		97/8 98/10 99/14 100/20 101/11 102/9
		104/8 104/24
		Allan [4] 65/24 66/8 75/22 102/3

**A**  
alleged [2] 32/12 97/25  
alleviate [1] 97/15  
allow [26] 2/18 8/23 9/2 33/5 42/12  
42/19 50/3 56/17 56/23 66/3 73/17 79/2  
86/7 86/10 86/16 88/9 90/6 92/7 94/7  
97/6 99/6 99/12 99/19 101/6 102/6 104/5  
allowed [14] 9/3 42/14 42/20 46/19  
56/20 56/25 86/12 88/11 89/9 92/8 94/8  
99/9 99/14 101/7  
allowing [1] 9/15  
almost [4] 19/5 43/25 52/3 78/4  
along [14] 25/5 25/6 25/9 26/24 34/23  
42/13 45/17 88/17 88/17 90/15 92/8  
94/16 94/21 95/25  
already [7] 27/6 38/16 78/5 80/6 80/22  
82/18 94/17  
also [22] 12/10 12/18 13/20 15/18 17/20  
18/19 18/25 25/6 30/15 30/25 48/4 48/13  
49/3 51/13 51/18 51/22 52/10 53/10  
57/22 62/7 68/10 73/7  
alternative [1] 97/15  
alternatives [1] 23/23  
although [4] 29/22 30/18 30/24 38/15  
aluminum [1] 62/10  
always [1] 14/20  
am [7] 20/13 59/6 59/7 59/7 59/8 64/19  
66/8  
Ambassador [2] 28/4 30/17  
amount [2] 44/23 48/22  
analysis [2] 11/21 11/25  
ANDREA [2] 1/11 85/11  
Andrew [4] 49/24 50/6 55/14 97/3  
Andy [1] 6/12  
angle [1] 23/24  
another [6] 10/20 12/22 38/11 40/16  
68/23 76/4  
answer [3] 15/20 36/16 69/8  
any [44] 2/16 4/3 8/9 12/25 13/18 13/25  
15/20 21/4 24/21 25/16 27/24 28/8 31/10  
32/2 33/9 36/4 36/17 37/6 39/3 39/12  
41/25 45/8 45/10 47/17 48/24 49/17  
54/17 55/13 56/7 57/9 65/16 69/8 71/11  
71/19 76/23 76/24 78/14 80/12 81/11  
82/19 82/22 92/22 94/24 100/16  
anybody [3] 30/10 51/23 51/24  
anyone [10] 5/10 28/13 32/22 36/20 42/4  
49/20 56/10 65/20 78/20 82/25  
anything [12] 5/10 7/7 10/3 25/2 25/2  
28/10 35/21 41/9 67/17 71/22 73/22  
76/19  
anyway [1] 76/15  
anyways [1] 60/18  
apartments [2] 27/23 30/7  
apparently [3] 43/20 50/20 79/11  
appealing [1] 8/3  
APPEALS [3] 1/2 2/4 85/2  
appear [4] 25/17 46/4 87/2 104/14  
appearance [3] 13/3 71/10 71/25  
appeared [1] 45/24  
appears [5] 39/11 62/20 62/23 63/14  
87/13  
applicant [15] 8/19 28/9 32/4 85/17 86/4  
87/3 87/23 88/20 88/21 89/7 90/20 93/5  
94/23 98/2 100/14  
applicant's [5] 29/24 32/3 87/6 87/19  
95/2  
applicants [1] 28/21  
application [76] 6/13 6/20 8/18 8/19 9/4  
28/14 32/23 33/2 33/7 36/21 42/6 42/9  
42/15 42/16 42/21 45/23 46/6 48/17  
49/21 49/24 50/5 56/11 56/14 56/22 57/2

59/12 61/18 65/6 65/21 65/24 66/6 78/21  
78/24 79/5 83/2 86/2 86/3 86/12 86/16  
87/19 88/9 90/2 90/3 90/8 90/11 92/2  
92/3 92/9 92/12 93/12 94/2 94/3 94/9  
94/11 97/2 97/3 97/8 97/11 99/2 99/3  
99/11 99/15 99/17 100/12 100/15 101/5  
101/19 102/2 102/3 102/9 102/11 102/23  
104/2 104/3 104/8 104/11  
applications [1] 70/7  
applies [4] 93/11 95/21 100/11 101/18  
apply [3] 54/10 98/8 102/23  
appointment [3] 59/13 72/12 73/15  
appreciate [2] 59/22 78/18  
approach [2] 54/7 55/12  
approached [2] 54/21 55/4  
approaching [1] 100/6  
appropriately [1] 95/24  
approvable [1] 25/21  
approval [5] 46/5 64/24 90/25 98/5  
104/18  
approvals [4] 89/11 93/13 96/3 104/24  
approve [24] 5/19 5/22 8/8 8/10 8/13  
13/10 15/19 78/16 88/8 89/17 90/10  
91/13 92/11 93/19 94/10 96/9 97/10  
98/15 101/4 101/24 102/10 103/9 104/10  
105/6  
approved [6] 3/3 12/8 64/20 66/3 99/21  
102/6  
approximately [6] 1/3 35/5 41/4 66/19  
85/3 90/14  
approximating [1] 80/9  
architect [5] 9/8 10/17 49/24 50/7 97/4  
architectural [4] 11/14 11/20 80/22 81/9  
are [111]  
area [45] 8/22 9/2 15/3 18/8 22/6 26/24  
31/24 31/25 32/8 33/4 33/22 34/7 34/11  
35/4 37/18 42/12 42/19 45/16 50/2 50/10  
60/13 66/16 67/24 68/20 68/23 70/15  
70/16 77/11 77/13 77/14 78/25 86/6  
86/11 88/10 88/23 90/5 92/6 92/23 94/6  
94/21 97/5 100/5 101/13 102/20 104/5  
areas [1] 15/10  
aren't [1] 72/21  
Arena's [1] 30/16  
arguably [2] 29/7 30/7  
argument [1] 63/14  
around [7] 34/8 34/14 35/6 57/11 60/2  
67/19 82/15  
art [4] 50/3 97/6 97/16 97/21  
artist [2] 51/5 55/2  
artwork [4] 51/9 51/20 52/4 53/11  
as [98] 2/24 2/25 8/22 9/4 11/19 12/8  
12/24 17/2 17/11 17/21 17/21 18/17  
18/17 18/18 18/22 18/22 18/24 18/25  
19/2 19/3 19/3 19/3 19/22 19/22 21/9  
22/23 24/19 24/19 25/23 27/2 27/11  
27/11 28/6 29/9 29/10 29/10 29/15 29/21  
30/25 31/4 32/15 33/6 33/25 33/25 36/2  
39/22 40/24 40/24 42/14 42/21 45/19  
46/21 50/4 52/9 52/9 52/9 52/10 52/23  
53/4 53/13 56/25 57/16 57/22 62/22 66/5  
69/2 69/10 69/10 71/20 72/4 72/4 75/4  
75/17 76/21 79/5 82/12 86/6 86/12 87/9  
87/19 87/20 88/18 90/8 91/8 92/9 92/15  
93/11 94/8 95/3 95/14 95/22 97/8 98/8  
99/14 101/18 102/9 104/8 104/21  
ask [5] 7/25 58/19 61/9 63/18 79/9  
asked [7] 12/13 12/17 12/18 26/16 32/17  
61/22 64/12  
asking [5] 13/10 15/18 61/18 62/2 68/2  
asphalt [1] 90/17  
assisting [1] 99/25  
Associated [1] 67/23

Associates [1] 42/24  
attention [1] 35/19  
Attorney [2] 1/13 85/13  
audience [9] 10/20 28/13 36/20 42/5  
49/20 56/10 65/20 78/20 82/25  
August [4] 2/7 5/25 8/11 8/13  
August 27 [1] 2/7  
auto [10] 66/5 66/9 66/11 66/13 67/22  
70/8 70/8 70/24 102/8 102/14  
automotive [2] 67/24 76/14  
available [6] 23/10 44/11 52/21 54/16  
95/4 95/6  
AVENUE [37] 1/2 1/5 8/21 8/21 14/10  
15/5 15/6 15/7 15/9 15/11 18/10 20/18  
20/20 20/21 20/24 21/2 21/24 27/15  
27/25 28/16 29/6 29/15 30/6 30/17 31/15  
33/4 33/14 33/23 36/7 41/21 85/2 85/5  
86/5 86/6 87/2 88/17 90/5  
average [1] 67/10  
avoided [1] 29/15  
aware [1] 17/16  
away [3] 31/15 34/5 54/4

**B**  
b-a-n-d [1] 4/7  
back [33] 4/18 4/22 10/11 11/5 12/9  
12/14 12/18 12/21 13/7 22/9 25/14 25/16  
25/18 26/13 26/15 33/21 33/22 38/6  
38/10 38/21 45/17 45/18 45/18 48/20  
49/6 49/8 49/9 55/5 55/9 65/2 65/3 66/21  
75/19  
background [1] 66/10  
Backing [1] 7/9  
backside [1] 79/10  
bad [2] 72/23 73/2  
BAKER [17] 1/11 8/10 85/11 88/4 89/15  
91/10 93/16 96/5 96/7 97/10 98/14  
100/21 100/24 101/22 103/5 103/8 105/3  
base [1] 90/18  
based [5] 35/7 62/19 68/4 87/18 91/6  
basement [3] 53/13 53/15 53/19  
bases [1] 47/22  
basically [7] 10/20 27/14 49/8 67/9 68/24  
69/14 71/2  
Batavia [2] 1/25 85/25  
Bausch [1] 30/13  
bay [9] 16/2 16/6 16/7 16/8 16/9 16/10  
16/15 16/24 17/20  
bays [1] 16/17  
be [168]  
beat [1] 79/23  
beautiful [1] 24/11  
became [1] 13/4  
because [41] 6/12 6/22 11/25 14/19  
19/13 20/19 21/13 27/23 34/6 34/7 34/12  
34/16 36/6 37/5 37/7 37/13 38/8 38/16  
38/18 40/6 40/18 41/5 54/4 59/4 59/10  
60/4 60/12 67/12 71/17 71/25 72/22 73/2  
73/11 73/25 74/9 74/11 75/6 78/5 80/20  
95/18 97/21  
become [1] 62/24  
bedroom [1] 52/11  
been [26] 9/17 14/13 15/4 23/14 29/12  
29/16 30/19 31/15 51/6 57/12 61/10  
66/11 66/22 66/23 67/4 67/5 67/6 68/5  
68/16 70/22 70/23 70/25 73/12 78/4 78/5  
90/14  
before [16] 1/2 10/3 10/5 15/24 38/6  
40/22 43/15 45/23 45/24 46/4 55/10  
69/16 71/18 73/25 79/12 85/2  
begin [2] 6/10 61/5  
behind [4] 23/15 24/9 24/10 82/17  
being [18] 7/3 12/16 16/15 24/17 24/20

<p><b>B</b></p> <p>being... [13] 32/24 36/3 36/22 39/4 42/7 49/22 56/12 64/24 65/22 67/13 68/18 78/22 83/3</p> <p>believe [14] 4/25 6/19 7/20 7/22 7/24 9/13 9/20 12/19 18/13 23/8 39/12 39/14 54/17 64/21</p> <p>below [2] 18/15 52/20</p> <p>benefit [4] 32/4 87/3 88/21 94/23</p> <p>benefits [2] 14/19 60/24</p> <p>besides [1] 27/15</p> <p>better [5] 14/15 30/7 53/19 68/21 70/5</p> <p>between [7] 5/15 8/21 29/18 40/18 40/20 86/5 94/18</p> <p>beyond [3] 23/2 49/13 93/7</p> <p>big [2] 28/22 59/4</p> <p>bigger [2] 32/16 67/7</p> <p>biggest [1] 76/13</p> <p>bio [1] 45/16</p> <p>bio-retention [1] 45/16</p> <p>bit [17] 13/16 15/11 22/10 23/2 25/14 30/14 35/20 50/13 50/16 51/8 51/11 51/13 51/16 62/21 79/24 81/21 82/7</p> <p>black [1] 81/17</p> <p>blew [1] 57/24</p> <p>block [2] 63/11 63/12</p> <p>blocks [1] 90/22</p> <p>board [24] 1/2 2/3 10/12 12/9 12/10 12/18 12/21 13/7 15/19 17/16 28/25 31/19 32/17 43/16 45/23 45/25 46/4 69/4 80/23 81/9 85/2 85/17 89/11 104/22</p> <p>Board's [2] 46/2 87/23</p> <p>body [1] 67/22</p> <p>Bollards [1] 48/5</p> <p>bonafide [1] 11/17</p> <p>book [1] 31/6</p> <p>booth [1] 79/18</p> <p>bore [1] 68/25</p> <p>both [6] 5/6 11/19 12/2 27/8 27/9 62/7</p> <p>bottom [1] 79/16</p> <p>bought [1] 39/25</p> <p>box [1] 16/13</p> <p>box-out [1] 16/13</p> <p>Boy [1] 72/2</p> <p>branch [1] 72/10</p> <p>brand [1] 75/10</p> <p>Bravo [1] 31/13</p> <p>Brevity [1] 80/11</p> <p>brief [1] 33/15</p> <p>Brighton [18] 1/5 2/3 2/7 15/5 31/3 31/18 33/18 33/24 40/19 41/11 49/4 51/10 56/15 66/16 85/5 93/14 99/4 104/25</p> <p>bring [7] 24/3 25/9 53/7 71/19 73/4 73/20 74/8</p> <p>broader [1] 20/17</p> <p>Brothers [1] 10/18</p> <p>brush [1] 49/9</p> <p>brushes [1] 54/5</p> <p>Buffalo [1] 70/19</p> <p>build [7] 32/14 32/16 43/7 43/13 44/24 45/3 52/21</p> <p>build-out [1] 52/21</p> <p>builder [1] 14/8</p> <p>builders [1] 10/18</p> <p>building [65] 10/25 11/2 11/16 11/17 12/6 12/8 17/3 19/11 19/17 23/13 23/15 24/23 43/24 43/24 44/3 44/7 45/20 47/2 48/21 49/13 49/14 49/16 51/15 51/17 56/18 56/19 56/21 57/8 57/10 58/7 59/23 60/18 62/15 66/17 66/18 66/22 66/24 67/2 68/2 68/7 68/9 69/12 69/14 71/12</p>	<p>71/17 71/23 72/17 72/18 72/22 72/25 73/6 73/8 73/8 73/12 77/22 93/8 98/10 99/7 99/8 99/10 99/19 99/24 100/3 100/4 102/18</p> <p>built [12] 12/4 12/7 15/4 29/12 34/3 43/21 43/25 55/6 55/25 56/2 79/12 80/21</p> <p>bunch [1] 31/20</p> <p>buried [1] 49/8</p> <p>bushes [6] 38/2 38/2 38/2 38/3 38/4 40/23</p> <p>business [17] 43/10 56/17 56/19 56/20 66/11 67/13 67/14 68/23 69/7 70/25 72/2 77/17 77/19 77/21 99/6 99/8 99/9</p> <p>businesses [2] 67/2 67/20</p> <p>butts [1] 34/16</p> <p>buy [1] 64/11</p> <p>buver [1] 67/5</p>	<p>character [11] 29/14 31/22 86/22 87/24 88/14 90/24 92/19 94/14 97/19 101/14 104/16</p> <p>children [1] 34/6</p> <p>choose [1] 27/19</p> <p>CHRISTINE [2] 1/9 85/9</p> <p>Chuck [1] 30/16</p> <p>circulation [1] 53/8</p> <p>city [6] 33/20 40/17 40/19 41/13 41/14 90/21</p> <p>clarification [1] 15/24</p> <p>clarifies [1] 35/20</p> <p>clarify [1] 61/17</p> <p>clean [2] 68/9 68/20</p> <p>cleaned [1] 71/18</p> <p>cleaner [2] 76/13 76/22</p> <p>cleaning [1] 71/22</p> <p>clear [2] 44/8 45/14</p> <p>clearly [2] 39/4 39/23</p> <p>close [5] 4/16 18/15 28/22 36/2 64/16</p> <p>closed [7] 32/25 42/8 49/23 56/13 65/23 78/23 83/4</p> <p>closer [3] 22/9 48/25 80/6</p> <p>closest [2] 17/8 70/16</p> <p>closing [1] 32/17</p> <p>Clover [1] 29/17</p> <p>cluttered [1] 25/17</p> <p>coast [2] 66/14 66/15</p> <p>code [26] 8/25 9/3 26/18 31/19 33/6 42/14 42/21 44/18 50/4 50/25 56/3 56/20 56/25 79/4 86/10 86/12 86/19 88/11 90/8 92/9 94/8 97/8 99/9 99/14 101/7 104/8</p> <p>codes [1] 55/25</p> <p>cofounder [1] 66/9</p> <p>color [1] 81/17</p> <p>colored [1] 45/21</p> <p>columns [1] 81/14</p> <p>combine [3] 11/17 11/23 32/15</p> <p>combined [2] 44/17 58/13</p> <p>combining [1] 43/14</p> <p>come [13] 12/4 37/5 47/16 57/24 60/9 62/23 65/2 65/3 66/15 67/13 72/14 75/18 78/8</p> <p>comes [6] 33/21 62/19 65/13 68/19 69/16 82/7</p> <p>comfortable [2] 7/3 79/25</p> <p>coming [17] 17/22 23/13 47/6 58/17 59/25 60/2 60/3 60/10 60/19 62/14 69/18 70/3 70/4 72/5 72/14 73/23 75/7</p> <p>comma [2] 5/15 5/17</p> <p>COMMENCING [2] 1/3 85/3</p> <p>comment [1] 13/21</p> <p>comments [6] 20/7 24/16 36/17 46/2 46/11 57/19</p> <p>commercial [1] 70/7</p> <p>Commission [1] 28/19</p> <p>committee [1] 15/19</p> <p>community [1] 98/4</p> <p>company [2] 66/11 67/11</p> <p>comparable [2] 21/25 27/22</p> <p>comparables [9] 12/17 13/17 13/18 20/19 28/6 29/8 29/10 87/19 88/19</p> <p>compare [1] 58/25</p> <p>compared [1] 18/25</p> <p>comparison [2] 49/12 52/23</p> <p>competing [1] 14/20</p> <p>complete [2] 20/23 30/15</p> <p>completed [1] 85/18</p> <p>completely [1] 13/9</p> <p>compliant [2] 48/4 87/2</p> <p>complied [1] 21/5</p> <p>comply [4] 21/6 26/18 27/2 27/6</p> <p>comps [1] 29/3</p>
<p><b>C</b></p> <p>c-a-t-a-c-l-y-s-m-i-c [1] 7/12</p> <p>c-u-e [1] 5/6</p> <p>cable [1] 48/14</p> <p>calculate [1] 21/21</p> <p>calculated [1] 18/23</p> <p>calculating [2] 22/4 47/23</p> <p>call [20] 2/2 2/9 5/22 8/13 12/24 32/10 47/10 52/3 60/6 73/5 88/6 89/17 91/13 93/19 96/9 98/15 100/25 101/24 103/9 105/6</p> <p>called [1] 29/14</p> <p>came [4] 18/17 55/14 64/12 79/12</p> <p>can [24] 15/23 15/25 17/3 32/14 37/19 46/24 52/6 55/8 57/23 59/12 59/22 59/25 60/4 60/21 61/9 67/5 69/6 71/11 71/19 73/25 75/18 78/8 82/17 97/15</p> <p>can't [10] 21/2 39/21 39/22 59/14 60/13 60/17 60/20 73/10 73/10 78/12</p> <p>CANDICE [2] 1/11 85/11</p> <p>candles [1] 47/23</p> <p>cannot [3] 64/22 64/23 94/23</p> <p>canopy [1] 48/4</p> <p>capacity [1] 102/14</p> <p>car [4] 23/25 43/13 67/6 70/9</p> <p>care [2] 36/13 57/25</p> <p>carefully [1] 32/17</p> <p>caretakers [1] 31/7</p> <p>carries [12] 5/23 8/14 88/6 89/18 91/14 93/20 96/10 98/16 101/2 101/25 103/10 105/7</p> <p>cars [3] 72/11 72/14 76/17</p> <p>carved [1] 30/19</p> <p>case [2] 11/23 22/25</p> <p>cases [5] 5/6 19/2 29/6 77/5 85/17</p> <p>cataclysmic [1] 7/11</p> <p>center [5] 57/22 57/22 57/23 57/25 58/8</p> <p>Cerone [4] 8/20 9/8 9/8 86/4</p> <p>certain [2] 15/10 15/10</p> <p>certainly [5] 15/9 32/2 32/5 45/2 49/10</p> <p>CERTIFICATE [2] 84/2 106/2</p> <p>certify [2] 84/4 106/4</p> <p>cetera [1] 22/7</p> <p>CHAD [6] 1/24 84/4 84/17 85/24 106/4 106/17</p> <p>Chair [1] 28/19</p> <p>CHAIRMAN [3] 1/8 2/6 85/8</p> <p>change [23] 31/21 47/11 58/9 66/4 66/4 67/9 67/11 67/18 71/2 71/23 86/22 87/24 88/14 92/19 94/14 97/19 101/14 102/7 102/8 102/13 102/17 102/20 104/16</p> <p>changed [6] 19/11 19/14 19/15 43/10 75/8 78/3</p> <p>changes [4] 43/12 67/12 91/2 92/15</p> <p>changing [1] 68/13</p>	<p>71/17 71/23 72/17 72/18 72/22 72/25 73/6 73/8 73/8 73/12 77/22 93/8 98/10 99/7 99/8 99/10 99/19 99/24 100/3 100/4 102/18</p> <p>built [12] 12/4 12/7 15/4 29/12 34/3 43/21 43/25 55/6 55/25 56/2 79/12 80/21</p> <p>bunch [1] 31/20</p> <p>buried [1] 49/8</p> <p>bushes [6] 38/2 38/2 38/2 38/3 38/4 40/23</p> <p>business [17] 43/10 56/17 56/19 56/20 66/11 67/13 67/14 68/23 69/7 70/25 72/2 77/17 77/19 77/21 99/6 99/8 99/9</p> <p>businesses [2] 67/2 67/20</p> <p>butts [1] 34/16</p> <p>buy [1] 64/11</p> <p>buver [1] 67/5</p>	

C  
concerned [3] 19/4 37/6 38/11  
concerns [1] 48/24  
concrete [1] 80/15  
condition [4] 64/21 80/20 81/5 91/2  
conditioning [2] 3/23 3/24  
conditions [22] 29/5 87/11 89/3 89/8  
89/18 91/5 91/14 93/9 93/20 95/11 95/17  
95/20 96/10 98/7 98/16 100/10 101/17  
101/25 102/22 103/10 104/20 105/7  
condos [1] 27/23  
confines [1] 32/15  
conform [1] 27/16  
conforming [4] 19/5 27/10 32/18 32/19  
congestion [1] 47/9  
connecting [1] 51/20  
connection [1] 95/8  
connections [1] 5/14  
consider [3] 32/18 60/5 75/3  
consideration [4] 14/18 31/20 32/21  
49/11  
considered [2] 85/17 100/13  
considering [1] 59/23  
consistent [7] 27/4 27/5 88/23 89/6 94/20  
97/23 101/11  
consolidated [1] 57/13  
constructed [5] 8/24 86/8 86/17 87/7  
104/21  
construction [3] 12/3 42/13 92/7  
contagion [1] 14/6  
context [1] 81/13  
contingent [1] 61/14  
continually [1] 57/17  
contours [2] 46/12 46/13  
contract [2] 65/24 102/3  
convenience [1] 51/21  
conversation [1] 64/6  
Conway [1] 67/23  
copy [1] 52/18  
corner [9] 2/24 29/24 30/6 30/17 30/21  
41/21 43/3 43/19 92/14  
CORRADO [16] 1/9 85/9 88/4 89/13  
89/15 91/10 93/15 93/18 96/7 98/12  
99/16 100/24 101/4 101/23 103/6 105/3  
correct [13] 10/7 10/9 17/13 26/22 53/5  
55/24 56/3 60/23 62/16 63/11 81/16 82/6  
82/14  
corrections [5] 5/20 5/23 8/9 8/11 8/14  
correctly [3] 20/13 20/15 26/16  
cost [1] 14/19  
cotton [1] 45/21  
could [33] 11/23 12/19 14/14 15/11  
15/13 19/7 19/20 21/12 23/14 23/17 24/4  
24/5 25/18 28/6 32/5 32/6 37/21 38/6  
44/4 44/23 51/17 52/7 60/11 60/11 60/22  
63/4 63/10 63/11 67/3 75/20 77/10 87/7  
95/17  
couldn't [2] 23/16 45/3  
Council [1] 29/24  
counter [1] 17/25  
country [4] 12/12 13/3 54/11 66/14  
County [2] 29/8 30/10  
couple [9] 2/13 4/21 14/24 28/25 51/25  
65/10 69/22 70/20 74/25  
course [1] 13/17  
Court [5] 1/24 1/24 18/11 85/24 85/24  
courtyard [1] 92/21  
cover [3] 79/14 79/24 80/8  
coverage [1] 18/14  
covered [1] 46/23  
crawl [1] 56/4  
create [3] 25/15 48/9 93/4

created [8] 31/23 32/5 32/13 87/13 87/16  
89/5 95/14 97/25  
creating [1] 97/16  
creative [2] 51/14 52/9  
critical [1] 47/12  
crossing [1] 52/8  
crumbling [1] 79/15  
cue [1] 5/5  
curb [1] 95/18  
current [24] 10/24 11/4 11/15 13/6 14/11  
14/16 15/8 21/11 21/15 21/17 21/20 26/6  
28/24 30/22 53/15 58/6 58/22 80/3 80/9  
80/15 81/14 87/14 95/4 95/17  
currently [13] 10/24 11/2 11/3 37/20  
37/24 50/10 57/8 58/8 58/11 59/20 79/10  
79/15 90/13  
curved [2] 35/2 35/6  
custom [1] 12/7  
customer [2] 72/10 102/25  
customer's [1] 73/18  
customers [1] 95/15  
cut [2] 62/9 70/8  
cuts [1] 95/18

D  
DALE [14] 1/9 6/21 85/9 88/3 89/14  
91/12 93/17 96/7 98/12 100/23 101/22  
102/10 103/8 105/4  
dark [1] 48/3  
data [1] 24/12  
Dated [2] 84/12 106/12  
DAVID [2] 1/13 85/13  
Davidson [1] 67/23  
day [6] 47/10 47/15 67/12 67/16 72/13  
74/12  
days [1] 69/22  
daytime [1] 43/12  
deal [3] 39/2 40/7 52/10  
dealership [1] 67/22  
dealing [1] 38/7  
Dean [4] 56/14 57/3 57/15 99/3  
decaying [1] 79/16  
decide [1] 64/24  
decided [2] 53/18 73/5  
decisions [1] 85/18  
deck [1] 58/5  
deed [1] 39/20  
deeded [1] 39/5  
deep [1] 30/25  
defined [1] 39/4  
Definitely [1] 35/19  
degree [1] 23/24  
delayed [1] 54/9  
delete [7] 3/11 3/11 4/9 6/5 6/6 6/15 6/16  
deliberations [2] 14/18 31/19  
deliberative [1] 10/14  
delighted [1] 55/10  
delightful [1] 55/9  
delivery [1] 69/25  
demand [1] 88/24  
demarcation [1] 23/7  
demolition [1] 12/2  
denial [1] 87/18  
denies [1] 88/6  
DENNIS [2] 1/8 85/8  
deny [3] 86/15 99/16 100/25  
department [2] 49/5 57/14  
depending [2] 21/21 81/4  
depicted [1] 50/11  
depicts [1] 43/6  
deplete [1] 7/15  
depth [1] 81/24  
describe [2] 10/12 71/11

described [20] 9/4 33/7 42/15 42/21 50/5  
56/25 66/6 79/5 86/12 90/8 92/9 93/11  
94/8 97/8 98/9 99/14 100/12 101/18  
102/9 104/8  
description [1] 33/16  
design [2] 80/21 80/23  
designed [1] 12/12  
designer [2] 10/17 10/18  
desire [1] 87/16  
desired [1] 97/17  
destination [1] 100/8  
detriment [8] 31/23 86/23 88/15 94/15  
97/20 101/15 102/21 104/17  
develop [1] 44/20  
Diamond [1] 70/24  
dictated [1] 95/15  
did [31] 6/21 9/13 10/23 11/4 11/12  
12/21 13/16 13/21 13/23 14/4 14/7 14/8  
18/10 18/22 23/11 24/21 24/22 27/19  
45/24 51/24 53/5 53/17 54/7 54/13 54/17  
55/12 58/5 73/2 75/6 84/4 106/4  
didn't [14] 11/11 11/25 19/12 21/4 21/6  
27/22 27/23 44/6 51/19 52/18 54/11 61/4  
63/14 75/14  
difference [3] 45/3 46/23 95/5  
different [4] 10/3 31/20 35/22 53/17  
difficult [1] 92/22  
difficulty [7] 32/12 87/6 87/13 89/5 95/2  
95/13 97/15  
diligence [1] 13/21  
diligent [1] 68/19  
diminished [1] 102/14  
direction [1] 26/25  
directly [1] 13/24  
discuss [1] 54/13  
discussed [2] 17/2 91/8  
discussions [1] 54/16  
display [1] 51/19  
disrepair [1] 68/17  
distance [5] 19/4 19/6 80/3 80/10 94/18  
DiSTEFANO [3] 1/14 9/13 85/14  
distributors [1] 69/19  
district [3] 87/12 89/4 95/12  
do [62] 2/16 6/25 7/7 9/19 9/21 15/3  
15/13 20/23 22/13 22/25 24/25 25/2 25/5  
25/23 26/23 26/25 27/16 28/10 30/15  
31/2 32/16 33/16 35/12 36/3 36/17 37/10  
39/12 40/25 44/23 46/9 47/19 51/10  
51/14 52/4 52/7 54/17 54/20 55/8 57/19  
58/6 60/3 64/24 65/14 68/25 70/15 70/18  
70/19 71/20 71/24 72/2 72/12 73/17  
73/19 74/15 75/20 76/12 77/17 77/19  
77/21 77/25 84/4 106/4  
do-overs [1] 30/15  
doctor [1] 58/2  
doctor every [1] 58/2  
document [7] 9/13 9/20 9/20 9/25 10/12  
10/21 13/20  
does [16] 3/15 5/10 10/12 14/16 19/19  
27/12 27/12 27/13 39/16 49/13 50/17  
53/7 54/4 58/10 64/25 67/11  
doesn't [4] 36/5 60/3 62/24 78/10  
doing [13] 33/17 36/13 37/13 45/15 51/9  
54/6 56/4 57/15 66/7 70/4 71/12 78/3  
78/4  
dollars [1] 68/2  
DOLLINGER [2] 1/13 85/13  
don't [40] 4/3 7/3 19/7 20/22 23/8 23/9  
23/16 24/10 26/18 27/2 27/6 29/23 30/10  
30/24 31/24 32/2 32/19 33/24 34/7 34/10  
34/14 34/15 34/25 39/21 51/23 54/17  
55/13 57/24 61/7 63/5 68/16 68/24 69/17  
73/21 73/23 74/4 74/5 74/12 77/6 77/14

<p><b>D</b></p> <p>done [12] 11/7 21/5 36/3 37/6 71/21 72/12 72/16 72/17 72/19 73/2 73/3 78/7 door [9] 25/15 49/13 49/14 49/16 59/12 79/19 80/16 82/16 82/20 doubt [1] 31/4 down [23] 17/23 18/10 21/2 22/25 31/15 35/3 36/7 44/7 44/25 46/24 48/3 51/6 51/8 51/11 57/16 58/17 60/8 61/12 62/14 62/22 62/23 79/23 81/6 downhill [1] 36/6 downtown [1] 51/7 Dr [1] 30/9 drainage [2] 36/5 36/9 drains [1] 36/11 dramatically [2] 58/10 58/18 drawing [7] 10/12 12/9 12/18 12/21 13/7 24/11 59/5 drawings [3] 35/24 61/19 91/6 drawn [1] 35/8 drew [1] 12/22 Driscolls [1] 30/23 drive [9] 1/25 31/15 50/2 56/16 78/12 85/25 97/5 99/5 100/9 driveway [20] 23/13 33/5 33/18 33/19 33/21 34/16 34/22 39/8 39/11 39/12 39/16 49/7 81/2 81/6 90/6 90/13 90/15 90/17 90/18 90/23 driving [1] 60/2 drop [1] 74/10 dropbox [2] 69/17 69/19 dropping [1] 73/24 Dryer [1] 30/5 due [3] 13/21 36/13 46/22 during [2] 43/11 87/20</p>	<p>employee [2] 47/2 47/5 employees [3] 46/25 47/3 48/10 enclosed [3] 82/5 82/6 82/13 enclosing [1] 82/19 encroach [3] 37/10 50/12 90/16 encroaching [2] 37/8 38/12 encroachment [2] 39/13 91/7 end [8] 4/10 4/10 8/4 11/11 27/22 39/17 62/25 74/6 ended [1] 23/25 ends [2] 38/15 80/10 energy [2] 55/25 56/2 engineer [2] 10/19 46/12 Engineers [1] 42/25 enhance [1] 68/23 enough [3] 48/11 69/4 73/5 enter [2] 46/25 66/20 entertain [1] 80/12 entire [2] 10/15 68/20 entitled [2] 84/6 106/6 entrance [8] 44/15 44/18 44/22 45/5 46/10 47/2 79/14 95/24 entrances [1] 95/25 entranceway [1] 79/23 envelope [1] 19/17 environment [1] 102/16 environmental [3] 68/12 89/3 95/11 equal [4] 18/13 19/4 19/5 87/22 Erika [2] 78/24 104/3 ESQ [4] 1/11 1/13 85/11 85/13 essentially [1] 10/11 estate [9] 14/25 30/13 42/9 42/16 56/15 67/4 92/3 94/3 99/4 Estates [1] 43/2 et [1] 22/7 even [12] 25/16 25/17 29/17 30/5 49/15 55/9 58/13 58/16 67/18 74/6 76/12 80/6 evening [5] 13/11 42/23 47/10 47/15 57/3 ever [1] 60/10 every [4] 34/4 58/2 59/12 65/4 everybody [2] 34/8 55/8 everyday [1] 57/17 everyone [2] 18/16 36/25 everything [6] 27/14 39/22 45/19 69/11 69/11 69/13 everywhere [1] 61/25 evidence [4] 87/10 87/24 88/25 95/9 evidenced [1] 88/19 evident [1] 29/16 exactly [2] 40/3 41/20 examples [1] 61/20 exceed [1] 89/10 except [1] 68/9 excited [1] 55/3 existed [1] 87/14 existence [3] 70/22 70/23 79/12 existing [22] 29/5 29/18 30/3 32/3 41/3 43/3 43/15 43/23 43/24 44/2 44/20 44/22 45/14 45/20 62/4 79/3 90/17 94/18 95/3 95/5 97/18 104/6 exists [2] 25/7 44/12 exit [1] 66/21 exiting [1] 102/16 expand [1] 95/4 expanding [1] 95/13 expanse [1] 11/8 expansion [1] 24/22 expected [4] 14/14 97/21 101/16 104/18 expedite [1] 9/15 expense [2] 11/12 90/19 expensive [1] 12/2 experience [1] 66/13</p>	<p>explain [2] 66/17 67/4 explored [1] 32/6 extend [12] 33/5 49/13 50/3 64/22 64/23 64/25 79/2 90/6 93/7 97/7 100/17 104/6 extending [3] 16/7 16/18 17/20 extends [1] 81/21 extensive [1] 30/3 extent [2] 47/14 47/15 exterior [2] 69/12 71/11 extremely [1] 12/2 eyes [1] 61/3 evesore [1] 69/7</p>
<p><b>E</b></p> <p>each [4] 38/20 55/5 78/6 85/17 earlier [1] 54/10 early [2] 73/14 73/20 easily [1] 100/7 east [64] 8/21 8/21 11/8 11/10 12/16 14/10 15/4 15/6 15/7 15/9 15/11 16/2 18/10 20/18 20/20 20/21 20/24 21/2 21/23 24/16 27/15 27/25 28/3 28/16 29/6 29/15 30/6 30/17 31/15 37/3 40/10 40/11 40/13 41/11 42/10 42/17 43/4 57/7 57/7 57/9 58/6 59/16 59/25 60/4 60/12 60/14 60/19 60/20 62/14 62/21 63/3 63/5 63/12 66/14 86/5 86/6 87/2 88/17 92/4 92/25 94/4 99/20 99/22 100/6 edge [1] 48/20 EDITH [2] 1/24 85/24 effect [5] 14/6 87/11 89/2 90/24 95/10 effort [2] 10/23 30/12 eight [15] 16/21 16/23 22/5 24/24 26/11 27/8 27/20 32/9 50/23 50/24 53/2 66/23 70/23 87/20 97/14 eighty [2] 13/12 58/15 eighty-five [1] 58/15 either [2] 26/25 69/20 electric [3] 53/25 54/2 54/6 elegantly [1] 29/14 elements [1] 79/23 elevation [9] 24/16 45/2 45/4 46/23 95/5 99/20 99/21 99/22 99/22 eliminated [1] 12/25 eliminating [1] 13/9 ELMWOOD [4] 1/2 1/5 85/2 85/5 else [8] 5/11 7/7 18/16 19/7 25/3 32/22 42/4 62/2 emails [1] 57/17</p>	<p>evening [5] 13/11 42/23 47/10 47/15 57/3 ever [1] 60/10 every [4] 34/4 58/2 59/12 65/4 everybody [2] 34/8 55/8 everyday [1] 57/17 everyone [2] 18/16 36/25 everything [6] 27/14 39/22 45/19 69/11 69/11 69/13 everywhere [1] 61/25 evidence [4] 87/10 87/24 88/25 95/9 evidenced [1] 88/19 evident [1] 29/16 exactly [2] 40/3 41/20 examples [1] 61/20 exceed [1] 89/10 except [1] 68/9 excited [1] 55/3 existed [1] 87/14 existence [3] 70/22 70/23 79/12 existing [22] 29/5 29/18 30/3 32/3 41/3 43/3 43/15 43/23 43/24 44/2 44/20 44/22 45/14 45/20 62/4 79/3 90/17 94/18 95/3 95/5 97/18 104/6 exists [2] 25/7 44/12 exit [1] 66/21 exiting [1] 102/16 expand [1] 95/4 expanding [1] 95/13 expanse [1] 11/8 expansion [1] 24/22 expected [4] 14/14 97/21 101/16 104/18 expedite [1] 9/15 expense [2] 11/12 90/19 expensive [1] 12/2 experience [1] 66/13</p>	<p><b>F</b></p> <p>f-o-r-m-e-r [1] 6/8 facade [9] 12/11 12/23 12/24 12/25 13/2 49/14 82/17 100/4 100/19 face [11] 49/16 56/18 56/20 56/21 56/24 59/23 99/7 99/9 99/10 99/13 101/7 facilities [1] 66/14 facility [6] 66/5 66/5 77/4 78/9 102/8 102/8 facing [16] 23/19 23/19 23/20 23/21 57/5 58/7 58/7 59/11 59/16 59/16 60/12 60/12 60/14 60/17 60/20 100/4 fact [15] 4/8 13/10 14/3 68/5 86/20 88/12 90/12 92/13 94/12 97/12 99/23 100/3 101/8 102/12 104/12 factor [1] 48/9 factors [2] 68/5 75/3 faint [2] 31/5 31/6 fair [2] 13/16 63/16 fairly [2] 45/6 51/5 Faklaris [3] 56/14 57/3 99/3 familiar [3] 22/17 31/14 34/22 family [6] 8/23 15/4 23/15 47/11 86/8 86/16 far [13] 16/7 17/21 18/22 19/3 19/22 24/19 29/10 40/24 51/9 54/3 61/10 69/10 72/4 farmhouse [1] 30/21 farther [1] 25/17 fast [1] 73/10 fast-food [1] 73/10 favorably [1] 11/24 features [1] 12/4 feel [9] 7/3 9/19 9/24 24/22 28/21 36/3 44/9 45/4 68/3 feet [65] 13/13 13/14 13/15 16/21 16/21 16/23 16/24 16/25 17/15 17/15 17/19 19/3 21/20 21/22 22/6 24/24 25/25 26/12 26/25 28/18 32/9 33/21 33/22 34/3 34/10 34/15 34/23 35/3 35/5 35/10 35/13 44/20 45/2 47/21 47/22 47/23 50/13 50/21 50/24 50/25 51/2 51/3 52/17 52/17 53/2 53/23 58/13 58/15 58/16 59/6 64/2 64/9 64/19 64/22 64/23 64/25 65/10 66/20 80/4 80/8 88/18 89/10 90/19 94/20 100/18 felt [4] 25/19 25/21 27/21 75/20 fence [9] 37/20 37/24 38/6 38/7 38/8 38/23 41/19 55/5 55/9 fern [1] 45/21 few [3] 7/8 9/9 30/15 fifteen [5] 18/24 21/8 34/10 47/24 87/21 fifteen feet [1] 34/10 fifteen percent [1] 18/24 fifty [5] 18/13 26/12 26/25 33/22 67/25 fifty feet [3] 26/12 26/25 33/22 fifty-nine [1] 67/25 fifty-six [1] 18/13 file [18] 9/4 33/7 39/5 39/20 42/15 42/22 50/5 57/2 66/6 79/5 86/13 90/9 92/10</p>

**F**  
file... [5] 94/9 97/9 99/15 102/9 104/9  
files [1] 40/4  
fill [1] 54/15  
filled [1] 52/19  
final [2] 11/21 11/24  
finally [2] 31/17 32/12  
find [3] 12/17 12/19 38/14  
findings [11] 4/8 86/20 88/12 90/12  
92/13 94/12 97/12 99/23 101/8 102/12  
104/12  
fine [4] 4/19 21/7 31/7 54/14  
finest [1] 29/7  
finished [1] 2/22  
first [6] 3/21 5/7 5/13 8/17 43/17 50/15  
fit [2] 52/3 53/8  
Fitters [1] 66/9  
five [11] 19/3 19/25 23/24 26/7 58/15  
58/21 67/15 68/14 72/13 72/14 80/4  
five feet [1] 19/3  
fix [1] 71/14  
fixed [2] 12/3 71/23  
fixture [1] 47/24  
fixtures [3] 46/19 47/20 48/2  
flagstone [5] 80/19 80/20 81/4 81/5  
81/18  
flat [1] 81/23  
Fleet [1] 67/23  
Flom [1] 67/3  
floor [5] 9/2 17/23 64/10 86/11 88/10  
flow [1] 67/16  
focused [1] 24/17  
folks [1] 15/8  
following [2] 85/17 85/18  
food [1] 73/10  
foot [21] 11/8 16/17 16/18 16/19 17/4  
18/4 25/25 29/3 34/9 35/4 46/12 47/23  
47/24 50/11 50/18 73/8 79/11 88/19  
90/15 91/3 97/14  
footage [11] 12/15 13/12 14/22 18/8  
19/15 19/22 52/13 52/19 52/21 53/14  
89/9  
footprint [11] 11/6 19/11 53/8 58/11  
67/7 67/10 67/10 68/13 69/3 87/17  
102/18  
FORBES [2] 1/24 85/24  
foregoing [2] 84/7 106/7  
form [1] 43/15  
former [2] 6/8 30/16  
forth [3] 38/11 84/10 106/10  
fortunate [1] 31/8  
Fortunately [1] 29/15  
forty [9] 13/12 13/13 23/24 43/13 50/11  
64/17 68/14 92/17 93/10  
forty-car [1] 43/13  
forty-five [1] 23/24  
forty-five percent [1] 68/14  
forty-four [1] 13/12  
forty-two [1] 13/13  
forward [2] 11/5 24/8  
found [2] 18/11 43/10  
foundation [3] 16/25 17/18 17/19  
founders [1] 71/2  
four [12] 13/12 19/3 29/9 34/15 35/4  
46/17 46/19 47/5 55/23 66/19 78/4 90/18  
four feet [1] 34/15  
four-foot [1] 35/4  
fourteen [2] 26/7 73/8  
fourth [1] 4/6  
frankly [1] 15/14  
free [1] 12/7  
French [2] 12/12 13/2

fresh [1] 60/10  
Friday [1] 71/7  
friends [1] 31/16  
front [32] 16/9 18/23 23/19 24/2 25/22  
26/10 42/13 43/5 43/18 43/19 43/20  
43/22 44/3 44/6 44/12 44/14 49/7 49/14  
49/16 55/4 79/3 79/4 79/13 80/16 81/23  
82/15 92/8 92/16 92/18 93/8 104/7 104/7  
front-facing [1] 23/19  
ft [18] 8/24 8/25 33/6 50/3 50/4 79/3 79/3  
79/4 86/8 86/9 86/17 86/18 90/7 97/7  
97/7 104/6 104/7 104/7  
full [2] 47/16 55/22  
function [1] 82/11  
functional [1] 13/5  
furniture [1] 53/7  
further [10] 26/12 30/14 50/13 50/17  
63/3 63/5 82/19 84/7 97/23 106/7  
furthermore [1] 11/11  
future [3] 37/11 37/17 100/13

**G**  
gain [1] 52/6  
gaining [1] 63/2  
garage [8] 11/5 22/24 23/9 23/12 23/14  
23/18 23/25 23/25  
garages [3] 22/9 22/15 23/4  
garden [4] 51/22 52/2 52/3 55/16  
gardens [1] 97/22  
gastroenterology [1] 57/22  
Gate [1] 51/6  
gathered [1] 38/5  
gave [1] 18/25  
Geary [1] 6/12  
Geraci [1] 10/18  
get [17] 14/5 15/23 29/23 30/24 34/12  
34/17 51/17 57/17 64/24 71/16 72/25  
73/25 74/11 77/25 79/21 79/25 80/5  
getting [2] 75/8 78/6  
give [5] 14/23 28/18 33/15 66/10 69/5  
given [5] 51/7 91/8 97/13 98/2 102/24  
gives [1] 81/19  
glass [17] 51/19 66/5 66/9 66/11 66/13  
69/18 70/4 70/8 70/24 70/25 75/23 77/6  
77/6 77/9 77/25 78/12 102/8  
glasses [1] 39/22  
go [32] 2/14 4/2 6/2 9/11 11/25 12/14  
12/21 22/25 23/17 26/15 27/22 29/10  
31/17 33/8 38/13 40/6 46/24 51/21 51/24  
54/13 57/25 58/3 59/19 62/12 64/4 69/20  
73/5 74/14 75/14 77/24 77/25 80/14  
goes [2] 35/3 36/9  
going [46] 4/12 4/22 13/18 15/14 16/5  
22/6 22/10 22/11 24/25 31/25 35/12 36/4  
37/10 38/10 39/4 48/14 48/15 49/7 52/11  
53/18 57/15 58/15 62/21 63/21 64/20  
68/9 68/10 68/11 71/10 71/16 71/19  
71/21 71/22 72/21 80/7 80/11 80/18  
80/19 80/21 80/25 81/3 81/4 81/5 81/13  
81/16 82/20  
GOLDMAN [14] 1/10 5/19 85/10 88/3  
89/14 91/11 93/17 96/6 98/13 100/22  
101/21 103/7 104/10 105/5  
gone [1] 30/17  
gonna [1] 71/14  
good [12] 10/4 14/13 14/14 23/11 42/23  
49/2 55/15 57/3 61/2 61/6 64/8 68/4  
got [8] 9/16 10/13 14/8 15/14 41/6 49/4  
64/4 77/23  
gotten [1] 67/3  
grabbed [1] 34/2  
gracefully [1] 31/13  
grade [9] 64/3 64/4 64/22 64/23 64/25

65/13 91/2 95/3 100/18  
grant [2] 87/6 94/25  
granted [5] 56/22 68/10 94/25 99/11  
99/18  
granting [4] 31/24 86/21 88/13 94/13  
gravel [4] 33/18 33/19 39/11 90/13  
gray [1] 81/17  
grease [1] 76/16  
great [4] 14/8 35/18 63/6 95/7  
greater [1] 47/15  
green [1] 68/14  
Gregg [2] 47/19 48/19  
Gregory [1] 42/24  
ground [2] 23/2 47/24  
group [3] 56/15 75/17 99/4  
Grove [1] 41/21  
guess [4] 22/3 46/9 50/13 52/9  
guessing [1] 35/9  
guys [5] 15/24 72/3 72/20 74/11 74/17  
Gwirtzman [4] 49/25 50/7 54/24 97/4

**H**  
h-e-a-t [1] 6/4  
hacking [1] 34/5  
had [20] 22/23 23/8 23/17 32/16 38/13  
38/14 38/15 38/17 38/18 40/6 41/5 44/7  
46/11 49/5 55/9 57/18 60/10 64/6 73/4  
87/21  
half [18] 14/12 15/3 16/18 16/19 16/21  
16/23 22/6 24/24 28/17 32/9 38/20 47/22  
53/4 53/23 80/8 80/9 81/22 86/25  
half feet [1] 16/23  
halfway [2] 40/18 82/7  
Hall [2] 1/5 85/5  
handing [1] 36/4  
handling [1] 66/13  
hands [2] 40/16 54/5  
hanging [1] 71/14  
happened [3] 31/10 71/2 72/24  
happening [1] 76/21  
happens [3] 10/19 69/14 77/5  
happy [2] 55/8 69/8  
hardship [1] 97/25  
Harley [1] 67/23  
Harley-Davidson [1] 67/23  
has [33] 4/3 15/4 29/11 29/16 30/7 30/8  
30/11 30/17 30/18 31/13 34/8 37/13  
37/24 40/16 40/23 43/10 43/19 51/6  
51/22 66/22 66/23 67/4 67/5 70/21 70/23  
71/18 73/12 73/14 87/14 90/13 90/13  
93/5 99/24  
hatched [1] 37/18  
have [135]  
having [5] 49/10 68/21 69/3 85/17 85/18  
hazardous [2] 67/16 76/11  
he [17] 9/14 13/17 22/23 23/8 34/2 37/13  
37/24 38/2 38/5 38/6 39/5 39/5 39/17  
39/25 40/23 41/5 64/12  
he's [1] 40/11  
head [1] 29/24  
heading [1] 57/7  
heads [1] 57/14  
health [2] 98/4 101/12  
hear [1] 76/16  
heard [4] 10/3 10/5 13/22 13/25  
hearing [11] 9/5 32/24 42/7 49/23 50/14  
56/12 65/22 78/22 83/3 86/14 87/20  
hearings [1] 50/15  
heart [1] 31/6  
heat [1] 6/4  
heated [1] 55/22  
heavier [1] 70/10  
heavily [1] 20/12

<b>H</b>	<p>hedge [3] 34/3 34/3 34/9  hedgerow [1] 90/22  height [8] 18/2 47/20 59/19 63/23 63/25 65/7 65/8 65/9  heighth [1] 47/24  held [4] 1/2 84/6 85/2 106/6  Hello [2] 9/7 79/6  help [5] 2/19 15/25 41/10 57/17 57/18  Henrietta [14] 42/10 42/17 43/4 43/19 57/7 60/19 62/14 66/2 68/22 92/4 92/25 94/4 100/7 102/5  her [13] 51/7 51/9 51/10 51/11 51/13 51/14 51/19 51/20 52/4 52/24 53/12 53/15 54/4  here [44] 10/8 10/16 12/10 13/20 14/19 15/25 23/23 25/5 25/7 27/16 28/20 28/21 31/18 33/20 33/24 33/25 34/11 34/21 37/13 37/15 37/19 45/15 45/18 50/8 52/5 54/15 54/18 57/4 60/9 60/10 62/20 63/9 65/4 70/17 70/19 75/22 78/5 79/9 80/3 81/5 81/12 81/18 82/15 82/18  hereby [2] 84/4 106/4  hereinbefore [2] 84/9 106/9  Hi [2] 36/25 50/6  high [7] 18/17 34/10 47/23 48/6 53/18 53/20 64/7  higher [3] 18/16 44/20 64/13  Highland [6] 33/3 33/14 33/23 36/7 41/21 90/5  highlight [2] 9/24 10/2  highlighted [1] 10/4  him [3] 37/9 40/12 40/23  Hintenach [3] 49/24 50/7 97/3  his [5] 38/14 39/16 39/17 40/18 40/25  historic [1] 31/3  history [5] 9/15 37/7 37/13 37/25 38/10  home [17] 25/15 43/3 43/8 43/9 44/11 47/12 47/17 48/13 74/18 74/24 77/24 87/7 88/9 88/22 88/24 90/13 97/18  homes [20] 19/4 19/5 20/21 21/4 21/5 21/6 22/8 23/5 23/5 26/17 26/24 27/5 27/8 27/20 29/25 67/14 87/2 87/21 88/16 88/23  honestly [1] 29/6  Honorable [1] 28/19  hope [1] 78/16  hopefully [2] 52/6 55/17  hoping [9] 14/17 14/23 15/7 15/12 34/12 34/17 66/15 69/5 70/18  horizontal [1] 59/19  hospital [1] 47/17  hours [3] 71/4 71/6 71/8  house [68] 8/23 9/2 11/2 11/3 11/4 11/6 11/15 12/4 12/7 12/11 12/15 13/4 13/12 13/14 14/11 14/11 14/13 14/15 15/4 21/11 21/15 21/17 21/17 21/18 21/20 21/21 21/24 21/25 22/7 23/3 23/6 23/6 26/6 26/6 28/22 29/11 29/18 29/20 29/25 30/4 30/5 30/9 30/16 30/16 30/24 31/11 32/3 32/14 32/16 34/17 51/20 52/8 52/12 53/15 79/10 79/11 80/22 81/14 81/22 81/23 82/8 82/17 86/8 86/10 86/17 87/17 88/18 104/15  houses [3] 15/10 22/22 29/18  housing [7] 9/18 10/22 10/24 13/23 13/23 14/5 14/16  how [24] 4/16 9/16 10/13 10/21 15/14 16/7 19/21 21/21 22/13 26/24 27/2 27/4 27/5 27/19 36/13 46/9 52/23 53/20 58/20 58/23 59/11 64/7 66/7 70/21  Howard [2] 77/3 78/9</p>	<p>However [2] 13/13 90/22  hues [1] 81/17  huge [1] 44/23  hum [1] 19/24  hundred [19] 25/24 26/25 33/21 33/22 52/16 52/17 53/2 58/12 58/12 58/14 59/14 66/13 66/19 67/25 68/3 73/8 75/24 77/7 94/19  Hurlbut [5] 42/9 42/16 42/25 92/3 94/3  Hurlbut's [1] 43/6  Hyundai [1] 67/21</p>	<p>intrusive [2] 67/18 92/24  invest [1] 29/21  investment [4] 14/25 15/7 15/12 15/15  investments [1] 15/9  invited [1] 55/7  involved [1] 10/15  involving [1] 12/2  irrelevant [1] 29/4  is [257]  isn't [1] 4/25  issue [1] 69/4  issues [6] 14/21 14/22 14/22 36/4 38/7 39/9  it [204]  it'll [2] 35/13 71/22  it's [81] 6/19 9/16 16/5 16/23 19/25 21/18 22/25 23/4 23/5 23/21 24/8 24/12 24/14 25/24 26/8 26/12 28/22 29/11 29/13 30/22 34/4 34/9 34/13 34/23 35/18 37/10 40/3 40/11 40/19 41/2 41/20 45/6 45/7 48/17 50/22 52/2 52/16 52/25 52/25 55/22 57/24 58/17 59/12 59/18 61/7 61/13 62/9 64/9 64/13 64/20 65/12 65/13 68/5 68/17 69/17 69/18 69/23 69/25 69/25 70/2 70/8 70/8 70/9 71/16 71/21 72/13 73/9 73/13 75/7 75/23 76/14 76/14 76/15 76/20 78/11 80/7 81/13 81/14 82/17 82/18 87/23  its [2] 30/13 80/20  itself [2] 23/6 66/25</p>
<b>I</b>	<p>I'll [6] 7/25 24/3 45/8 61/21 64/10 80/12  I'm [49] 2/22 3/13 4/12 4/14 9/7 9/21 15/18 20/17 22/16 22/16 22/22 25/5 26/9 26/15 28/20 33/11 33/17 33/22 34/8 34/12 34/17 36/24 37/5 37/12 37/15 39/3 41/8 41/15 42/24 52/15 52/20 55/2 55/2 55/14 57/4 58/14 59/10 59/20 60/10 60/19 63/13 64/11 64/17 65/4 73/24 77/2 79/7 80/11 81/25  I've [3] 21/5 46/14 64/4  ID [6] 8/22 42/10 42/17 86/6 92/5 94/5  idea [3] 12/6 49/2 81/25  ideal [1] 3/17  ideas [1] 53/17  identification [6] 56/18 56/19 56/21 99/7 99/8 99/10  illuminated [1] 61/24  imagine [1] 57/23  impact [7] 4/4 22/11 37/11 37/16 89/2 95/10 102/15  impacting [2] 17/6 97/17  important [4] 9/24 30/20 61/8 61/15  importantly [1] 31/6  improve [4] 31/25 32/2 57/6 79/13  improvement [1] 13/5  improvements [1] 31/10  in-shop [1] 69/16  inches [2] 48/5 80/4  include [1] 99/20  included [1] 100/14  including [1] 29/17  inconsistent [1] 88/22  increase [1] 58/17  indeed [1] 5/3  indicating [24] 12/10 13/20 23/23 24/14 25/5 25/7 25/10 28/18 33/20 34/11 34/21 36/7 36/10 37/19 45/15 45/18 46/24 50/10 52/3 63/9 81/18 82/15 82/16 82/18  individual [1] 87/17  industrial [1] 92/19  information [5] 22/23 23/9 28/25 52/19 85/17  initiative [1] 14/5  inline [1] 104/14  inquiries [1] 67/6  inside [8] 38/25 57/21 69/12 69/13 69/17 72/17 72/18 72/21  inspiration [3] 14/6 14/9 31/10  inspire [3] 14/4 15/8 29/20  inspired [2] 14/4 15/15  install [1] 77/6  installing [1] 48/15  instances [1] 59/20  Instant [2] 65/25 102/4  instead [3] 23/19 68/21 99/17  intense [4] 75/25 76/4 76/5 102/13  intent [1] 13/8  interest [2] 66/23 67/6  Interestingly [1] 31/9  interior [4] 10/17 13/3 13/4 95/7</p>	<p>itself [2] 23/6 66/25</p>	
<b>J</b>	<p>Jack [6] 8/19 9/7 15/25 18/6 24/5 86/3  Jacquelyn [1] 37/23  James [3] 8/20 9/8 86/4  Jay [1] 10/17  JEANNE [3] 1/9 6/20 85/9  Jerry [2] 28/15 28/16  job [3] 14/8 77/25 78/7  John [4] 33/2 33/11 79/6 90/3  join [1] 31/3  Jon [2] 78/24 104/3  JUDY [5] 1/10 2/16 6/2 35/14 85/10  July [4] 2/15 5/11 5/20 5/22  JUNE [4] 9/5 10/6 12/13 86/13  just [67] 3/7 4/2 4/10 4/16 5/12 6/24 10/13 12/4 15/23 15/24 16/13 16/14 17/15 17/24 17/25 18/3 18/20 19/16 20/17 22/16 23/2 23/17 24/12 24/14 25/19 26/10 26/15 27/5 27/21 28/18 30/2 33/10 33/15 34/9 37/19 39/21 40/3 45/3 46/19 46/21 48/11 52/23 54/12 55/20 61/17 62/9 64/17 71/16 71/21 72/14 73/7 73/9 73/13 73/21 74/11 74/19 75/15 75/23 77/5 77/7 77/8 78/11 80/9 81/19 81/23 81/24 82/20</p>	<p>issues [6] 14/21 14/22 14/22 36/4 38/7 39/9  it [204]  it'll [2] 35/13 71/22  it's [81] 6/19 9/16 16/5 16/23 19/25 21/18 22/25 23/4 23/5 23/21 24/8 24/12 24/14 25/24 26/8 26/12 28/22 29/11 29/13 30/22 34/4 34/9 34/13 34/23 35/18 37/10 40/3 40/11 40/19 41/2 41/20 45/6 45/7 48/17 50/22 52/2 52/16 52/25 52/25 55/22 57/24 58/17 59/12 59/18 61/7 61/13 62/9 64/9 64/13 64/20 65/12 65/13 68/5 68/17 69/17 69/18 69/23 69/25 69/25 70/2 70/8 70/8 70/9 71/16 71/21 72/13 73/9 73/13 75/7 75/23 76/14 76/14 76/15 76/20 78/11 80/7 81/13 81/14 82/17 82/18 87/23  its [2] 30/13 80/20  itself [2] 23/6 66/25</p>	
<b>K</b>	<p>keep [5] 6/3 24/23 25/19 34/5 80/12  keeping [1] 4/15  kept [1] 46/17  key [2] 47/9 49/4  keydrop [1] 73/21  kind [10] 18/20 20/22 20/23 37/19 39/12 47/4 68/17 69/4 79/20 79/23  kitchen [4] 10/18 11/5 16/12 18/2  knee [1] 57/24  knew [1] 38/16  know [49] 7/3 9/14 19/7 22/10 22/11 23/9 23/17 30/11 31/4 34/6 37/10 38/12 38/16 40/24 46/9 46/21 49/4 51/23 52/7 53/14 54/5 55/13 56/4 63/20 64/17 65/2 68/16 68/18 68/22 69/19 70/2 70/9 71/13</p>	<p>keep [5] 6/3 24/23 25/19 34/5 80/12  keeping [1] 4/15  kept [1] 46/17  key [2] 47/9 49/4  keydrop [1] 73/21  kind [10] 18/20 20/22 20/23 37/19 39/12 47/4 68/17 69/4 79/20 79/23  kitchen [4] 10/18 11/5 16/12 18/2  knee [1] 57/24  knew [1] 38/16  know [49] 7/3 9/14 19/7 22/10 22/11 23/9 23/17 30/11 31/4 34/6 37/10 38/12 38/16 40/24 46/9 46/21 49/4 51/23 52/7 53/14 54/5 55/13 56/4 63/20 64/17 65/2 68/16 68/18 68/22 69/19 70/2 70/9 71/13</p>	

**K**  
know... [16] 71/15 71/25 72/20 72/23 73/4 73/5 73/24 74/8 74/13 74/23 75/7 75/21 76/14 76/16 82/16 82/19  
knowledge [1] 40/2  
**known** [3] 8/21 51/5 86/6

**L**  
Lamos [3] 33/3 37/4 90/4  
Lancelot [1] 37/2  
land [6] 41/6 41/6 44/19 68/12 95/3 95/6  
landing [1] 63/7  
Landmark [1] 30/5  
landmarks [1] 31/4  
landscape [2] 25/2 25/4  
landscaped [1] 95/25  
landscaping [1] 25/6  
Lane [1] 30/21  
large [2] 19/21 52/24  
larger [7] 21/4 58/22 59/7 59/8 59/10 67/10 101/10  
Larue [1] 42/24  
last [17] 2/17 3/16 3/18 4/6 6/7 6/23 7/9 7/18 8/2 17/2 28/20 33/18 38/19 38/20 50/14 62/22 72/23  
layout [1] 87/17  
leaning [1] 41/19  
least [1] 18/13  
leaving [2] 45/14 45/19  
LED [4] 46/19 47/25 48/5 61/24  
left [2] 60/18 63/11  
legal [1] 18/3  
legitimate [1] 23/11  
LEIT [17] 1/11 8/10 85/11 88/4 89/15 91/10 93/16 96/5 96/8 97/10 98/14 100/21 100/24 101/22 103/5 103/8 105/3  
lengthy [1] 9/17  
less [15] 25/17 27/10 30/20 53/3 67/17 76/5 76/9 82/12 87/8 87/21 87/22 92/23 92/24 102/13 102/15  
let [8] 2/11 4/2 4/16 20/25 46/25 61/21 73/20 80/2  
let's [2] 2/14 72/12  
letter [4] 13/24 13/25 54/12 67/3  
lettered [1] 101/11  
letters [2] 59/13 59/13  
level [1] 44/22  
liability [1] 74/6  
lieu [11] 8/25 9/3 56/24 58/21 86/9 86/11 86/18 88/10 99/13 99/21 101/7  
life [1] 9/18  
light [12] 46/10 46/13 46/15 46/20 46/20 47/25 48/3 48/6 48/10 48/11 48/12 48/14  
lighting [4] 46/12 46/18 51/17 51/18  
lights [1] 46/17  
like [43] 2/2 9/24 10/2 20/11 20/24 22/5 23/15 24/3 28/7 28/14 31/18 32/23 35/8 36/21 37/10 37/15 37/16 39/20 40/5 41/3 42/5 43/12 49/21 50/12 51/9 53/7 54/20 55/16 56/11 58/5 65/13 65/21 66/17 67/17 71/15 72/13 72/24 76/15 77/10 78/12 78/21 82/7 83/2  
liked [1] 14/7  
likely [1] 47/14  
limit [1] 80/6  
limited [1] 59/19  
line [70] 2/17 3/10 3/12 3/13 3/15 3/16 3/18 3/20 4/6 4/8 4/10 4/16 4/22 4/24 5/3 5/5 5/5 5/7 5/13 6/3 6/5 6/6 6/7 6/9 6/11 6/13 6/15 6/16 6/17 6/19 7/9 7/11 7/13 7/15 7/16 7/18 7/20 7/22 7/24 7/24 8/2 8/4 8/5 13/15 16/24 17/3 17/15 21/20

21/22 23/3 23/7 28/23 33/5 36/3 36/14 38/3 38/4 38/9 38/13 38/22 38/25 40/19 43/25 44/25 45/17 52/8 62/24 90/7 90/16 91/4  
lined [1] 48/4  
lines [2] 2/20 79/19  
list [5] 20/8 20/22 21/4 29/2 31/3  
listed [3] 10/16 21/5 27/15  
lit [8] 46/8 61/19 61/22 62/2 62/5 62/6 62/8 100/16  
little [29] 15/11 15/23 15/24 16/17 22/10 23/2 25/14 34/20 35/20 37/18 50/13 50/16 51/8 51/12 51/16 53/17 53/18 58/17 62/21 66/10 66/23 67/5 79/24 79/25 81/19 81/21 81/24 82/7 88/25  
livable [4] 9/2 86/11 88/10 89/9  
live [5] 10/24 10/25 11/3 31/8 37/2  
lived [2] 14/10 79/17  
living [5] 4/17 15/3 18/8 18/8 68/25  
LLC [6] 42/9 42/16 56/15 92/4 94/4 99/4  
load [1] 69/24  
located [16] 8/20 33/3 42/10 42/17 49/25 56/16 65/25 78/25 86/5 90/4 92/4 94/4 97/5 99/5 102/5 104/4  
location [13] 4/17 4/18 44/3 69/23 70/17 73/3 77/3 77/7 77/14 92/25 95/18 95/22 103/2  
locations [2] 70/14 70/15  
locked [1] 40/21  
logo [7] 56/24 58/20 58/22 59/10 99/13 101/6 101/10  
logos [1] 58/25  
long [4] 49/7 51/7 68/6 70/21  
longer [1] 31/17  
look [11] 18/18 20/17 20/24 35/14 37/10 39/21 39/23 55/16 68/20 71/15 80/21  
looked [10] 18/12 18/17 18/19 22/22 23/22 30/7 35/8 39/15 40/24 41/7  
looking [13] 13/17 27/4 33/16 41/15 46/5 62/18 66/18 67/9 67/15 69/6 77/2 79/13 79/24  
looks [7] 20/8 20/11 35/2 37/16 41/3 59/4 82/7  
lost [1] 13/2  
lot [89] 2/24 2/24 11/2 11/16 11/16 11/17 11/18 12/7 12/8 12/15 17/15 18/9 18/14 19/21 19/21 19/23 21/16 21/18 21/19 21/20 21/22 25/11 29/2 30/18 32/15 32/19 36/3 36/14 40/22 40/22 40/23 41/2 42/13 42/20 43/6 43/13 43/15 43/19 44/8 44/19 44/21 45/4 45/11 46/18 46/18 46/24 46/25 47/4 47/7 47/11 47/16 47/20 48/6 48/16 48/20 48/25 49/6 49/7 49/8 49/13 49/15 52/21 67/2 68/6 68/21 69/18 70/4 72/20 72/25 73/9 73/11 77/5 87/8 87/14 88/18 88/19 89/10 90/16 91/4 92/7 92/14 93/7 94/7 95/4 95/5 95/6 95/7 95/13 98/2  
lots [10] 2/25 11/17 11/19 11/23 30/3 32/15 43/14 44/8 44/17 95/19  
loudest [1] 76/21  
love [1] 30/11  
loved [1] 30/22  
lovely [2] 15/9 29/22  
lovingly [1] 30/4  
low [2] 19/3 27/11  
lube [2] 67/11 67/18  
Ludwig [1] 28/16

**M**  
machine [2] 84/5 106/5  
made [16] 5/19 6/21 8/10 68/3 75/12 85/18 86/15 88/8 90/10 92/11 94/10

97/10 99/16 101/4 102/10 104/10  
magnificent [1] 30/18  
main [5] 44/6 46/25 47/16 72/21 73/12  
maintain [2] 17/3 34/9  
maintained [2] 30/4 30/22  
maintaining [2] 29/14 31/4  
majestic [1] 29/25  
make [22] 8/3 10/14 10/23 14/17 14/24 15/8 18/20 19/19 21/11 25/17 27/12 27/24 32/18 32/19 34/25 51/12 51/13 63/14 65/6 68/12 71/15 75/16  
makes [3] 6/22 39/18 78/13  
making [4] 15/8 15/13 31/19 68/8  
manager [2] 64/12 72/9  
managers [1] 57/16  
many [5] 26/24 27/2 29/6 30/25 90/14  
markers [5] 37/25 38/5 38/6 38/20 39/17  
market [1] 68/5  
Marvin [3] 78/25 79/8 104/4  
masonry [3] 79/15 79/15 80/10  
matches [1] 44/9  
matching [1] 100/3  
materials [1] 12/10  
matter [3] 10/20 84/6 106/6  
mature [1] 25/6  
maximum [8] 9/3 56/25 86/11 88/9 88/10 89/9 99/14 101/7  
may [14] 4/23 22/9 22/14 22/14 26/16 29/20 55/21 63/22 63/22 76/4 80/5 80/20 87/3 89/5  
maybe [3] 4/22 29/7 76/4  
McMahon [3] 10/19 42/24 42/24  
me [15] 4/16 9/8 15/12 15/25 17/5 20/25 41/10 55/14 57/13 60/11 62/23 63/15 64/14 64/16 79/7  
mean [12] 14/23 19/7 21/6 23/12 37/25 39/17 49/4 63/10 64/3 64/16 71/14 76/13  
measure [2] 64/5 65/14  
measured [1] 58/12  
Medical [1] 58/8  
Medicine [3] 58/10 59/11 101/12  
meet [3] 14/15 89/7 90/19  
meeting [6] 2/5 9/5 10/6 12/13 12/17 86/13  
members [3] 2/12 28/19 47/12  
memory [1] 19/20  
mention [1] 30/12  
mentioned [4] 12/8 29/9 46/7 48/19  
merely [1] 31/7  
mess [2] 35/15 35/18  
met [1] 55/10  
method [1] 94/24  
methods [1] 87/4  
Metro [10] 42/14 43/3 43/20 43/23 45/12 46/13 46/20 92/8 94/16 95/25  
mic [1] 21/12  
middle [1] 80/8  
MIETZ [15] 1/8 7/21 7/23 85/8 88/3 89/15 90/10 91/12 93/16 96/7 98/12 100/23 101/22 103/6 105/4  
might [11] 30/11 37/16 38/11 41/9 52/10 54/15 65/11 69/9 74/19 75/18 80/12  
mile [1] 67/21  
mind [1] 8/6  
minimal [1] 88/21  
minimum [7] 8/25 48/9 86/9 86/18 87/5 89/6 94/25  
minor [1] 45/6  
minute [1] 4/13  
minutes [8] 2/14 2/15 5/11 5/20 5/23 5/25 8/11 8/14  
miss [1] 57/20  
missed [2] 55/21 60/17

<b>M</b>	63/20 66/8 66/12 68/24 70/16 79/6 80/24 84/8 106/8	nope [2] 8/6 35/23 normally [1] 73/19
mitigation [2] 24/18 24/20 mobile [1] 69/20 moble [1] 67/13 modest [1] 98/3 modestly [2] 11/4 11/6 modification [9] 66/2 68/11 69/6 75/3 75/6 75/11 75/12 75/18 102/5 modifications [4] 68/8 69/3 71/21 102/17 modified [2] 12/24 12/25 modify [2] 10/23 99/18 Monday [1] 71/7 money [1] 30/12 monkeys [1] 76/17 Monroe [2] 29/8 30/10 month [3] 54/10 65/4 65/4 months [3] 2/13 58/2 70/20 more [27] 4/21 20/23 21/15 27/3 29/12 30/11 32/19 47/14 51/22 54/15 61/8 61/14 64/25 69/8 73/11 75/25 76/3 79/25 81/19 81/24 82/7 82/11 94/20 95/18 100/3 100/7 100/17 Morley [3] 49/25 50/7 97/4 morning [3] 73/15 74/9 74/13 MORREY [2] 1/10 85/10 most [11] 29/8 31/6 67/6 67/12 69/14 69/15 72/6 72/11 75/12 86/25 92/15 mostly [5] 29/3 69/18 70/6 70/6 76/14 motion [27] 5/19 5/22 6/21 6/23 8/8 8/10 8/13 86/15 88/6 88/8 89/17 90/10 91/13 92/11 93/19 94/10 96/9 97/10 98/15 99/16 100/25 101/4 101/24 102/10 103/9 104/10 105/6 motorcycle [1] 67/22 move [7] 5/24 7/4 11/17 34/16 44/6 49/5 99/18 moved [8] 11/24 12/6 14/9 33/25 38/16 38/21 38/21 79/17 moving [5] 3/22 3/25 14/5 53/13 90/18 Mr [34] 2/6 5/19 6/13 9/12 10/16 10/19 11/20 12/22 13/16 22/21 37/3 37/7 88/3 88/3 89/14 89/15 90/10 91/11 91/12 93/16 93/17 96/6 96/7 98/12 98/13 100/22 100/23 101/21 101/22 103/6 103/7 104/10 105/3 105/5 Mr. [3] 7/21 7/23 34/18 Mr. Mietz [2] 7/21 7/23 Mr. Sweeney [1] 34/18 Ms [72] 5/21 8/10 8/12 37/3 86/15 88/2 88/3 88/4 88/4 88/4 88/5 88/8 89/13 89/14 89/14 89/15 89/15 89/16 91/9 91/10 91/10 91/10 91/11 91/12 92/11 93/15 93/16 93/16 93/17 93/18 93/18 94/10 96/5 96/6 96/6 96/7 96/7 96/8 97/10 98/11 98/12 98/12 98/13 98/13 98/14 99/16 100/21 100/22 100/23 100/23 100/23 100/24 101/4 101/20 101/21 101/22 101/22 101/22 101/23 102/10 103/5 103/6 103/6 103/7 103/8 103/8 105/2 105/3 105/3 105/4 105/4 105/4 Ms. [1] 6/21 Ms. Dale [1] 6/21 much [17] 31/14 31/17 36/18 41/23 42/2 49/18 56/8 58/20 58/23 59/7 60/3 70/4 71/17 76/25 78/15 81/24 82/23 multiple [1] 94/17 music [1] 79/20 must [3] 31/14 95/24 96/3 my [27] 19/20 24/10 26/15 29/3 33/23 33/25 34/2 34/13 34/25 36/11 36/25 39/22 42/23 50/6 50/19 60/18 61/7 63/2	<b>N</b> name [10] 21/3 33/10 36/25 37/21 42/23 50/6 54/23 66/8 71/3 79/6 natural [1] 51/17 Naturally [1] 47/17 nature [2] 43/9 52/11 near [1] 49/10 nearby [8] 31/23 86/23 88/15 88/17 94/15 97/20 101/15 104/17 necessarily [2] 13/9 26/18 necessary [11] 5/2 25/20 87/5 89/11 90/18 93/13 94/25 96/3 98/10 100/20 104/24 need [20] 2/21 3/2 3/4 3/8 9/18 9/19 9/21 12/25 39/23 45/5 48/21 57/17 57/18 72/4 73/11 76/4 78/6 78/10 87/15 93/5 needed [1] 25/19 needs [6] 6/17 14/15 35/19 89/7 90/20 95/15 negative [1] 90/24 neighbor [5] 13/22 13/24 14/3 33/25 78/17 neighbor's [3] 15/15 22/12 54/12 neighborhood [27] 14/7 14/24 14/25 15/16 22/17 25/20 27/4 27/22 29/21 31/22 86/23 87/12 87/25 88/15 88/24 89/3 89/6 90/22 90/25 92/20 94/15 95/11 97/20 97/24 98/3 101/15 104/17 neighboring [3] 26/6 102/21 104/15 neighbors [12] 13/22 14/2 15/13 29/20 33/24 54/8 54/14 54/17 54/21 55/4 55/12 76/15 never [2] 8/6 55/9 new [30] 1/2 1/6 1/25 6/9 8/23 15/4 15/6 19/9 19/12 21/18 29/11 29/18 29/20 45/11 46/7 58/20 61/19 65/6 75/4 75/8 75/10 75/19 84/13 85/2 85/6 85/25 86/7 86/16 93/7 106/13 next [9] 11/3 25/15 40/22 49/13 49/14 49/16 65/3 69/22 70/19 nice [6] 25/11 34/13 51/16 52/2 71/15 71/24 nicely [1] 52/3 night [3] 47/6 69/16 73/25 nine [8] 16/24 18/12 19/4 27/10 53/2 59/15 67/25 77/8 nine feet [1] 16/24 nineteen [2] 27/9 97/14 ninety [3] 26/11 59/15 66/20 ninety-eight [1] 26/11 ninety-nine percent [1] 59/15 ninety-six [1] 66/20 no [52] 4/8 16/10 20/7 26/10 29/11 30/20 31/4 33/23 36/6 43/23 45/6 54/19 57/8 58/25 59/18 63/16 64/3 65/14 68/8 69/2 70/10 70/12 71/8 71/20 74/3 74/5 74/22 75/18 76/7 76/7 76/11 76/18 77/15 78/11 89/14 90/24 91/2 95/2 95/9 97/15 97/19 97/20 101/14 101/15 102/17 102/20 102/21 102/25 103/3 103/4 104/16 104/17 nobody [2] 34/10 55/7 noise [2] 67/16 102/16 non [5] 19/5 27/10 32/18 32/19 70/7 non-commercial [1] 70/7 non-conforming [4] 19/5 27/10 32/18 32/19 none [9] 32/24 36/22 42/7 49/22 56/12 65/22 70/12 78/22 83/3 noon [1] 71/7	north [10] 57/5 60/12 60/16 60/21 60/22 61/5 61/14 99/20 100/2 100/4 not [103] 2/22 2/24 9/19 9/21 11/12 13/25 15/3 16/4 16/5 16/18 16/20 17/11 17/15 17/21 17/22 18/4 22/10 22/11 22/14 22/22 22/23 22/24 22/25 23/8 24/8 24/21 26/15 26/16 27/5 30/17 31/5 32/18 37/9 37/10 39/9 39/20 40/3 40/24 41/13 41/14 42/14 47/5 48/10 48/17 51/8 52/8 54/3 55/22 57/25 61/18 61/22 62/2 62/5 62/6 62/7 63/22 64/17 67/2 68/6 68/13 69/25 70/2 70/2 70/16 72/13 73/2 73/9 73/12 73/19 74/20 74/22 75/5 75/9 76/15 76/20 77/15 80/20 81/24 82/18 87/5 88/13 88/16 88/22 89/10 90/19 92/8 92/19 93/7 94/13 94/16 95/14 97/13 97/23 97/25 98/5 99/25 100/13 100/14 100/16 100/17 101/9 102/19 104/13 note [2] 13/21 57/14 noted [1] 91/7 notes [4] 57/16 68/24 84/9 106/9 nothing [8] 19/14 21/3 58/24 60/10 72/19 72/20 76/11 77/15 now [25] 3/25 14/25 23/18 25/7 25/22 30/7 30/24 34/3 35/2 37/16 38/23 39/2 41/16 44/19 51/12 53/15 58/22 58/24 66/18 66/22 67/20 70/17 71/18 77/23 81/22 number [9] 10/23 11/13 18/25 19/2 21/9 30/2 30/8 43/21 66/12 numbers [2] 52/20 52/22 nursing [7] 43/3 43/8 43/9 44/11 47/12 47/17 48/13
		<b>O</b> o-u-r [1] 6/10 Oak [1] 21/2 Oaks [1] 10/17 objectionable [1] 11/9 obtained [6] 89/12 93/14 96/4 98/10 100/20 104/25 obviously [6] 9/25 20/21 23/12 29/7 36/12 47/6 occupied [1] 22/7 occupies [1] 21/17 occupy [2] 21/17 21/19 occupying [1] 21/15 occur [1] 91/3 off [5] 6/15 57/13 73/24 74/10 82/19 off-site [1] 57/13 offer [2] 24/21 68/4 offered [2] 24/20 67/25 office [2] 64/7 100/6 often [2] 57/10 57/24 oh [7] 6/11 26/11 35/17 35/18 36/24 59/3 82/9 oil [8] 65/25 66/4 67/11 75/8 75/23 76/7 102/4 102/7 okay [68] 2/9 2/13 3/9 4/5 5/10 5/18 7/5 8/9 8/15 10/10 15/17 18/6 18/7 19/18 20/6 22/18 24/25 27/7 27/18 28/8 28/11 33/8 33/17 35/20 36/2 36/12 36/16 36/18 40/14 41/15 41/23 42/2 46/16 48/18 49/17 49/18 53/3 53/9 53/24 55/15 55/18 56/6 56/7 56/8 57/15 59/9 61/16 61/21 61/23 62/3 62/11 63/16 63/19 64/10 65/10 65/13 65/15 65/16 65/18 70/13 72/8 74/7 76/23 78/13 78/14 80/14 81/11 82/22 old [1] 31/16 older [1] 31/5

**O**  
once [7] 12/8 17/5 17/6 30/18 31/16 32/15 44/17  
one [47] 2/20 3/2 3/7 4/15 5/3 5/12 6/22 7/4 10/23 12/14 13/22 16/12 17/3 20/4 22/3 23/24 29/2 31/21 33/23 41/4 42/20 44/18 46/11 47/9 48/21 50/15 55/20 56/19 58/3 59/25 60/2 60/4 60/5 60/25 61/17 62/7 62/22 63/11 63/12 65/12 66/12 66/19 66/20 68/11 72/14 94/8 99/8  
online [1] 62/18  
only [34] 4/18 6/21 11/22 13/22 19/14 19/16 20/19 26/17 29/9 42/20 44/3 44/18 56/19 58/14 59/15 59/17 59/18 59/20 60/11 60/11 67/15 72/7 72/11 72/12 73/25 86/25 92/24 93/11 94/8 95/21 98/8 99/8 100/11 101/18  
open [5] 9/6 74/12 81/14 86/14 104/23  
operation [2] 67/12 71/5  
opinion [2] 29/3 87/24  
opposed [2] 27/2 63/7  
option [1] 11/25  
options [3] 32/6 32/7 32/14  
order [3] 2/2 15/20 44/21  
original [1] 75/11  
originally [3] 10/8 70/24 99/21  
other [52] 2/25 8/9 14/2 15/8 15/13 20/6 22/8 23/5 23/22 25/14 27/5 27/22 28/8 29/16 32/5 32/7 32/13 33/23 35/21 36/17 37/8 39/9 48/24 49/17 52/24 56/7 58/6 58/18 59/7 59/13 62/3 65/14 65/16 70/14 70/15 73/10 76/23 76/24 78/14 81/11 82/22 87/4 88/16 88/22 89/11 91/3 92/24 94/20 94/24 95/25 97/15 101/12  
our [64] 9/18 10/16 10/17 10/18 10/21 10/22 10/24 11/4 11/15 12/19 13/5 14/3 14/4 14/5 14/11 14/15 14/16 15/2 15/15 15/19 18/13 18/14 19/4 19/5 19/14 21/11 21/15 21/17 21/20 21/24 22/24 30/24 31/2 31/25 38/3 38/3 38/9 38/24 38/25 41/20 47/23 48/17 50/14 52/20 54/9 55/5 55/8 57/21 57/21 66/10 67/12 67/13 67/15 68/19 69/14 69/20 69/20 71/2 71/19 72/11 72/20 74/11 74/17 77/5  
ours [1] 38/3  
ourselves [2] 68/18 68/18  
out [39] 11/18 15/25 16/7 16/13 16/17 18/7 18/19 22/25 23/2 23/25 29/2 35/8 35/14 39/18 44/9 52/19 52/21 53/6 53/7 54/11 57/14 57/24 58/3 62/19 71/18 71/25 72/13 73/3 74/15 76/16 76/17 77/8 79/22 80/8 81/2 81/21 82/7 82/8 82/19  
outcome [1] 46/3  
outdoor [2] 103/3 103/4  
outlines [1] 10/21  
outside [1] 51/21  
over [17] 13/5 30/15 33/19 33/24 33/25 34/2 34/4 36/10 38/13 40/16 43/8 55/5 55/9 66/12 81/11 90/18 94/19  
overhang [8] 16/5 16/5 17/5 17/10 24/24 50/14 50/19 50/21  
overlap [1] 47/18  
overnight [4] 73/17 73/20 73/22 102/25  
overs [1] 30/15  
own [4] 14/5 21/24 43/7 69/24  
owner [12] 42/9 42/16 49/25 56/15 65/25 79/7 79/20 92/4 94/4 97/4 99/4 102/4  
owner's [1] 87/15  
owners [9] 8/20 30/23 33/3 43/2 54/7 78/24 86/4 90/4 104/4  
owns [1] 39/5

**P**  
p-i-e-r-r-p-o-n-t [1] 7/14  
P.M [2] 1/3 85/3  
packet [3] 9/14 12/9 12/23  
page [35] 2/17 2/19 3/10 3/13 3/16 3/18 3/20 4/6 4/8 4/22 4/24 5/4 5/5 5/7 5/12 6/3 6/5 6/6 6/7 6/9 6/11 6/15 6/16 6/17 7/9 7/11 7/13 7/15 7/16 7/18 7/20 7/22 7/24 8/4 8/6  
pain [1] 57/22  
paint [1] 67/22  
painted [2] 62/10 81/15  
panel [2] 81/18 82/2  
panels [1] 82/21  
pantry [1] 18/2  
parcel [3] 43/15 43/18 92/15  
parcels [1] 43/7  
parents [1] 79/22  
park [16] 3/19 42/14 43/3 43/20 43/23 45/12 46/14 46/20 78/25 79/8 92/8 92/19 94/17 95/25 100/6 104/4  
parking [50] 34/7 42/13 43/6 43/11 43/13 43/18 43/22 43/23 44/2 44/10 44/12 44/14 44/19 44/21 44/21 45/3 45/11 46/18 46/18 46/24 46/25 47/4 47/7 47/13 48/6 48/16 48/20 48/25 49/8 49/13 49/15 72/4 72/19 73/18 92/7 92/17 92/22 92/23 93/2 93/3 93/6 93/7 93/10 95/4 95/4 95/6 95/7 95/13 95/15 102/25  
Parson's [2] 30/21 30/21  
Parsons [3] 18/10 21/7 28/3  
part [10] 2/22 25/11 25/13 28/4 28/4 48/17 49/22 87/18 99/17 101/5  
partial [1] 53/14  
particular [2] 14/11 22/24  
particularly [2] 43/11 100/12  
particulars [1] 21/23  
partner [1] 66/8  
partners [1] 66/12  
pass [1] 57/10  
passed [1] 68/16  
passenger [1] 45/7  
past [7] 3/21 3/24 16/5 16/19 30/2 30/15 62/25  
Pastor [1] 7/25  
path [1] 48/12  
patience [1] 8/16  
patient [1] 59/13  
patients [6] 57/10 57/20 57/23 58/3 59/24 100/5  
Patricia [2] 33/2 90/4  
patrols [1] 49/5  
Paul [1] 64/9  
pave [1] 33/18  
paved [1] 90/17  
pavilion [1] 52/4  
paving [2] 36/3 36/13  
pays [1] 39/6  
pedestals [3] 81/20 82/14 82/21  
pending [1] 46/2  
Penfield [1] 30/6  
people [13] 2/19 10/16 34/5 37/8 51/25 60/3 61/2 67/15 68/19 71/19 71/25 72/7 73/2  
people's [1] 67/14  
per [4] 48/10 67/12 67/15 104/21  
percent [6] 18/24 21/9 59/14 59/15 68/14 75/24  
percentage [2] 21/16 26/24  
permit [1] 95/7  
permits [6] 58/9 93/13 96/3 98/10 100/20 104/24

permitted [1] 44/18  
person's [1] 74/24  
personal [1] 38/7  
perspective [2] 25/2 28/18  
petroleum [1] 76/7  
phase [1] 68/11  
phrase [1] 8/2  
physical [4] 87/11 89/2 95/10 100/3  
pick [3] 15/12 74/20 77/9  
pick-me-up [1] 15/12  
picked [2] 79/21 80/2  
pictometry [1] 18/18  
picture [5] 12/23 20/23 41/16 62/17 62/18  
pieces [2] 27/8 27/9  
pierrpont [1] 7/13  
Pisarr [3] 65/24 66/8 102/3  
pitched [1] 36/14  
Pittsford [1] 2/7  
place [13] 67/14 67/18 71/15 71/18 73/10 75/13 77/6 77/24 78/7 78/11 84/9 90/14 106/9  
placed [1] 4/18  
placement [1] 62/20  
placing [1] 63/3  
plague [1] 29/16  
plan [13] 12/22 12/23 19/10 19/12 19/13 19/14 19/15 24/5 24/19 25/14 43/5 45/13 50/12  
Planing [1] 45/23  
planned [1] 32/16  
planning [6] 35/22 43/16 45/25 46/2 46/4 70/19  
plans [24] 9/4 24/3 33/7 37/9 42/15 42/21 46/14 50/5 57/2 62/7 66/6 69/11 79/5 86/13 90/8 92/9 93/11 94/9 95/22 97/8 99/15 102/9 104/9 104/21  
planted [1] 40/23  
planting [1] 45/15  
please [5] 2/9 8/17 37/22 41/10 54/20  
pleasing [1] 52/9  
plethora [1] 20/21  
plexiglass [2] 79/18 79/19  
plot [1] 50/12  
plumbing [1] 54/6  
pocket [1] 31/6  
pockets [1] 30/25  
podium [1] 43/5  
point [11] 9/18 10/14 21/10 37/19 46/8 57/9 65/17 94/18 94/19 95/14 95/21 95/24 100/5  
pointed [2] 53/6 53/6  
points [4] 42/20 94/7 94/17 94/21  
poke [2] 22/25 23/2  
poles [1] 48/15  
Police [1] 49/5  
pont [1] 17/9  
porch [6] 79/2 80/3 104/5 104/21 104/23 104/23  
portion [1] 101/11  
position [2] 44/5 57/13  
possessions [1] 37/14  
possibility [1] 55/3  
possible [2] 23/4 92/24  
Post [1] 2/7  
practice [2] 57/19 57/21  
pre [1] 29/5  
pre-existing [1] 29/5  
precedent [4] 37/12 38/12 39/24 41/9  
predecessors [1] 61/7  
prejudice [2] 99/17 101/2  
premises [1] 74/23  
premium [1] 47/13  
prepare [1] 9/13

<p><b>P</b></p> <p>present [5] 1/8 2/12 52/5 85/8 100/14  presented [9] 11/22 12/13 17/12 26/15  26/17 28/25 45/25 85/17 93/12  presents [1] 49/10  preserve [1] 49/6  presumably [1] 76/5  pretty [4] 25/10 49/9 52/18 52/20  previous [3] 6/13 79/20 102/15  previously [2] 53/4 99/18  pride [1] 68/18  primarily [1] 57/21  primary [1] 57/25  prior [1] 87/14  privacy [1] 22/12  private [1] 55/6  probably [9] 9/19 23/5 29/13 47/15 48/9  48/15 50/13 53/2 93/4  proceedings [4] 1/2 84/5 85/2 106/5  process [4] 9/17 10/13 10/15 10/22  produce [5] 4/11 86/21 88/14 94/14  97/17  produced [1] 31/22  project [1] 54/10  projects [1] 31/9  pronouncing [2] 20/13 20/14  properly [2] 2/5 68/12  properties [17] 18/12 27/15 29/21 30/19  31/7 31/23 59/13 68/21 86/24 88/15  94/15 94/16 94/21 97/21 101/16 102/21  104/18  property [67] 8/20 11/8 11/10 18/23  27/9 28/22 30/13 31/2 31/5 31/25 33/3  33/5 34/2 36/11 37/2 37/6 37/8 37/11  38/3 38/4 38/9 38/13 38/14 38/19 38/21  38/24 38/25 39/5 39/16 39/20 40/9 40/16  40/18 41/3 42/10 42/17 43/2 43/14 43/25  44/25 45/17 45/20 49/25 51/10 54/13  56/15 57/18 64/12 65/25 66/4 66/25  68/15 68/17 75/13 78/25 86/5 87/15 90/4  90/7 90/21 92/4 94/4 97/4 99/4 102/4  102/7 104/4  proposal [2] 11/14 14/20  propose [1] 44/19  proposed [15] 4/17 13/23 14/15 19/21  21/17 21/18 21/21 28/21 43/6 87/10  88/22 88/25 94/19 95/9 95/24  proposing [3] 16/2 21/16 45/10  protection [1] 81/19  protruding [1] 46/13  proud [1] 31/3  proven [1] 99/25  provide [2] 48/12 56/5  public [10] 9/5 32/24 42/7 44/16 49/22  56/12 65/22 78/22 83/3 86/14  purchase [1] 87/15  purposes [1] 18/3  pursuant [1] 85/18  push [2] 25/14 25/18  pushing [3] 11/5 25/16 48/20  put [18] 23/24 24/4 24/8 30/11 37/24  38/5 38/6 38/6 44/21 61/4 63/6 63/11  69/17 69/19 71/24 73/21 77/6 92/22  puts [3] 38/5 64/13 64/16  putting [3] 53/15 59/23 75/8</p>	<p>28/8 33/9 36/17 41/25 45/9 49/17 55/13  56/7 65/16 69/9 75/2 76/23 76/24 78/14  80/12 81/11 82/22  queue [1] 5/6  quick [5] 55/20 66/4 67/11 67/18 102/7  quick-change [2] 67/11 67/18  quite [7] 2/22 9/21 13/16 13/16 29/23  51/11 93/3  quote [3] 29/19 31/18 67/5</p> <p><b>R</b></p> <p>rather [4] 9/17 11/4 13/8 63/3  ratios [1] 88/18  read [3] 4/16 7/25 8/17  reads [1] 2/20  ready [2] 54/10 74/12  real [11] 14/25 33/15 42/9 42/16 43/2  56/15 67/4 69/2 92/3 94/3 99/4  reality [1] 35/11  really [21] 11/11 11/13 22/6 23/16 24/5  35/12 39/16 39/22 45/17 60/3 66/24  67/24 69/18 71/18 72/22 73/9 73/12 74/5  75/5 75/12 75/14  rear [5] 50/4 50/9 54/8 92/21 97/7  reason [14] 6/21 28/20 29/13 44/6 44/13  51/4 51/14 59/17 62/13 66/24 72/21  72/24 73/12 75/5  reasonable [1] 88/24  reasonably [2] 87/7 94/24  reasons [4] 2/20 3/2 3/8 48/22  rebuilding [1] 79/14  received [1] 57/12  recently [3] 3/21 3/24 43/11  recognize [1] 100/7  recollection [1] 15/2  record [4] 2/11 33/13 37/22 54/22  records [1] 18/18  redefine [1] 38/21  reduce [2] 12/19 58/10  reduced [3] 13/11 19/16 51/11  reducing [2] 13/8 48/22  reduction [1] 24/21  Reed's [1] 30/9  referring [2] 10/6 41/18  refresh [1] 19/20  regarding [11] 21/19 21/23 28/14 32/23  36/21 42/5 49/21 56/11 65/21 78/21 83/2  rehab [1] 58/3  reiterate [3] 9/19 9/21 73/7  reiterated [1] 29/19  relationship [1] 18/9  relative [1] 12/15  relatively [1] 98/2  relied [1] 20/12  relief [3] 50/8 87/6 95/2  relieve [1] 4/9  remain [3] 80/18 82/20 104/23  remainder [1] 92/21  remains [3] 9/5 13/14 86/14  remarks [1] 32/18  remember [1] 47/19  remote [1] 74/15  removed [7] 38/2 38/4 38/8 46/15 46/19  48/23 100/19  Renaissance [1] 30/7  renovated [1] 11/18  renovations [1] 30/3  repair [1] 103/4  repaired [1] 70/11  repeatedly [1] 40/17  replace [2] 80/25 80/25  replacement [2] 66/5 102/8  replanted [1] 38/2</p>	<p>report [2] 84/5 106/5  Reported [2] 1/24 85/24  Reporter [4] 1/24 84/2 85/24 106/2  REPORTING [2] 1/24 85/24  represent [2] 13/5 58/21  representative [1] 72/10  representing [1] 42/25  request [12] 12/19 13/2 13/8 15/19 15/21  16/20 17/14 32/9 44/15 46/3 57/4 98/6  requested [13] 32/8 86/21 87/5 87/9  87/23 88/13 92/17 94/13 97/13 100/2  101/9 102/19 104/13  requesting [2] 43/17 44/13  requests [1] 12/14  require [2] 51/12 92/15  required [15] 8/25 26/2 33/6 50/4 50/11  51/18 79/4 85/18 86/10 86/18 86/25 89/7  90/7 97/7 104/8  requirement [2] 11/23 32/10  requirements [1] 43/9  research [3] 13/17 38/14 40/6  residence [1] 79/8  resident [1] 70/6  residential [1] 88/16  residents [1] 11/10  respond [1] 22/19  responded [1] 13/25  rest [4] 4/18 11/20 18/14 35/24  restoring [1] 30/12  resubmitted [1] 46/14  result [6] 11/11 90/25 97/21 101/16  102/14 104/18  resurvey [1] 38/19  retaining [1] 44/24  retention [1] 45/16  review [3] 9/15 81/9 85/18  reviewing [1] 28/24  RICK [6] 1/14 2/5 8/17 28/10 74/25  85/14  ride [1] 67/19  right [44] 4/5 5/24 7/2 9/25 11/3 14/3  17/7 18/21 22/3 24/15 25/8 26/20 31/2  32/20 33/19 34/16 34/20 36/8 36/15  36/16 37/8 40/12 41/12 41/16 43/25  44/18 60/15 62/19 63/15 64/18 66/17  66/22 67/20 67/20 70/17 71/17 72/18  75/17 76/2 76/6 77/23 81/7 81/22 82/9  road [28] 20/16 30/6 42/10 42/17 43/4  43/19 44/16 46/11 48/25 49/10 57/7  60/13 62/14 66/2 68/22 77/3 77/8 78/9  92/5 92/25 94/5 94/17 94/22 96/2 97/23  100/6 100/7 102/5  roads [2] 23/10 88/17  ROCHESTER [19] 1/2 1/6 33/20 34/4  40/17 40/19 51/6 57/4 58/8 66/16 77/18  77/20 77/22 78/4 84/13 85/2 85/6 90/22  106/13  Rochester/Brighton [1] 66/16  Rock [1] 29/24  roll [13] 2/10 5/22 8/13 88/6 89/17 91/13  93/19 96/9 98/15 100/25 101/24 103/9  105/6  Ronald [1] 30/9  roof [13] 13/15 16/4 16/5 16/18 16/24  17/10 17/21 44/23 50/14 50/19 50/21  65/13 81/20  room [4] 23/15 43/23 55/22 59/18  rooms [1] 13/3  rose [1] 34/2  roughly [1] 53/23  row [1] 45/20  rubber [1] 62/9  rubber-cut [1] 62/9</p>
<p><b>Q</b></p> <p>q-u-e-u-e [1] 5/6  question [19] 3/20 4/24 5/12 22/19 22/22  23/7 23/7 26/15 39/8 55/21 58/19 61/6  61/9 61/17 63/2 63/18 63/20 64/8 80/24  questions [21] 13/19 15/20 20/6 22/4</p>		

<b>R</b>		25/9 27/12 27/24 75/12 78/13 sensitively [1] 31/5	59/7 59/11 59/25 60/3 60/7 60/8 61/5 61/8 61/15 62/24 66/20 66/21 67/13 79/19 81/18 82/2 82/8 82/21 86/8 86/9 86/17 86/18 86/24 87/9 87/18 87/21 90/6 99/24 100/2
rule [1] 79/12		sent [1] 13/24	side-facing [3] 23/19 23/20 23/21
run [1] 48/14		sentence [1] 6/9	sides [1] 99/19
runs [1] 44/25		separate [3] 48/16 93/3 95/19	sidewalk [1] 46/22
<b>S</b>		September [6] 1/3 1/4 2/3 85/3 85/4 104/22	Siegrist [8] 8/19 9/7 10/16 11/20 12/22 13/16 22/21 86/3
sadly [1] 30/18		SEQRA [1] 85/18	sight [1] 97/22
safer [1] 93/4		service [5] 1/24 72/10 74/15 85/24 102/14	sign [32] 56/16 56/23 56/23 56/24 57/4 57/5 58/14 58/16 58/21 59/2 59/23 61/12 61/19 62/13 62/21 63/23 64/22 64/23 99/5 99/12 99/12 99/13 100/4 100/11 100/16 100/17 100/19 101/5 101/6 101/7 101/11 101/18
safety [5] 48/9 48/12 49/3 49/11 98/4		serviced [1] 72/5	signage [14] 46/7 56/18 56/19 56/21 57/9 57/13 59/12 99/7 99/8 99/10 99/19 99/24 100/2 101/12
said [25] 9/2 11/7 34/25 39/21 40/5 47/25 55/11 56/23 57/14 64/7 64/8 64/8 64/9 64/10 69/2 71/9 71/16 71/20 75/22 76/21 84/8 86/10 99/12 101/6 106/8		session [2] 2/3 34/24	significance [1] 14/20
sales [1] 67/7		set [9] 5/18 22/9 37/12 38/11 40/16 41/9 77/14 84/9 106/9	significant [4] 11/13 11/19 68/4 90/19
same [20] 3/12 3/23 5/3 5/16 13/14 18/22 19/13 22/12 28/20 35/25 44/21 45/4 47/5 58/2 62/18 70/18 75/4 81/17 94/22 95/3		setback [52] 8/24 12/16 13/14 14/22 16/11 16/14 17/4 17/8 17/20 18/4 18/5 18/14 18/22 18/24 20/20 21/19 21/25 22/5 24/4 24/22 25/22 25/25 26/5 26/10 26/19 26/21 33/6 44/2 50/4 50/8 50/11 79/3 79/4 79/10 79/11 80/6 82/16 82/18 86/9 86/17 86/24 86/25 87/9 87/16 87/22 87/22 90/7 97/7 97/14 104/7 104/7 104/14	signs [6] 29/22 31/12 58/6 58/6 58/11 62/4
Sandringham [5] 18/11 20/12 20/16 28/5 29/17		setbacks [9] 19/3 20/9 20/22 20/24 22/8 27/16 29/10 87/2 87/18	similar [11] 44/5 75/7 75/21 75/22 75/25 76/2 76/5 88/17 94/20 95/25 102/13
sanitary [5] 5/14 5/15 44/25 54/3 54/3		setting [2] 39/24 51/23	similarly [1] 15/14
satisfy [1] 15/21		seven [9] 14/12 15/2 25/25 26/25 28/17 29/12 47/5 63/25 80/4	since [5] 47/16 70/25 79/17 79/22 91/2
Saturdays [1] 71/8		seventeen [1] 13/13	single [5] 8/23 15/4 43/15 86/7 86/16
Sawgrass [4] 56/16 57/6 99/5 100/8		seventy [3] 11/8 25/25 26/7	single-family [1] 15/4
say [19] 3/6 4/11 8/2 9/9 11/19 19/8 31/13 32/9 50/16 58/8 59/14 59/14 61/18 63/11 69/15 72/2 72/13 75/18 76/4		seventy-five [1] 26/7	sink [1] 54/4
saying [2] 58/20 82/4		several [3] 30/19 88/16 94/16	site [11] 19/9 19/12 19/13 19/14 19/15 24/5 24/19 57/13 62/24 72/17 102/16
says [5] 5/13 41/6 61/24 64/13 77/3		sewer [2] 5/16 44/25	sits [2] 11/15 40/18
scale [1] 30/20		sf [6] 9/2 9/3 86/11 86/12 88/10 88/11	situation [2] 13/6 93/4
scaled [1] 35/8		shall [14] 31/20 89/10 89/11 93/14 98/10 100/19 100/20 102/23 102/25 103/3 103/4 104/21 104/23 104/25	six [7] 18/13 20/3 20/4 48/5 54/21 58/2 66/20
scape [1] 52/2		shallow [1] 92/22	sixteen [3] 32/10 52/17 52/17
scheduled [1] 69/16		share [1] 58/5	sixty [10] 18/12 20/4 26/3 26/4 27/8 27/20 33/21 58/12 79/11 87/20
scheme [1] 81/17		shared [1] 61/20	sixty-eight [3] 27/8 27/20 87/20
SCHWARTZ [19] 1/10 5/21 8/12 85/10 88/2 88/5 89/14 91/9 91/11 92/11 93/18 96/6 98/11 98/14 100/23 101/20 101/23 103/7 105/4		sharon [5] 8/20 9/8 9/9 34/2 86/4	sixty-nine [1] 18/12
screen [1] 45/11		she [18] 35/2 35/4 51/6 51/9 51/12 51/16 51/18 51/21 52/4 52/24 53/4 53/5 53/6 54/4 54/14 55/10 55/10 55/11	sixty-one [1] 20/4
Screening [1] 45/19		she'd [1] 53/7	sixty-three [1] 58/12
screwed [1] 6/24		she'll [4] 53/10 53/12 53/13 53/15	size [19] 12/15 18/9 22/2 29/2 29/3 41/2 51/11 66/25 66/25 70/9 87/7 87/8 87/14 88/18 88/19 88/22 88/24 95/22 98/3
se [1] 48/10		She's [2] 34/13 54/15	size/square [1] 88/19
search [1] 23/10		sheet [1] 52/18	sizes [1] 98/2
season [1] 55/22		shielded [1] 97/22	sky [1] 48/3
seasons [1] 55/23		shift [3] 43/12 47/10 47/10	slightly [1] 101/10
seatback [1] 50/20		shifts [1] 47/6	slow [1] 51/8
second [11] 3/10 3/16 7/16 12/16 19/21 44/15 44/15 45/5 56/21 60/5 99/10		shoehorning [1] 29/18	small [2] 13/4 98/2
Seconded [12] 5/21 8/12 88/2 89/13 91/9 93/15 96/5 98/11 100/21 101/20 103/5 105/2		shop [3] 69/16 69/20 70/21	smaller [6] 30/20 32/14 51/13 67/10 67/17 69/3
Secondly [1] 29/11		short [2] 43/11 80/12	SMITH [6] 1/24 84/4 84/17 85/24 106/4 106/17
Secretary [2] 1/15 85/15		shorthand [2] 84/5 106/5	so [154]
section [23] 8/22 15/5 15/5 21/23 33/4 34/18 36/10 42/12 42/19 50/2 56/17 56/23 79/2 86/7 90/5 90/15 91/3 92/6 94/6 97/6 99/6 99/12 104/5		shortly [1] 78/17	Society [1] 30/5
see [30] 12/11 12/22 13/11 19/12 23/16 23/17 24/6 31/15 33/24 34/10 37/15 39/22 39/24 43/5 45/8 51/24 55/8 58/2 60/4 60/13 60/16 60/20 60/21 60/22 62/15 63/5 68/17 71/19 82/9 82/17		should [30] 2/23 3/3 3/4 3/10 3/14 3/15 3/17 3/18 4/7 4/10 4/11 4/16 4/22 4/25 5/6 5/7 5/15 6/4 6/7 6/9 6/13 6/20 7/10 7/16 7/24 8/2 39/17 62/23 63/11 69/15	sold [1] 73/13
seeing [2] 47/11 79/7		show [2] 2/11 54/12	some [39] 2/19 9/10 12/3 12/17 13/3 14/19 14/23 18/16 19/2 21/6 21/7 21/8 22/8 22/17 23/5 23/12 25/5 25/11 32/5 34/2 34/5 35/19 36/13 39/9 39/23 45/14 45/15 47/14 48/12 51/17 51/18 51/19 53/8 53/12 53/13 53/16 56/5 71/11 71/16
seek [1] 50/8		showing [4] 29/22 31/12 59/17 63/8	somebody [2] 62/15 74/13
seem [1] 63/15		shown [2] 93/5 95/22	someone [3] 14/7 73/14 78/7
seen [2] 37/9 81/22		shrink [1] 34/15	someone's [2] 37/11 38/12
sees [2] 33/23 34/10		shrubby [1] 55/6	something [7] 14/7 23/16 74/20 75/19 76/3 76/15 77/10
selected [1] 43/22		side [81] 8/24 8/24 11/8 11/10 11/16 11/18 12/7 12/16 13/13 16/3 16/11 16/14 16/15 17/15 18/4 18/4 18/22 18/24 20/9 20/20 20/22 20/24 21/19 23/14 23/19 23/20 23/21 24/22 26/8 26/19 26/20 28/2 29/4 29/10 33/5 37/3 40/11 40/13 40/15 41/11 41/13 41/14 41/19 41/20 43/24 44/7 45/19 46/21 46/22 55/5 57/6 58/7	sometimes [1] 6/25
self [5] 32/13 87/13 89/5 95/14 97/25			somewhat [1] 75/7
self-created [5] 32/13 87/13 89/5 95/14 97/25			
semi [2] 82/5 82/6			
semi-enclosed [2] 82/5 82/6			

<p><b>S</b></p> <p>somewhere [2] 73/4 78/8  soon [1] 33/25  sooner [1] 63/4  sorry [9] 3/13 4/14 6/19 21/14 24/5 26/9 36/24 52/15 81/25  sort [8] 14/4 14/6 14/9 15/6 21/24 39/3 53/24 79/18  sought [4] 32/4 87/3 88/21 94/23  sound [2] 76/12 80/5  sounds [2] 22/5 55/11  south [14] 8/24 43/25 58/7 59/16 60/2 60/7 60/8 60/24 61/12 86/9 86/18 99/22 99/24 100/19  space [10] 4/17 18/9 34/14 51/13 51/18 53/11 54/4 56/4 68/14 73/11  spaced [1] 72/13  spaces [3] 92/18 93/2 93/10  spark [1] 15/13  speak [14] 9/10 9/16 11/21 13/18 21/12 28/14 32/23 36/21 42/5 49/21 56/11 65/21 78/21 83/2  speaker [2] 7/20 7/22  speaking [1] 6/12  special [1] 69/4  specific [2] 72/15 87/16  specifically [3] 39/7 39/8 91/7  spelled [3] 5/6 7/11 7/13  Spencer [2] 6/12 6/14  spin [1] 57/11  spot [1] 63/6  spots [1] 44/10  square [24] 12/14 13/12 13/13 14/22 18/8 19/15 19/22 29/3 52/13 52/17 52/19 52/21 53/2 53/14 58/12 58/15 58/16 59/6 66/20 73/8 88/18 88/19 89/9 89/10  staff [10] 28/20 43/13 44/10 45/7 47/15 47/16 47/18 72/5 72/7 93/2  staffing [1] 43/8  staircase [1] 48/7  stairway [1] 46/23  Stanat [3] 78/24 79/6 104/3  stand [1] 29/2  standard [2] 61/25 64/10  standing [1] 12/7  standpoint [1] 76/12  start [6] 2/14 3/10 11/4 15/24 29/23 34/5  started [1] 18/7  starting [1] 33/22  starts [1] 38/14  state [3] 33/10 37/21 54/22  stated [2] 29/11 55/21  statement [1] 63/17  stay [1] 17/4  steep [1] 2/25  stenographic [2] 84/8 106/8  stereotype [2] 84/5 106/5  step [1] 81/6  Steve [1] 7/25  stewards [2] 14/13 14/14  still [8] 12/3 23/21 47/11 60/18 68/14 75/13 81/16 102/13  stock [1] 69/18  Stone [1] 30/4  stop [1] 4/12  storage [5] 53/17 69/12 77/4 77/24 103/3  store [6] 53/19 67/15 69/11 70/21 73/22 78/11  stored [5] 69/11 69/13 74/15 74/20 74/22  stores [1] 68/19  storing [1] 53/10  storm [4] 5/16 45/16 77/10 79/19</p>	<p>straight [1] 35/2  street [8] 2/25 15/10 29/7 29/12 31/12 62/19 67/20 92/18  streets [3] 28/2 29/5 29/16  streetscape [1] 29/15  strictly [2] 44/10 45/7  strip [1] 34/20  strongly [1] 75/20  structural [2] 71/20 102/17  structure [5] 17/17 53/20 92/14 98/8 100/11  structures [1] 100/13  students [1] 79/21  studio [10] 50/3 51/7 51/11 52/24 53/4 53/6 97/6 97/16 97/21 98/3  study [1] 68/12  stuff [3] 9/10 71/13 71/17  style [1] 12/12  subdivisions [2] 29/4 29/9  submitted [8] 19/12 58/9 87/19 88/20 91/6 95/23 102/24 104/22  substantial [14] 32/8 32/11 86/24 88/16 94/16 97/13 97/16 97/20 97/22 101/9 101/15 102/19 104/13 104/17  such [2] 59/19 68/6  suggest [2] 48/8 48/25  suggesting [1] 63/13  suggestion [1] 9/12  suggestions [1] 8/5  Sunday [1] 71/8  supplies [1] 69/10  suppose [1] 23/4  sure [11] 2/22 9/22 18/20 22/22 24/7 25/5 26/16 52/20 68/12 75/16 78/2  surgery [3] 57/21 57/23 57/25  surrounding [2] 67/19 102/20  surveillance [1] 48/16  surveyed [3] 27/8 27/20 87/21  surveyor [3] 38/5 38/15 38/17  Surveyors [1] 42/25  Sweeney [6] 33/2 33/11 34/18 37/3 37/7 90/3  sweet [1] 55/11  Syracuse [2] 70/17 70/22  System [1] 101/12</p>	<p>terms [2] 21/25 22/4  testimony [7] 87/20 91/8 93/12 98/9 100/12 101/19 102/24  tests [1] 75/14  than [25] 13/9 14/16 18/16 21/16 27/10 30/8 35/21 35/22 44/20 47/14 53/3 58/22 63/3 64/13 64/25 67/7 67/18 69/8 82/7 87/21 87/22 91/3 92/24 94/20 100/17  thank [33] 8/15 15/18 15/22 20/5 28/11 28/12 31/13 32/21 36/18 36/19 41/22 41/23 41/24 42/2 42/3 49/18 49/19 54/25 55/18 55/19 56/8 56/9 61/16 65/18 65/19 76/25 78/15 78/18 78/19 79/7 81/7 82/9 82/23  Thanks [2] 22/20 82/24  that [315]  that's [37] 3/23 4/20 5/9 7/6 15/14 16/14 17/7 17/11 22/6 24/16 24/18 36/16 37/12 38/23 39/24 47/12 48/16 51/14 52/5 57/12 58/22 61/6 61/25 63/16 64/10 69/15 70/3 71/13 72/16 73/11 73/25 75/15 75/19 78/12 79/20 80/9 80/15  their [11] 7/10 26/6 29/21 30/3 50/9 73/3 74/9 74/17 79/21 89/7 100/7  them [16] 13/9 18/14 18/16 21/7 21/8 22/17 27/9 28/6 31/8 34/6 34/7 73/20 73/23 74/10 74/18 77/24  themselves [1] 43/10  then [24] 3/11 4/10 9/9 9/11 10/4 11/7 12/6 17/19 18/19 18/25 30/3 35/25 46/3 46/19 48/8 64/8 64/25 69/19 69/23 69/23 72/10 74/15 75/18 79/22  there [110]  there'll [2] 46/22 70/10  there's [43] 2/19 4/15 9/23 14/20 16/8 16/10 16/12 16/16 16/16 20/20 29/13 30/4 30/10 32/13 36/4 37/25 38/10 40/15 44/24 45/6 45/8 47/11 47/17 50/18 53/14 58/24 60/18 62/18 65/12 65/14 67/2 67/21 68/6 69/17 71/17 71/20 72/20 73/9 76/8 77/7 81/3 82/14 90/14  these [12] 23/5 31/7 32/18 39/9 43/14 44/10 44/17 47/13 48/14 59/20 62/25 72/3  they [42] 5/16 14/8 18/15 22/14 27/10 32/5 32/15 34/10 43/7 43/10 43/12 43/21 44/18 44/19 47/16 47/21 54/11 54/13 54/14 54/17 58/2 58/3 67/4 68/2 73/3 74/8 74/15 74/17 74/19 74/22 74/23 75/14 75/18 75/20 75/22 77/21 77/24 77/24 77/25 77/25 78/7 78/12  they'll [6] 47/4 47/6 48/6 69/20 72/14 73/21  they're [17] 3/22 16/18 17/22 17/23 17/24 17/25 22/10 27/23 44/17 47/25 48/3 48/5 48/14 48/15 74/9 74/20 76/2  They've [1] 32/6  thick [3] 34/3 34/9 49/9  thing [10] 3/23 5/16 15/6 18/23 19/14 19/16 31/2 35/25 70/18 76/13  things [10] 9/9 9/15 9/23 10/2 29/2 31/21 52/11 71/22 71/23 73/10  think [38] 4/3 5/2 6/11 6/20 9/9 14/13 14/14 14/18 14/21 14/21 15/3 19/25 21/3 24/12 25/10 27/3 27/3 29/13 30/10 31/24 32/2 32/13 35/11 48/13 49/3 49/9 52/20 59/3 59/24 61/7 61/13 61/14 64/8 64/9 64/13 75/21 75/21 75/22  thinking [1] 9/17  third [7] 7/18 29/19 56/18 57/5 58/14 60/6 99/7  thirteen [1] 53/22  thirty [10] 14/12 15/2 19/25 20/3 20/4</p>
	<p><b>T</b></p> <p>t-h-e-i-r [1] 7/10  tabled [3] 9/4 10/11 86/13  take [10] 6/22 11/15 25/11 31/20 60/12 61/11 69/6 71/16 74/17 77/24  taken [2] 84/9 106/9  takes [1] 36/13  taking [3] 10/25 33/17 60/5  talk [1] 13/23  talking [11] 3/22 11/2 24/15 29/4 29/5 29/6 34/19 39/7 39/8 39/9 48/14  taller [1] 51/16  Tax [6] 8/22 42/10 42/17 86/6 92/5 94/5  taxes [1] 39/6  teacher [1] 79/20  team [2] 10/15 11/21  technical [2] 9/10 13/18  technically [1] 40/18  tell [2] 17/5 74/10  telling [2] 22/16 34/6  ten [14] 13/14 16/21 16/25 17/19 24/24 35/3 35/5 35/12 35/13 50/13 64/9 68/3 90/15 91/3  ten feet [9] 13/14 16/21 16/25 17/19 35/3 35/5 35/13 50/13 64/9  tend [1] 58/2  tenths [1] 67/21</p>	

**T**  
 thirty... [5] 25/25 29/12 48/5 59/6 67/11  
 thirty-five [1] 19/25  
 thirty-seven [3] 14/12 15/2 29/12  
 thirty-seven feet [1] 25/25  
 thirty-six [3] 20/3 20/4 48/5  
 thirty-two [1] 59/6  
 this [119]  
 thoroughly [1] 68/10  
 those [17] 17/19 20/22 22/8 28/2 31/14  
 32/6 37/9 38/4 47/20 54/16 56/5 57/15  
 57/17 58/9 65/12 72/5 72/13  
 though [2] 16/7 80/6  
 thought [8] 9/14 10/22 11/9 14/23 25/16  
 41/5 75/9 75/11  
 thoughtful [1] 10/15  
 thousand [5] 20/2 20/3 66/19 68/2 68/3  
 three [9] 34/4 44/17 47/22 52/16 52/17  
 55/22 58/12 67/21 80/7  
 three-season [1] 55/22  
 thrilled [1] 55/14  
 thriving [1] 68/23  
 through [4] 2/14 10/21 71/7 75/14  
 throughout [2] 66/14 101/13  
 tidying [1] 71/10  
 time [21] 13/7 17/3 28/20 31/8 32/21  
 38/19 38/20 39/23 47/13 51/7 58/3 59/15  
 60/16 67/24 68/6 71/16 72/14 72/15  
 73/25 84/9 106/9  
 times [1] 47/9  
 Timothy [2] 37/2 37/23  
 today [5] 39/11 39/13 46/15 50/15 64/12  
 Tolan [1] 30/4  
 told [1] 60/11  
 TOMPKINS [16] 1/11 85/11 86/15 88/5  
 88/8 89/16 91/11 93/17 94/10 96/8 98/13  
 100/22 101/21 103/7 105/2 105/5  
 tonight [5] 10/20 29/20 37/5 37/13 79/7  
 too [8] 13/4 28/22 28/22 29/7 35/17  
 52/22 81/24 95/7  
 took [6] 18/24 20/17 21/8 35/14 67/19  
 79/22  
 top [5] 53/18 53/22 64/3 64/23 100/17  
 topic [1] 13/23  
 topography [1] 95/16  
 torque [2] 76/18 76/20  
 total [4] 47/24 58/10 63/23 63/25  
 totaling [3] 56/24 99/13 101/6  
 towards [1] 29/24  
 town [14] 1/5 1/13 18/17 18/18 31/18  
 39/15 40/4 40/19 44/25 46/11 85/5 85/13  
 93/13 104/24  
 tractor [2] 70/2 70/3  
 traffic [4] 45/7 67/16 76/9 102/16  
 trailer [1] 70/2  
 trailers [1] 70/3  
 transcript [2] 84/7 106/7  
 transcription [2] 84/8 106/8  
 transition [1] 81/6  
 travel [1] 51/9  
 travelers [2] 57/7 57/9  
 traveling [1] 60/13  
 treat [2] 59/11 59/17  
 treating [1] 45/16  
 treatment [1] 71/12  
 trees [5] 25/6 45/14 55/6 62/20 62/25  
 tress [1] 49/6  
 Trevor [3] 18/11 28/4 28/4  
 trickled [1] 57/16  
 tried [3] 7/15 18/18 31/2  
 truck [1] 45/6  
 trucked [1] 69/23

Trucking [1] 67/3  
 trucks [1] 70/10  
 true [2] 84/7 106/7  
 truly [1] 55/7  
 try [3] 25/11 49/6 80/11  
 trying [3] 37/14 80/5 81/23  
 tuck [1] 63/10  
 turn [8] 15/13 34/14 57/20 60/17 60/17  
 60/17 69/7 100/8  
 turned [1] 40/16  
 turning [1] 34/8  
 turns [1] 34/4  
 twelve [6] 44/20 45/2 47/21 47/22 51/2  
 51/3  
 twelve feet [3] 44/20 45/2 47/21  
 twenty [20] 19/5 34/3 34/9 34/23 35/8  
 35/10 47/5 50/23 50/24 52/25 58/15  
 58/21 64/11 64/13 64/19 64/22 64/23  
 64/25 97/14 100/18  
 twenty feet [3] 34/3 34/23 35/10  
 twenty-eight [3] 50/23 50/24 97/14  
 twenty-five [1] 58/21  
 twenty-foot-thick [1] 34/9  
 twenty-four [1] 47/5  
 twenty-two [1] 58/15  
 twenty-two feet [1] 64/19  
 twice [1] 38/19  
 two [45] 4/23 11/13 11/17 11/23 12/14  
 13/13 16/16 16/17 17/4 20/19 22/25  
 27/15 29/18 29/25 32/19 34/4 38/20  
 42/19 43/7 43/14 44/8 45/25 46/4 47/22  
 50/18 50/21 58/6 58/13 58/15 58/18 59/6  
 59/20 60/11 62/3 64/19 68/3 68/5 72/7  
 72/11 82/14 92/16 94/7 94/19 95/18  
 99/19  
 type [2] 25/15 75/22  
 typical [2] 71/4 71/6

**U**  
 ugly [1] 35/2  
 Uhm [1] 19/24  
 Uhm-hum [1] 19/24  
 unacceptable [3] 97/19 101/14 104/16  
 under [5] 64/11 75/6 75/19 80/9 95/17  
 undergone [1] 30/2  
 understand [4] 26/14 26/17 47/8 59/25  
 understanding [2] 50/14 50/19  
 undertaking [3] 11/12 11/14 11/20  
 underwent [1] 30/15  
 undesirable [4] 31/21 86/22 88/14 94/14  
 unfamiliar [1] 100/5  
 unfamiliarity [3] 13/2 33/19 52/18  
 unique [1] 51/13  
 unit [1] 3/23  
 University [2] 57/4 58/8  
 unless [3] 6/24 39/25 55/7  
 unnecessarily [1] 44/8  
 unnoticed [1] 30/18  
 until [5] 41/7 58/3 62/24 71/16 74/12  
 up [48] 6/24 7/9 11/7 12/3 12/10 12/22  
 15/12 18/10 20/25 23/13 23/25 24/3 24/5  
 27/12 30/19 34/7 34/16 37/24 38/5 38/6  
 38/6 40/21 40/24 41/7 48/10 49/10 52/11  
 53/18 54/5 54/12 55/6 55/14 58/15 58/22  
 58/24 59/2 60/10 63/11 63/12 64/12  
 65/13 68/20 71/10 71/22 74/20 77/9  
 79/21 80/2  
 updated [1] 40/4  
 upon [13] 5/22 8/13 50/12 88/6 89/17  
 91/13 93/19 96/9 98/15 100/25 101/24  
 103/9 105/6  
 UR [3] 58/9 59/11 101/12  
 us [11] 12/13 12/17 13/24 18/15 27/24

55/4 61/20 69/5 71/16 73/13 78/3  
 use [27] 15/11 28/6 44/22 53/12 59/16  
 66/3 66/3 68/11 69/4 74/14 75/4 75/4  
 75/10 75/10 75/13 75/19 76/13 77/7 77/9  
 80/19 80/20 81/4 81/5 81/17 102/6 102/7  
 102/14  
 used [8] 21/9 47/14 47/23 47/24 53/4  
 67/6 68/13 69/20  
 uses [3] 68/6 73/9 75/6  
 using [2] 11/19 34/14  
 usually [2] 6/22 74/11  
 utilities [2] 53/25 56/5  
 utility [1] 5/13

**V**  
 vacant [3] 40/22 66/22 68/21  
 vacuum [2] 76/13 76/21  
 valuable [1] 99/25  
 value [1] 32/3  
 values [1] 31/25  
 Valvoline [2] 65/25 102/4  
 van [1] 69/25  
 vans [5] 69/21 77/8 77/11 77/12 77/13  
 variance [80] 2/21 3/2 3/5 3/8 5/2 12/14  
 12/16 12/20 12/25 13/8 17/14 18/4 31/24  
 31/25 33/4 34/12 34/17 42/12 42/19  
 43/17 46/3 48/21 50/2 50/8 52/6 56/16  
 56/20 56/23 57/5 64/15 65/7 65/8 65/9  
 66/3 69/5 75/4 75/4 75/10 75/10 75/11  
 75/13 75/19 76/4 78/25 79/9 86/21 87/5  
 87/8 87/10 88/13 88/25 90/5 91/2 91/6  
 91/8 92/6 92/15 92/17 93/10 94/6 94/13  
 94/25 95/9 95/21 97/5 97/13 98/6 98/8  
 99/5 99/9 99/12 99/18 101/5 101/9 102/6  
 102/18 102/23 104/5 104/13 104/19  
 Variances [2] 8/22 86/7  
 various [1] 54/5  
 vegetation [2] 45/11 48/22  
 vehicle [2] 73/18 75/7  
 vehicles [4] 45/7 69/24 74/14 74/18  
 vendee [2] 65/24 102/4  
 verified [1] 18/20  
 versus [4] 41/3 72/5 75/23 102/15  
 very [35] 5/2 10/14 14/13 14/14 31/13  
 31/14 34/13 36/18 37/5 39/3 41/8 41/8  
 41/23 42/2 44/8 49/18 52/2 53/22 55/3  
 55/15 56/8 59/4 61/2 66/23 66/23 67/5  
 68/4 68/4 68/19 73/13 73/13 75/22 78/15  
 81/23 82/23  
 viable [1] 69/7  
 Victoria [2] 50/2 97/5  
 video [1] 48/15  
 view [1] 90/23  
 Village [1] 51/6  
 virtually [2] 43/22 44/2  
 virtue [1] 80/11  
 vis [2] 101/10 101/10  
 vis-a-vis [1] 101/10  
 visible [7] 7/19 57/9 62/24 63/4 63/14  
 92/23 97/23  
 visited [1] 51/23  
 visitor [1] 93/3  
 visitors [3] 44/11 47/11 95/16

**W**  
 Wait [1] 36/23  
 waited [1] 79/21  
 waiting [1] 79/25  
 walk [2] 48/12 72/2  
 walk-in [1] 72/2  
 walkway [4] 48/4 48/6 62/20 62/22  
 wall [3] 17/18 23/6 50/20  
 walls [3] 22/11 44/24 51/18

<p><b>W</b></p> <p>want [26] 8/3 10/13 24/10 33/18 34/7 34/15 34/15 54/11 60/6 62/15 64/17 68/24 71/14 71/24 71/25 72/2 72/20 72/22 72/24 73/3 73/7 73/23 74/4 74/5 74/8 75/15</p> <p>want's [1] 35/4</p> <p>wanted [5] 24/23 25/19 37/5 51/16 73/4</p> <p>wanting [1] 51/8</p> <p>wants [3] 9/9 35/2 78/7</p> <p>Warner [1] 67/24</p> <p>warrant [1] 11/12</p> <p>was [85] 2/5 2/6 3/21 3/24 4/18 6/6 6/11 6/12 6/12 6/20 6/22 9/13 10/11 10/14 11/7 11/13 11/15 11/19 11/22 11/23 11/24 11/25 12/4 12/12 14/3 14/5 17/3 17/12 18/16 18/20 19/2 19/2 19/15 19/16 19/16 21/3 22/24 23/8 23/12 23/14 24/23 25/14 25/16 25/20 25/21 26/9 27/3 27/21 27/25 28/20 29/19 32/13 35/7 35/9 35/14 35/14 35/16 40/5 40/22 40/22 40/24 43/21 46/12 48/13 49/8 55/8 55/10 55/10 63/7 64/6 64/9 69/4 70/3 72/23 72/24 72/25 73/2 75/6 79/12 79/18 79/18 79/20 87/9 87/22 99/21</p> <p>wash [1] 54/5</p> <p>wasn't [1] 54/16</p> <p>waste [2] 67/16 76/11</p> <p>water [3] 45/17 53/25 54/3</p> <p>way [18] 10/21 10/25 12/19 22/12 32/5 35/7 35/22 36/7 36/10 45/18 59/16 59/17 65/14 74/9 78/3 79/14 80/25 100/16</p> <p>wayfinding [2] 57/6 99/25</p> <p>we [260]</p> <p>we'd [2] 44/22 44/23</p> <p>we'll [12] 9/10 12/24 25/5 25/5 25/11 47/10 71/24 73/20 73/20 74/10 77/8 78/16</p> <p>we're [55] 15/7 15/8 15/12 15/12 15/20 21/16 24/15 29/4 29/5 29/6 34/19 34/22 35/3 36/2 40/12 40/12 43/17 45/14 45/16 45/18 46/18 50/8 52/5 52/20 53/9 58/11 58/15 58/17 59/17 66/15 66/18 68/9 69/5 70/2 70/19 70/25 71/7 71/14 71/15 71/19 77/15 79/9 79/10 79/24 80/4 80/5 80/6 80/7 80/19 81/4 81/5 81/16 81/23 82/18 82/20</p> <p>we've [13] 10/3 10/16 13/22 14/13 38/18 46/19 48/4 66/11 68/3 70/25 78/3 78/5 79/17</p> <p>weather [3] 72/23 73/2 78/6</p> <p>website [1] 77/2</p> <p>weeks [2] 45/25 46/4</p> <p>weird [1] 80/5</p> <p>welcome [2] 8/5 31/14</p> <p>welfare [1] 98/4</p> <p>well [26] 10/5 11/11 12/24 16/6 17/18 22/14 27/7 29/13 30/22 31/24 32/5 32/13 47/9 49/3 50/18 51/5 52/20 53/13 57/16 61/2 61/9 73/13 81/3 87/20 94/19 100/8</p> <p>well-known [1] 51/5</p> <p>Wendy [4] 50/7 51/5 54/14 54/24</p> <p>went [11] 10/11 10/21 18/9 18/19 20/25 21/2 34/2 53/6 57/14 62/22 80/22</p> <p>were [34] 10/8 15/15 18/11 18/12 18/13 18/14 18/15 18/15 19/4 19/5 21/4 21/6 21/7 23/12 26/17 26/17 27/3 28/21 35/17 38/3 38/7 46/13 54/10 54/11 54/14 60/9 68/2 70/24 71/9 76/3 78/3 81/8 85/18 87/21</p> <p>weren't [3] 21/8 72/25 75/20</p> <p>west [9] 40/15 45/19 60/13 66/2 66/15</p>	<p>68/22 90/21 93/8 102/5</p> <p>Westfall [5] 57/5 59/11 62/14 62/23 100/6</p> <p>what [56] 2/22 9/19 10/3 10/5 12/12 13/10 14/23 16/3 17/5 19/2 19/7 20/22 20/24 23/17 25/23 26/9 26/14 26/17 27/3 27/10 30/9 33/16 33/17 35/11 37/9 37/11 37/12 37/16 37/16 41/3 46/21 47/8 47/19 48/13 50/17 51/11 52/5 53/4 53/7 53/24 55/14 63/2 63/20 67/8 68/17 68/25 69/14 71/4 71/19 72/23 72/24 73/19 75/21 77/5 78/2 99/21</p> <p>what's [4] 24/18 25/22 44/9 52/13</p> <p>whatever [7] 49/5 58/4 60/6 65/5 67/14 71/14 74/20</p> <p>whatsoever [1] 68/9</p> <p>when [28] 10/8 11/7 14/17 14/18 14/21 22/21 22/21 23/10 38/16 39/15 40/21 40/24 43/18 45/14 47/9 47/16 49/4 50/16 53/6 57/12 57/13 58/20 59/18 62/13 68/19 75/9 79/17 79/25</p> <p>whenever [1] 14/19</p> <p>where [36] 9/16 10/13 10/24 11/3 11/14 20/20 24/16 24/23 33/6 37/25 38/14 39/11 39/13 39/17 42/14 42/20 45/13 47/13 51/12 52/4 56/18 57/25 63/3 71/13 77/6 77/9 78/7 79/4 79/21 80/10 82/20 90/7 92/8 94/8 99/7 104/7</p> <p>where's [1] 16/6</p> <p>whether [9] 22/22 22/23 23/8 31/21 32/4 32/8 32/12 59/12 75/9</p> <p>which [29] 6/25 10/11 11/9 11/15 11/16 12/11 12/22 16/13 18/8 19/2 23/23 27/11 29/22 30/2 30/14 40/17 41/3 44/18 50/11 55/7 64/13 67/7 90/15 91/3 92/14 92/25 93/3 94/19 99/20</p> <p>while [3] 38/7 87/13 89/5</p> <p>white [2] 62/10 81/17</p> <p>Whitney [3] 18/10 21/7 28/3</p> <p>who [7] 6/12 6/22 10/19 13/24 55/9 60/24 100/5</p> <p>whoever [1] 36/12</p> <p>whole [2] 29/22 43/9</p> <p>why [9] 37/12 37/15 38/15 59/22 61/4 72/21 72/22 73/12 75/15</p> <p>wider [1] 39/18</p> <p>wife [2] 34/13 34/25</p> <p>will [87] 2/21 5/24 8/7 8/17 9/10 9/18 12/11 12/22 13/11 13/21 14/6 14/15 15/6 15/8 21/25 25/4 25/9 31/21 31/23 32/2 35/12 43/14 44/5 44/11 46/22 47/4 47/13 47/14 52/4 54/2 54/3 55/16 56/2 57/10 58/20 58/21 59/14 62/7 68/14 68/20 68/20 68/22 68/23 69/5 69/8 69/12 69/13 72/6 72/7 72/9 72/11 72/17 72/19 74/13 74/15 74/22 74/23 81/14 82/4 82/11 86/21 86/23 88/13 89/2 90/15 90/17 90/25 91/3 91/4 92/19 92/23 93/3 93/4 93/7 94/13 95/10 98/5 98/8 99/20 100/3 100/7 100/16 100/17 102/14 102/15 102/20 104/14</p> <p>willing [1] 15/20</p> <p>wind [1] 81/19</p> <p>windbreak [1] 82/12</p> <p>window [12] 16/2 16/6 16/7 16/8 16/9 16/10 16/13 16/15 16/24 18/2 18/2 22/24</p> <p>windows [6] 17/20 22/7 22/25 52/11 97/16 97/18</p> <p>windshield [2] 70/9 75/9</p> <p>winter [4] 3/21 3/25 72/23 78/6</p> <p>wintertime [1] 51/22</p> <p>Winton [1] 60/13</p> <p>wish [2] 43/6 70/3</p>	<p>within [19] 17/4 22/7 25/20 26/24 32/14 38/3 39/5 39/20 44/2 44/19 45/2 53/8 67/21 70/19 79/11 80/7 80/22 91/3 97/24</p> <p>without [10] 31/10 39/4 39/21 39/25 52/8 87/8 95/13 97/17 99/17 100/25</p> <p>won't [3] 30/12 51/21 82/12</p> <p>wonderful [1] 55/11</p> <p>wondering [1] 20/17</p> <p>wood [2] 79/15 79/16</p> <p>Woodcrest [2] 1/25 85/25</p> <p>wooded [1] 44/8</p> <p>wooden [1] 41/19</p> <p>woods [2] 49/9 62/18</p> <p>word [24] 2/18 3/10 3/13 3/15 3/16 3/18 3/21 4/6 4/9 4/9 4/25 5/3 5/5 5/7 6/3 6/5 6/6 6/7 6/17 7/9 7/15 7/16 7/18 8/4</p> <p>words [2] 4/23 33/23</p> <p>work [14] 37/6 39/4 44/23 51/14 69/15 69/15 69/23 72/12 72/16 72/17 72/21 72/25 73/3 74/10</p> <p>worked [1] 61/7</p> <p>working [2] 47/5 76/17</p> <p>works [2] 67/22 73/13</p> <p>worse [2] 78/6 78/6</p> <p>worth [2] 2/14 69/22</p> <p>would [69] 2/2 2/9 3/2 7/17 9/14 9/23 10/2 10/4 11/9 11/15 11/18 14/23 21/19 21/21 28/14 31/18 32/10 32/22 36/21 37/11 37/12 37/15 39/19 39/23 42/5 43/12 44/7 46/3 46/8 48/8 48/23 48/24 49/21 50/12 50/20 51/9 51/12 52/3 52/8 53/19 53/20 55/7 56/11 58/5 59/17 59/19 59/24 60/5 60/11 61/11 64/21 64/21 65/21 66/17 66/20 67/7 67/8 70/4 70/11 77/9 78/21 82/25 87/10 87/24 90/19 90/19 92/14 92/25 97/14</p> <p>wouldn't [3] 31/17 48/21 63/7</p> <p>wound [2] 11/7 12/3</p> <p>wrenches [2] 76/18 76/20</p> <p>WRIGHT [16] 1/11 85/11 86/15 88/5 88/8 89/16 91/11 93/17 94/10 96/8 98/13 100/22 101/21 103/7 105/2 105/5</p> <p>wrongs [1] 32/19</p>
<b>Y</b>		
<p>yard [15] 42/13 43/18 43/19 43/20 43/22 44/6 44/14 50/9 51/23 51/24 55/5 55/8 92/8 92/18 92/21</p> <p>yards [1] 92/16</p> <p>yeah [19] 4/3 17/24 20/25 21/14 23/14 34/25 35/7 35/9 40/8 40/21 41/5 48/11 62/2 63/12 74/10 76/10 76/20 77/12 77/19</p> <p>years [19] 14/12 15/3 29/12 30/2 30/8 30/16 34/5 38/13 38/20 39/16 40/5 43/8 43/21 66/12 66/13 66/23 70/24 78/4 90/14</p> <p>yes [94] 2/6 2/16 6/11 10/10 16/4 16/16 16/22 17/2 20/7 20/10 25/4 27/13 27/17 41/14 41/20 45/13 47/8 54/9 55/11 59/7 62/9 73/16 80/17 81/10 82/3 88/3 88/3 88/4 88/4 88/5 88/5 89/14 89/15 89/15 89/15 89/16 89/16 91/10 91/10 91/11 91/11 91/12 91/12 91/12 93/16 93/16 93/17 93/17 93/17 93/18 93/18 96/6 96/6 96/7 96/7 96/7 96/8 96/8 98/12 98/12 98/13 98/13 98/13 98/14 98/14 100/22 100/22 100/23 100/23 100/23 100/24 100/24 101/21 101/21 101/22 101/22 101/22 101/23 101/23 103/6 103/6 103/7 103/7 103/8 103/8 103/8 105/3 105/3 105/4 105/4 105/4 105/5 105/5</p>		

**Y**  
yet [1] 77/15  
YORK [8] 1/2 1/6 1/25 84/13 85/2 85/6  
85/25 106/13  
you [229]  
you'll [3] 65/2 65/5 71/12  
you're [13] 16/2 17/6 35/12 39/9 41/10  
58/20 59/22 62/25 63/8 75/8 76/16 79/25  
82/4  
you've [5] 10/5 19/11 41/6 49/4 81/22  
your [29] 6/20 8/5 8/15 9/14 12/9 12/23  
15/21 31/19 32/21 33/10 37/21 40/9  
41/19 54/22 57/24 59/2 59/5 59/24 61/18  
62/15 62/17 63/14 69/11 69/23 69/24  
75/8 77/2 78/16 80/16  
Yup [1] 41/17

**Z**  
zoning [10] 1/2 2/3 2/21 3/2 3/4 3/8  
11/22 27/9 31/19 85/2