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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS  
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on November  
4th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

November 4th, 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

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

NOT PRESENT:

CANDICE BAKER LEIT, ESQ.

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 now call to order  
3 the November session of the Zoning Board of Appeals in  
4 the Town of Brighton.

5 Rick, was of the meeting properly advertised?

6 MR. DiSTEFANO: Yes, Mr. Chairman. It was  
7 advertised in the Brighton Pittsford Post of November  
8 4, 2015.

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

11 MR. DiSTEFANO: Please let the record show  
12 that Ms. Baker Leit is not present.

13 MR. MIETZ: Okay. Minutes?

14 Go ahead, Judy.

15 MS. SCHWARTZ: Page 10, line 15, the sentence  
16 should be customized.

17 Page 28, line 17, I believe after the word to  
18 allowable should be deleted.

19 On page 51, I think that the last word in  
20 line 4 is strictly.

21 52, line 22, the first word is draconian.

22 Page 58 - oh, yes, yes, on page 58 the motion  
23 was made and seconded both by Candice. So I don't know  
24 how critical that is, but I wanted to --

25 MR. DiSTEFANO: No, we should correct it.

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Does anybody remember who seconded that motion?

All right. Morrey seconded that motion.

MS. SCHWARTZ: On page 66, at the top, number 2, I think it should be construction will match the appearance of the existing house.

But if you all want to take a look?

I don't think what we measured is correct, but --

MR. DiSTEFANO: Match, yes.

Was that the detached garage?

MS. CORRADO: Yes.

MR. DiSTEFANO: Yes, match.

MS. SCHWARTZ: Okay. That's all I have.

MR. MIETZ: Okay. Does anyone else have any corrections or additions?

Motion to accept the minutes?

(Motion made by Mr. Goldman to accept the amended November minutes.)

(Seconded by Ms. Corrado.)

(Upon roll call, motion to accept the amended November minutes carries.)

MR. MIETZ: Okay. When you're ready, Rick, please read the first application.

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8A-11-15 Application of the Baptist Temple, owner of property located at 1101 Clover Street, for a Sign Variance from Section 207-31B to allow for three (3) identification signs(two free standing identification signs currently exist) where only one identification sign is allowed by code. All as described on application and plans on file. TABLED AT THE AUGUST 5, 2015 MEETING - PUBLIC HEARING REMAINS OPEN

MS. TABOR: I'm Candy Tabor, from the Baptist Temple. This is Pastor Katie Jo Suddaby and David Nitsch. I brought reinforcements this time.

First of all, I want to thank you for your patience and Rick, for your guidance. When we came to you back in August we didn't have as clear an idea of what we were trying to do or the direction we were going in. And we think we're ready now.

We are in deed requesting a variance so that we can add lettering to the building itself, so that we can identify our new identity from the Clover Street side. We have legally registered a not-for-profit entity called the Clover Center for Arts and Spirituality. With one of the questions you asked the last time is how did we have a corporation and something else. We have a new not-for-profit

1  
2 organization.

3           The sign is necessary due to rebranding of  
4 the property, changing from a church to a cultural  
5 center and also because the identification of the  
6 property from the Clover Street side doesn't really  
7 exist. There is a granite sign that has been there  
8 forever - well, not forever, since 1964 - which is not  
9 noticeable. It's a donated structure. The moneys were  
10 given to us. We do not want to take it down, but  
11 nobody sees it. So we would like to add lettering to  
12 the building.

13           I do have pictures of that to refresh your  
14 memory because I think we still had some in the file,  
15 but just in case.

16           And we did find a property not far from ours.  
17 As it turns out it's not in Brighton. It's in the  
18 city. It too is a corner lot. And it has signage on  
19 each of the side streets as well as on the building.  
20 The difference in our case is you can't see the  
21 building that we're talking about from either street.  
22 So our signs are not all visible. These three are.

23           MS. SUDDABY: This is the example of another  
24 building that has it.

25           MS. TABOR: This is kind of what it would

1  
2 look like(indicating).

3 So that is our request.

4 MS. TOMPKINS WRIGHT: Do they need some sort  
5 of a use variance or special use permit because it is  
6 no longer a church?

7 MS. TABOR: We are still a church.

8 MS. SUDDABY: So the language around this is  
9 that the church - the congregation, the Baptist Temple,  
10 still exists. Under the same Board we filed a separate  
11 EIN that will allow us to do the ministry of  
12 hospitality in our building under the name of Clover  
13 Center for Arts and Spirituality. Especially in a Town  
14 like Brighton, opening up to other religions so that  
15 they feel just as welcome as Christians do in the  
16 building was important to us, and arts as spiritual  
17 activity as a way to find god is part of our, you know,  
18 DNA for a good long time.

19 So the congregation still exists and it's at  
20 the heart of the mission to grow both the arts and  
21 spirituality in Brighton.

22 MS. TOMPKINS WRIGHT: Is there a lease from  
23 the -- the church is the property owner.

24 So is there a lease from the church to the  
25 new non-profit that you formed?

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MS. TABOR: Not at this time, no.

MS. SUDDABY: No. No, it's the same -- right now the Boards are the same. Eventually the Board for the Clover Center will expand to include several of our partners in the community.

But at this point we are just making sure that specifically the Christian Ministry of the Baptist Temple and the spiritual ministry of the Clover Center have their own identity. But they are still both the same, you know, religious 501-C3 status because they're both church activities essentially.

MS. TABOR: It's similar to a church opening a food cupboard or, you know, that has its own standing, but it exists within the building.

MR. MIETZ: Can you for the record just -- we understand obviously the sign that you're proposing on the side of the building.

But the other two signs, can you just reacquaint us with what the need is for both the corner sign and --

MS. TABOR: We have actually decided not to change the other two other than the lettering on the signs. They will stay - they will remain the same footprint.

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MS. SUDDABY: The size and the colors will all be the same. We just ordered new decal lettering.

MR. MIETZ: Okay. So that's the one on the tower section and then the --

MS. TABOR: The granite sign.

MS. SCHWARTZ: So what will the wording be changed to?

MS. TABOR: It will say The Clover Center for Arts and Spirituality, below that will be the Baptist Temple, below that is Kids First.

MS. SCHWARTZ: That's on your monument?

MS. DALE: On the granite.

MS. TABOR: No. No, granite says the Baptist Temple 1101.

MS. SUDDABY: And we're leaving that because the Baptist Temple is still the congregation that --

MS. SCHWARTZ: So that's the one you're talking about on Clover Street?

MS. TABOR: Uhm-hmm.

MS. SCHWARTZ: The granite is staying as is?

MS. SUDDABY: The granite is staying the same.

MS. SCHWARTZ: And the one that you're talking about with the three things is on Highland?

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MS. SUDDABY: Is on Highland, uhm-hmm.

MS. CORRADO: That will be in this section that you've shown us?

MS. SUDDABY: Nope. So the property is on the corner of Clover and Highland. The Highland side has a metal sign which won't be changed. The Clover side has a stone sign which won't be changed. And what we're applying for is the letters on the brick building itself.

MS. CORRADO: Got it. Thank you.

MS. SUDDABY: Uhm-hmm.

MR. DiSTEFANO: Currently they have the two signs.

MS. CORRADO: Right.

MR. DiSTEFANO: One is under a variance -- one is permitted by code, one is under a variance and this would be the third sign for the facility.

MS. TOMPKINS WRIGHT: But they don't need any type of approval to change the lettering on the other free-standing sign?

MR. DiSTEFANO: They do need to go through the Architectural Review Board and the Planning Board review process.

MS. TOMPKINS WRIGHT: But no Zoning Board?

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MR. DiSTEFANO: No Zoning Board provided the sign doesn't change in size and location.

MS. TOMPKINS WRIGHT: Okay. So it's one variance for the building sign that's being added?

MR. DiSTEFANO: At this time with this application the one variance for the building face sign.

MS. SCHWARTZ: And you did say that the cross is coming down?

MS. SUDDABY: Yes.

MS. SCHWARTZ: Okay. And this is your little logo that's up here?

MS. SUDDABY: Uhm-hmm.

MS. SCHWARTZ: And what's the dimension of that?

MS. TABOR: I don't know off the top of my head.

Do you remember?

MR. NITSCH: No.

MS. SCHWARTZ: It looks to me like two feet.

MS. SUDDABY: -- two feet in diameter.

MS. SCHWARTZ: Okay.

MS. TABOR: The only other thing we want to leave you with is - and we'll give it to you afterwards

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- is the invitation to the open house of the Clover Center. With or without the signage we are going to open the Clover Center. This has been the congregation's project for a good long time.

MS. SUDDABY: Thank you fo hearing us.

MS. SCHWARTZ: Thank you.

MR. MIETZ: Thank you.

Is there anyone in the audience that would like to speak regarding this application?

There being none, the public hearing is closed.

11A-01-15 Application of Anthony Daniele, owner of property located at 2851 Monroe Avenue, for 1) a Sign Variance from Section 207-32B(3) to allow two signs to total 67.04 sf in size in lieu of the maximum 45 sf allowed by code, and 2) a Sign Variance from Section 207-32B(3) to allow one sign to be 21 ft. 8 inches in height above grade in lieu of the maximum 20 ft. allowed by code. All as described on application and plans on file.

MR. DANIELE: Thank you for allowing us to present this tonight. My name is Anthony Daniele. I'm here with my brother Danny Daniele and John Palazzo, who is our new tenant for the building at 2851 Monroe

1 Avenue.

2  
3 The reason we're here tonight asking for a  
4 variance is this building has been around for a long  
5 time. It's been vacant for about - or at least the top  
6 floor has been vacant for about fourteen years.  
7 Previously on the building there were a couple of signs  
8 for Doctor Bultrose and Doctor Nicholas. They were a  
9 little bit lower on the building. And we have  
10 refurbished the building; redid the parking lot,  
11 repainted, et cetera.

12 And as you can tell it's a very narrow  
13 building. And so we're looking at the sign codes and  
14 we're a little bit restricted, hence the need because  
15 we're looking at the first floor -- I don't have to  
16 explain to you, you know your codes -- but it's a  
17 narrow building. So in other words, the square footage  
18 allowed is less than it would be for a five thousand  
19 square foot building, which is what this is.

20 And more importantly, Mr. Palazzo is  
21 relocating his jewelry store from West Ridge Road to  
22 Pittsford. He lives on the east side. We're excited  
23 to have him in the Town of Brighton. He recently about  
24 two years ago had a new sign made for his store on West  
25 Ridge Road and the sign he has made is in fact the one

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2 we are proposing to put on the building. So it is a  
3 little bit larger than the code would permit, but our  
4 feeling was that, you know, especially in the spirit of  
5 green Brighton initiatives it would be better to reuse  
6 or repurpose this sign than to hurl it in the dumpster  
7 and have another one made, which is obviously one of  
8 the choices we have.

9 So we did present this to the Architectural  
10 Review Board. They did make a few suggestions. I  
11 don't know if this Board has already seen those  
12 suggestions. But one of their suggestions, besides the  
13 fact that the sign looked big, was that they wanted the  
14 sign to be stacked rather than side by side. And so my  
15 brother has a look - and obviously that's not what  
16 we're applying for today, but it would certainly be  
17 something we would be fine with if collectively the  
18 Town would prefer. So I figured we would hand that out  
19 just so you could have a visual of another option.

20 John, do you have anything that you would  
21 like to add?

22 MR. PALAZZO: Well -- all right, thank you  
23 for letting me present here.

24 The only thing I was going to present was  
25 that the sign actually is twenty-six square feet. It's

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2 not, you know, the way that you guys measure the sign.  
3 I didn't know that, so it's not -- if I knew that like  
4 two years ago when I made the sign I would have maybe  
5 made the P smaller or changed it all up. But it is  
6 what it is and we have it. And like Anthony said, I  
7 would rather use it than throw it in the dumpster.

8 And so I asked the guy that made the sign for  
9 me to come up with a drawing to see how big the sign  
10 actually was. So this is it(indicating). And I was  
11 going to show you. There you go.

12 So I asked him to figure out how big the sign  
13 actually was. And it goes across and it says it's  
14 around 26.83 square feet. I know that like the way you  
15 measure it is you box it all out, but I mean -- so I'm  
16 just asking if you can grant us this variance so that I  
17 could still use this instead of chucking it in the  
18 dumpster.

19 So I guess that's basically it?

20 MR. DANIELE: And lastly, one of the things  
21 we did is I had my brother - we had our sign company  
22 draw what the sign would look like if we actually  
23 remade it and it was in keeping with code sign wise -  
24 or size wise. And so we just wanted to show you that  
25 because, again, when we looked at it, you know, if

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2 you're looking at it from the street the building -  
3 which the building is set back a little over sixty feet  
4 from the road - you know, it doesn't look that much  
5 larger or smaller - I guess depending which way you  
6 look at it, code versus non-code. Certainly we  
7 understand that we are asking for relief and, you know,  
8 the need is just really based on trying not to - trying  
9 to repurpose the sign. I mean, there's certainly a  
10 financial savings to it, but it's also in our opinion  
11 the right thing to do.

12 MR. DANIELE: What I handed out there was two  
13 different sizes, two different sitting side by side.

14 MR. DANIELE: Right. So what my brother  
15 handed out was two signs; one that is to code and one  
16 that is -- and by code I mean size. Obviously there's  
17 still two signs, so there's still a variance for that.

18 MR. DiSTEFANO: You said there's a variance  
19 for two signs?

20 There's no variance for two signs. So you  
21 know, it's the total square footage of the sign.

22 MR. DANIELE: Right.

23 MR. DiSTEFANO: You can have as many signs as  
24 you want on the building via you don't go over the  
25 allowable square footage.

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MR. DANIELE: Right. So the drawing with the visual with the smaller sign is actually in keeping with the code as far as square footage.

MR. DiSTEFANO: And so the second part of the application which requires the height, the height request is only because that current sign won't fit on the building except for in this location, correct?

MR. DANIELE: Correct. So we could lower that sign eight inches certainly and keep it within the code, but then all of a sudden, you know, the edge of the sign is kind of hanging over that indent and it really doesn't look -- and it's just the letter P that's over, but it's over nonetheless.

MS. TOMPKINS WRIGHT: This maybe a very silly question, but I don't know if it's called a track or what --

MR. MIETZ: The raceway.

MS. TOMPKINS WRIGHT: The raceway, can that be painted?

MR. DANIELE: That would be painted to match the building on both sides.

MS. TOMPKINS WRIGHT: Okay.

MR. DANIELE: And that was something that the Architectural Review Board also pointed out.

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MR. DiSTEFANO: So the Daniele sign will not be on a raceway, it will be individual letters?

MR. DANIELE: It's going to be on a raceway.

MR. DANIELE: It will be on a raceway and the raceway will be painted the same as the building.

MR. DiSTEFANO: So the projection off the building is going to be the same for both the signs?

MR. DANIELE: It will be the same, correct.

MS. CORRADO: For the Palazzo Jewelers sign, is the word Palazzo and the word Jewelers two separate pieces?

MR. PALAZZO: Yes.

MS. CORRADO: So there's some flexibility in how they might be arranged?

MR. PALAZZO: Sure.

MS. CORRADO: And this is an unknowledgeable question: The P on Palazzo, that's affixed to the raceway or can it be adjusted in its location?

MR. PALAZZO: I don't think it can be, but I can find out. But I don't think it can be.

MS. CORRADO: It looks as if -- if it could be adjusted there's a little potential for making the existing sign a little narrower so that it might fit on that --

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MR. DANIELE: Lowering it eight inches.

MR. PALAZZO: I think that when you start, you know, doing that and cutting the raceway I think that, you know, it's not -- I don't think that the sign people are gonna - they're just going to say make a new one. You know, because cutting and doing --

You know, how do you cut it, lower it and then put it all back together?

MS. CORRADO: Right.

MR. DiSTEFANO: The cost of refabricating it is probably going to be the cost of a new sign.

MS. TOMPKINS WRIGHT: And when was that sign made?

MR. PALAZZO: Two years ago.

MS. TOMPKINS WRIGHT: Two years ago.

MR. MIETZ: Any other questions?  
Morrey?

MR. GOLDMAN: I have a question for Rick.  
Based on the sign from the Architectural Review Board, Item 3, it's suggesting that the sign shall be the same width.

Is that what we're about, we're trying to give them relief from number 3?

MR. DiSTEFANO: Well, we are giving them

1  
2 relief in regards to the amount of square footage and  
3 the height. That's it. We're not giving them approval  
4 for this particular sign, unless we were to approve it  
5 and condition that it's this particular sign.

6 What the Architectural Review Board is saying  
7 is that having these two signs on the building face  
8 aren't compatible; that the Palazzo Jewelers is larger  
9 and it shouldn't be. They should be basically the same  
10 font style, the same overall size characteristics. One  
11 sign could be bigger than the other, but the letters  
12 should be basically - the letters used should be the  
13 same size. And of course, you know, depending on how  
14 many letters you are the sign might be bigger, but the  
15 perspective should be the same.

16 MS. DALE: Is it --

17 MR. DiSTEFANO: That's what the Architectural  
18 Review Board -- and that's really what their role in  
19 this interview process is. You know, the code says  
20 signs on same building should be similar. We have a  
21 lot of buildings in town where the signs are not  
22 similar, but they make sense.

23 Here's a situation where these signs are not  
24 going to be similar but do they make sense?

25 MS. DALE: Is it -- so the Daniele Family

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Company sign doesn't already exist, you're going to have that created?

MR. DANIELE: Correct. Yeah, that will be manufactured. So that can be adjusted.

MS. DALE: And the existing sign that you had been using for two years at your other location -- and I'm glad you came to Brighton --

MR. PALAZZO: Thank you.

MS. DALE: -- but at that location did you also have a Daniele Family Company sign there or it was only --

MR. PALAZZO: No, It was only the jewelry sign.

MS. DALE: So this building is going to house both the jewelery store and the --

MR. PALAZZO: Right. I'll take the first floor. They're going to take the second floor.

MS. DALE: Okay. Thanks.

MR. MIETZ: Any other questions?

MS. SCHWARTZ: Have you considered matching the font with Palazzo?

MR. DANIELE: No offense to Mr. Palazzo, but it would be a little hard to read. But we could certainly adjust the font. It's not out of the

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question. It's not a logo per se.

MR. PALAZZO: And, you know, I don't know if I could say something. And, you know, I don't want to argue with the Architectural Board but when you do something that's all the same you kind of really don't distinguish between the two. So, you know -- and I understand, but, you know, for me when you have -- like even when I was doing the sign before, the landlord wanted it to be white and blue and he wanted all the signs to be blue. And then I was telling him, I was like if you make everything blue everybody is just going to drive by and see blue and not really pay attention to the signs. So I ended up - I argued with him a little bit to make at least my name white so that it would be a little different. And then the next guy that moved in he made his sign all white, and then the next guy that moved in made his sign all white and then it just blended in anyway.

But, you know -- I'm not going to argue with the Architectural Board, but when you make something a little different sometimes you can distinguish between the two instead of just one. And, you know, it's just matter of opinion.

MR. MIETZ: Okay.

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MR. DiSTEFANO: Anthony, you just mentioned something about playing with the font size on your sign.

If we grant the variance for this square footage you're not going to be able to play with the font size unless you go smaller.

So just --

MR. DANIELE: Right.

MR. DiSTEFANO: -- because you're going to be roped into that amount of square footage.

MR. DANIELE: Right, the square footage couldn't change.

MR. DiSTEFANO: Right.

MR. DANIELE: If the Architectural Review Board or whoever decided that font, you know, was just so different from the Palazzo font that maybe italicizing it or doing something, I understand that.

MR. DiSTEFANO: Okay.

MR. DANIELE: I would stay within whatever the --

MR. DiSTEFANO: I didn't think you wanted to italicize it. I thought this was kind of your family corporation.

MR. DANIELE: Obviously this is what we

1  
2 prefer, that's why we applied for it. But to answer  
3 Judy's question, it's not fixed in stone, it's not  
4 premanufactured. So --

5 MS. SCHWARTZ: Would you have enough room if  
6 -- well, the other sign has two words, but would you  
7 have enough room if you did Daniele Co - Company and no  
8 Family, or Companies?

9 MR. DANIELE: I think if we put the Co. the  
10 same size as Daniele we would probably end up with a  
11 bigger sign, you know, especially because you're doing  
12 the rectangle.

13 MS. SCHWARTZ: Well, I was thinking -- well,  
14 we shouldn't design --

15 MR. DiSTEFANO: Yeah, I think if it's Daniele  
16 Family Co. I mean it's the same box that's going around  
17 it.

18 MR. MIETZ: As far as measurements.

19 MR. DiSTEFANO: The box is around --

20 MR. DANIELE: Right. We'd have to draw the  
21 box around --

22 MR. DiSTEFANO: You'd have to lose that whole  
23 second row in order to --

24 MS. SCHWARTZ: Right.

25 MR. DiSTEFANO: -- make Daniele smaller to

1  
2 meet possibly the variance request. But I don't think  
3 that's what they want.

4 MS. SCHWARTZ: Even when you look at Palazzo,  
5 that's two different fonts right there on one sign.

6 MR. MIETZ: Right. It's almost like a logo.

7 Is that your logo, the italicized big P?

8 MR. PALAZZO: Right. I wanted to put that  
9 even on my --

10 MR. MIETZ: Yeah, I understand.

11 Okay. Any other questions?

12 Okay. Thank you.

13 MR. PALAZZO: Thank you.

14 MR. DANIELE: Thank you.

15 Is there anyone in the audience that would  
16 like to speak regarding this application?

17 There being none, this public hearing is  
18 closed.

19 11A-02-15 Application of Neu Lac De Ville Associates,  
20 LLC, owner of property located at 1900 South Clinton  
21 Avenue, for a Sign Variance from Section 207-32B to  
22 allow for a freestanding sign (to replace a  
23 pre-existing nonconforming freestanding sign) where  
24 not allowed by code. All as described on application  
25 and plans on file.

1  
2 MR. CELLUCCI: Good evening, Mr. Chairman.  
3 My name is Paul Cellucci. I'm an employee of the  
4 DiMarco Group, here tonight representing the  
5 application Neu Lac De Ville Associates for the  
6 variance to allow a freestanding sign at our plaza at  
7 1900 South Clinton Avenue.

8 You may recall last year - September of last  
9 year - when we were actually here before this Board for  
10 a number of sign variances. Actually five were  
11 presented and five were granted. We've completed the  
12 renovations of the plaza including the facade  
13 renovation, hard scape renovations, tenants move-ins  
14 and move-outs, reconfigurations. And we're really  
15 pleased with the way that things have turned out there.

16 Through the course of construction, which  
17 concluded early this summer, we never lost site of the  
18 fact that we wanted to replace that pylon sign. In our  
19 due diligence trying to investigate the most practical  
20 manner to reconstruct it - which included investigating  
21 the depth of existing foundation, talking to structural  
22 engineers and getting structural opinions on whether  
23 the existing super structure itself could remain and be  
24 re-cladded to fit the image of the rendering that we  
25 presented and is in your application - we wound up

1  
2 allowing too much time to elapse. So when we finally  
3 got to the point where we have an application prepared  
4 to submit for a building permit Mr. DiStefano reminded  
5 me of the fact that the variance has expired. A year  
6 had passed, which shocks me that time moved so quickly,  
7 but it has in fact.

8 So the application that is before you is  
9 exactly the same as what you approved last year. We  
10 have every desire to replace that sign. It is the last  
11 remnant of the pre-renovation era. And we're hopeful  
12 that you will consider reapproval of the variance to  
13 allow that freestanding sign and we're prepared to  
14 commence construction as quickly as possible,  
15 immediately if allowed to.

16 MR. MIETZ: Okay. Any questions?

17 MR. DiSTEFANO: Just -- do you have some  
18 Morrey?

19 MR. GOLDMAN: Not about the freestanding  
20 sign. Once we're done with that I have a question  
21 about the entrance and exit signs.

22 MR. DiSTEFANO: Then just for the record,  
23 this application does not include the wall sign that  
24 you had proposed under the original?

25 MR. CELLUCCI: Correct. We are not seeking

1  
2 reapproval of that at this time.

3 MR. DiSTEFANO: Okay. Thank you.

4 MR. MIETZ: What was your question, Morrey?

5 MR. GOLDMAN: It appears you used Cor-Ten for  
6 your signs?

7 MR. CELLUCCI: Yeah, the directional signs  
8 that were installed on Rue De Ville Boulevard that's  
9 four ten scale, correct.

10 MR. GOLDMAN: My industry, I used to work in,  
11 we used it for a while and it --

12 Are you familiar with how it weathers?

13 MR. CELLUCCI: Yes.

14 MR. GOLDMAN: It's not going to get better.

15 MR. CELLUCCI: That actually, that look  
16 ironically is something we desire there. It's -- we've  
17 seen it in different applications and we like that  
18 earthy tone of it.

19 MR. GOLDMAN: Sure. It really looks good  
20 within the first few years and then ten years down the  
21 road our industry stopped using it.

22 MR. CELLUCCI: The lifespan in retail it may  
23 be --

24 MR. GOLDMAN: It's forever.

25 MR. CELLUCCI: -- may be time to relace it

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anyway. But thank you.

MR. GOLDMAN: It's just friendly advice.

MR. CELLUCCI: Thanks. I appreciate that.

MR. MIETZ: Okay. Any other questions?

Okay. Thank you.

MR. CELLUCCI: Thank you.

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

There being none, this public hearing is closed.

11A-03-15 Application of Jewish Senior Life, owner of property located at 2021 Winton Road South (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area Variances from Sections 203-30A(1), 203-2.1B and 207-6A to allow eight (8) shade structures to be located in yards other than the rear yard as required by code. All as described on application and plans on file.

11A-04-15 Application of Jewish Senior Life, owner of property located at 2021 Winton Road South (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area Variances from Sections 203-30A(1), 203-2.1B to allow for viewing platform structures to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file.

11A-05-15 Application of Jewish Senior Life, owner of property located at 2021 Winton Road South (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area Variances from Sections 203-30A(1), 203-2.1B(8) to allow standby emergency generators to be powered by diesel fuel where not allowed by code. All as described on application and plans on file.

11A-06-15 Application of Jewish Senior Life, owner of property located at 2021 Winton Road South (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for 1) Area Variances from Sections 203-30A(1) and 203-2.1B(2) to allow a 2,500 sf storage and generator building and a 405 sf generator building where a maximum 250 sf accessory building is allowed by code; 2) Area Variances from Section 207-6A to allow said buildings to be 19.5 ft and 18 ft. in height, respectively, in lieu of the maximum 16 ft. in height allowed by code; and 3) an Area Variance from Sections 203-30A(1) and 203-2B to allow the 405 sf accessory building to be located in a yard other than the rear yard as required by code. All as described on application and plans on file.

11A-07-15 Application of Jewish Senior Life, owner of property located at 2021 Winton Road South (Tax ID #s

1  
2 149.12-1-34 and 150.09-1-1.1) for Area Variances from  
3 Section 207-2A to allow fences and portions of fences  
4 (surrounding the "Green House" wandering gardens)  
5 located in the front yard to be 6 ft. in height in lieu  
6 of the maximum 3.5 ft. allowed by code. All as  
7 described on application and plans on file.

8 MR. MIETZ: Okay. Are you ready?

9 MR. GOLDMAN: Good evening, Mr. Chairman,  
10 Members of the Board. My name is Jerry Goldman, I'm  
11 the attorney and agent for Jewish Senior Life. With me  
12 tonight is Michael King who is the president and chief  
13 executive officer of Jewish Senior Life; as well as  
14 Andrew Spencer of BME Associates, the project  
15 engineers.

16 I'm going to speak about zoning history.  
17 Then I'm going to turn the presentation over to Mike  
18 King to talk about the dynamic changes that the Jewish  
19 Home is proposing - and Jewish Senior Life is proposing  
20 on their campus. And then I'll come back and talk  
21 about the variance applications themselves.

22 But to orient everyone with the site, the  
23 primary Jewish Home site, if you will, of the Jewish  
24 Senior Life campus is located south of Interstate 590,  
25 west of South Winton Road and north of Meridian Centre

1  
2 Boulevard. Located on that site since sometime around  
3 1980 is the primary Jewish Home building, which is  
4 depicted on the site plan(indicating).

5 In the '90s approval was obtained to have an  
6 assisted and independent living to the west as part of  
7 the campus and the Summit and Wolk Manor were  
8 developed. At the time of the rezoning of this  
9 property to allow for Wolk Manor there was a parcel of  
10 property along the corner - the northeast corner of  
11 South Winton Road and Meridian Centre - that was zoned  
12 for office with the anticipation that there may be some  
13 demand for medical office ancillary to the Jewish Home  
14 itself. As it turned out over the years we found out  
15 that the Jewish Home is really a self-contained medical  
16 unit and there was really no demand for a specific  
17 building, which would be ancillary to it. And as a  
18 result of that and in conjunction with a lot of study  
19 by the Jewish Home an incentive zoning was sought; one,  
20 rezoning this property to be consistent with the main  
21 property over here(indicating) and at the same time to  
22 allow for the development of the dynamic changes -  
23 which Mike will be talking about - in the greenhouses  
24 along the front of the building.

25 So with that, Mike, I invite you to come up

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and talk a little bit about your process.

MR. KING: Thanks, Jerry. Good evening.

If everybody could just be patient with me for a few minutes, I'm going to talk a little bit about our organization and then more importantly about the journey that brought us to where we are today. So if you're not familiar I'll give you the shortened version of what we do at Jewish Senior Life.

Of course we have the Jewish Home which is three hundred and sixty beds, skilled nursing facility primarily. We also do a medical adult day program inside the Jewish Home where we have - actually the largest in Monroe County - we have about eighty-five participants that come every day to our daycare program. We heard Jerry mention the Summit which is an independent living community. Wolk Manor, which is assisted living. And then of course you know we just built the lodge at Wolk Manor, which is our assisted living memory care program, which has had great success. Then of course Marian's House out on South Clinton, which is for those individuals that suffer from early to mid-stage memory loss. And then there's several home and community based services that we provide as well.

1  
2 About five or six years ago, in the middle of  
3 all that stuff I just talked about, our Board and our  
4 management team started talking about what can we do in  
5 the Jewish Home to really transform the way nursing  
6 home care is currently being delivered. When the home  
7 was built in 1985 it really was state-of-the-art at the  
8 time and it was built the way a lot of nursing homes  
9 were at the time, which was really a medical model; you  
10 had, you know, kind of long hallways, some private  
11 rooms, many semi-private rooms, not a lot of common  
12 space.

13 And as we started looking around the country  
14 and talking to other providers, other organizations, we  
15 started hearing a lot about the greenhouse movement,  
16 the greenhouse organization. If you're not familiar  
17 with it, actually just a little bit of history. It was  
18 started by a guy named Dr. Bill Thomas, who was a  
19 medical director from Ithaca, New York, back in the  
20 late '70s early '80s. And the story goes he was in one  
21 of his nursing homes and he had a resident come up to  
22 him and say, you know; what can you do about my  
23 loneliness? What can you do about my boredom? Can you  
24 help cure that? Now, here's a physician and what they  
25 do is they deal with medical needs, but he had no way

1  
2 to figure out how he could cure the boredom and the  
3 loneliness. So he started on this path that lead him  
4 to this idea where you would create actual homes for  
5 nursing home residents to live in.

6 And it actually started about twenty years  
7 ago, believe it or not, in Tupelo, Mississippi, where  
8 an organization built three of these homes. And they  
9 can be no bigger than ten or twelve residents to a  
10 home. And from there that movement has taken off.  
11 It's really taken off not only across the country, but  
12 across the world quite frankly.

13 So what we and our Board decided to do was we  
14 wanted to really emulate what we saw going on in these  
15 greenhouse organizations, where you end up having all  
16 private rooms, private showers, dining rooms, living  
17 rooms, small intimate spaces just like you would in  
18 your own home. And we're proposing to have these  
19 houses that will have twelve residents in each one.  
20 And quite frankly it really is transformational. We  
21 will be one of the largest greenhouse providers in the  
22 country. There won't be anything within three hundred  
23 miles of what we're doing. And so for us as an  
24 organization and for me personally it's a very exciting  
25 journey for us to be going through.

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So that's the greenhouses.

And then, within the Jewish Home itself we want to bring new life to that old building. We're going to put all private rooms within the Jewish Homes so that everybody has their own private space. We're going to put showers in many of those rooms as well. And also much more common space. So we're going to try and create much more smaller, intimate space within the Jewish Home itself. So we think we're going to have really an inspirational, transformational campus for skilled nursing environment that quite honestly, you know, my parents may want to live there, many of you may want to go there. I think we would all be proud to be a part of it.

Are there any questions for me?

MS. SCHWARTZ: What's the difference between the rooms that will remain, but be changed into the current high-rise current versus the greenhouses?

And will there be a difference in the type of resident who lives in each of those or can they choose where they want to live?

MR. KING: Okay. Great questions.

First of all, it's all skilled nursing care. So we're -- any kind of skilled nursing resident can

1  
2 live in the Jewish Home or live - they can live in the  
3 greenhouses. It's all -- just like it's licensed now  
4 by the state department of health, it's the same idea.

5 In terms of the rooms, in the Jewish Home  
6 we're going to take the semi-private rooms and make  
7 them private and then also put showers in there as  
8 well. So they will be pretty similar to the size and  
9 look that of the rooms will be in the greenhouse.

10 Where there will be differences is in the  
11 greenhouse because it's a new construction, we will be  
12 able to have all private kitchens and private dining  
13 rooms just like in your own home.

14 MR. MIETZ: Very good.

15 MR. GOLDMAN: Okay. Just to embellish a  
16 little bit on what Michael was talking about from a  
17 site plan point of view. There are three greenhouses  
18 which are shown in a little bit darker  
19 color(indicating) while we are obtaining approval for  
20 all four greenhouses as well as a future independent  
21 living building.

22 These greenhouses(indicating) are to be  
23 constructed at present and that's what we're planning  
24 in the very short term. These three stories each. So  
25 basically we have three stacked greenhouses, if you

1  
2 will, in one building. So we would have twelve people  
3 on a floor with the individual bedrooms and the common  
4 areas that Michael had talked about in each of these  
5 three buildings and in the fourth(indicating)  
6 ultimately would also be designed that way.

7 This application went through a thorough  
8 review with the Town Board as part of initial rezoning  
9 and incentive zoning approval. It is right now in the  
10 Planning Board process in terms of dealing with the  
11 site plan itself. And as can you see this is the  
12 schematic landscape master plan(indicating) to give you  
13 a perspective of how it works on the campus itself,  
14 with the main building that exists being  
15 here(indicating) and the greenhouses(indicating)  
16 ringing the outside, if you will, of the site.

17 In terms of the variances which are being  
18 sought from the Zoning Board on the site, I'll start  
19 out with this plan and then we'll go to the plan which  
20 really sets forth the variances with numbers attached  
21 to them as part of your application package that you  
22 had received.

23 The first variance that we're looking for is  
24 one to allow eight shade structures in yards other than  
25 rear yards. Each of these greenhouses will have in the

1  
2 immediate area of the building, essentially filling out  
3 the area of the rectangle(indicating), if you will, an  
4 area which will be fenced in and an area which will be  
5 allowed for outside enjoyment by the residents and the  
6 visitors for the greenhouses. What is necessary really  
7 to protect from the sun is to provide some sort of  
8 shade structure within there to allow cover from the  
9 direct sunlight during our sunny days, as it looks like  
10 we are having this week. So we are looking to have  
11 eight shaded structures in conjunction with the entire  
12 project, two for each building and two for each  
13 building area.

14 The second variance that we are looking for  
15 is to allow accessory viewing platforms structures near  
16 the pond areas. In order to be able to enjoy the  
17 wildlife and in order to be able to enjoy views there  
18 are raised platform areas which are being proposed on  
19 the site itself. And those raised platform areas  
20 require a variance because they are structures under  
21 our code.

22 The third variance is to allow diesel fuel as  
23 a power source instead of natural gas, and this is a  
24 state mandated requirement because we need to have what  
25 is referred to as an uninterrupted power source. And

1  
2 natural gas is not deemed to be an uninterrupted power  
3 source. So to that extent, for assisted living  
4 facilities we need to be able to do that.

5 And that kind of ties in a little bit with  
6 our fourth variance, which is to allow two accessory  
7 structures on site which will house generators and in  
8 this case one storage area over here(indicating) and a  
9 building which is solely a generator  
10 building(indicating). On initial plans that we had  
11 we're talking about a more substantial storage building  
12 in the rear. This was thought to be a better  
13 alternative; one, because it allows us to close the,  
14 again, generator which will have a noise dampening  
15 effect in terms of trying to keep noise down, but at  
16 the same time keep the storage areas relatively  
17 proximate. This is also going to be the subjects of  
18 review not only by the Planning Board but also the  
19 Architectural Review Board. And we're in the process  
20 right now of having those completed. These structures  
21 and buildings are going to be a compliment to the  
22 overall site.

23 And the last variance that we are seeking is  
24 to allow fencing in the front yard areas of three foot  
25 - in excess of three feet six inches in height. We're

1  
2 allowed to have three feet six inches in height around  
3 the outside, but we need a little bit taller in order  
4 to make this a more secure area throughout the site  
5 itself.

6 We had provided as part of our application  
7 this map(indicating) in addition to this  
8 plan(indicating) - I'll put it right side up, instead  
9 of upside down - which calls out various items of  
10 relief; the storage buildings, the accessory shade  
11 structures, again, all part of your application  
12 packages you have received on the site itself. We also  
13 provided viewshed analysis so that people can take a  
14 look at what it will look like as a part of the overall  
15 campus from various vantage points throughout the site,  
16 and the schematic landscape plan which we started  
17 working from at the very beginning.

18 One of the reasons why we do our large  
19 presentation on variance considerations and try to put  
20 it all documentary is to avoid going through the  
21 boredom and drudgery of going through the five  
22 measuring standards regarding it. But our letter of  
23 intent addresses the fact that there will not be an  
24 undesirable change in the character of the  
25 neighborhood, that we can not achieve the variances by

1  
2 any other means feasible for us to pursue, that the  
3 variances are not substantial, that we will not have an  
4 adverse effect or impact on the physical or  
5 environmental conditions and at the alleged difficulty  
6 not being self-created - which is not a disqualifying  
7 factor unlike the use variance, but it's really  
8 necessitated by the nature of this particular use.

9 With that, we think that we have a complete  
10 record in now for your review and we would be more than  
11 glad to answer any of your questions. If there are  
12 some that are technical with regard to site, Andrew is  
13 here to answer that. If there's something that's  
14 operational in nature, Michael is here and we'll try  
15 and do the best we can to answer any questions that you  
16 have.

17 MS. SCHWARTZ: I noticed that the fencing  
18 seems to be a pretty white like opal fencing.

19 Is that what we see is what we're going to  
20 get?

21 MR. GOLDMAN: Andrew?

22 MR. SPENCER: For the record, my name is  
23 Andrew Spencer with BME Associates.

24 Yes, what has been depicted on the viewshed  
25 renderings is what will be proposed on the site.

1  
2 MS. SCHWARTZ: Okay. But what we don't see  
3 -- and I have a hard time voting for something if I  
4 don't know what it's going to look like -- what are the  
5 shade structures going to look like?

6 MR. SPENCER: The shade structures are going  
7 to have that same white coloration. It is either going  
8 to be a wood structure or a PVC material. They will be  
9 roughly eight feet in height. And basically it's a  
10 pergola structure, so it is a trellis. It's an  
11 open-roof structure, so it does not have a roof. It  
12 does not have asphalt or metal shingles on it, but it's  
13 more open. You could actually plant some vines on the  
14 ground and allow the vines to come up and over it and  
15 in the summer months even creating even more shade.

16 MS. SCHWARTZ: And you feel that would be  
17 sufficient?

18 You don't envision having to put a roof kind  
19 of thing over them?

20 MR. SPENCER: We do not anticipate having to  
21 put a roof structure over the top.

22 MS. SCHWARTZ: And they're eight feet you  
23 say?

24 MR. SPENCER: I'm sorry?

25 MS. SCHWARTZ: They're eight feet?

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MR. SPENCER: I believe that is correct.

MS. SCHWARTZ: So they're only two feet or so  
- a foot and a half over the fence?

MS. TOMPKINS WRIGHT: The application says  
that they're twelve feet.

MR. SPENCER: I'm sorry. And I was going to  
say I have to go with the application.

MS. TOMPKINS WRIGHT: And what are the  
dimensions aside from height?  
How long is it going to be?  
How wide?

MR. SPENCER: I don't know the answer to  
that, but there is as part of the record for the  
Planning Board there are dimensions given for that  
information with more details of that.

I can generally potentially scale them off  
for you. They're roughly four feet in width and -- I  
do have a scale. I want to make sure this is to scale.  
I have to -- these structures are ten feet in width and  
roughly twenty feet - eighteen to twenty feet in  
length. I apologize for the miscommunication  
initially.

MR. GOLDMAN: The view of them is shown on  
the View 2 drawing that you have among your packet. It

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will give a perspective of what it will look like and how it interplays with the fence and the outside areas.

MS. DALE: So is the entire -- is the whole patio going to be under a shade structure or just part?

MR. SPENCER: No, just parts. And I could point to that on part of the site plan.

Within the wander gardens themselves there will be a shade structure in this general location here(indicating) and a shade structure in this general location here(indicating) and that repeats itself for every single one of the wander gardens. And then that six foot high fence connects the corner of the greenhouse around that shade structure. There's a few jogs of the fencing and then comes back to connect to the greenhouse structure in this zone(indicating). So roughly this area here(indicating) will have the six foot fencing.

MR. GOLDMAN: Part of the benefits that we have - this is a layout benefit - is that when we come to the afternoon the sun will be coming in this direction(indicating) and the building does provide a fair amount of benefit during late afternoon, when a lot of people would want to be out. So the utility of them are great with regard to it during the earlier

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hours, the shade structures will provide a substantial benefit.

MS. DALE: As far as the generators are concerned --

MR. GOLDMAN: Yes.

MS. DALE: Are the generators for primary power for these or are they just for backup?

MR. SPENCER: The generators are for emergency backup.

MS. DALE: Emergency backup only. So they're only going to be -- okay.

And I was wondering about what kind of storage are you talking about with these?

So it is - the request is that it's for storage and generator buildings, but one of the buildings is a heck of a lot bigger than the other.

And I was wondering why you wouldn't have, you know, maybe two smaller buildings instead of one big one and one small one?

And the storage, why is storage there and not someplace else?

MR. SPENCER: Great questions.

Let me start with -- Jerry did go into a little bit of explanation that the original proposal

1  
2 had a large storage structure attached to the existing  
3 garage. What we found through further investigation is  
4 that storage structure didn't work. It didn't work  
5 both from an operational standpoint because all the  
6 storage then was located on the rear of the structure.  
7 You couldn't get through the structure to access it.  
8 The storage is primarily for the greenhouse buildings  
9 themselves. And the storage will be things such as  
10 beds --

11 MS. DALE: They don't have basements in --

12 MR. SPENCER: -- chairs.

13 MS. DALE: The greenhouses don't have  
14 basements?

15 MR. SPENCER: No. All the construction is  
16 slab on grade.

17 MS. DALE: Okay.

18 MR. SPENCER: There are no basements to these  
19 structures. So we did -- which necessitates the need  
20 for additional storage.

21 So it's going to be furniture, beds, chairs,  
22 tables, things that residents may have come in and out  
23 of those rooms. If a medical bed is necessary then a  
24 regular bed will be taken out and stored in that  
25 location.

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MS. DALE: Are there no basements just because that would be more expensive?

MR. SPENCER: There's actually a couple different reasons. There's actually a rather shallow water table on the site. As soon as we started digging down we encountered a lot of ground water. The soils are not conducive for great drainage. So it was determined that a slab-on-grade structure was a better structure.

MS. DALE: So I wasn't clear on -- I get it that you want to protect the generators and the equipment and everything in the elements - from the elements and from view, but I couldn't tell from the application when you are calling these, you know, storage buildings is it going to look like a little house or is it going to look like what's it --

Is it going to be a square that looks like -- is it sided or what?

MR. GOLDMAN: We'll have some architectural features to it. It's not going to look like --

MR. SPENCER: -- actually, if I could point your attention to Viewshed No. 4.

MS. DALE: Okay.

MR. SPENCER: Which shows the storage

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structure to the north the - the storage and generator structure to the north. So that's that larger structure.

MS. DALE: Oh, okay. I'm sorry.

MR. SPENCER: It has the similar architectural characters, colors as the architecture of the greenhouses and they will be complementary.

MS. DALE: So like a little house. Okay.

MR. SPENCER: One of the reasons that we're requesting a height variance for those structures is that we're trying to - the architects are trying to recreate the same roof pitches between the proposed greenhouses and that structure. They're trying to marry all the architecture together.

MR. GOLDMAN: And it's kind of interesting because our code has a different standard for the height of an accessory structure as opposed to the height of a building. The height of a regular building for this type of roof is basically to midpoint of the roof. When we measure them for accessory structures the measurement is to the peak of the roof. So, in essence, if we had consistent standards relative to this we wouldn't be seeking the height relief. But, in essence, the height - as you can see by this particular

1  
2 drawing(indicating) because these buildings(indicating)  
3 are closer to forty-five feet in height is something  
4 that which is - which certainly doesn't dominate the  
5 area.

6 MS. DALE: So is - and maybe, Rick, you can  
7 help we with this -- so the variance is for two  
8 structures in excess of two hundred and fifty square  
9 feet.

10 If they were -- I'm just wondering is it  
11 because there are two of them or is it the combined  
12 size between the two or I'm just wondering if you would  
13 need a variance if they were both medium sized instead  
14 of being small or --

15 MR. DiSTEFANO: Anything over two hundred and  
16 fifty square feet would require a variance.

17 MS. DALE: Combined or separate?

18 MR. MIETZ: No, per.

19 MR. DiSTEFANO: Per accessory structure can  
20 not be more than two hundred and fifty square feet.  
21 The code allows for different forms of accessory  
22 structures on a piece of property. So they're not  
23 really looking at the number of accessory structures,  
24 just these are larger than what we would permit by code  
25 and --

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MR. GOLDMAN: And this building. I'm sorry.  
MR. DiSTEFANO: -- and height.  
MR. GOLDMAN: This one(indicating) is four hundred and five square feet. So it's not substantially larger.

This one(indicating) is larger and this is more storage. This(indicating) is primarily generator storage down here. So it shouldn't be implied that we're going to be doing a lot of storage in this building.

MR. SPENCER: I don't believe that any storage is -- there's no storage being proposed in the structure to the south.

MR. MIETZ: What is the size of the storage area in the twenty-five hundred area?

The generator is taking up what three - four hundred square feet?

MR. SPENCER: In essence, four hundred square feet.

MR. MIETZ: The same size then probably?

MR. GOLDMAN: Right.

MS. DALE: So it's just electrical going to it or -- there's no water or anything else?

MR. GOLDMAN: No.

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MR. SPENCER: This structure right here(indicating) will be sprinklered per New York State Building Code. That one must be sprinklered because of the use as storage.

I believe we confirmed that the generator building does not need to be sprinklered. So water from a standpoint will be brought to this structure here(indicating).

MS. DALE: It's not designed to be habitable if that was your question.

MR. MIETZ: And it's not a maintenance building or --

MR. GOLDMAN: No.

MR. MIETZ: -- any kind of equipment like that, just storage of the generator?

MR. GOLDMAN: Yes.

MR. MIETZ: Okay. Great.

MS. CORRADO: Related to the generator and the fuel source for it --

MR. GOLDMAN: Yes.

MS. CORRADO: I know just enough about generators, but not enough about diesel generators.

Can you describe for us how the diesel fuel is stored and how it is maintained and what that will -

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you know, what does that look like; where does that happen?

MR. SPENCER: At that point right now it's anticipated the diesel storage will actually be underground in an underground tank, very similar to what exists on the Jewish Home right now. There is a generator pad back in this area right here(indicating). That is also a diesel powered generator. Fuel sources are stored underground.

MS. CORRADO: So we've already given an approval for the state requirement for the diesel requirement?

MR. GOLDMAN: Right. Understand that we hope because it's an emergency generator that we won't be utilizing it, that we won't be tapping it often or if at all hopefully.

MS. DALE: So can you tell us about why that location was chosen for the larger of the two versus you couldn't maybe go with the existing generator pad that's behind the Jewish Home today?

MR. MIETZ: Different facility.

Go ahead.

MS. DALE: I mean it's kind of far out off on its own.

1  
2           If you could just talk about why you chose  
3 that spot?

4           MR. SPENCER: It's a very interesting  
5 question. It has been located there to be in close  
6 proximity to the greenhouses themselves, versus tucked  
7 around the back side. Again, if we had the storage  
8 structure here(indicating) it's that much further away  
9 from where it's intended to be utilized and why.

10          MS. DALE: If you're moving beds you said --

11          MR. SPENCER: Uhm-hmm.

12          MS. DALE: -- or other furniture that might  
13 be stored there, you're going to need a vehicle of some  
14 part anyway to get to the further greenhouse.

15                So does it really matter that it's another  
16 two hundred yards further away?

17                You're using a vehicle to drive the beds or  
18 whatever the storage back and forth to the greenhouse  
19 right?

20                I mean it's a long way to the future site,  
21 No. 4.

22          MR. GOLDMAN: It's not only that, but the  
23 configuration of this was to tack it on to the back  
24 over here(indicating). We don't have a driveway or a  
25 loading area that would access it. We're trying to

1  
2 maintain the green over here(indicating) in the initial  
3 view of this thing. This is located(indicating) which  
4 would allow for easy access to be able to go in  
5 here(indicating).

6 I could tell you part of it could very well  
7 be the fact that the initial plan that we talked about  
8 had six greenhouse buildings. So it basically right  
9 now is there were initially, I believe, two buildings  
10 on this side of the driveway. So to that extent, we  
11 said basically we are taking what was a larger building  
12 and we're putting a smaller building with the same  
13 architectural benefit and also providing for the  
14 storage.

15 This is the initial site plan(indicating)  
16 which was taken a look at and the subject of the  
17 incentive zoning application. So we're talking about a  
18 couple of large buildings over here(indicating).

19 MR. SPENCER: Just another piece of the  
20 answer to the question about the storage structure,  
21 there would have to be a structure -- a structure would  
22 be utilized in that northern area for the generator  
23 itself because a generator would have to go someplace  
24 in proximity to these greenhouses. So we would have a  
25 structure out there as well.

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MR. MIETZ: And will that existing - the generator that's placed up there in the twenty-five square foot building accommodates the future greenhouse structures and that structure on the lower left?

MR. SPENCER: Um --

MR. MIETZ: The two that are going to be built later - the first greenhouses and then the fourth greenhouse and the other building on the far, will those all be serviced by this generator?

MR. GOLDMAN: This generator will service greenhouse No.1 and 2.

MR. MIETZ: Okay.

MR. GOLDMAN: This generator is proposed to service No. 3 and 4.

There is no proposed generator for the independent living building.

MR. MIETZ: So there would be no need for another accessory structure building to support the future construction then?

MR. SPENCER: That is, in essence, an independent living apartment.

MR. GOLDMAN: Right. It's the assisted living which requires the diesel generator. And since this is an independent living building there's no need

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to have that same type of deal.

MR. MIETZ: There may be a need for a generator --

MR. GOLDMAN: Yeah.

MR. MIETZ: -- but it would just be a natural gas generator or probably something smaller?

MR. GOLDMAN: Yes.

MR. SPENCER: It doesn't have to comply with the department of health requirements.

MR. MIETZ: And it wouldn't need to be enclosed in any fashion, not as a building?

Okay.

MR. DiSTEFANO: Do you feel comfortable that the noise level of those generators will not exceed seventy-two decibels twenty-three feet away from it?

MR. SPENCER: We are still gathering that information to make that determination, to make sure that we will comply with that particular portion of the code.

The building will give us a greater opportunity to shield that noise.

I will not emphatically state that will happen.

MR. DiSTEFANO: So you might be back to us

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regarding noise levels, possibly?

MR. SPENCER: Possibly if that information does not come back positively.

MR. DiSTEFANO: Okay.

MR. SPENCER: It's the intent to utilize the structure to help shield both the look of an exterior generator as well as dampen the noise.

MR. GOLDMAN: And, again, understanding that this will only be used in the case of a power failure. It would -- it's not something that we're talking about a constant running.

MR. MIETZ: -- a weekly exercise like all generators do?

MR. GOLDMAN: There would be some testing obviously, but it would be a short term test.

MS. DALE: Just one more question.

MR. GOLDMAN: Yes?

MS. DALE: As far as the viewing platforms as far as the town is concerned --

MR. GOLDMAN: Yes?

MS. DALE: It doesn't look like there's any sort of sidewalk or path or anything going to them.

So your vision is people are just going to walk across the grass and --

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Okay.

MS. TOMPKINS WRIGHT: And it's just enclosed by, kind of like, by those two feet rope lines essentially?

MR. SPENCER: There is actually - there will be a railing around each one of those viewshed platforms. In addition, there's actually a three and a half foot high fence around each one of the stormwater management ponds.

MS. TOMPKINS WRIGHT: Okay.

MR. SPENCER: For safety and security purposes all of that will be interconnected.

MS. DALE: Oh, I'm confused. There's fences around -- there's going to be fences built around the pond?

MR. SPENCER: There will, yes. But they are three and a half feet in height. They do not require a variance.

MR. GOLDMAN: You can see that on View 3 in the packet. It shows the fencing around the pond.

MS. DALE: Mine doesn't have that.

MR. GOLDMAN: I'm going to bring this up, if you don't mind?

Unfortunately there was an earlier

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configuration of this. For example, the viewing platforms are more substantial and you could see the fencing around.

MS. DALE: Okay.

MR. GOLDMAN: I'm going to show on this form you can see both(indicating) the viewing platform and the viewing fence around the pond.

MR. DiSTEFANO: And that is the -- I'm not going to hold you to it, but is that the basic style you're looking at?

I mean it doesn't require a variance or anything, but is that -- you don't know exactly what the style of that fence is going to be?

MR. SPENCER: The style right now that is being proposed is that it would be a black ornamental style.

MR. DiSTEFANO: Similar to what they have there now?

MR. SPENCER: Similar to what they have now, but meeting the height condition.

MR. DiSTEFANO: Okay.

MR. SPENCER: And the black so it kind of disappears within the landscaping and it's not easily viewed.

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MS. TOMPKINS WRIGHT: All of the wander gardens are fully fenced?

And how high are those fences?

It's probably in here.

MR. SPENCER: They're proposed right now at six feet in height.

MR. DiSTEFANO: At the highest point including any posts and --

MR. SPENCER: That's the intent.

MR. DiSTEFANO: Okay.

MS. TOMPKINS WRIGHT: You don't have the dimensions for the pond viewing platforms?

Did they change in size?

The railings change, the added fencing.

But did the dimensions of those platforms change from the earlier iteration?

MR. SPENCER: I do not believe they have.

I can take a very, very quick look here.

MS. TOMPKINS WRIGHT: And while you're looking, the pergolas, shade structures, the viewing ponds they're all going to be shielded from view by a lot of landscaping that's --

MR. SPENCER: Yeah.

MS. TOMPKINS WRIGHT: -- already there and

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may be added as well?

MR. GOLDMAN: That's correct. That was the thought process on the landscaping.

MR. SPENCER: The northern viewing platform is roughly twenty-four feet by twenty-four. This one is fifteen by fifteen(indicating). Fifteen by fifteen(indicating). And fifteen by fifteen right here(indicating). I don't believe those have changed from the original proposal.

MR. MIETZ: Okay. Any other questions?

Okay. Thank you.

MR. GOLDMAN: Thank you very much.

MR. MIETZ: Is there anyone in the audience that would like to speak regarding any of these application?

There being none, the public hearings are closed.

11A-08-15 Application of Dean Faklaris, agent, and Westfall Park Associates, owner of property located at 2337 South Clinton Avenue, for a Sign Variance from Section 207-32B to allow for business identification signage on two building faces where signage on only one building face is allowed by code. All as described on application and plans on file.

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2 MR. FAKLARIS: I'm Dean Faklaris from the  
3 University of Rochester. I was here probably in July,  
4 I think it was. This is the property I first started  
5 working on requesting signage approval for a sign on  
6 our awning that we put on the west-facing side of the  
7 building. And you've granted that approval. I have  
8 not put it up yet.

9 So now I'm requesting a variance for the  
10 second sign, which is on the north side. Currently  
11 there is a light box there, but in discussing with  
12 Rick, a predecessor put that sign up. I believe there  
13 is no permit now for that. So I'm acknowledging that.

14 So the request is to maintain that sign, move  
15 it down the wall a little bit so it's more in line with  
16 the main drive and then change out the sign panel  
17 that's inside there to the one that is in the sign  
18 package. The reason being, there's two ways to access  
19 our front entrance, which is on the west - which is a  
20 kind of an odd place to have a front door because it is  
21 really obscure to any line of sight to anyone unless  
22 you've actually landed right in front of the building.  
23 And so if you are approaching the building from either  
24 from Clinton or from Westfall into the larger office  
25 park area, this - the north side of wall is the first

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2 one you would see. You would never see the front door  
3 unless you actually found the front door. So this is a  
4 important sign I think for wayfinding; particularly  
5 this is a sleep center, so a lot of people come in the  
6 evenings to spend the night and have their sleep  
7 monitored. So wayfinding becomes a challenge at  
8 nighttime, so signage I think is even more important.

9 You're probably going to ask: Why do you  
10 need the first one then?

11 I guess I would say it's two reasons; one,  
12 whether or not this is a valid enough reason, it seems  
13 very strange not to have an identifier on your front  
14 entrance. It just seems -- how could you not identify  
15 your business at the front door. And two, you can  
16 access the parking lot in front of the main entrance  
17 from the neighboring property, which is 2365 South  
18 Clinton - Clinton Woods. So if somebody came from that  
19 way into the parking lot and there was nothing on the  
20 front identifying the business I'm not sure that is  
21 conducive to good wayfinding.

22 MR. DiSTEFANO: Are either of these two  
23 signs, can they be seen from either Westfall or South  
24 Clinton?

25 MR. FAKLARIS: No. The awning could be seen

1  
2 by nobody unless you are in the parking lot and this  
3 sign is only about - it can't be more than five feet  
4 off the ground and there is at least one building  
5 between this sign and Westfall. And the whole property  
6 is kind of elevated. There is a little bit of a hill  
7 coming up Westfall.

8 MR. MIETZ: All right. Any questions about  
9 this?

10 MR. FAKLARIS: Morrey, is this your last day?  
11 Big surprise at the end?

12 Okay. I've got a cake.

13 MR. GOLDMAN: Good for you.

14 MR. MIETZ: Okay. Thanks.

15 Is there anyone in the audience that would  
16 like to speak with this application?

17 There being none, the public hearing is  
18 closed.

19 11A-09-15 Application of Robert and Carol Geroux,  
20 owners of property located at 76 Fairmeadow Drive, for  
21 an Area Variance from Section 205-2 to allow an entry  
22 porch to extend 7 ft. into the 40 ft. front setback  
23 required by code. All as described on application and  
24 plans on file.

25 MR. BRASLEY: Good evening, everyone. I'm

1  
2 Jim Brasley, architect. I'm joined by Bob Geroux, who  
3 is the owner of 76 Fairmeadow Drive, with his wife  
4 Carol.

5 The Gerouxs moved to Brighton about three  
6 years ago. They love Brighton. They love their  
7 neighborhood. They love their house.

8 They hate their front entrance. There is a  
9 big brick wall right in front of the front door. It's  
10 not very inviting to visitors. It's very awkward with  
11 steps to climb that are all different heights. And  
12 it's a mess in the wintertime to get snow off of that  
13 front entrance. But mostly it's not inviting. There's  
14 a big brick wall right in front of the front door.

15 So what they want to do is build a new front  
16 entry porch. I've included some building elevations.  
17 That will be constructed out of pressure-treated wood  
18 and Trex composite decking.

19 We did go to the Architectural Review Board  
20 last week and we got approval for that. They in fact  
21 said they're a front porch friendly Board, so they  
22 wanted to see this happen.

23 The existing steps in front of that brick  
24 wall have a setback of thirty-seven feet, where forty  
25 feet is required. The new porch that we're proposing

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2 is only one foot closer to the road, so it will have a  
3 setback of thirty-six feet. And so the steps in front  
4 of the porch will come out another three feet, so that  
5 the total setback will be thirty-three feet or  
6 seven feet into the setback.

7 We believe this meets the five general rules  
8 for granting area variances.

9 This certainly won't change the character of  
10 the neighborhood. It should improve the character of  
11 the neighborhood because it will make the front  
12 entrance more inviting and easier to maintain in the  
13 wintertime.

14 There really aren't any other alternatives  
15 other than taking down the brick wall. So there really  
16 are no other alternatives from the variances we're  
17 asking for.

18 This is as small as possible variance that we  
19 can ask for. As I said, the existing steps are only  
20 thirty-six feet from the road. We're only coming out  
21 one foot closer than that plus the steps. So it is a  
22 small variance.

23 And there will be no harm to the environment  
24 from this minor change to the front of the house.

25 I suppose you could say this is a

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self-created hardship, but it really was whoever built this house first forty or fifty years ago. I really don't know why they wanted to put a brick wall in front of the front door.

But we do think that this meets all the needs for a variance.

That's all I have.

Does anyone have any questions about our proposal?

MS. CORRADO: Certainly this is going to be open, it's not --

MR. BRASLEY: No roof. Yup, no changes to anything except they're going to tear down the brick wall and what they need to for the new footers and build a new porch. There will be no changes to the house at all.

MS. CORRADO: Is there any thought to a future addition of a covering over the porch?

MR. BRASLEY: We had talked about that originally in the design and because of cost and some of the logistics and figuring out where that roof would go, no, there is no plans to add a roof. They just want the open front porch.

MR. MIETZ: Any other questions?

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Okay. Thank you very much.

MR. BRASLEY: Thank you. Have a good evening.

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

There being none, the public hearing is closed.

11A-10-15 Application of Mary Eagle and Charles Eagle, Jr., owners of property located at 117 Georgian Court Road, for an Area Variance from Section 205-2 to allow an entry porch to extend 6 ft. into the 50 ft. front setback where a 60 ft. front setback is required by code. All as described on application and plans on file.

MR. BURROWS: Hello. My name is David Burrows. I'm the architect working with Mary and Charles Eagle of 117 Georgian Court Road.

They bought their house a little over a year ago.

MS. EAGLE: Yup, at the end of 2014.

MR. BURROWS: And it needed quite a bit of work, which they've done a lot of. There's a front entrance that has no protection on it and in fact Mary had to replace the front door due to weather issues.

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2           They're proposing to construct a portico that  
3 is six feet deep and eleven feet wide. And the house  
4 is an LRA lot, which requires a sixty foot front  
5 setback. There's a pre-existing non-conforming front  
6 setback. So anything we build will be within a  
7 non-conforming front setback.

8           So our request is to have a -- let's see.

9           What is that?

10          MS. EAGLE: It's about forty-four feet from  
11 the road.

12          MR. BURROWS: Right. So it will have a  
13 forty-four foot front setback where a sixty foot front  
14 setback is required. However, adjacent neighbors at  
15 101 and 107 Georgian Court each have porticos or  
16 entrances that extend into the front setback. I've got  
17 photographs of those houses that I will pass around.

18          MS. EAGLE: So in addition to it being  
19 aesthetically, you know, helping our house because it  
20 has a very flat front right now, we think that there  
21 will be a lot of practical uses for it too. We have  
22 some water damage to our existing front door, which is  
23 why we had to change it; understanding it was because  
24 there was no flashing or no covering over the door for  
25 many years.

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2           Also I've discussed this with several of our  
3 neighbors. They are all in favor of it. They think it  
4 would be great for the neighborhood. And, again, a  
5 couple of the neighbors have done something similar to  
6 this on their houses in the past.

7           MR. BURROWS: And at 1010 Georgian Court the  
8 variance was to extend five feet into the existing  
9 forty-six foot front setback, where a sixty foot front  
10 seatback is required by code. So they actually have a  
11 forty-one foot front setback, where we'll have  
12 forty-four.

13           So in terms of creating a -- self-created  
14 hardship, I think the house kind of deserves a better  
15 entrance and it should connect the house better to the  
16 street. It should increase the appeal of the house and  
17 basically enhance the house and its surroundings. So  
18 we feel we're basically improving the house and in turn  
19 we would by constructing this.

20           And the Architectural Review Board approved  
21 this last week on the condition that we get the zoning  
22 variance.

23           The style, materials, general character of  
24 this will be compatible with the aesthetic of the  
25 original character of the house.

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MS. TOMPKINS WRIGHT: The portico is open on the sides, it's just the columns?

MS. EAGLE: Yes, uhm-hmm.

MR. MIETZ: Okay. Any other questions about this?

MS. TOMPKINS WRIGHT: Do you offhand know the setback for 107 Georgian Court?

MR. BURROWS: No, but it doesn't have a variance. So they built that without a variance.

MS. TOMPKINS WRIGHT: I didn't hear that.

MS. EAGLE: It was built before zoning existed.

MS. TOMPKINS WRIGHT: Got it.

MS. EAGLE: That house is actually the same house as our ours. They've just done different things. I think that entryway has been there for a while.

MR. MIETZ: Okay. Very good.

Any other questions?

Okay. Thank you very much.

MS. EAGLE: Thank you.

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

There being none, the public hearing is closed.

1  
2 11A-11-15 Application of Signs Now of Rochester, agent,  
3 and 1850 WRS, LLC, owner of property located at 1850  
4 Winton Road South for Sign Variances from Section 207-  
5 32B to 1) allow for business identification signage on  
6 two building faces where signage on only one building  
7 face is allowed by code, 2) allow the signs to be 30  
8 ft. in height from grade in lieu of the maximum 20 ft.  
9 allowed by code; and 3) a Sign Variance from Section  
10 207-26D to allow the signs to be 100% logo where not  
11 allowed by code. All as described on application and  
12 plans on file.

13 MS. STRACEY: Good evening. Jackie Stracey,  
14 from Signs Now of Rochester. Here with Jerry Swingle  
15 from 1850 WRS, LLC, owner of the property. We are  
16 basically looking for three different things. Just to  
17 kind of address each one.

18 The logo itself, GRB, is their actual logo,  
19 the text of it generally with that. I brought along  
20 some business cards and if you look at their website  
21 that is their actual branding, just the GRB. And their  
22 website as well is GRBbank.com. So the idea would be  
23 to just use that branding for the signage.

24 The other issue was the height of the signs.  
25 The building itself, the way it sits -- we drove all

1  
2 four ways east and west on 590 at that point and north  
3 and south on Winton. With the Winton Road barricades  
4 there it is very difficult to see anything at the  
5 twenty foot height. So the second level, as you see on  
6 want building where we have them place, it's much  
7 better visibility. And the way that the building sits  
8 on the road is kind of an angled spot as well. So that  
9 is the reason we are proposing the two signs.

10 And also what we did with the two signs is  
11 tried to keep it under the square footage allowable for  
12 the building, which was 112.5. So we're at 101.25.

13 The other thing I wanted to present for you,  
14 the renderings are hard to show a lighted sign at  
15 night. So you can see those are kind of dark. So I  
16 did bring along a sample of what that halo lighting  
17 would look like and some specs on that if the Board  
18 needs that.

19 Any questions?

20 MS. SCHWARTZ: What are the hours of the  
21 business?

22 MS. STRACEY: I'm sorry?

23 MS. SCHWARTZ: What are the hours of  
24 business?

25 MR. SWINGLE: We're open from 8:00 a.m to

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5:00 p.m. only Monday through Friday.

MS. SCHWARTZ: So, Rick, their sign then would be lit until when?

MR. DiSTEFANO: I'm sorry?

MS. SCHWARTZ: Their sign would be lit until when?

MR. DiSTEFANO: Well by code it can be lit not a half hour before business hours and turned off a half an hour after business hours.

MS. TOMPKINS WRIGHT: So it's only being lit from 7:30 in the morning until 5:30 at night?

MR. DiSTEFANO: That's what the code reads. All I'll say is that's what the code reads.

MR. GOLDMAN: Do you want to adjust that?

MS. STRACEY: Yes, I was not aware of that. So I would think that they would want that lit more than 8:30 to 5:00.

MR. DiSTEFANO: Well, I wouldn't -- I don't know if I could, you know, add that to this application. I would just kind of go with the application as it is.

MR. MIETZ: Okay.

MS. STRACEY: I guess the section --

MR. MIETZ: There is a difference.

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MR. DiSTEFANO: Let's put it this way, there's a lot of signs in town that extend the hours of what the code specifically states on lighting.

MR. DOLLINGER: What's going in here?

MS. TRACEY: I --

MR. DOLLINGER: What portion of the building are you occupying?

MR. SWINGLE: By March we will be occupying the entire building.

MR. DOLLINGER: And what facilities are going in there?

Where are you located now?

MR. SWINGLE: We're in Linden Oaks right now. And so we're moving - it's really executive offices; it's a mortgage operation, it's a private banking - commercial banking operation.

MR. GOLDMAN: Are you going to have the public come into your building or is it strictly for your own --

MR. SWINGLE: No, there's definitely public coming into the building between our private banking clients and our commercial banking clients and our mortgage banking clients we -- it's certainly not as busy as a typical bank branch, but, you know, forty to

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fifty clients a day.

MR. GOLDMAN: And could you help me understand, again, why you are asking for the added height; I didn't fully understand that?

MS. STRACEY: Okay. When you drive that area - so if I'm driving north on Winton Road, that intersection now the way that it's built there's a barricade with that green - and I don't know what that's called, but the green things there. So you really can't see anything at that level until you get all the way into Winton Road. So the visibility at that height is really diminished by the barricades.

When you go south on Winton Road, the traffic lights and the street lights and some trees actually block it when you are heading that direction.

And then 590 you definitely can't see that level at all when you are on 590. You can only see the upper level.

Does that make more sense?

MR. GOLDMAN: Thank you.

MS. STRACEY: You're welcome.

MR. MIETZ: All right.

MR. DiSTEFANO: Did -- you stated -- I'm sorry, I might have missed it.

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What's the total square footage of these two signs?

MS. TRACEY: 101.25.

MR. DiSTEFANO: And what would you be permitted on one building face?

MS. TRACEY: 112.5.

MR. DiSTEFANO: Thank you.

MR. MIETZ: Okay. Any other questions?

Okay. Thank you very much.

MS. TRACEY: Thank you.

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

There being none, the public hearing is closed.

11A-12-15 Application of Delmonico's Italian Steakhouse, lessee, and Southview Commons Associates, owner of property located at 125 White Spruce Blvd., for an Area Variance from Section 207-2A to allow a front yard fence with decorative features to be 5 +/- ft. in height in lieu of the maximum 3.5 ft. in height allowed by code. All as described on application and plans on file.

MR. HAUSNER: Good evening. My name is Norbert Hausner and I have Paul Guillod here, we're

1  
2 from NH Architecture, and Gabe here from the best  
3 steakhouse in Rochester. We're here to talk about an  
4 existing fence that was never approved before. We're  
5 here to apologize.

6 We came before you to - basically we want to  
7 get rid of the existing fence and clad it with stone to  
8 match the stone that is on the building's entrances.  
9 And we found out that the fence isn't supposed to be  
10 there. So we are here to beg indulgence to go on with  
11 that original endeavor to put cultured stone in to  
12 match the entrance and to replace the little coach  
13 lights that are on top with gas lanterns, as we're  
14 trying to depict in the lower elevation.

15 We have a cut sheet of the gas lanterns that  
16 we've brought with us. The gas lanterns are a little  
17 bit taller and much better looking than these coach  
18 lights. That's where the five foot dimension comes  
19 from that you're hearing. This fence - the wall, if  
20 you will, is exactly the same height and description as  
21 it depicts itself in the photographs. So dimensionally  
22 we're looking at exactly the same thing that you see  
23 here(indicating). It's much better looking because it  
24 will match the entrance exactly in terms of the stone.

25 However, again, as I mentioned -- oh, you

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have it here. That would be grat to show them. If you don't have it in four -- the lantern.

And that's about all I've got.

If you guys would like to ask me any questions, I will do my best to elaborate.

I believe, you know, that particular paragraph or section is aiming for something else than it is in this application. But I'm here to - for a good variance.

MS. CORRADO: So the new lamps that are going to be installed, the gas lamps, are they simply for lighting or are they those --

MR. HAUSNER: Ambiance effect.

MS. CORRADO: Okay.

MR. HAUSNER: They're not a heater thing, no. They're just an ambiance. When these get passed around the room - they're really neat, big with this beautiful flame inside.

MS. CORRADO: And the patio that the wall surrounds, is that outdoor dining?

MR. HAUSNER: No, it's kind of a - they back up sometimes because they get great crowds because it is the greatest steakhouse in Rochester. I get a hundred dollars every time I say it. That's a lie.

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MR. DiSTEFANO: Do you mean they're not the greatest steakhouse in Rochester?

MR. HAUSNER: Now you're going to get me in trouble.

MR. DiSTEFANO: Now you owe them a hundred bucks.

MR. HAUSNER: That's right. There goes my take-out.

This is just a kind of overflow area basically.

MS. CORRADO: Will there be seating out there, like a seating area?

MR. HAUSNER: No. It's not a smoking area. No, I think that -- you don't have any benches out there, do you?

UNKNOWN: We do have benches.

MR. HAUSNER: You do have benches, I'm sorry.

MR. DiSTEFANO: So not including the light fixture, what's the height of the wall?

MR. HAUSNER: The wall is one foot eleven and the top of the cap is two foot six.

MR. DiSTEFANO: Well, the wall itself if it didn't have the light fixtures --

MR. HAUSNER: It would be below. We wouldn't

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even --

MR. DiSTEFANO: You would be below what code requires.

MR. HAUSNER: Yeah, we wouldn't be here. It's just the ornamentation that's on there, not the lamp itself.

MR. MIETZ: Okay. Questions?

Okay. Thank you very much.

MR. HAUSNER: Thanks a lot.

MR. GOLDMAN: The cannolis are good.

MR. HAUSNER: The cannolis. Thank you very much.

Have a good evening.

MR. MIETZ: Okay, gentlemen.

Is there anyone in the audience that would like to speak regarding this application?

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

11A-13-15 Application of Martin Cordy, owner of property located at 644 Penfield Road, for Area Variances from Section 203-2.1B(3) to allow a detached garage to be reconstructed at 728 sf in size in lieu of the maximum 600 sf allowed by code, and to be located 3.46 ft. from a side lot line in lieu of the minimum 5

1  
2 ft. required by code. All as described on application  
3 and plans on file.

4 MR. CORDY: How you doing?

5 My name is Martin Cordy. I own the house.  
6 The gentleman that owns - the one doing the  
7 construction for me couldn't make it today. I think  
8 most of the information is there for you.

9 Basically I had the garage collapse in March  
10 in the last heavy snowstorm. And with insurance and  
11 everything else I'm trying to rebuild it.

12 I'm going pretty much with exactly what's  
13 there. They had an odd little notch out of additions  
14 that they had done through the years and I just kind of  
15 want to square that off, but you can't be -- it was  
16 above six hundred feet originally. And I just want to  
17 keep it back to the -- I'm not using the same pad  
18 because the pad can't be used. I have to go with code,  
19 you know, putting in a new pad and things down. But I  
20 just wanted to square it off, put a new garage up, put  
21 my kids' bikes away that are sitting in the yard.

22 If you have any questions about any of that I  
23 guess --

24 MR. MIETZ: On the first issue is, you know,  
25 as you just pointed out you're redesigning this whole

1  
2 thing basically. It's going on a new pad. It's a new  
3 structure.

4 So why can't it be six hundred square feet?

5 We understand what it was.

6 But why do you need the hundred and  
7 twenty-eight more square feet?

8 MR. CORDY: I have things that I was putting  
9 in there. I have a pod in my front yard full of a  
10 bunch of - all my stuff that I had in my garage. I  
11 have rental properties and I keep a stove in my garage  
12 or some tools and things like that.

13 I bought the house loving -- I love the  
14 house. I like the garage. I knew it wasn't in the  
15 best of shape when I bought it. I put a new roof on  
16 that garage probably three years before it collapsed.  
17 But I mean I -- my wife was more into the house and I  
18 was like what a great garage. We have I think plenty  
19 of space on our land to accommodate that garage. And  
20 it's been there for years - poorly built, but it's been  
21 there many years before.

22 MS. TOMPKINS WRIGHT: What was the square  
23 footage before, the full square feet?

24 MR. CORDY: I'm trying to -- I don't know  
25 exactly, but that little notch that I'm trying to say

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I'm saying it's six feet by six feet. Don't quote me - it's six feet by eight feet. I just want to make it square so I can do the trusses straight across. It might be eight feet by eight feet.

MR. DiSTEFANO: It looks like it's about six by ten.

MR. CORDY: Six by ten maybe?

MR. DiSTEFANO: Yeah, give or take.

MS. CORRADO: So with the slight reconfiguration of the of the dimensions and squaring that off, you're going to end up with roughly the same amount of storage that you had in the original garage which collapsed?

MR. CORDY: I will have I guess six by ten extra little --

MR. MIETZ: Sixty square feet.

MR. CORDY: Sixty square, yeah. That's what I -- it's more of the building of it to -- I wanted my to -- my driveway goes right to the - straight to it and I just want it going to where the driveway is. My wife is very happy with the flowerbeds and that's one of the things that she really liked. She didn't want to move some of those bushes.

I just want to square it off. I'm trying to

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make it easier instead of trying to notch in a roof and things like that.

MS. CORRADO: Right. Simplifying the construction.

MR. CORDY: Yeah.

MS. CORRADO: That makes sense.

MR. DiSTEFANO: For the code, can you state how big your property is - for the record, can you state how big your property is?

MR. CORDY: How big?

MR. DiSTEFANO: How big is the property?

MR. DOLLINGER: How many acres?

MR. CORDY: Oh, it's like two acres.

The one is deemed a little less than. One is deemed forever wild. It's just woods and my kids play back there and deer run around and my dog barks at the deer and squirrels and whatnot.

MR. DiSTEFANO: Do you know your neighboring property directly to the west, how close their garage is to the property line?

MR. CORDY: To the west, if I'm facing my property to the left?

MR. DiSTEFANO: To the left?

MR. CORDY: They're --

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MR. DiSTEFANO: Pretty close?

MR. CORDY: Real close. I can't -- there's a space in between that both of us barely go to. I would -- it's --

MR. DiSTEFANO: Do you believe it's closer than five feet.

MR. CORDY: Oh, definitely.

MR. MIETZ: What -- are you going to be bringing utilities to the structure, et cetera?

MR. CORDY: There was just electric there already. I have, you know, a garage door opener and a couple of outlets.

MR. MIETZ: No water or anything like that?

MR. CORDY: No.

MR. DiSTEFANO: And do you know the height of the garage is proposed?

MR. CORDY: We talked about it the other day. And I can't - I don't know off the top of my head, no.

It's - I remember because that was one of the questions back when we were applying for this if it was too high and we couldn't go to a certain height and to make sure it was under that high.

MR. DiSTEFANO: So it's less than sixteen feet to the highest point, sixteen feet or less

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to the highest point?

MS. CORRADO: It looks like it's  
fourteen feet to the highest point.

MR. DiSTEFANO: Does that sound right to you?

MR. CORDY: Yeah, yeah, that sounds right to  
me.

I just know I want to drive my truck into it.  
I couldn't drive my truck into the old one. I just  
want to be able to drive my truck in.

MS. CORRADO: Yeah, it looks like fourteen.

MR. MIETZ: Okay. Questions?

MS. CORRADO: And will the finish of the  
exterior match what your home --

MR. CORDY: Yeah.

MS. CORRADO: -- is finished?

MR. CORDY: Yes. I just put an addition on  
it last year and to the back and that went all smooth.  
I'll be using the same guys and I just want to -- you  
know, they did a great job on the old one. I didn't  
really think a falling down garage would be that big of  
a deal. Sorry.

MR. MIETZ: Okay. Thank you.

MR. CORDY: Thank you.

MR. MIETZ: Is there anyone in the audience

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that would like to speak regarding this application?

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

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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

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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS  
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on November  
4th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

November 4th, 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

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

NOT PRESENT:

CANDICE BAKER LEIT, ESQ.

(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 8A-11-15

3 8A-11-15 Application of the Baptist Temple,  
4 owner of property located at 1101 Clover Street, for a  
5 Sign Variance from Section 207-31B to allow for three  
6 (3) identification signs(two free standing  
7 identification signs currently exist) where only one  
8 identification sign is allowed by code. All as  
9 described on application and plans on file. TABLED AT  
10 THE AUGUST 5, 2015 MEETING - PUBLIC HEARING REMAINS  
11 OPEN

12 Motion made by Ms. Dale to approve  
13 Application 8A-11-15.

14 **FINDINGS OF FACT:**

- 15 1. The need of additional signage is due to the shape  
16 of the corner lot and visitors traveling to the  
17 building from multiple directions.  
18 2. The proposed variance will not have an adverse  
19 impact on the physical or environmental conditions of  
20 the neighborhood.  
21 3. The proposed variance is not a substantial increase  
22 due to the fact it is only a thirty-six foot building  
23 face sign on a very large structure.

24 **CONDITIONS:**

- 25 1. Prior to the issuance of a building permit for the

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installation of the sign the applicant shall obtain for the building an opinion that the proposed uses are permissible in the district.

2. Approval of the variance only pertains to the proposed sign as presented in application and testimony given.

3. All necessary Architectural Review Board and Planning Board approvals shall be obtained.

(Seconded by Ms. Schwartz.)

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

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

1  
2 APPLICATION 11A-01-15

3 11A-01-15 Application of Anthony Daniele, owner  
4 of property located at 2851 Monroe Avenue, for 1) a  
5 Sign Variance from Section 207-32B(3) to allow two  
6 signs to total 67.04 sf in size in lieu of the maximum  
7 45 sf allowed by code, and 2) a Sign Variance from  
8 Section 207-32B(3) to allow one sign to be 21 ft. 8  
9 inches in height above grade in lieu of the maximum 20  
10 ft. allowed by code. All as described on application  
11 and plans on file.

12 Motion made by Mr. Mietz to deny Application  
13 11A-01-15 based on:

14 **FINDINGS OF FACT:**

15 1. The applicant needs to work out the issues of the  
16 sign approval as per the Architectural Review Board's  
17 letter.

18 (Seconded by Ms. Dale.)

19 (Ms. Corrado, yes; Ms. Tompkins Wright, yes;  
20 Ms. Schwartz, yes; Mr. Goldman, yes; Ms. Dale, yes; Mr.  
21 Mietz, yes.)

22 (Upon roll call, motion to deny Application  
23 11A-01-15 carries.)

24

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1 APPLICATION 11A-02-15

2 11A-02-15 Application of Neu Lac De Ville  
3 Associates, LLC, owner of property located at 1900  
4 South Clinton Avenue, for a Sign Variance from Section  
5 207-32B to allow for a freestanding sign (to replace a  
6 pre-existing nonconforming freestanding sign) where  
7 not allowed by code. All as described on application  
8 and plans on file.  
9

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

12 **FINDINGS OF FACT:**

- 13 1. The proposed sign will replace a pre-existing  
14 non-conforming freestanding sign which is currently on  
15 this site at the proposed location for the new sign.
- 16 2. The proposed sign will not produce an undesirable  
17 change to the character of the neighborhood. In fact,  
18 it will produce an aesthetic since the new sign will be  
19 more modern in appearance and will be coordinated with  
20 the signage within the plaza itself. Additionally, the  
21 new sign will be smaller in size than the existing sign  
22 that it replaces.
- 23 3. No other alternative can meet the needs of the  
24 applicant. A plaza of this size clearly requires a  
25 sign to indicate its main entrance to the public. The

1  
2 proposed sign is suitably sized and has an attractive  
3 appearance. Its location is appropriate for its stated  
4 purpose.

5 4. The variance is not substantial, given that the  
6 sign is smaller than the sign that it replaces and  
7 appears reasonable in appearance relative to the size  
8 of the plaza and the surrounding properties.

9 5. There will not be an adverse impact on the physical  
10 or environmental conditions in the neighborhood. Given  
11 that a sign of this size is needed, the proposed sign  
12 is appropriate and will improve the conditions already  
13 present with the existing sign.

14 **CONDITIONS:**

15 1. This sign applies only to the sign and its location  
16 as discussed in the application and testimony.

17 2. All necessary Architectural Review Board and  
18 Planning Board approvals shall be obtained.

19 (Seconded by Ms. Dale.)

20 (Mr. Goldman, yes; Ms. Tompkins Wright,  
21 yes; Mr. Goldman, yes; Ms. Corrado, yes; Ms. Dale, yes;  
22 Ms. Schwartz, yes.)

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

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2 APPLICATION 11A-03-15

3 11A-03-15 Application of Jewish Senior Life,  
4 owner of property located at 2021 Winton Road South  
5 (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area  
6 Variances from Sections 203-30A(1), 203-2.1B and 207-6A  
7 to allow eight (8) shade structures to be located in  
8 yards other than the rear yard as required by code. All  
9 as described on application and plans on file

10 Motion made by Ms. Tompkins Wright to approve  
11 Application 11A-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 the requested variance is not substantial. The shade  
17 structures are minimal in size and well hidden from the  
18 landscape. They are also ninety to well over a hundred  
19 and twenty feet from the applicable roads.

20 2. The benefit sought by the applicant cannot  
21 reasonably be achieved by any other method. The nature  
22 of these skilled nursing facilities and their physical  
23 orientation in a larger senior-living facility complex  
24 as well as the fact that the property is a corner lot  
25 makes compliance with code infeasible.

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2 3. There is no evidence that the proposed variance  
3 will have an adverse effect or impact on the physical  
4 or environmental conditions in the neighborhood or  
5 district.

6 4. The difficulty in complying with code is not  
7 self-created, but rather stems from the nature of this  
8 property and use.

9 **CONDITIONS:**

10 1. The variances granted herein apply only to the  
11 shade structures described in the location and size as  
12 depicted on the application and testimony given.

13 2. All necessary approvals and permits must be  
14 obtained.

15 (Seconded by Ms. Corrado.)

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

19 (Upon roll call, motion to approve with  
20 conditions carries.)  
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2 APPLICATION 11A-04-15

3 11A-04-15 Application of Jewish Senior Life,  
4 owner of property located at 2021 Winton Road South  
5 (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area  
6 Variances from Sections 203-30A(1), 203-2.1B to allow  
7 for viewing platform structures to be located in a  
8 front yard in lieu of the rear yard as required by  
9 code. All as described on application and plans on file

10 Motion made by Ms. Tompkins Wright to approve  
11 Application 11A-04-15.

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 the requested variance is not substantial. The pond  
17 viewing structures are minimal in size and well hidden  
18 from view by landscaping.

19 2. The benefit sought by the applicant cannot  
20 reasonably be achieved by any other method. There  
21 isn't any other way to provide safe and accessible  
22 viewing areas for these ponds without installation of  
23 the platform structure. And the ponds are located in a  
24 front yard.

25 3. There is no evidence that the proposed variance

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

5 4. The difficulty in complying with the code is not  
6 self-created, but rather stems from the location of the  
7 ponds.

8 **CONDITIONS:**

9 1. The variances granted herein apply only to the pond  
10 viewing structures described in the number and the size  
11 as depicted on the application and in testimony  
12 presented.

13 2. All necessary approvals and permits must be  
14 obtained.

15 (Seconded by Ms. Corrado.)

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

19 (Upon roll call, motion to approve with  
20 conditions carries.)  
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2 APPLICATION 11A-05-15

3 11A-05-15 Application of Jewish Senior Life,  
4 owner of property located at 2021 Winton Road South  
5 (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area  
6 Variances from Sections 203-30A(1), 203-2.1B(8) to  
7 allow standby emergency generators to be powered by  
8 diesel fuel where not allowed by code. All as described  
9 on application and plans on file.

10 Motion made by Ms. Corrado to approve  
11 Application 11A-05-15.

12 **FINDINGS OF FACT:**

13 1. The requested variance is not substantial and no  
14 other alternative can alleviate the difficulty and  
15 produce the desired result, that being the New York  
16 State code for uninterrupted power supply for elder  
17 care facilities.

18 2. No unacceptable change in the character of the  
19 neighborhood and no substantial detriment to nearby  
20 properties is expected to result from the approval of  
21 this variance, as the generators are to be used only in  
22 the case of power interruption and not as a primary  
23 source of power.

24 3. The alleged hardship is not self-created by the  
25 applicant. In fact, the New York State code for elder

care facilities requires an uninterrupted power supply for backup generators, a requirement which can be met with a diesel powered unit.

4. The health, safety and welfare of the community will not be adversely effected by the approval of the variance. In fact, this backup source of power is essential for the continued health, safety and welfare of the residents at the Jewish Senior Life community in the event of power outages due to extreme weather or unexpected circumstances.

**CONDITIONS:**

1. This variance will apply only to the generators that were described in the application and testimony. In particular, it will not apply to additional generators considered in the future that are not included in the present application.

2. No above grade detached fuel storage tank shall be permitted.

3. All necessary town approvals and permits shall be obtained.

(Secoded by Ms. Tompkins Wright.)

(Mr. Mietz, yes; Mr. Goldman, abstain; Ms. Schwartz, yes; Ms. Dale, yes; Ms. Tompkins Wright, yes.)

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

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2 APPLICATION 11A-06-15

3 11A-06-15 Application of Jewish Senior Life,  
4 owner of property located at 2021 Winton Road South  
5 (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for 1) Area  
6 Variances from Sections 203-30A(1) and 203-2.1B(2) to  
7 allow a 2,500 sf storage and generator building and  
8 a 405 sf generator building where a maximum 250 sf  
9 accessory building is allowed by code; 2) Area  
10 Variances from Section 207-6A to allow said buildings  
11 to be 19.5 ft and 18 ft. in height, respectively, in  
12 lieu of the maximum 16 ft. in height allowed by code;  
13 and 3) an Area Variance from Sections 203-30A(1) and  
14 203-2B to allow the 405 sf accessory building to be  
15 located in a yard other than the rear yard as required  
16 by code. All as described on application and plans on  
17 file.

18 Motion made by Ms. Dale to approve  
19 Application 11A-06-15.

20 **FINDINGS OF FACT:**

21 1. The size of the storage and generator building  
22 requested is mandated by the need to support the  
23 emergency power requirements of the facilities and the  
24 desire to place equipment within structures to protect  
25 them from the elements and from view.

2 2. The hardship is not self-created as the size of the  
3 building is required for storage because the new green  
4 buildings are not designed with basements.

5 3. The requested variance is not substantial and is  
6 the minimum necessary to grant relief.

7 4. The proposed variance will not have an adverse  
8 impact on the physical and environmental conditions of  
9 the neighborhood.

10 5. The alleged difficulty and request for variance was  
11 not self-created and is a result of the corner lot.

12 6. Enclosing the generators would also help shield  
13 noise.

14 7. The size and height of these structures are in  
15 keeping with the architectural style of the overall  
16 project.

17 **CONDITIONS:**

18 1. Approval of this variance applies only to the two  
19 accessory structures as per testimony and plans  
20 submitted.

21 2. All necessary approvals and permits shall be  
22 obtained.

23 (Seconded by Ms. Corrado.)

24 (Mr. Goldman, abstain; Ms. Schwartz, yes; Ms.  
25 Tompkins Wright, yes; Mr. Mietz, yes; Ms. Corrado, yes;

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Ms. Dale, yes.)

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

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2 APPLICATION 11A-07-15

3 11A-07-15 Application of Jewish Senior Life,  
4 owner of property located at 2021 Winton Road South  
5 (Tax ID #s 149.12-1-34 and 150.09-1-1.1) for Area  
6 Variances from Section 207-2A to allow fences and  
7 portions of fences (surrounding the "Green House"  
8 wandering gardens) located in the front yard to be 6  
9 ft. in height in lieu of the maximum 3.5 ft. allowed by  
10 code. All as described on application and plans on  
11 file.

12 Motion made by Mr. Mietz to approve  
13 Application 11A-07-15.

14 **FINDINGS OF FACT:**

- 15 1. The variance for the three buildings is for a very  
16 small area that will be well hidden from the road.  
17 2. The additional height will create a more secure  
18 environment to control the exterior use of the area.  
19 3. No negative effect on the character of the  
20 neighborhood will result from the approval of the  
21 variance due to the overall integrated design of this  
22 area and proposed landscaping.

23 **CONDITIONS:**

- 24 1. All necessary Town of Brighton approvals shall be  
25 obtained.

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2 2. This variance shall only apply to the specific area  
3 shown on the drawings provided and testimony given.

4 (Seconded by Ms. Schwartz.)

5 (Ms. Dale, yes; Ms. Tompkins Wright, yes;  
6 Mr. Goldman, abstain; Ms. Corrado, yes; Ms. Schwartz,  
7 yes; Mr. Mietz, yes.)

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

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2 APPLICATION 11A-08-15

3 11A-08-15 Application of Dean Faklaris, agent,  
4 and Westfall Park Associates, owner of property  
5 located at 2337 South Clinton Avenue, for a Sign  
6 Variance from Section 207-32B to allow for business  
7 identification signage on two building faces where  
8 signage on only one building face is allowed by code.  
9 All as described on application and plans on file.

10 Motion made by Mr. Mietz to approve  
11 Application 11A-08-15.

12 **FINDINGS OF FACT:**

13 1. The second sign face request is substantial.  
14 However, the identification of the building from  
15 multiple access points will assist patrons to find the  
16 building more easily.

17 2. The proposed sign will only serve to identify the  
18 location once patrons are in the office complex. It is  
19 not visible from Westfall or South Clinton.

20 3. No negative effect on the character of the  
21 neighborhood will result from the approval of this  
22 variance. Since the nature of the building is part of  
23 an office complex identification is important.

24 **CONDITIONS:**

25 1. All necessary Architectural Review Board and

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Planning Board approvals shall be obtained.

2. This variance applies to the specific sign and location as described in the plans submitted and testimony given.

(Seconded by Ms. Corrado.)

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

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

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2 APPLICATION 11A-09-15

3 11A-09-15 Application of Robert and Carol  
4 Geroux, owners of property located at 76 Fairmeadow  
5 Drive, for an Area Variance from Section 205-2 to allow  
6 an entry porch to extend 7 ft. into the 40 ft. front  
7 setback required by code. All as described on  
8 application and plans on file.

9 Motion made by Ms. Schwartz to approve  
10 Application 11A-09-15.

11 **FINDINGS OF FACT:**

- 12 1. The existing front steps and landing are difficult  
13 to navigate as there are twists and turns up two  
14 separate sets of steps to the front door.
- 15 2. The brick wall limits standing space for guests to  
16 enter through the front door.
- 17 3. The brick wall cuts off the open entry to the front  
18 door.
- 19 4. The existing porch is a pre-existing non-conforming  
20 front setback of the requested variance, accounting for  
21 three feet more into the current setback.
- 22 5. There will be no undesirable effect on the  
23 neighborhood. But a more open, inviting entry to the  
24 front door will be crated as a result of this variance,  
25 this will improve the character of the neighborhood.

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**CONDITIONS:**

1. This variance is only for an entry porch to extend seven feet into the forty foot front setback as described in the application and testimony presented.

2. All necessary Architectural Review Board and building permits shall be obtained.

(Seconded by Ms. Tompkins Wright.)

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

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

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2 APPLICATION 11A-10-15

3 11A-10-15 Application of Mary Eagle and Charles  
4 Eagle, Jr., owners of property located at 117  
5 Georgian Court Road, for an Area Variance from Section  
6 205-2 to allow an entry porch to extend 6 ft. into the  
7 50 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 Ms. Tompkins Wright to approve  
11 Application 11A-10-15.

12 **FINDINGS OF FACT:**

13 1. Granting of the requested variance will not produce  
14 an undesirable change in the character of the  
15 neighborhood or be a detriment to nearby properties.  
16 The requested variance is not substantial. Similar  
17 homes on this street have similar entry porches and  
18 setbacks a similar distance from the road.

19 2. The benefit sought by the applicant cannot be  
20 reasonably achieved by any other method as the property  
21 is already non-conforming. There is no need to add any  
22 type of porch to the front of the home without  
23 variance. And the applicant's application states that  
24 the dimensions of this portico are the minimum required  
25 for their needs.

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2 3. There is no evidence that the proposed variance  
3 will have an adverse effect or impact on the physical  
4 or environmental conditions of the neighborhood or  
5 district.

6 4. The difficulty in complying with the code is not  
7 self-created, but is created by the current  
8 non-conforming property.

9 **CONDITIONS:**

10 1. The variance granted herein applies only to the  
11 entry porch described and in the location as depicted  
12 in the application and in testimony given.

13 2. All necessary approvals and permits must be  
14 obtained.

15 (Seconded by Ms. Schwartz, yes.)

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

19 (Upon roll call, motion to approve with  
20 conditions carries.)  
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APPLICATION 11A-11-15

11A-11-15 Application of Signs Now of Rochester, agent, and 1850 WRS, LLC, owner of property located at 1850 Winton Road South for Sign Variances from Section 207-32B to 1) allow for business identification signage on two building faces where signage on only one building face is allowed by code, 2) allow the signs to be 30 ft. in height from grade in lieu of the maximum 20 ft. allowed by code; and 3) a Sign Variance from Section 207-26D to allow the signs to be 100% logo where not allowed by code. All as described on application and plans on file.

Motion made by Mr. Goldman to approve sections 1 and 3 of Application 11A-11-15.

**FINDINGS OF FACT:**

1. Due to the alignment of the building with relation to Winton Road, having one sign will not adequately identify the building.

2. The logo is used on all Genesee Regional Banks and is their main method of identifying their building.

**CONDITIONS:**

1. All necessary Architectural Review Board and Planning Board approvals shall be obtained.

2. The variance applies only to the sign as per

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testimony and application.

(Seconded by Ms. Tompkins Wright.)

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

(Upon roll call, motion to approve parts 1 and 3 with conditions carries.)

Motion made by Mr. Goldman to table section 2 of Application 11A-11-15 for a better understanding for the additional need of ten feet in height.

(Seconded by Ms. Schwartz.)

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

(Upon roll call, motion to table section 2 carries.)

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2 APPLICATION 11A-12-15

3 11A-12-16 Application of Delmonico's Italian  
4 Steakhouse, lessee, and Southview Commons Associates,  
5 owner of property located at 125 White Spruce Blvd.,  
6 for an Area Variance from Section 207-2A to allow a  
7 front yard fence with decorative features to be 5 +/-  
8 ft. in height in lieu of the maximum 3.5 ft. in height  
9 allowed by code. All as described on application and  
10 plans on file.

11 Motion made by Ms. Corrado to approve  
12 Application 11A-12-15.

13 **FINDINGS OF FACT:**

- 14 1. The requested variance is not substantial, that is  
15 the proposed wall replaces and improves the appearance  
16 of an existing landscaping wall.
- 17 2. No other alternative can alleviate the difficulty  
18 and produce the desired result based on specified  
19 materials for the appearance desired.
- 20 3. No unacceptable change in the character of the  
21 neighborhood and no substantial detriment to nearby  
22 properties is expected to result from the approval of  
23 this variance because the proposed wall is replacing an  
24 existing landscaping wall, incorporating aesthetic  
25 improvements including stone veneer and new lighting.

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2 4. The alleged hardship was not self-created by the  
3 applicant. In fact, if not for the proposed gas lamps  
4 height the wall itself would be in compliance with the  
5 code.

6 5. The health, safety and welfare of the community  
7 will not be adversely effected by the approval of this  
8 variance.

9 **CONDITIONS:**

10 1. The variance will only apply to the structure  
11 described in the application and testimony, in  
12 particular it will not apply to additional structures  
13 that are considered in the future that are not included  
14 in the present application.

15 2. All necessary town approvals and building permits  
16 shall be obtained.

17 (Seconded by Ms. Schwartz.)

18 (Mr. Goldman, yes; Ms. Tompkins Wright, yes;  
19 Ms. Dale, yes; Mr. Mietz, yes; Ms. Schwartz, yes; Ms  
20 Corrado, yes.)

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

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2 APPLICATION 11A-13-15

3 11A-13-15 Application of Martin Cordy, owner of  
4 property located at 644 Penfield Road, for Area  
5 Variances from Section 203-2.1B(3) to allow a detached  
6 garage to be reconstructed at 728 sf in size in lieu of  
7 the maximum 600 sf allowed by code, and to be located  
8 3.46 ft. from a side lot line in lieu of the minimum 5  
9 ft. required by code. All as described on application  
10 and plans on file.

11 Motion made by Ms. Dale to approve  
12 Application 11A-13-15.

13 **FINDINGS OF FACT:**

- 14 1. The difficulty leading to the variance request is  
15 not self-created, as the previous garage had collapsed  
16 due to the weight of snow.
- 17 2. Approval of the variance will permit the rebuild of  
18 a structure to maintain the relative size and location  
19 of the previous garage.
- 20 3. The requested variance is not substantial due to  
21 the large size of the lot and the fact there are other  
22 garages in the immediate neighborhood that have a  
23 similar setback.
- 24 4. Maintaining the original location will eliminate  
25 the need for costly changes to the driveway to

1  
2 accommodate for vehicle entrance.

3 5. The proposed variance will not have an adverse  
4 impact on the physical or environmental condition of  
5 the neighborhood.

6 **CONDITIONS:**

7 1. Approval is only for the proposed variance as  
8 presented in testimony and written application.

9 2. All necessary town approvals and permits must be  
10 obtained.

11 (Seconded by Ms. Schwartz.)

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

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

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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

	29/19 96/6 98/6 100/6 103/6 103/13 205-2 [4] 64/21 68/11 110/5 112/6	12/23 18/23 22/3 26/19 26/21 30/16 30/18 30/21 31/23 32/2 32/5 32/6 32/14 33/2 33/3 33/4 33/15 33/22 33/23 34/6 36/16 37/4 39/11 45/13 45/14 51/22 51/23 52/18 53/2 54/7 54/17 54/20 57/11 64/3 64/8 65/5 67/9 67/20 69/10 71/5 78/3 79/4 82/22 84/6 86/18 above [6] 11/19 82/16 89/6 93/9 101/18 120/6 above-entitled [2] 89/6 120/6 abstain [5] 97/17 99/16 101/23 104/24 107/6 accept [3] 3/18 3/19 3/22 access [6] 46/7 53/25 54/4 62/18 63/16 108/15 accessible [1] 98/21 accessory [14] 29/15 29/20 38/15 39/6 40/10 48/18 48/21 49/19 49/21 49/23 55/19 103/9 103/14 104/19 accommodate [2] 83/19 119/2 accommodates [1] 55/4 accounting [1] 110/20 accurate [2] 89/8 120/8 achieve [1] 40/25 achieved [3] 96/21 98/20 112/20 acknowledging [1] 62/13 acres [2] 85/13 85/14 across [5] 14/13 34/11 34/12 57/25 84/4 activities [1] 7/12 activity [1] 6/17 actual [3] 34/4 72/18 72/21 actually [24] 7/22 13/25 14/10 14/13 14/22 16/3 25/9 25/10 27/15 32/13 33/17 34/6 42/13 47/4 47/5 47/22 52/5 58/6 58/8 62/22 63/3 70/10 71/15 76/15 add [6] 4/19 5/11 13/21 67/23 74/20 112/21 added [4] 10/5 60/15 61/2 76/4 addition [5] 40/7 58/8 67/19 69/18 87/17 additional [6] 46/20 91/15 101/15 106/17 115/12 117/12 Additionally [1] 94/20 additions [2] 3/17 82/13 address [1] 72/17 addresses [1] 40/23 adequately [1] 114/18 adjacent [1] 69/14 adjust [2] 20/25 74/15 adjusted [3] 17/19 17/23 20/5 adult [1] 32/12 adverse [8] 41/4 91/18 95/9 97/3 99/2 104/7 113/3 119/3 adversely [2] 101/6 117/7 advertised [2] 2/5 2/7 advice [1] 28/3 aesthetic [3] 70/24 94/18 116/24 aesthetically [1] 69/19 affixed [1] 17/18 after [2] 2/17 74/10 afternoon [2] 44/21 44/23 afterwards [1] 10/25 again [8] 14/25 39/14 40/11 53/7 57/9 70/4 76/4 78/25 agent [5] 30/11 61/19 72/2 108/3 114/4 ago [9] 12/24 14/4 18/15 18/16 33/2 34/7 65/6 67/3 68/20 ahead [2] 2/14 52/23 aiming [1] 79/8 alignment [1] 114/17 all [91] 3/4 3/8 3/15 4/7 4/13 5/22 8/3 11/20 13/22 14/5 14/15 16/11 18/9 21/6 21/10 21/17 21/18 24/24 28/17 28/24 29/7 29/22 30/6 33/3 34/15 35/5 35/14
'70s [1] 33/20 '80s [1] 33/20 '90s [1] 31/5	207 [1] 72/4 207-26D [2] 72/10 114/11 207-2A [4] 30/3 77/19 106/6 116/6 207-31B [2] 4/4 91/5 207-32B [9] 11/15 11/18 24/21 61/22 93/5 93/8 94/6 108/6 114/6 207-6A [4] 28/15 29/16 96/6 103/10 21 [4] 1/25 11/18 90/25 93/8 22 [1] 2/21 2300 [4] 1/2 1/5 90/2 90/5 2337 [2] 61/21 108/5 2365 [1] 63/17 250 [2] 29/14 103/8 26.83 [1] 14/14 26D [2] 72/10 114/11 28 [1] 2/17 2851 [3] 11/14 11/25 93/4 2A [4] 30/3 77/19 106/6 116/6 2B [2] 29/20 103/14	
<b>1</b>		
1.1 [10] 28/14 28/21 29/4 29/11 30/2 96/5 98/5 100/5 103/5 106/5 10 [1] 2/15 100 [2] 72/10 114/11 101 [1] 69/15 101.25 [2] 73/12 77/4 1010 [1] 70/7 107 [2] 69/15 71/8 1101 [3] 4/3 8/15 91/4 112.5 [2] 73/12 77/7 117 [3] 68/10 68/18 112/4 11A-01-15 [5] 11/13 93/2 93/3 93/13 93/23 11A-02-15 [4] 24/19 94/2 94/3 94/11 11A-03-15 [4] 28/12 96/2 96/3 96/11 11A-04-15 [4] 28/19 98/2 98/3 98/11 11A-05-15 [4] 29/2 100/2 100/3 100/11 11A-06-15 [4] 29/9 103/2 103/3 103/19 11A-07-15 [4] 29/24 106/2 106/3 106/13 11A-08-15 [4] 61/19 108/2 108/3 108/11 11A-09-15 [4] 64/19 110/2 110/3 110/10 11A-10-15 [4] 68/9 112/2 112/3 112/11 11A-11-15 [5] 72/2 114/2 114/3 114/15 115/11 11A-12-15 [3] 77/16 116/2 116/12 11A-12-16 [1] 116/3 11A-13-15 [4] 81/20 118/2 118/3 118/12 125 [2] 77/18 116/5 14020 [2] 1/25 90/25 14618 [2] 1/5 90/5 149.12-1-34 [10] 28/14 28/21 29/4 29/11 30/2 96/5 98/5 100/5 103/5 106/5 15 [58] 2/15 4/2 11/13 24/19 28/12 28/19 29/2 29/9 29/24 61/19 64/19 68/9 72/2 77/16 81/20 91/2 91/3 91/13 93/2 93/3 93/13 93/23 94/2 94/3 94/11 96/2 96/3 96/11 98/2 98/3 98/11 100/2 100/3 100/11 103/2 103/3 103/19 106/2 106/3 106/13 108/2 108/3 108/11 110/2 110/3 110/10 112/2 112/3 112/11 114/2 114/3 114/15 115/11 116/2 116/12 118/2 118/3 118/12 150.09-1-1.1 [10] 28/14 28/21 29/4 29/11 30/2 96/5 98/5 100/5 103/5 106/5 16 [3] 29/18 103/12 116/3 17 [1] 2/17 18 [2] 29/17 103/11 1850 [5] 72/3 72/3 72/15 114/4 114/5 19.5 [2] 29/17 103/11 1900 [3] 24/20 25/7 94/4 1964 [1] 5/8 1980 [1] 31/3 1985 [1] 33/7	29/19 96/6 98/6 100/6 103/6 103/13 205-2 [4] 64/21 68/11 110/5 112/6 207 [1] 72/4 207-26D [2] 72/10 114/11 207-2A [4] 30/3 77/19 106/6 116/6 207-31B [2] 4/4 91/5 207-32B [9] 11/15 11/18 24/21 61/22 93/5 93/8 94/6 108/6 114/6 207-6A [4] 28/15 29/16 96/6 103/10 21 [4] 1/25 11/18 90/25 93/8 22 [1] 2/21 2300 [4] 1/2 1/5 90/2 90/5 2337 [2] 61/21 108/5 2365 [1] 63/17 250 [2] 29/14 103/8 26.83 [1] 14/14 26D [2] 72/10 114/11 28 [1] 2/17 2851 [3] 11/14 11/25 93/4 2A [4] 30/3 77/19 106/6 116/6 2B [2] 29/20 103/14	
	<b>3</b>	
	3.46 [2] 81/25 118/8 3.5 [4] 30/6 77/21 106/9 116/8 30 [2] 72/7 114/9 30A [10] 28/15 28/22 29/5 29/12 29/19 96/6 98/6 100/6 103/6 103/13 31B [2] 4/4 91/5 32B [10] 11/15 11/18 24/21 61/22 72/5 93/5 93/8 94/6 108/6 114/6 34 [10] 28/14 28/21 29/4 29/11 30/2 96/5 98/5 100/5 103/5 106/5	
	<b>4</b>	
	40 [2] 64/22 110/6 405 [4] 29/14 29/20 103/8 103/14 45 [2] 11/16 93/7 4th [4] 1/3 1/4 90/3 90/4	
	<b>5</b>	
	50 [2] 68/12 112/7 501-C3 [1] 7/11 51 [1] 2/19 52 [1] 2/21 58 [2] 2/22 2/22 590 [4] 30/24 73/2 76/17 76/18 5:00 [2] 74/2 74/18 5:30 [1] 74/12	
	<b>6</b>	
	60 [2] 68/13 112/7 600 [2] 81/24 118/7 644 [2] 81/21 118/4 66 [1] 3/5 67.04 [2] 11/16 93/6 6A [4] 28/15 29/16 96/6 103/10	
	<b>7</b>	
	728 [2] 81/23 118/6 76 [3] 64/20 65/3 110/4 7:15 [2] 1/3 90/3 7:30 [1] 74/12	
	<b>8</b>	
	8:00 [1] 73/25 8:30 [1] 74/18 8A-11-15 [4] 4/2 91/2 91/3 91/13	
	<b>A</b>	
	a.m [1] 73/25 able [7] 22/6 36/12 38/16 38/17 39/4 54/4 87/10 about [50] 5/21 8/19 8/25 12/5 12/6	
<b>2</b>		
2,500 [2] 29/13 103/7 2.1B [10] 28/15 28/22 29/5 29/12 81/22 96/6 98/6 100/6 103/6 118/5 20 [4] 11/19 72/8 93/9 114/10 2014 [1] 68/21 2015 [7] 1/3 1/4 2/8 4/9 90/3 90/4 91/10 2021 [10] 28/13 28/20 29/3 29/10 29/25 96/4 98/4 100/4 103/4 106/4 203-2.1B [10] 28/15 28/22 29/5 29/12 81/22 96/6 98/6 100/6 103/6 118/5 203-2B [2] 29/20 103/14 203-30A [10] 28/15 28/22 29/5 29/12		

**A**  
all... [64] 35/24 35/24 36/3 36/12 36/20  
40/11 40/20 46/5 46/15 48/15 52/17  
55/10 57/13 58/13 60/2 60/22 61/24 64/8  
64/23 65/11 67/6 67/8 67/17 68/14 70/3  
72/11 72/25 74/14 76/12 76/18 76/23  
77/22 79/4 82/2 83/10 87/18 91/8 92/8  
93/10 94/8 95/17 96/8 97/13 98/9 99/13  
100/8 101/20 103/16 104/21 106/10  
106/24 108/9 108/25 110/7 111/6 112/8  
113/13 114/12 114/20 114/23 116/9  
117/15 118/9 119/9  
alleged [4] 41/5 100/24 104/10 117/2  
alleviate [2] 100/14 116/17  
allow [51] 4/4 6/11 11/15 11/18 24/22  
25/6 26/13 28/15 28/22 29/5 29/12 29/16  
29/20 30/3 31/9 31/22 37/24 38/8 38/15  
38/22 39/6 39/24 42/14 54/4 61/22 64/21  
68/11 72/5 72/7 72/10 77/19 81/22 91/5  
93/5 93/8 94/6 96/7 98/6 100/7 103/7  
103/10 103/14 106/6 108/6 110/5 112/6  
114/6 114/8 114/11 116/6 118/5  
allowable [3] 2/18 15/25 73/11  
allowed [32] 4/7 11/17 11/20 12/18  
24/24 26/15 29/7 29/15 29/18 30/6 38/5  
40/2 61/24 72/7 72/9 72/11 77/22 81/24  
91/8 93/7 93/10 94/8 100/8 103/9 103/12  
106/9 108/8 114/8 114/10 114/12 116/9  
118/7  
allowing [2] 11/22 26/2  
allows [2] 39/13 49/21  
almost [1] 24/6  
along [4] 31/10 31/24 72/19 73/16  
already [7] 13/11 20/2 52/11 60/25 86/12  
95/12 112/21  
also [17] 5/5 15/10 16/25 20/11 32/12  
35/8 36/7 37/6 39/17 39/18 40/12 52/9  
54/13 70/2 73/10 96/18 104/12  
alternative [4] 39/13 94/23 100/14  
116/17  
alternatives [2] 66/14 66/16  
ambiance [2] 79/14 79/17  
amended [2] 3/20 3/22  
among [1] 43/25  
amount [4] 19/2 22/11 44/23 84/13  
analysis [1] 40/13  
ancillary [2] 31/13 31/17  
ANDREA [2] 1/11 90/11  
Andrew [4] 30/14 41/12 41/21 41/23  
angled [1] 73/8  
another [7] 5/23 13/7 13/19 53/15 54/19  
55/19 66/4  
answer [6] 23/2 41/11 41/13 41/15 43/13  
54/20  
Anthony [5] 11/13 11/23 14/6 22/2 93/3  
anticipate [1] 42/20  
anticipated [1] 52/5  
anticipation [1] 31/12  
any [38] 3/16 9/19 18/17 20/20 24/11  
26/16 28/5 35/16 35/25 41/2 41/11 41/15  
50/12 51/15 56/12 57/22 60/9 61/11  
61/15 62/21 64/8 66/14 67/9 67/18 67/25  
71/5 71/19 73/19 77/9 79/5 80/15 82/22  
82/22 96/21 98/20 98/21 112/20 112/21  
anybody [1] 3/2  
anyone [13] 3/16 11/9 24/15 28/8 61/14  
62/21 64/15 67/9 68/5 71/22 77/12 81/16  
87/25  
anything [11] 13/20 34/22 49/15 50/24  
57/23 59/13 67/14 69/6 73/4 76/11 86/14  
anyway [3] 21/19 28/2 53/14  
apartment [1] 55/22

apologize [2] 43/22 78/5  
appeal [1] 70/16  
APPEALS [3] 1/2 2/3 90/2  
appearance [6] 3/7 94/19 95/3 95/7  
116/15 116/19  
appears [2] 27/5 95/7  
applicable [1] 96/19  
applicant [9] 90/20 92/2 93/15 94/24  
96/20 98/19 100/25 112/19 117/3  
applicant's [1] 112/23  
application [128]  
applications [2] 27/17 30/21  
applied [1] 23/2  
applies [5] 95/15 104/18 109/3 113/10  
114/25  
apply [7] 97/10 99/9 101/13 101/15  
107/2 117/10 117/12  
applying [3] 9/9 13/16 86/21  
appreciate [1] 28/4  
approaching [1] 62/23  
appropriate [2] 95/3 95/12  
approval [20] 9/20 19/3 31/5 36/19 37/9  
52/12 62/5 62/7 65/20 92/5 93/16 100/20  
101/6 104/18 106/20 108/21 116/22  
117/7 118/17 119/7  
approvals [12] 92/9 95/18 97/13 99/13  
101/20 104/21 106/24 109/2 113/13  
114/24 117/15 119/9  
approve [27] 19/4 91/12 92/14 94/10  
95/23 96/10 97/19 98/10 99/19 100/10  
102/2 103/18 105/3 106/12 107/8 108/10  
109/10 110/9 111/12 112/10 113/19  
114/14 115/7 116/11 117/21 118/11  
119/15  
approved [3] 26/9 70/20 78/4  
APPROXIMATELY [2] 1/3 90/3  
architect [2] 65/2 68/17  
architects [1] 48/12  
architectural [22] 9/23 13/9 16/25 18/20  
19/6 19/17 21/5 21/21 22/15 39/19 47/20  
48/7 54/13 65/19 70/20 92/8 93/16 95/17  
104/15 108/25 111/6 114/23  
architecture [3] 48/7 48/15 78/2  
are [110] 4/18 5/22 5/22 6/7 7/4 7/7 7/10  
11/3 13/2 15/7 18/6 18/25 19/14 19/21  
19/23 26/25 27/12 30/8 32/7 35/16 36/17  
36/18 36/19 36/22 37/17 38/10 38/10  
38/14 38/18 38/18 38/20 39/21 39/23  
41/3 41/11 41/12 42/4 42/6 43/9 43/15  
43/20 44/25 45/4 45/7 45/8 45/9 45/14  
46/18 47/2 47/8 47/15 48/12 49/3 49/11  
49/24 52/10 54/11 55/7 56/17 57/24  
58/17 59/3 60/3 60/4 61/17 62/23 63/22  
64/2 65/11 66/16 66/19 70/3 72/15 73/9  
73/14 73/15 73/20 73/23 75/8 75/11  
75/13 75/18 76/4 76/16 76/18 78/10  
78/13 78/16 79/11 79/12 79/13 81/11  
82/21 86/9 92/3 96/17 96/18 98/17 98/23  
100/21 101/16 104/4 104/14 108/18  
110/12 110/13 112/24 117/13 117/13  
118/21  
area [46] 28/14 28/21 29/4 29/11 29/15  
29/19 30/2 38/2 38/3 38/4 38/4 38/13  
39/8 40/4 44/17 49/5 50/16 50/16 52/8  
53/25 54/22 62/25 64/21 66/8 68/11 76/6  
77/19 80/10 80/13 80/14 81/21 96/5 98/5  
100/5 103/5 103/9 103/13 106/5 106/16  
106/18 106/22 107/2 110/5 112/5 116/6  
118/4  
areas [8] 37/4 38/16 38/18 38/19 39/16  
39/24 44/3 98/22  
aren't [2] 19/8 66/14  
argue [2] 21/5 21/20

argued [1] 21/14  
around [21] 6/8 12/4 14/14 23/16 23/19  
23/21 31/2 33/13 40/2 44/14 53/7 58/7  
58/9 58/15 58/15 58/21 59/4 59/8 69/17  
79/17 85/17  
arranged [1] 17/15  
art [1] 33/7  
arts [5] 4/22 6/13 6/16 6/20 8/10  
as [129]  
aside [1] 43/10  
ask [3] 63/9 66/19 79/5  
asked [3] 4/23 14/8 14/12  
asking [5] 12/3 14/16 15/7 66/17 76/4  
asphalt [1] 42/12  
assist [1] 108/15  
assisted [5] 31/6 32/18 32/19 39/3 55/23  
Associates [9] 24/19 25/5 30/14 41/23  
61/20 77/17 94/4 108/4 116/4  
attached [2] 37/20 46/2  
attention [2] 21/14 47/23  
attorney [3] 1/13 30/11 90/13  
attractive [1] 95/2  
audience [10] 11/9 24/15 28/8 61/14  
64/15 68/5 71/22 77/12 81/16 87/25  
AUGUST [3] 4/8 4/15 91/10  
AVENUE [12] 1/2 1/5 11/14 12/2 24/21  
25/7 61/21 90/2 90/5 93/4 94/5 108/5  
avoid [1] 40/20  
aware [1] 74/16  
away [4] 53/8 53/16 56/16 82/21  
awkward [1] 65/10  
awning [2] 62/6 63/25

**B**  
back [17] 4/15 15/3 18/9 30/20 33/19  
44/15 52/8 53/7 53/18 53/23 56/25 57/4  
79/22 82/17 85/17 86/21 87/18  
backup [5] 45/8 45/10 45/11 101/3 101/7  
BAKER [3] 1/17 2/12 90/17  
bank [1] 75/25  
banking [5] 75/16 75/17 75/22 75/23  
75/24  
Banks [1] 114/20  
Baptist [8] 4/2 4/10 6/9 7/8 8/10 8/14  
8/17 91/3  
barely [1] 86/4  
barks [1] 85/17  
barricade [1] 76/9  
barricades [2] 73/3 76/13  
based [5] 15/8 18/20 32/24 93/13 116/18  
basements [5] 46/11 46/14 46/18 47/2  
104/4  
basic [1] 59/10  
basically [15] 14/19 19/9 19/12 36/25  
42/9 48/20 54/8 54/11 70/17 70/18 72/16  
78/6 80/11 82/9 83/2  
Batavia [2] 1/25 90/25  
be [223]  
beautiful [1] 79/18  
because [35] 5/5 5/14 6/5 7/11 8/16  
12/14 14/25 16/7 18/7 22/10 23/11 36/11  
38/20 38/24 39/13 46/5 47/3 48/17 49/2  
49/11 51/4 52/15 54/23 62/20 66/11  
67/21 69/19 69/23 78/23 79/23 79/23  
82/18 86/20 104/3 116/23  
becomes [1] 63/7  
bed [2] 46/23 46/24  
bedrooms [1] 37/3  
beds [5] 32/11 46/10 46/21 53/10 53/17  
been [11] 5/7 11/4 12/4 12/5 12/6 20/7  
41/24 53/5 71/17 83/20 83/20  
before [12] 1/2 21/9 25/9 26/8 71/12 74/9  
78/4 78/6 83/16 83/21 83/23 90/2

<p><b>B</b></p> <p>beg [1] 78/10  beginning [1] 40/17  behind [1] 52/21  being [23] 10/5 11/11 24/17 28/10 33/6  37/14 37/17 38/18 41/6 49/14 50/13  59/16 61/17 62/18 64/17 68/7 69/18  71/24 74/11 77/14 81/18 88/3 100/15  believe [12] 2/17 34/7 43/2 50/12 51/6  54/9 60/18 61/9 62/12 66/7 79/7 86/6  below [4] 8/10 8/11 80/25 81/3  benches [3] 80/16 80/17 80/18  benefit [7] 44/20 44/23 45/3 54/13 96/20  98/19 112/19  benefits [1] 44/19  besides [1] 13/12  best [4] 41/15 78/2 79/6 83/15  better [10] 13/5 27/14 39/12 47/9 70/14  70/15 73/7 78/17 78/23 115/11  between [8] 21/7 21/22 35/17 48/13  49/12 64/5 75/22 86/4  big [14] 13/13 14/9 14/12 24/7 45/20  64/11 65/9 65/14 79/18 85/9 85/10 85/11  85/12 87/21  bigger [5] 19/11 19/14 23/11 34/9 45/17  bikes [1] 82/21  Bill [1] 33/18  bit [16] 12/9 12/14 13/3 21/15 32/2 32/5  33/17 36/16 36/18 39/5 40/3 45/25 62/15  64/6 68/22 78/17  black [2] 59/16 59/23  blended [1] 21/19  block [1] 76/16  blue [4] 21/10 21/11 21/12 21/13  Blvd [2] 77/18 116/5  BME [2] 30/14 41/23  BOARD [42] 1/2 2/3 6/10 7/4 9/23 9/23  9/25 10/2 13/10 13/11 16/25 18/21 19/6  19/18 21/5 21/21 22/16 25/9 30/10 33/3  34/13 37/8 37/10 37/18 39/18 39/19  43/15 65/19 65/21 70/20 73/17 90/2  90/20 92/8 92/9 95/17 95/18 108/25  109/2 111/6 114/23 114/24  Board's [1] 93/16  Boards [1] 7/4  Bob [1] 65/2  boredom [3] 33/23 34/2 40/21  both [13] 2/23 6/20 7/10 7/12 7/20 16/22  17/8 20/16 46/5 49/13 57/7 59/7 86/4  bought [3] 68/19 83/13 83/15  Boulevard [2] 27/8 31/2  box [5] 14/15 23/16 23/19 23/21 62/11  branch [1] 75/25  branding [2] 72/21 72/23  Brasley [1] 65/2  brick [9] 9/9 65/9 65/14 65/23 66/15  67/4 67/14 110/15 110/17  Brighton [13] 1/4 2/4 2/7 5/17 6/14 6/21  12/23 13/5 20/8 65/5 65/6 90/4 106/24  bring [3] 35/4 58/23 73/16  bringing [1] 86/10  brother [4] 11/24 13/15 14/21 15/14  brought [5] 4/12 32/7 51/8 72/19 78/16  bucks [1] 80/7  build [3] 65/15 67/16 69/6  building [107] 4/19 5/12 5/19 5/21 5/24  6/12 6/16 7/15 7/18 9/9 10/5 10/7 11/25  12/4 12/7 12/9 12/10 12/13 12/17 12/19  13/2 15/2 15/3 15/24 16/8 16/22 17/6  17/8 19/7 19/20 20/15 26/4 29/13 29/14  29/15 29/20 31/3 31/17 31/24 35/4 36/21  37/2 37/14 38/2 38/12 38/13 39/9 39/10</p>	<p>39/11 44/22 48/19 48/19 50/2 50/11 51/4  51/7 51/13 54/11 54/12 55/4 55/9 55/17  55/19 55/25 56/12 56/21 61/23 61/24  62/7 62/22 62/23 64/4 65/16 72/6 72/6  72/25 73/6 73/7 73/12 75/7 75/10 75/19  75/22 77/6 84/19 91/17 91/22 91/25 92/3  103/7 103/8 103/9 103/14 103/21 104/3  108/7 108/8 108/14 108/16 108/22 111/7  114/7 114/8 114/17 114/19 114/21  117/15  building's [1] 78/8  buildings [17] 19/21 29/16 37/5 39/21  40/10 45/16 45/17 45/19 46/8 47/16 49/2  54/8 54/9 54/18 103/10 104/4 106/15  built [11] 32/19 33/7 33/8 34/8 55/8  58/15 67/2 71/10 71/12 76/8 83/20  Bultrose [1] 12/8  bunch [1] 83/10  Burrows [1] 68/17  bushes [1] 84/24  business [11] 61/22 63/15 63/20 72/5  72/20 73/21 73/24 74/9 74/10 108/6  114/6  busv [1] 75/25</p>	<p>120/17  CHAIRMAN [5] 1/8 2/6 25/2 30/9 90/8  chairs [2] 46/12 46/21  challenge [1] 63/7  change [18] 7/23 9/20 10/3 22/13 40/24  60/14 60/15 60/17 62/16 66/9 66/24  69/23 94/17 96/14 98/14 100/18 112/14  116/20  changed [6] 8/8 9/7 9/8 14/5 35/18 61/9  changes [5] 30/18 31/22 67/13 67/16  118/25  changing [1] 5/4  character [14] 40/24 66/9 66/10 70/23  70/25 94/17 96/14 98/14 100/18 106/19  108/20 110/25 112/14 116/20  characteristics [1] 19/10  characters [1] 48/7  Charles [3] 68/9 68/18 112/3  chief [1] 30/12  choices [1] 13/8  choose [1] 35/21  chose [1] 53/2  chosen [1] 52/19  Christian [1] 7/8  Christians [1] 6/15  CHRISTINE [2] 1/9 90/9  chucking [1] 14/17  church [8] 5/4 6/6 6/7 6/9 6/23 6/24 7/12  7/13  circumstances [1] 101/11  city [1] 5/18  clad [1] 78/7  clear [2] 4/15 47/11  clearly [1] 94/24  clients [4] 75/23 75/23 75/24 76/2  climb [1] 65/11  Clinton [11] 24/20 25/7 32/22 61/21  62/24 63/18 63/18 63/24 94/5 108/5  108/19  close [5] 39/13 53/5 85/20 86/2 86/3  closed [10] 11/12 24/18 28/11 61/18  64/18 68/8 71/25 77/15 81/19 88/4  closer [4] 49/3 66/2 66/21 86/6  Clover [14] 4/3 4/20 4/22 5/6 6/12 7/5  7/9 8/9 8/19 9/6 9/7 11/2 11/4 91/4  Co [3] 23/7 23/9 23/16  coach [2] 78/12 78/17  code [71] 4/7 9/17 11/17 11/20 13/3  14/23 15/6 15/6 15/15 15/16 16/4 16/11  19/19 24/24 28/17 28/24 29/7 29/15  29/18 29/22 30/6 38/21 48/17 49/21  49/24 51/4 56/20 61/24 64/23 68/14  70/10 72/7 72/9 72/11 74/8 74/13 74/14  75/4 77/22 81/3 81/24 82/2 82/18 85/8  91/8 93/7 93/10 94/8 96/8 96/25 97/6  98/9 99/5 100/8 100/16 100/25 103/9  103/12 103/16 106/10 108/8 110/7 112/8  113/6 114/8 114/10 114/12 116/9 117/5  118/7 118/9  codes [2] 12/13 12/16  collapse [1] 82/9  collapsed [3] 83/16 84/14 118/15  collectively [1] 13/17  color [1] 36/19  coloration [1] 42/7  colors [2] 8/2 48/7  columns [1] 71/3  combined [2] 49/11 49/17  come [12] 14/9 30/20 31/25 32/15 33/21  42/14 44/20 46/22 57/4 63/5 66/4 75/19  comes [2] 44/15 78/18  comfortable [1] 56/14  coming [5] 10/10 44/21 64/7 66/20 75/22</p>
	<p><b>C</b></p> <p>C3 [1] 7/11  cake [1] 64/12  call [18] 2/2 2/9 3/22 92/14 93/22 95/23  97/19 99/19 102/2 105/3 107/8 109/10  111/12 113/19 115/7 115/17 117/21  119/15  called [3] 4/22 16/16 76/10  calling [1] 47/15  calls [1] 40/9  came [4] 4/14 20/8 63/18 78/6  campus [6] 30/20 30/24 31/7 35/11  37/13 40/15  can [48] 4/19 4/20 7/16 7/19 12/12 14/16  15/23 16/19 17/19 17/20 17/21 17/21  20/5 21/22 33/4 33/22 33/23 33/23 34/9  35/21 35/25 36/2 37/11 40/13 40/25  41/15 43/17 48/25 49/6 49/19 51/24  52/18 58/20 59/7 60/19 63/15 63/23  66/19 73/15 74/8 76/18 84/4 85/8 85/9  94/23 100/14 101/3 116/17  can't [9] 5/20 64/3 76/11 76/17 82/15  82/18 83/4 86/3 86/19  CANDICE [3] 1/17 2/23 90/17  Candy [1] 4/10  cannolis [2] 81/11 81/12  cannot [3] 96/20 98/19 112/19  cap [1] 80/22  cards [1] 72/20  care [5] 32/20 33/6 35/24 100/17 101/2  Carol [3] 64/19 65/4 110/3  carries [16] 3/23 92/15 93/23 95/24  97/20 99/20 102/3 105/4 107/9 109/11  111/13 113/20 115/8 115/18 117/22  119/16  case [5] 5/15 5/20 39/8 57/10 100/22  cases [1] 90/20  Cellucci [1] 25/3  center [9] 4/22 5/5 6/13 7/5 7/9 8/9 11/3  11/4 63/5  Centre [2] 30/25 31/11  certain [1] 86/22  certainly [9] 13/16 15/6 15/9 16/10 20/25  49/4 66/9 67/11 75/24  CERTIFICATE [2] 89/2 120/2  certify [2] 89/4 120/4  cetera [2] 12/11 86/10  CHAD [6] 1/24 89/4 89/17 90/24 120/4</p>	

**C**  
commence [1] 26/14  
COMMENCING [2] 1/3 90/3  
commercial [2] 75/17 75/23  
common [3] 33/11 35/8 37/3  
Commons [2] 77/17 116/4  
community [6] 7/6 32/17 32/24 101/5 101/9 117/6  
Companies [1] 23/8  
company [4] 14/21 20/2 20/11 23/7  
compatible [2] 19/8 70/24  
complementary [1] 48/8  
complete [1] 41/9  
completed [3] 25/11 39/20 90/21  
complex [3] 96/23 108/18 108/23  
compliance [2] 96/25 117/4  
compliment [1] 39/21  
comply [2] 56/9 56/19  
complying [3] 97/6 99/5 113/6  
composite [1] 65/18  
concerned [2] 45/5 57/20  
concluded [1] 25/17  
condition [4] 19/5 59/21 70/21 119/4  
conditions [34] 41/5 91/19 91/24 92/15 95/10 95/12 95/14 95/24 97/4 97/9 97/20 99/3 99/8 99/20 101/12 102/3 104/8 104/17 105/4 106/23 107/9 108/24 109/11 111/2 111/13 113/4 113/9 113/20 114/22 115/8 117/9 117/22 119/6 119/16  
conducive [2] 47/8 63/21  
configuration [2] 53/23 59/2  
confirmed [1] 51/6  
conforming [6] 69/5 69/7 94/14 110/19 112/21 113/8  
confused [1] 58/14  
congregation [3] 6/9 6/19 8/17  
congregation's [1] 11/5  
conjunction [2] 31/18 38/11  
connect [2] 44/15 70/15  
connects [1] 44/13  
consider [1] 26/12  
considerations [1] 40/19  
considered [4] 20/21 90/20 101/16 117/13  
consistent [2] 31/20 48/23  
constant [1] 57/12  
construct [1] 69/2  
constructed [2] 36/23 65/17  
constructing [1] 70/19  
construction [8] 3/6 25/16 26/14 36/11 46/15 55/20 82/7 85/5  
contained [1] 31/15  
continued [1] 101/8  
control [1] 106/18  
coordinated [1] 94/19  
Cor [1] 27/5  
Cor-Ten [1] 27/5  
Cordy [3] 81/20 82/5 118/3  
corner [9] 5/18 7/20 9/6 31/10 31/10 44/13 91/16 96/24 104/11  
corporation [2] 4/24 22/24  
CORRADO [23] 1/9 3/21 90/9 92/12 93/19 95/21 97/15 97/17 99/15 99/17 100/10 104/23 104/25 107/6 109/6 109/8 111/10 113/16 115/4 115/14 116/11 117/20 119/12  
correct [10] 2/25 3/9 16/8 16/9 17/9 20/4 26/25 27/9 43/2 61/3  
corrections [1] 3/17  
cost [3] 18/11 18/12 67/21  
costly [1] 118/25  
could [22] 13/19 14/17 16/9 17/22 19/11

20/24 21/4 25/23 32/4 34/2 42/13 44/6 47/22 53/2 54/6 54/6 59/3 63/14 63/25 66/25 74/20 76/3  
couldn't [7] 22/13 46/7 47/14 52/20 82/7 86/22 87/9  
country [3] 33/13 34/11 34/22  
County [1] 32/14  
couple [5] 12/7 47/4 54/18 70/5 86/13  
course [5] 19/13 25/16 32/10 32/18 32/21  
Court [10] 1/24 1/24 68/10 68/18 69/15 70/7 71/8 90/24 90/24 112/5  
cover [1] 38/8  
covering [2] 67/19 69/24  
crated [1] 110/24  
create [3] 34/4 35/9 106/17  
created [13] 20/3 41/6 67/2 70/13 97/7 99/6 100/24 104/2 104/11 113/7 113/7 117/2 118/15  
creating [2] 42/15 70/13  
critical [1] 2/24  
cross [1] 10/9  
crowds [1] 79/23  
cultural [1] 5/4  
cultured [1] 78/11  
cupboard [1] 7/14  
cure [2] 33/24 34/2  
current [5] 16/7 35/19 35/19 110/21 113/7  
currently [6] 4/6 9/13 33/6 62/10 91/7 94/14  
customized [1] 2/16  
cut [2] 18/8 78/15  
cuts [1] 110/17  
cutting [2] 18/4 18/7

**D**  
DALE [22] 1/9 90/9 91/12 92/13 93/18 93/20 95/19 95/21 97/16 99/17 101/24 103/18 105/2 107/5 109/8 111/9 113/16 115/4 115/14 117/19 118/11 119/14  
damage [1] 69/22  
dampen [1] 57/8  
dampening [1] 39/14  
Daniele [11] 11/13 11/23 11/24 17/2 19/25 20/11 23/7 23/10 23/15 23/25 93/3  
Danny [1] 11/24  
dark [1] 73/15  
darker [1] 36/18  
Dated [2] 89/12 120/12  
DAVID [4] 1/13 4/11 68/16 90/13  
day [5] 32/12 32/15 64/10 76/2 86/18  
daycare [1] 32/15  
days [1] 38/9  
De [4] 24/19 25/5 27/8 94/3  
deal [3] 33/25 56/2 87/22  
dealing [1] 37/10  
Dean [3] 61/19 62/2 108/3  
decal [1] 8/3  
decibels [1] 56/16  
decided [3] 7/22 22/16 34/13  
decisions [1] 90/21  
decking [1] 65/18  
decorative [2] 77/20 116/7  
deed [1] 4/18  
deemed [3] 39/2 85/15 85/16  
deep [1] 69/3  
deer [2] 85/17 85/18  
definitely [3] 75/21 76/17 86/8  
deleted [1] 2/18  
delivered [1] 33/6  
Delmonico [2] 77/16 116/3  
demand [2] 31/13 31/16

DENNIS [2] 1/8 90/8  
deny [2] 93/12 93/22  
department [2] 36/4 56/10  
depending [2] 15/5 19/13  
depict [1] 78/14  
depicted [5] 31/4 41/24 97/12 99/11 113/11  
depicts [1] 78/21  
depth [1] 25/21  
describe [1] 51/24  
described [35] 4/7 11/20 24/24 28/17 28/25 29/7 29/22 30/7 61/24 64/23 68/14 72/11 77/22 82/2 91/9 93/10 94/8 96/9 97/11 98/9 99/10 100/8 101/14 103/16 106/10 108/9 109/4 110/7 111/5 112/8 113/11 114/12 116/9 117/11 118/9  
description [1] 78/20  
deserves [1] 70/14  
design [3] 23/14 67/21 106/21  
designed [3] 37/6 51/10 104/4  
desire [3] 26/10 27/16 103/24  
desired [3] 100/15 116/18 116/19  
detached [4] 3/12 81/22 101/18 118/5  
details [1] 43/16  
determination [1] 56/18  
determined [1] 47/9  
detriment [5] 96/15 98/15 100/19 112/15 116/21  
developed [1] 31/8  
development [1] 31/22  
diameter [1] 10/22  
did [19] 4/24 5/16 10/9 13/9 13/10 14/21 20/10 23/7 45/24 46/19 60/14 60/16 65/19 73/10 73/16 76/24 87/20 89/4 120/4  
didn't [10] 4/15 14/3 22/22 46/4 46/4 71/11 76/5 80/24 84/23 87/20  
diesel [10] 29/6 38/22 51/23 51/24 52/5 52/9 52/12 55/24 100/8 101/4  
difference [4] 5/20 35/17 35/20 74/25  
differences [1] 36/10  
different [14] 15/13 15/13 21/16 21/22 22/17 24/5 27/17 47/5 48/17 49/21 52/22 65/11 71/16 72/16  
difficult [2] 73/4 110/12  
difficulty [8] 41/5 97/6 99/5 100/14 104/10 113/6 116/17 118/14  
digging [1] 47/6  
diligence [1] 25/19  
DiMarco [1] 25/4  
dimension [2] 10/15 78/18  
dimensionally [1] 78/21  
dimensions [6] 43/10 43/15 60/13 60/16 84/11 112/24  
diminished [1] 76/13  
dining [3] 34/16 36/12 79/21  
direct [1] 38/9  
direction [3] 4/16 44/22 76/16  
directional [1] 27/7  
directions [1] 91/17  
directly [1] 85/20  
director [1] 33/19  
disappears [1] 59/24  
discussed [2] 70/2 95/16  
discussing [1] 62/11  
disqualifying [1] 41/6  
distance [1] 112/18  
DiSTEFANO [3] 1/14 26/4 90/14  
distinguish [2] 21/7 21/22  
district [4] 92/4 97/5 99/4 113/5  
DNA [1] 6/18  
do [47] 4/16 5/10 5/13 6/4 6/11 6/15 9/22 10/19 13/20 15/11 18/8 19/24 21/5 26/17

<p><b>D</b></p> <p>do... [33] 32/9 32/12 33/4 33/22 33/23 33/25 34/13 39/4 40/18 41/15 42/20 43/19 56/14 57/14 58/18 60/18 63/9 65/15 67/6 71/7 74/15 79/6 80/2 80/16 80/17 80/18 83/6 84/4 85/19 86/6 86/16 89/4 120/4</p> <p>Doctor [2] 12/8 12/8</p> <p>documentary [1] 40/20</p> <p>does [14] 3/2 3/16 26/23 42/11 42/12 44/22 51/7 52/2 52/2 53/15 57/4 67/9 76/20 87/5</p> <p>doesn't [11] 5/6 10/3 15/4 16/13 20/2 49/4 56/9 57/22 58/22 59/12 71/9</p> <p>dog [1] 85/17</p> <p>doing [9] 18/4 18/7 21/9 22/18 23/11 34/23 50/10 82/4 82/6</p> <p>dollars [1] 79/25</p> <p>DOLLINGER [2] 1/13 90/13</p> <p>dominate [1] 49/4</p> <p>don't [35] 2/23 3/9 9/19 10/17 12/15 13/11 15/24 16/16 17/20 17/21 18/5 21/3 21/4 21/6 24/2 42/2 42/4 42/18 43/13 46/11 46/13 50/12 53/24 58/24 59/13 60/12 61/9 67/4 74/19 76/9 79/3 80/15 83/24 84/2 86/19</p> <p>donated [1] 5/9</p> <p>done [5] 26/20 68/23 70/5 71/16 82/14</p> <p>door [15] 62/20 63/2 63/3 63/15 65/9 65/14 67/5 68/25 69/22 69/24 86/12 110/14 110/16 110/18 110/24</p> <p>down [12] 5/10 10/10 27/20 39/15 40/9 47/7 50/9 62/15 66/15 67/14 82/19 87/21</p> <p>Dr [1] 33/18</p> <p>draconian [1] 2/21</p> <p>drainage [1] 47/8</p> <p>draw [2] 14/22 23/20</p> <p>drawing [4] 14/9 16/2 43/25 49/2</p> <p>drawings [1] 107/3</p> <p>drive [12] 1/25 21/13 53/17 62/16 64/20 65/3 76/6 87/8 87/9 87/10 90/25 110/5</p> <p>driveway [5] 53/24 54/10 84/20 84/21 118/25</p> <p>driving [1] 76/7</p> <p>drove [1] 72/25</p> <p>drudgery [1] 40/21</p> <p>due [10] 5/3 25/19 68/25 91/15 91/22 101/10 106/21 114/17 118/16 118/20</p> <p>dumpster [3] 13/6 14/7 14/18</p> <p>during [3] 38/9 44/23 44/25</p> <p>dynamic [2] 30/18 31/22</p>	<p>eight feet [3] 42/9 84/3 84/5</p> <p>eight inches [1] 18/2</p> <p>eighteen [1] 43/21</p> <p>eighty [1] 32/14</p> <p>eighty-five [1] 32/14</p> <p>EIN [1] 6/11</p> <p>either [5] 5/21 42/7 62/23 63/22 63/23</p> <p>elaborate [1] 79/6</p> <p>elapse [1] 26/2</p> <p>elder [2] 100/16 100/25</p> <p>electric [1] 86/11</p> <p>electrical [1] 50/23</p> <p>elements [3] 47/13 47/14 103/25</p> <p>elevated [1] 64/6</p> <p>elevation [1] 78/14</p> <p>elevations [1] 65/16</p> <p>eleven [2] 69/3 80/21</p> <p>eleven feet [1] 69/3</p> <p>eliminate [1] 118/24</p> <p>ELMWOOD [4] 1/2 1/5 90/2 90/5</p> <p>else [6] 3/16 4/25 45/22 50/24 79/8 82/11</p> <p>embellish [1] 36/15</p> <p>emergency [6] 29/6 45/10 45/11 52/15 100/7 103/23</p> <p>emphatically [1] 56/23</p> <p>employee [1] 25/3</p> <p>emulate [1] 34/14</p> <p>enclosed [2] 56/12 58/3</p> <p>Enclosing [1] 104/12</p> <p>encountered [1] 47/7</p> <p>end [5] 23/10 34/15 64/11 68/21 84/12</p> <p>endeavor [1] 78/11</p> <p>ended [1] 21/14</p> <p>engineers [2] 25/22 30/15</p> <p>enhance [1] 70/17</p> <p>enjoy [2] 38/16 38/17</p> <p>enjoyment [1] 38/5</p> <p>enough [5] 23/5 23/7 51/22 51/23 63/12</p> <p>enter [1] 110/16</p> <p>entire [3] 38/11 44/4 75/10</p> <p>entitled [2] 89/6 120/6</p> <p>entity [1] 4/22</p> <p>entrance [13] 26/21 62/19 63/14 63/16 65/8 65/13 66/12 68/24 70/15 78/12 78/24 94/25 119/2</p> <p>entrances [2] 69/16 78/8</p> <p>entry [10] 64/21 65/16 68/12 110/6 110/17 110/23 111/3 112/6 112/17 113/11</p> <p>entryway [1] 71/17</p> <p>environment [3] 35/12 66/23 106/18</p> <p>environmental [8] 41/5 91/19 95/10 97/4 99/3 104/8 113/4 119/4</p> <p>envision [1] 42/18</p> <p>equipment [3] 47/13 51/15 103/24</p> <p>era [1] 26/11</p> <p>especially [3] 6/13 13/4 23/11</p> <p>ESQ [4] 1/13 1/17 90/13 90/17</p> <p>essence [4] 48/23 48/25 50/19 55/21</p> <p>essential [1] 101/8</p> <p>essentially [3] 7/12 38/2 58/5</p> <p>et [2] 12/11 86/10</p> <p>even [7] 21/9 24/4 24/9 42/15 42/15 63/8 81/2</p> <p>evening [8] 25/2 30/9 32/3 64/25 68/4 72/13 77/24 81/14</p> <p>evenings [1] 63/6</p> <p>event [1] 101/10</p> <p>Eventually [1] 7/4</p> <p>every [4] 26/10 32/15 44/12 79/25</p> <p>everybody [3] 21/12 32/4 35/6</p> <p>everyone [2] 30/22 64/25</p> <p>everything [3] 21/12 47/13 82/11</p>	<p>evidence [3] 97/2 98/25 113/2</p> <p>exactly [7] 26/9 59/13 78/20 78/22 78/24 82/12 83/25</p> <p>example [2] 5/23 59/2</p> <p>exceed [1] 56/15</p> <p>except [2] 16/8 67/14</p> <p>excess [2] 39/25 49/8</p> <p>excited [1] 12/22</p> <p>exciting [1] 34/24</p> <p>executive [2] 30/13 75/15</p> <p>exercise [1] 57/13</p> <p>exist [4] 4/6 5/7 20/2 91/7</p> <p>existed [1] 71/13</p> <p>existing [25] 3/7 17/24 20/6 24/23 25/21 25/23 46/2 52/20 55/2 65/23 66/19 69/5 69/22 70/8 78/4 78/7 94/7 94/13 94/21 95/13 110/12 110/19 110/19 116/16 116/24</p> <p>exists [5] 6/10 6/19 7/15 37/14 52/7</p> <p>exit [1] 26/21</p> <p>expand [1] 7/5</p> <p>expected [2] 100/20 116/22</p> <p>expensive [1] 47/3</p> <p>expired [1] 26/5</p> <p>explain [1] 12/16</p> <p>explanation [1] 45/25</p> <p>extend [8] 64/22 68/12 69/16 70/8 75/3 110/6 111/3 112/6</p> <p>extent [2] 39/3 54/10</p> <p>exterior [3] 57/7 87/14 106/18</p> <p>extra [1] 84/16</p> <p>extreme [1] 101/10</p> <p><b>F</b></p> <p>facade [1] 25/12</p> <p>face [9] 10/7 19/7 61/24 72/7 77/6 91/23 108/8 108/13 114/8</p> <p>faces [4] 61/23 72/6 108/7 114/7</p> <p>facilities [6] 39/4 75/11 96/22 100/17 101/2 103/23</p> <p>facility [4] 9/18 32/11 52/22 96/23</p> <p>facing [2] 62/6 85/22</p> <p>fact [30] 12/25 13/13 25/18 26/5 26/7 40/23 54/7 65/20 68/24 91/14 91/22 93/14 94/12 94/17 96/12 96/24 98/12 100/12 100/25 101/7 103/20 106/14 108/12 110/11 112/12 114/16 116/13 117/3 118/13 118/21</p> <p>factor [1] 41/7</p> <p>failure [1] 57/10</p> <p>fair [1] 44/23</p> <p>Fairmeadow [3] 64/20 65/3 110/4</p> <p>Faklaris [3] 61/19 62/2 108/3</p> <p>falling [1] 87/21</p> <p>familiar [3] 27/12 32/8 33/16</p> <p>family [5] 19/25 20/11 22/23 23/8 23/16</p> <p>far [8] 5/16 16/4 23/18 45/4 52/24 55/9 57/19 57/20</p> <p>fashion [1] 56/12</p> <p>favor [1] 70/3</p> <p>feasible [1] 41/2</p> <p>features [3] 47/21 77/20 116/7</p> <p>feel [4] 6/15 42/16 56/14 70/18</p> <p>feeling [1] 13/4</p> <p>feet [59] 10/21 10/22 13/25 14/14 15/3 39/25 40/2 42/9 42/22 42/25 43/3 43/6 43/18 43/20 43/21 43/21 49/3 49/9 49/16 49/20 50/5 50/18 50/20 56/16 58/4 58/18 60/7 61/6 64/3 65/24 65/25 66/3 66/4 66/5 66/6 66/20 69/3 69/3 69/10 70/8 82/16 83/4 83/7 83/23 84/2 84/2 84/3 84/3 84/5 84/5 84/17 86/7 86/25 86/25 87/4 96/19 110/21 111/4 115/12</p>
--	--	---

**F**  
fence [12] 43/4 44/3 44/13 58/9 59/8 59/14 77/20 78/4 78/7 78/9 78/19 116/7  
fenced [2] 38/4 60/3  
fences [7] 30/3 30/3 58/14 58/15 60/4 106/6 106/7  
fencing [8] 39/24 41/17 41/18 44/15 44/18 58/21 59/4 60/15  
few [4] 13/10 27/20 32/5 44/14  
fifteen [6] 61/7 61/7 61/7 61/8 61/8 61/8  
fifty [5] 49/8 49/16 49/20 67/3 76/2  
figure [2] 14/12 34/2  
figured [1] 13/18  
figuring [1] 67/22  
file [29] 4/8 5/14 11/21 24/25 28/18 28/25 29/8 29/23 30/7 61/25 64/24 68/15 72/12 77/23 82/3 91/9 93/11 94/9 96/9 98/9 100/9 103/17 106/11 108/9 110/8 112/9 114/13 116/10 118/10  
filed [1] 6/10  
filling [1] 38/2  
finally [1] 26/2  
financial [1] 15/10  
find [4] 5/16 6/17 17/21 108/15  
FINDINGS [14] 91/14 93/14 94/12 96/12 98/12 100/12 103/20 106/14 108/12 110/11 112/12 114/16 116/13 118/13  
fine [1] 13/17  
finish [1] 87/13  
finished [1] 87/16  
first [15] 2/21 3/25 4/13 8/11 12/15 20/17 27/20 35/24 37/23 55/8 62/4 62/25 63/10 67/3 82/24  
fit [3] 16/7 17/24 25/24  
five [15] 12/18 25/10 25/11 32/14 33/2 40/21 49/3 50/5 50/16 55/3 64/3 66/7 70/8 78/18 86/7  
five feet [1] 64/3  
fixed [1] 23/3  
fixture [1] 80/20  
fixtures [1] 80/24  
flame [1] 79/19  
flashing [1] 69/24  
flat [1] 69/20  
flexibility [1] 17/14  
floor [5] 12/6 12/15 20/18 20/18 37/3  
flowerbeds [1] 84/22  
fo [1] 11/6  
following [2] 90/20 90/21  
font [7] 19/10 20/22 20/25 22/3 22/7 22/16 22/17  
fonts [1] 24/5  
food [1] 7/14  
foot [21] 12/19 39/24 43/4 44/13 44/18 55/4 58/9 66/2 66/21 69/4 69/13 69/13 70/9 70/9 70/11 73/5 78/18 80/21 80/22 91/22 111/4  
footage [11] 12/17 15/21 15/25 16/4 19/2 22/6 22/11 22/12 73/11 77/2 83/23  
footers [1] 67/15  
footprint [1] 7/25  
FORBES [2] 1/24 90/24  
foregoing [2] 89/7 120/7  
forever [4] 5/8 5/8 27/24 85/16  
form [1] 59/6  
formed [1] 6/25  
forms [1] 49/21  
forth [4] 37/20 53/18 89/10 120/10  
forty [10] 49/3 65/24 67/3 69/10 69/13 70/9 70/11 70/12 75/25 111/4  
forty-five [1] 49/3

forty-four [3] 69/10 69/13 70/12  
forty-one [1] 70/11  
forty-six [1] 70/9  
found [4] 31/14 46/3 63/3 78/9  
foundation [1] 25/21  
four [13] 27/9 36/20 43/18 50/4 50/17 50/19 61/6 61/6 69/10 69/13 70/12 73/2 79/3  
four feet [1] 43/18  
fourteen [3] 12/6 87/4 87/11  
fourteen feet [1] 87/4  
fourth [3] 37/5 39/6 55/8  
frankly [2] 34/12 34/20  
free [3] 4/5 9/21 91/6  
free-standing [1] 9/21  
freestanding [8] 24/22 24/23 25/6 26/13 26/19 94/6 94/7 94/14  
Friday [1] 74/2  
friendly [2] 28/3 65/21  
front [61] 28/23 30/5 31/24 39/24 62/19 62/20 62/22 63/2 63/3 63/13 63/15 63/16 63/20 64/22 65/8 65/9 65/9 65/13 65/14 65/14 65/15 65/21 65/23 66/3 66/11 66/24 67/4 67/5 67/24 68/12 68/13 68/23 68/25 69/4 69/5 69/7 69/13 69/13 69/16 69/20 69/22 70/9 70/9 70/11 77/20 83/9 98/8 98/24 106/8 110/6 110/12 110/14 110/16 110/17 110/20 110/24 111/4 112/7 112/7 112/22 116/7  
ft [36] 11/18 11/20 29/17 29/17 29/18 30/5 30/6 64/22 64/22 68/12 68/12 68/13 72/8 72/8 77/21 77/21 81/25 82/2 93/8 93/10 103/11 103/11 103/12 106/9 106/9 110/6 110/6 112/6 112/7 112/7 114/9 114/10 116/8 116/8 118/8 118/9  
fuel [7] 29/6 38/22 51/20 51/24 52/9 100/8 101/18  
full [2] 83/9 83/23  
fully [2] 60/3 76/5  
furniture [2] 46/21 53/12  
further [6] 46/3 53/8 53/14 53/16 89/7 120/7  
future [7] 36/20 53/20 55/4 55/20 67/19 101/16 117/13

**G**  
Gabe [1] 78/2  
garage [19] 3/12 46/3 81/23 82/9 82/20 83/10 83/11 83/14 83/16 83/18 83/19 84/13 85/20 86/12 86/17 87/21 118/6 118/15 118/19  
garages [1] 118/22  
gardens [5] 30/4 44/8 44/12 60/3 106/8  
gas [8] 38/23 39/2 56/7 78/13 78/15 78/16 79/12 117/3  
gathering [1] 56/17  
general [4] 44/9 44/10 66/7 70/23  
generally [2] 43/17 72/19  
generator [29] 29/13 29/14 39/9 39/14 45/16 48/2 50/8 50/17 51/6 51/16 51/19 52/8 52/9 52/15 52/20 54/22 54/23 55/3 55/10 55/11 55/14 55/16 55/24 56/4 56/7 57/8 103/7 103/8 103/21  
generators [16] 29/6 39/7 45/4 45/7 45/9 47/12 51/23 51/23 56/15 57/14 100/7 100/21 101/3 101/13 101/16 104/12  
Genesee [1] 114/20  
gentleman [1] 82/6  
gentlemen [1] 81/15  
Georgian [6] 68/10 68/18 69/15 70/7 71/8 112/5  
Geroux [3] 64/19 65/2 110/4  
Geroux [1] 65/5

get [13] 27/14 41/20 46/7 47/11 53/14 65/12 70/21 76/11 78/7 79/17 79/23 79/24 80/4  
getting [1] 25/22  
give [7] 10/25 18/24 32/8 37/12 44/2 56/21 84/9  
given [10] 5/10 43/15 52/11 92/7 95/5 95/10 97/12 107/3 109/5 113/12  
giving [2] 18/25 19/3  
glad [2] 20/8 41/11  
go [21] 2/14 9/22 14/11 15/24 22/7 35/14 37/19 43/8 45/24 52/20 52/23 54/4 54/23 65/19 67/23 74/21 76/14 78/10 82/18 86/4 86/22  
god [1] 6/17  
goes [4] 14/13 33/20 80/8 84/20  
going [71] 4/17 11/3 13/24 14/11 17/4 17/8 18/6 18/12 19/24 20/2 20/15 20/18 21/13 21/20 22/6 22/10 23/16 27/14 30/16 30/17 32/5 34/14 34/25 35/5 35/7 35/8 35/10 36/6 39/17 39/21 40/20 40/21 41/19 42/4 42/5 42/6 42/7 43/7 43/11 44/5 45/12 46/21 47/16 47/17 47/18 47/21 50/10 50/23 53/13 55/7 57/23 57/24 58/15 58/23 59/6 59/10 59/14 60/22 63/9 67/11 67/14 75/5 75/11 75/18 79/11 80/4 82/12 83/2 84/12 84/21 86/9  
GOLDMAN [22] 1/10 3/19 30/10 90/10 92/11 93/20 95/20 95/21 97/16 99/16 101/23 104/24 107/6 109/7 111/9 113/17 114/14 115/6 115/10 115/16 117/18 119/13  
gonna [1] 18/6  
good [17] 6/18 11/5 25/2 27/19 30/9 32/3 36/14 63/21 64/13 64/25 68/3 71/18 72/13 77/24 79/10 81/11 81/14  
got [7] 9/11 26/3 64/12 65/20 69/16 71/14 79/4  
grade [7] 11/19 46/16 47/9 72/8 93/9 101/18 114/9  
granite [6] 5/7 8/6 8/13 8/14 8/21 8/22  
grant [3] 14/16 22/5 104/6  
granted [5] 25/11 62/7 97/10 99/9 113/10  
granting [4] 66/8 96/13 98/13 112/13  
grass [1] 57/25  
grat [1] 79/2  
GRB [2] 72/18 72/21  
GRBbank.com [1] 72/22  
great [10] 32/20 35/23 44/25 45/23 47/8 51/18 70/4 79/23 83/18 87/20  
greater [1] 56/21  
greatest [2] 79/24 80/3  
green [7] 13/5 30/4 54/2 76/9 76/10 104/3 106/7  
greenhouse [15] 33/15 33/16 34/15 34/21 36/9 36/11 44/14 44/16 46/8 53/14 53/18 54/8 55/4 55/9 55/12  
greenhouses [17] 31/23 35/2 35/19 36/3 36/17 36/20 36/22 36/25 37/15 37/25 38/6 46/13 48/8 48/14 53/6 54/24 55/8  
ground [3] 42/14 47/7 64/4  
Group [1] 25/4  
grow [1] 6/20  
guess [6] 14/19 15/5 63/11 74/24 82/23 84/15  
guests [1] 110/15  
guidance [1] 4/14  
Guillod [1] 77/25  
guy [4] 14/8 21/16 21/18 33/18  
guys [3] 14/2 79/5 87/19

**H**  
habitable [1] 51/10

<b>H</b>	<p>had [28] 5/14 12/24 14/21 14/21 20/6 26/6 26/24 32/20 33/10 33/21 33/25 37/4 37/22 39/10 40/6 46/2 48/23 53/7 54/8 67/20 68/25 69/23 82/9 82/13 82/14 83/10 84/13 118/15</p> <p>half [5] 43/4 58/9 58/18 74/9 74/10</p> <p>Hall [2] 1/4 90/4</p> <p>hallways [1] 33/10</p> <p>halo [1] 73/16</p> <p>hand [1] 13/18</p> <p>handed [2] 15/12 15/15</p> <p>hanging [1] 16/12</p> <p>happen [3] 52/3 56/24 65/22</p> <p>happy [1] 84/22</p> <p>hard [4] 20/24 25/13 42/3 73/14</p> <p>hardship [5] 67/2 70/14 100/24 104/2 117/2</p> <p>harm [1] 66/23</p> <p>has [26] 5/7 5/18 5/24 7/14 9/7 9/8 11/4 12/4 12/6 12/25 13/11 13/15 23/6 26/5 26/7 32/20 34/10 35/6 41/24 48/6 48/17 53/5 68/24 69/20 71/17 95/2</p> <p>hate [1] 65/8</p> <p>Hausner [1] 77/25</p> <p>have [126]</p> <p>having [9] 19/7 34/15 38/10 39/20 42/18 42/20 90/20 90/21 114/18</p> <p>he [10] 12/22 12/23 12/25 21/10 21/17 33/20 33/21 33/25 34/2 34/3</p> <p>head [2] 10/18 86/19</p> <p>heading [1] 76/16</p> <p>health [5] 36/4 56/10 101/5 101/8 117/6</p> <p>hear [1] 71/11</p> <p>heard [1] 32/16</p> <p>hearing [14] 4/9 11/6 11/11 24/17 28/10 33/15 64/17 68/7 71/24 77/14 78/19 81/18 88/4 91/10</p> <p>hearings [1] 61/17</p> <p>heart [1] 6/20</p> <p>heater [1] 79/16</p> <p>heavy [1] 82/10</p> <p>heck [1] 45/17</p> <p>height [44] 11/19 16/6 16/6 19/3 29/17 29/18 30/5 39/25 40/2 42/9 43/10 48/11 48/18 48/19 48/19 48/24 48/25 49/3 50/3 58/18 59/21 60/7 72/8 72/24 73/5 76/5 76/13 77/21 77/21 78/20 80/20 86/16 86/22 93/9 103/11 103/12 104/14 106/9 106/17 114/9 115/12 116/8 116/8 117/4</p> <p>heights [1] 65/11</p> <p>held [4] 1/2 89/6 90/2 120/6</p> <p>Hello [1] 68/16</p> <p>help [5] 33/24 49/7 57/7 76/3 104/12</p> <p>helping [1] 69/19</p> <p>hence [1] 12/14</p> <p>here [38] 10/13 11/24 12/3 13/23 25/4 25/9 31/21 37/15 39/8 41/13 41/14 44/10 44/11 44/17 50/9 51/3 51/9 52/8 53/8 53/24 54/2 54/5 54/18 60/5 60/19 61/9 62/3 72/14 75/5 77/25 78/2 78/3 78/5 78/10 78/23 79/2 79/9 81/5</p> <p>here's [2] 19/23 33/24</p> <p>hereby [2] 89/4 120/4</p> <p>herein [3] 97/10 99/9 113/10</p> <p>hereinbefore [2] 89/9 120/9</p> <p>hidden [3] 96/17 98/17 106/16</p> <p>high [6] 35/19 44/13 58/9 60/4 86/22 86/23</p> <p>high-rise [1] 35/19</p> <p>highest [4] 60/8 86/25 87/2 87/4</p> <p>Highland [4] 8/25 9/2 9/6 9/6</p>	<p>hill [1] 64/6</p> <p>him [6] 12/23 14/12 21/11 21/15 33/22 34/3</p> <p>his [6] 12/21 12/24 21/17 21/18 33/21 65/3</p> <p>history [2] 30/16 33/17</p> <p>hmm [6] 8/20 9/2 9/12 10/14 53/11 71/4</p> <p>hold [1] 59/10</p> <p>home [24] 30/19 30/23 31/3 31/13 31/15 31/19 32/10 32/13 32/24 33/5 33/6 33/6 34/5 34/10 34/18 35/3 35/10 36/2 36/5 36/13 52/7 52/21 87/14 112/22</p> <p>homes [6] 33/8 33/21 34/4 34/8 35/5 112/17</p> <p>honestly [1] 35/12</p> <p>hope [1] 52/14</p> <p>hopeful [1] 26/11</p> <p>hopefully [1] 52/17</p> <p>hospitality [1] 6/12</p> <p>hour [2] 74/9 74/10</p> <p>hours [6] 45/2 73/20 73/23 74/9 74/10 75/3</p> <p>house [28] 3/7 11/2 20/15 30/4 32/21 39/7 47/17 48/9 65/7 66/24 67/3 67/17 68/19 69/3 69/19 70/14 70/15 70/16 70/17 70/18 70/25 71/15 71/16 82/5 83/13 83/14 83/17 106/7</p> <p>houses [3] 34/19 69/17 70/6</p> <p>how [24] 2/24 4/24 14/9 14/12 17/15 18/8 19/13 27/12 34/2 37/13 43/11 43/12 44/3 51/24 51/25 60/4 63/14 82/4 85/9 85/10 85/11 85/12 85/13 85/20</p> <p>However [3] 69/14 78/25 108/14</p> <p>hundred [16] 32/11 34/22 49/8 49/15 49/20 50/5 50/16 50/18 50/19 53/16 79/25 80/6 82/16 83/4 83/6 96/18</p> <p>hurl [1] 13/6</p>	<p>93/9</p> <p>include [2] 7/5 26/23</p> <p>included [4] 25/20 65/16 101/17 117/13</p> <p>including [4] 25/12 60/9 80/19 116/25</p> <p>incorporating [1] 116/24</p> <p>increase [2] 70/16 91/21</p> <p>indent [1] 16/12</p> <p>independent [6] 31/6 32/17 36/20 55/17 55/22 55/25</p> <p>indicate [1] 94/25</p> <p>indicating [40] 6/2 14/10 31/4 31/21 36/19 36/22 37/5 37/12 37/15 37/15 38/3 39/8 39/10 40/7 40/8 44/10 44/11 44/16 44/17 44/22 49/2 49/2 50/4 50/7 50/8 51/3 51/9 52/8 53/8 53/24 54/2 54/3 54/5 54/15 54/18 59/7 61/7 61/8 61/9 78/23</p> <p>individual [2] 17/3 37/3</p> <p>individuals [1] 32/22</p> <p>indulgence [1] 78/10</p> <p>industry [2] 27/10 27/21</p> <p>infeasible [1] 96/25</p> <p>information [5] 43/16 56/18 57/3 82/8 90/20</p> <p>initial [5] 37/8 39/10 54/2 54/7 54/15</p> <p>initially [2] 43/23 54/9</p> <p>initiatives [1] 13/5</p> <p>ins [1] 25/13</p> <p>inside [3] 32/13 62/17 79/19</p> <p>inspirational [1] 35/11</p> <p>installation [2] 92/2 98/22</p> <p>installed [2] 27/8 79/12</p> <p>instead [7] 14/17 21/23 38/23 40/8 45/19 49/13 85/2</p> <p>insurance [1] 82/10</p> <p>integrated [1] 106/21</p> <p>intended [1] 53/9</p> <p>intent [3] 40/23 57/6 60/10</p> <p>interconnected [1] 58/13</p> <p>interesting [2] 48/16 53/4</p> <p>interplays [1] 44/3</p> <p>interruption [1] 100/22</p> <p>intersection [1] 76/8</p> <p>Interstate [1] 30/24</p> <p>interview [1] 19/19</p> <p>intimate [2] 34/17 35/9</p> <p>investigate [1] 25/19</p> <p>investigating [1] 25/20</p> <p>investigation [1] 46/3</p> <p>invitation [1] 11/2</p> <p>invite [1] 31/25</p> <p>inviting [4] 65/10 65/13 66/12 110/23</p> <p>ironically [1] 27/16</p> <p>is [341]</p> <p>isn't [2] 78/9 98/21</p> <p>issuance [1] 91/25</p> <p>issue [2] 72/24 82/24</p> <p>issues [2] 68/25 93/15</p> <p>it [231]</p> <p>it's [104] 5/9 5/17 5/17 6/19 7/3 7/13 10/4 12/5 12/12 12/16 13/25 14/3 14/13 15/10 15/21 16/13 16/14 16/16 17/4 18/5 18/21 19/5 20/25 21/2 21/23 23/3 23/3 23/15 23/16 24/6 27/14 27/16 27/24 28/3 34/11 34/24 35/24 36/3 36/3 36/4 36/11 41/7 42/4 42/9 42/10 42/12 45/15 46/21 47/21 48/16 50/5 50/23 51/10 51/12 52/4 52/15 52/24 53/4 53/8 53/9 53/15 53/20 53/22 55/23 57/6 57/11 58/3 59/24 60/5 62/15 63/11 65/9 65/10 65/12 65/13 67/12 69/10 71/3 73/6 74/11 75/15 75/16 75/16 75/24 76/8 78/23 79/22 80/14 81/6 83/2 83/2 83/20 83/20 84/2 84/3 84/6 84/19 85/14 85/16 86/5 86/6 86/20 86/24</p>
<b>I</b>	<p>I'll [7] 20/17 30/20 32/8 37/18 40/8 74/14 87/19</p> <p>I'm [41] 4/10 11/23 14/15 20/8 21/20 25/3 30/10 30/16 30/17 32/5 42/24 43/7 48/5 49/10 49/12 50/2 58/14 58/23 59/6 59/9 62/2 62/9 62/13 63/20 64/25 65/2 68/17 73/22 74/5 76/7 76/24 79/9 80/18 82/11 82/12 82/17 83/24 83/25 84/2 84/25 85/22</p> <p>I've [5] 64/12 65/16 69/16 70/2 79/4</p> <p>ID [10] 28/13 28/20 29/3 29/10 29/25 96/5 98/5 100/5 103/5 106/5</p> <p>idea [4] 4/15 34/4 36/4 72/22</p> <p>identification [13] 4/5 4/5 4/6 5/5 61/22 72/5 91/6 91/7 91/8 108/7 108/14 108/23 114/6</p> <p>identifier [1] 63/13</p> <p>identify [4] 4/20 63/14 108/17 114/19</p> <p>identifying [2] 63/20 114/21</p> <p>identity [2] 4/20 7/10</p> <p>image [1] 25/24</p> <p>immediate [2] 38/2 118/22</p> <p>immediately [1] 26/15</p> <p>impact [8] 41/4 91/19 95/9 97/3 99/2 104/8 113/3 119/4</p> <p>implied [1] 50/9</p> <p>important [4] 6/16 63/4 63/8 108/23</p> <p>importantly [2] 12/20 32/6</p> <p>improve [3] 66/10 95/12 110/25</p> <p>improvements [1] 116/25</p> <p>improves [1] 116/15</p> <p>improving [1] 70/18</p> <p>incentive [3] 31/19 37/9 54/17</p> <p>inches [6] 11/19 16/10 18/2 39/25 40/2</p>		

**I**  
it's... [1] 87/3  
Italian [2] 77/16 116/3  
italicize [1] 22/23  
italicized [1] 24/7  
italicizing [1] 22/18  
Item [1] 18/21  
items [1] 40/9  
iteration [1] 60/17  
Ithaca [1] 33/19  
its [8] 7/14 17/19 52/25 70/17 94/25 95/3 95/3 95/15  
itself [20] 4/19 9/10 25/23 31/14 35/3 35/10 37/11 37/13 38/19 40/5 40/12 44/11 54/23 72/18 72/25 78/21 80/23 81/7 94/20 117/4

**J**  
Jackie [1] 72/13  
JEANNE [2] 1/9 90/9  
Jerry [5] 30/10 32/3 32/16 45/24 72/14  
Jewelers [3] 17/10 17/11 19/8  
jewelry [1] 20/16  
jewelry [2] 12/21 20/13  
Jewish [32] 28/12 28/19 29/2 29/9 29/24 30/11 30/13 30/18 30/19 30/23 30/23 31/3 31/13 31/15 31/19 32/9 32/10 32/13 33/5 35/3 35/5 35/10 36/2 36/5 52/7 52/21 96/3 98/3 100/3 101/9 103/3 106/3  
Jim [1] 65/2  
Jo [1] 4/11  
job [1] 87/20  
jogs [1] 44/15  
John [2] 11/24 13/20  
joined [1] 65/2  
journey [2] 32/7 34/25  
Jr [2] 68/10 112/4  
JUDY [3] 1/10 2/14 90/10  
Judy's [1] 23/3  
July [1] 62/3  
just [70] 5/15 6/15 7/7 7/16 7/19 8/3 13/19 14/16 14/24 15/8 16/13 18/6 21/12 21/19 21/23 21/23 22/2 22/8 22/16 26/17 26/22 28/3 32/4 32/18 33/3 33/17 34/17 36/3 36/13 36/15 44/5 44/6 45/8 47/2 49/10 49/12 49/24 50/23 51/16 51/22 53/2 54/19 56/6 57/17 57/24 58/3 63/14 67/23 71/3 71/16 72/16 72/21 72/23 74/21 79/17 80/10 81/6 82/14 82/16 82/20 82/25 84/3 84/21 84/25 85/16 86/11 87/8 87/9 87/17 87/19

**K**  
Katie [1] 4/11  
keep [6] 16/10 39/15 39/16 73/11 82/17 83/11  
keeping [3] 14/23 16/3 104/15  
kids [2] 8/11 85/16  
kids' [1] 82/21  
kind [24] 5/25 16/12 21/6 22/23 33/10 35/25 39/5 42/18 45/13 48/16 51/15 52/24 58/4 59/23 62/20 64/6 70/14 72/17 73/8 73/15 74/21 79/22 80/10 82/14  
King [2] 30/12 30/18  
kitchens [1] 36/12  
knew [2] 14/3 83/14  
know [60] 2/23 6/17 7/11 7/14 10/17 12/16 13/4 13/11 14/2 14/3 14/14 14/25 15/4 15/7 15/21 16/11 16/16 18/4 18/5 18/7 18/8 19/13 19/19 21/3 21/3 21/4 21/7 21/8 21/20 21/23 22/16 23/11 32/18 33/10 33/22 35/13 42/4 43/13 45/19 47/15 51/22 52/2 59/13 67/4 69/19 71/7

74/20 74/20 75/25 76/9 79/7 82/19 82/24 83/24 85/19 86/12 86/16 86/19 87/8 87/20

**L**  
Lac [3] 24/19 25/5 94/3  
lamp [1] 81/7  
lamps [3] 79/11 79/12 117/3  
land [1] 83/19  
landed [1] 62/22  
landing [1] 110/12  
landlord [1] 21/9  
landscape [3] 37/12 40/16 96/18  
landscaping [7] 59/24 60/23 61/4 98/18 106/22 116/16 116/24  
language [1] 6/8  
lantern [1] 79/3  
lanterns [3] 78/13 78/15 78/16  
large [5] 40/18 46/2 54/18 91/23 118/21  
larger [11] 13/3 15/5 19/8 48/3 49/24 50/6 50/7 52/19 54/11 62/24 96/23  
largest [2] 32/14 34/21  
last [12] 2/19 4/24 25/8 25/8 26/9 26/10 39/23 64/10 65/20 70/21 82/10 87/18  
lastly [1] 14/20  
late [2] 33/20 44/23  
later [1] 55/8  
layout [1] 44/20  
lead [1] 34/3  
leading [1] 118/14  
lease [2] 6/22 6/24  
least [3] 12/5 21/15 64/4  
leave [1] 10/25  
leaving [1] 8/16  
left [3] 55/5 85/23 85/24  
legally [1] 4/21  
LEIT [3] 1/17 2/12 90/17  
length [1] 43/22  
less [4] 12/18 85/15 86/24 86/25  
lessee [2] 77/17 116/4  
let [2] 2/11 45/24  
let's [2] 69/8 75/2  
letter [3] 16/13 40/22 93/17  
lettering [5] 4/19 5/11 7/23 8/3 9/20  
letters [5] 9/9 17/3 19/11 19/12 19/14  
letting [1] 13/23  
level [5] 56/15 73/5 76/11 76/18 76/19  
levels [1] 57/2  
licensed [1] 36/3  
lie [1] 79/25  
lieu [18] 11/16 11/19 28/24 29/18 30/5 72/8 77/21 81/23 81/25 93/6 93/9 98/8 103/12 106/9 114/9 116/8 118/6 118/8  
life [17] 28/12 28/19 29/2 29/9 29/24 30/11 30/13 30/19 30/24 32/9 35/4 96/3 98/3 100/3 101/9 103/3 106/3  
lifespan [1] 27/22  
light [3] 62/11 80/19 80/24  
lighted [1] 73/14  
lighting [4] 73/16 75/4 79/13 116/25  
lights [4] 76/15 76/15 78/13 78/18  
like [55] 2/2 5/11 6/2 6/14 10/21 11/10 13/21 14/3 14/6 14/14 14/22 21/8 21/12 24/6 24/16 27/17 28/9 34/17 36/3 36/13 38/9 40/14 41/18 42/4 42/5 44/2 47/16 47/17 47/18 47/21 48/9 51/15 52/2 57/13 57/22 58/4 61/15 64/16 68/6 71/23 73/17 77/13 79/5 80/13 81/17 83/12 83/14 83/18 84/6 85/3 85/14 86/14 87/3 87/11 88/2  
liked [1] 84/23  
limits [1] 110/15  
Linden [1] 75/14

line [9] 2/15 2/17 2/20 2/21 62/15 62/21 81/25 85/21 118/8  
lines [1] 58/4  
lit [5] 74/4 74/6 74/8 74/11 74/17  
little [30] 10/12 12/9 12/14 13/3 15/3 17/23 17/24 20/24 21/15 21/16 21/22 32/2 32/5 33/17 36/16 36/18 39/5 40/3 45/25 47/16 48/9 62/15 64/6 68/19 78/12 78/16 82/13 83/25 84/16 85/15  
live [6] 34/5 35/13 35/22 36/2 36/2 36/2  
lives [2] 12/22 35/21  
living [12] 31/6 32/17 32/18 32/20 34/16 36/21 39/3 55/17 55/22 55/24 55/25 96/23  
LLC [5] 24/20 72/3 72/15 94/4 114/4  
loading [1] 53/25  
located [45] 4/3 11/14 24/20 28/13 28/16 28/20 28/23 29/3 29/10 29/21 29/25 30/5 30/24 31/2 46/6 53/5 54/3 61/20 64/20 68/10 72/3 75/13 77/18 81/21 81/24 91/4 93/4 94/4 96/4 96/7 98/4 98/7 98/23 100/4 103/4 103/15 106/4 106/8 108/5 110/4 112/4 114/4 116/5 118/4 118/7  
location [19] 10/3 16/8 17/19 20/7 20/10 44/9 44/11 46/25 52/19 94/15 95/3 95/15 97/11 99/6 108/18 109/4 113/11 118/18 118/24  
lodge [1] 32/19  
logistics [1] 67/22  
logo [9] 10/13 21/2 24/6 24/7 72/10 72/18 72/18 114/11 114/20  
loneliness [2] 33/23 34/3  
long [6] 6/18 11/5 12/4 33/10 43/11 53/20  
longer [1] 6/6  
look [25] 3/8 6/2 13/15 14/22 15/4 15/6 16/13 24/4 27/15 36/9 40/14 40/14 42/4 42/5 44/2 47/16 47/17 47/21 52/2 54/16 57/7 57/22 60/19 72/20 73/17  
looked [2] 13/13 14/25  
looking [14] 12/13 12/15 15/2 33/13 37/23 38/10 38/14 49/23 59/11 60/21 72/16 78/17 78/22 78/23  
looks [8] 10/21 17/22 27/19 38/9 47/18 84/6 87/3 87/11  
lose [1] 23/22  
loss [1] 32/23  
lost [1] 25/17  
lot [27] 5/18 12/10 19/21 31/18 33/8 33/11 33/15 44/24 45/17 47/7 50/10 60/23 63/5 63/16 63/19 64/2 68/23 69/4 69/21 75/3 81/10 81/25 91/16 96/24 104/11 118/8 118/21  
love [4] 65/6 65/6 65/7 83/13  
loving [1] 83/13  
lower [5] 12/9 16/9 18/8 55/5 78/14  
Lowering [1] 18/2  
LRA [1] 69/4

**M**  
machine [2] 89/5 120/5  
made [27] 2/23 3/19 12/24 12/25 13/7 14/4 14/5 14/8 18/14 21/17 21/18 90/21 91/12 93/12 94/10 96/10 98/10 100/10 103/18 106/12 108/10 110/9 112/10 114/14 115/10 116/11 118/11  
main [6] 31/20 37/14 62/16 63/16 94/25 114/21  
maintain [4] 54/2 62/14 66/12 118/18  
maintained [1] 51/25  
Maintaining [1] 118/24  
maintenance [1] 51/12  
make [19] 13/10 18/6 19/22 19/24 21/12

<b>M</b>	mind [1] 58/24 Mine [1] 58/22 minimal [2] 96/17 98/17 minimum [4] 81/25 104/6 112/24 118/8 ministry [3] 6/11 7/8 7/9 minor [1] 66/24 minutes [5] 2/13 3/18 3/20 3/23 32/5 miscommunication [1] 43/22 missed [1] 76/25 mission [1] 6/20 Mississippi [1] 34/7 model [1] 33/9 modern [1] 94/19 Monday [1] 74/2 moneys [1] 5/9 monitored [1] 63/7 Monroe [4] 11/14 11/25 32/14 93/4 months [1] 42/15 monument [1] 8/12 more [29] 12/20 32/6 35/8 35/9 39/11 40/4 41/10 42/13 42/15 43/16 47/3 49/20 50/8 57/17 59/3 62/15 63/8 64/3 66/12 74/17 76/20 83/7 83/17 84/19 94/19 106/17 108/16 110/21 110/23 morning [1] 74/12 MORREY [7] 1/10 3/4 18/18 26/18 27/4 64/10 90/10 mortgage [2] 75/16 75/24 most [2] 25/19 82/8 mostly [1] 65/13 motion [36] 2/22 3/3 3/4 3/18 3/19 3/22 91/12 92/14 93/12 93/22 94/10 95/23 96/10 97/19 98/10 99/19 100/10 102/2 103/18 105/3 106/12 107/8 108/10 109/10 110/9 111/12 112/10 113/19 114/14 115/7 115/10 115/17 116/11 117/21 118/11 119/15 move [4] 25/13 25/14 62/14 84/24 move-ins [1] 25/13 move-outs [1] 25/14 moved [4] 21/17 21/18 26/6 65/5 movement [2] 33/15 34/10 moving [2] 53/10 75/15 Mr [42] 2/6 3/19 12/20 20/23 25/2 26/4 30/9 92/11 92/12 93/12 93/20 93/20 95/20 95/21 97/16 97/16 99/16 99/17 101/23 101/23 104/24 104/25 106/12 107/6 107/7 108/10 109/7 109/9 111/9 111/9 113/16 113/17 114/14 115/4 115/5 115/10 115/14 115/15 117/18 117/19 119/13 119/13 Ms [86] 2/12 3/21 91/12 92/10 92/11 92/12 92/12 92/13 93/18 93/19 93/19 93/20 93/20 94/10 95/19 95/20 95/21 95/21 95/22 96/10 97/15 97/16 97/17 97/17 97/17 98/10 99/15 99/16 99/16 99/17 99/17 100/10 101/22 101/23 101/24 101/24 103/18 104/23 104/24 104/24 104/25 105/2 107/4 107/5 107/5 107/6 107/6 109/6 109/7 109/7 109/8 109/8 110/9 111/8 111/9 111/10 111/10 111/10 112/10 113/15 113/16 113/16 113/17 113/17 115/3 115/4 115/4 115/5 115/5 115/13 115/14 115/14 115/15 115/15 116/11 117/17 117/18 117/19 117/19 117/19 118/11 119/11 119/12 119/12 119/13 119/14 much [15] 15/4 26/2 35/8 35/9 53/8 61/13 68/2 71/20 73/6 77/10 78/17 78/23 81/9 81/13 82/12 multiple [2] 91/17 108/15 must [5] 51/4 97/13 99/13 113/13 119/9 my [38] 10/17 11/23 11/24 13/14 14/21	15/14 21/15 24/9 25/3 27/10 30/10 33/22 33/23 35/13 41/22 68/16 77/24 79/6 80/8 82/5 82/21 83/9 83/10 83/10 83/11 83/17 84/19 84/20 84/21 85/16 85/17 85/22 86/19 87/8 87/9 87/10 89/8 120/8
	<b>N</b>	
	name [9] 6/12 11/23 21/15 25/3 30/10 41/22 68/16 77/24 82/5 named [1] 33/18 narrow [2] 12/12 12/17 narrower [1] 17/24 natural [3] 38/23 39/2 56/6 nature [5] 41/8 41/14 96/21 97/7 108/22 navigate [1] 110/13 near [1] 38/15 nearby [5] 96/15 98/15 100/19 112/15 116/21 neat [1] 79/18 necessary [17] 5/3 38/6 46/23 92/8 95/17 97/13 99/13 101/20 104/6 104/21 106/24 108/25 111/6 113/13 114/23 117/15 119/9 necessitated [1] 41/8 necessitates [1] 46/19 need [25] 6/4 7/20 9/19 9/22 12/14 15/8 38/24 39/4 40/3 46/19 49/13 51/7 53/13 55/18 55/25 56/3 56/11 63/10 67/15 83/6 91/15 103/22 112/21 115/12 118/25 needed [2] 68/22 95/11 needs [6] 33/25 67/6 73/18 93/15 94/23 112/25 negative [2] 106/19 108/20 neighborhood [23] 40/25 65/7 66/10 66/11 70/4 91/20 94/17 95/10 96/15 97/4 98/15 99/3 100/19 104/9 106/20 108/21 110/23 110/25 112/15 113/4 116/21 118/22 119/5 neighboring [2] 63/17 85/19 neighbors [3] 69/14 70/3 70/5 Neu [3] 24/19 25/5 94/3 never [3] 25/17 63/2 78/4 new [37] 1/2 1/5 1/25 4/20 4/25 6/25 8/3 11/25 12/24 18/6 18/12 33/19 35/4 36/11 51/3 65/15 65/25 67/15 67/16 79/11 82/19 82/20 83/2 83/2 83/15 89/13 90/2 90/5 90/25 94/15 94/18 94/21 100/15 100/25 104/3 116/25 120/13 next [2] 21/16 21/18 NH [1] 78/2 Nicholas [1] 12/8 night [4] 37/9 63/6 73/15 74/12 nighttime [1] 63/8 ninety [1] 96/18 Nitsch [1] 4/12 no [69] 2/25 6/6 7/2 7/3 7/3 8/14 8/14 9/25 10/2 10/20 15/20 20/13 20/23 23/7 31/16 33/25 34/9 44/6 46/15 46/18 47/2 47/23 49/18 50/13 50/24 50/25 51/14 53/21 55/15 55/16 55/18 55/25 62/13 63/25 66/16 66/23 67/13 67/13 67/16 67/23 67/23 68/24 69/24 69/24 71/9 75/21 79/16 79/22 80/14 80/15 86/14 86/15 86/19 94/23 97/2 98/25 100/13 100/18 100/19 101/18 106/19 108/20 109/7 110/22 112/21 113/2 116/17 116/20 116/21 No.1 [1] 55/12 nobody [2] 5/11 64/2 noise [7] 39/14 39/15 56/15 56/22 57/2 57/8 104/13 non [8] 6/25 15/6 69/5 69/7 94/14 110/19 112/21 113/8	

**N**  
non-code [1] 15/6  
non-conforming [6] 69/5 69/7 94/14  
110/19 112/21 113/8  
non-profit [1] 6/25  
nonconforming [2] 24/23 94/7  
none [10] 11/11 24/17 28/10 61/17 64/17  
68/7 71/24 77/14 81/18 88/3  
nonetheless [1] 16/14  
Nope [1] 9/5  
Norbert [1] 77/25  
north [7] 30/25 48/2 48/3 62/10 62/25  
73/2 76/7  
northeast [1] 31/10  
northern [2] 54/22 61/5  
not [128]  
not-for-profit [2] 4/21 4/25  
notch [3] 82/13 83/25 85/2  
notes [2] 89/9 120/9  
nothing [1] 63/19  
noticeable [1] 5/9  
noticed [1] 41/17  
November [8] 1/2 1/4 2/3 2/7 3/20 3/23  
90/2 90/4  
now [26] 2/2 4/17 7/4 33/24 36/3 37/9  
39/20 41/10 52/4 52/7 54/9 59/15 59/19  
59/20 60/6 62/9 62/13 69/20 72/2 72/14  
75/13 75/14 76/8 80/4 80/6 114/3  
number [5] 3/5 18/24 25/10 49/23 99/10  
numbers [1] 37/20  
nursing [9] 32/11 33/5 33/8 33/21 34/5  
35/12 35/24 35/25 96/22

**O**  
Oaks [1] 75/14  
obscure [1] 62/21  
obtain [1] 92/2  
obtained [14] 31/5 92/9 95/18 97/14  
99/14 101/21 104/22 106/25 109/2 111/7  
113/14 114/24 117/16 119/10  
obtaining [1] 36/19  
obviously [6] 7/17 13/7 13/15 15/16  
22/25 57/16  
occupying [2] 75/8 75/9  
odd [2] 62/20 82/13  
off [15] 10/17 17/7 34/10 34/11 43/17  
52/24 64/4 65/12 74/9 82/15 82/20 84/12  
84/25 86/19 110/17  
offense [1] 20/23  
offhand [1] 71/7  
office [5] 31/12 31/13 62/24 108/18  
108/23  
officer [1] 30/13  
offices [1] 75/15  
often [1] 52/16  
oh [6] 2/22 48/5 58/14 78/25 85/14 86/8  
okay [55] 2/9 2/13 3/15 3/16 3/24 8/4  
10/4 10/12 10/23 16/23 20/19 21/25  
22/19 24/11 24/12 26/16 27/3 28/5 28/6  
30/8 35/23 36/15 42/2 45/12 46/17 47/24  
48/5 48/9 51/18 55/13 56/13 57/5 58/2  
58/11 59/5 59/22 60/11 61/11 61/12  
64/12 64/14 68/2 71/5 71/18 71/20 74/23  
76/6 77/9 77/10 79/15 81/8 81/9 81/15  
87/12 87/23  
old [3] 35/4 87/9 87/20  
once [2] 26/20 108/18  
one [70] 4/6 4/23 8/4 8/18 8/24 9/16 9/17  
9/17 10/4 10/7 11/18 12/25 13/7 13/7  
13/12 14/20 15/15 15/15 18/7 19/10  
21/23 24/5 31/19 33/20 34/19 34/21 37/2  
37/24 39/8 39/13 40/18 44/12 45/16

25/19 45/20 45/20 45/20 48/10 50/4 50/7  
51/4 57/17 58/7 58/9 61/6 61/24 62/17  
63/2 63/10 63/11 64/4 66/2 66/21 70/11  
72/6 72/17 77/6 80/21 82/6 84/22 85/15  
85/15 86/20 87/9 87/20 91/7 93/8 108/8  
114/7 114/18  
only [40] 4/6 10/24 13/24 16/7 20/12  
20/13 34/11 39/18 43/3 45/11 45/12  
53/22 57/10 61/23 64/3 66/2 66/19 66/20  
72/6 74/2 74/11 76/18 91/7 91/22 92/5  
95/15 97/10 99/9 100/21 101/13 104/18  
107/2 108/8 108/17 111/3 113/10 114/7  
114/25 117/10 119/7  
opal [1] 41/18  
open [12] 4/9 11/2 11/4 42/11 42/13  
67/12 67/24 71/2 73/25 91/11 110/17  
110/23  
open-roof [1] 42/11  
opener [1] 86/12  
opening [2] 6/14 7/13  
operation [2] 75/16 75/17  
operational [2] 41/14 46/5  
opinion [3] 15/10 21/24 92/3  
opinions [1] 25/22  
opportunity [1] 56/22  
opposed [1] 48/18  
option [1] 13/19  
order [5] 2/2 23/23 38/16 38/17 40/3  
ordered [1] 8/3  
organization [5] 5/2 32/6 33/16 34/8  
34/24  
organizations [2] 33/14 34/15  
orient [1] 30/22  
orientation [1] 96/23  
original [7] 26/24 45/25 61/10 70/25  
78/11 84/13 118/24  
originally [2] 67/21 82/16  
ornamental [1] 59/16  
ornamentation [1] 81/6  
other [44] 6/14 7/19 7/23 7/23 9/20  
10/24 12/17 18/17 19/11 20/7 20/20 23/6  
24/11 28/5 28/16 29/21 33/14 33/14  
37/24 41/2 45/17 53/12 55/9 61/11 66/14  
66/15 66/16 67/25 71/5 71/19 72/24  
73/13 77/9 86/18 94/23 96/8 96/21 98/20  
98/21 100/14 103/15 112/20 116/17  
118/21  
our [39] 4/20 5/20 5/22 6/3 6/12 6/17 7/5  
11/25 13/3 14/21 15/10 25/6 25/18 27/21  
32/6 32/15 32/19 33/3 33/3 34/13 38/9  
38/21 39/6 40/6 40/18 40/22 48/17 62/6  
62/19 67/9 69/8 69/19 69/22 70/2 71/16  
75/22 75/23 75/23 83/19  
ours [2] 5/16 71/16  
out [34] 5/17 13/18 14/12 14/15 15/12  
15/15 16/25 17/21 20/25 25/15 31/14  
31/14 32/21 34/2 37/19 38/2 40/9 44/24  
46/22 46/24 52/24 54/25 62/16 65/17  
66/4 66/20 67/22 78/9 80/9 80/12 80/16  
82/13 82/25 93/15  
outages [1] 101/10  
outdoor [1] 79/21  
outlets [1] 86/13  
outs [1] 25/14  
outside [4] 37/16 38/5 40/3 44/3  
over [21] 15/3 15/24 16/12 16/14 16/14  
30/17 31/14 31/21 39/8 42/14 42/19  
42/21 43/4 49/15 53/24 54/2 54/18 67/19  
68/19 69/24 96/18  
overall [5] 19/10 39/22 40/14 104/15  
106/21  
overflow [1] 80/10  
owe [1] 80/6

own [8] 7/10 7/14 34/18 35/6 36/13  
52/25 75/20 82/5  
owner [27] 4/2 6/23 11/13 24/20 28/12  
28/19 29/2 29/9 29/24 61/20 65/3 72/3  
72/15 77/18 81/20 91/4 93/3 94/4 96/4  
98/4 100/4 103/4 106/4 108/4 114/4  
116/5 118/3  
owners [4] 64/20 68/10 110/4 112/4  
owns [1] 82/6

**P**  
p.m [3] 1/3 74/2 90/3  
package [2] 37/21 62/18  
packages [1] 40/12  
packet [2] 43/25 58/21  
pad [6] 52/8 52/20 82/17 82/18 82/19  
83/2  
page [6] 2/15 2/17 2/19 2/22 2/22 3/5  
painted [3] 16/20 16/21 17/6  
Palazzo [10] 11/24 12/20 17/10 17/11  
17/18 19/8 20/22 20/23 22/17 24/4  
panel [1] 62/16  
paragraph [1] 79/8  
parcel [1] 31/9  
parents [1] 35/13  
park [3] 61/20 62/25 108/4  
parking [4] 12/10 63/16 63/19 64/2  
part [18] 6/17 16/5 31/6 35/15 37/8  
37/21 40/6 40/11 40/14 43/14 44/5 44/7  
44/19 53/14 54/6 81/18 88/3 108/22  
participants [1] 32/15  
particular [8] 19/4 19/5 41/8 48/25  
56/19 79/7 101/15 117/12  
particularly [1] 63/4  
partners [1] 7/6  
parts [2] 44/6 115/7  
pass [1] 69/17  
passed [2] 26/6 79/17  
past [1] 70/6  
Pastor [1] 4/11  
path [2] 34/3 57/23  
patience [1] 4/14  
patient [1] 32/4  
patio [2] 44/5 79/20  
patrons [2] 108/15 108/18  
Paul [2] 25/3 77/25  
pay [1] 21/13  
peak [1] 48/22  
Penfield [2] 81/21 118/4  
people [6] 18/6 37/2 40/13 44/24 57/24  
63/5  
per [7] 21/2 49/18 49/19 51/3 93/16  
104/19 114/25  
pergola [1] 42/10  
pergolas [1] 60/21  
permissible [1] 92/4  
permit [7] 6/5 13/3 26/4 49/24 62/13  
91/25 118/17  
permits [8] 97/13 99/13 101/20 104/21  
111/7 113/13 117/15 119/9  
permitted [3] 9/17 77/6 101/19  
personally [1] 34/24  
perspective [3] 19/15 37/13 44/2  
pertains [1] 92/5  
photographs [2] 69/17 78/21  
physician [1] 33/24  
physical [9] 41/4 91/19 95/9 96/22 97/3  
99/2 104/8 113/3 119/4  
pictures [1] 5/13  
piece [2] 49/22 54/19  
pieces [1] 17/12  
pitches [1] 48/13  
Pittsford [2] 2/7 12/22

**P**  
 place [5] 62/20 73/6 89/9 103/24 120/9  
 placed [1] 55/3  
 plan [11] 31/4 36/17 37/11 37/12 37/19  
 37/19 40/8 40/16 44/7 54/7 54/15  
 planning [9] 9/23 36/23 37/10 39/18  
 43/15 92/9 95/18 109/2 114/24  
 plans [32] 4/8 11/21 24/25 28/18 28/25  
 29/8 29/22 30/7 39/10 61/25 64/24 67/23  
 68/14 72/12 77/23 82/3 91/9 93/11 94/9  
 96/9 98/9 100/9 103/16 104/19 106/10  
 108/9 109/4 110/8 112/9 114/13 116/10  
 118/10  
 plant [1] 42/13  
 platform [7] 28/23 38/18 38/19 59/7  
 61/5 98/7 98/23  
 platforms [6] 38/15 57/19 58/8 59/3  
 60/13 60/16  
 play [2] 22/6 85/16  
 playing [1] 22/3  
 plaza [5] 25/6 25/12 94/20 94/24 95/8  
 please [3] 2/9 2/11 3/25  
 pleased [1] 25/15  
 plenty [1] 83/18  
 plus [1] 66/21  
 pod [1] 83/9  
 point [11] 7/7 26/3 36/17 44/7 47/22 52/4  
 60/8 73/2 86/25 87/2 87/4  
 pointed [2] 16/25 82/25  
 points [2] 40/15 108/15  
 pond [7] 38/16 58/16 58/21 59/8 60/13  
 98/16 99/9  
 ponds [5] 58/10 60/22 98/22 98/23 99/7  
 poorly [1] 83/20  
 porch [15] 64/22 65/16 65/21 65/25 66/4  
 67/16 67/19 67/24 68/12 110/6 110/19  
 111/3 112/6 112/22 113/11  
 porches [1] 112/17  
 portico [3] 69/2 71/2 112/24  
 porticos [1] 69/15  
 portion [2] 56/19 75/7  
 portions [2] 30/3 106/7  
 positively [1] 57/4  
 possible [2] 26/14 66/18  
 possibly [3] 24/2 57/2 57/3  
 Post [1] 2/7  
 posts [1] 60/9  
 potential [1] 17/23  
 potentially [1] 43/17  
 power [12] 38/23 38/25 39/2 45/8 57/10  
 100/16 100/22 100/23 101/2 101/7  
 101/10 103/23  
 powered [4] 29/6 52/9 100/7 101/4  
 practical [2] 25/19 69/21  
 pre [6] 24/23 26/11 69/5 94/7 94/13  
 110/19  
 pre-existing [5] 24/23 69/5 94/7 94/13  
 110/19  
 pre-renovation [1] 26/11  
 predecessor [1] 62/12  
 prefer [2] 13/18 23/2  
 premanufactured [1] 23/4  
 prepared [2] 26/3 26/13  
 present [14] 1/8 1/16 2/12 11/23 13/9  
 13/23 13/24 36/23 73/13 90/8 90/16  
 95/13 101/17 117/14  
 presentation [2] 30/17 40/19  
 presented [7] 25/11 25/25 90/20 92/6  
 99/12 111/5 119/8  
 president [1] 30/12  
 pressure [1] 65/17  
 pressure-treated [1] 65/17

pretty [4] 36/8 41/18 82/12 86/2  
 previous [2] 118/15 118/19  
 Previously [1] 12/7  
 primarily [3] 32/12 46/8 50/8  
 primary [4] 30/23 31/3 45/7 100/22  
 Prior [1] 91/25  
 private [12] 33/10 33/11 34/16 34/16  
 35/5 35/6 36/6 36/7 36/12 36/12 75/16  
 75/22  
 probably [8] 18/12 23/10 50/21 56/7  
 60/5 62/3 63/9 83/16  
 proceedings [4] 1/2 89/5 90/2 120/5  
 process [6] 9/24 19/19 32/2 37/10 39/19  
 61/4  
 produce [7] 94/16 94/18 96/14 98/14  
 100/15 112/13 116/18  
 profit [3] 4/21 4/25 6/25  
 program [3] 32/12 32/16 32/20  
 project [4] 11/5 30/14 38/12 104/16  
 projection [1] 17/7  
 properly [1] 2/5  
 properties [7] 83/11 95/8 96/15 98/15  
 100/20 112/15 116/22  
 property [52] 4/3 5/4 5/6 5/16 6/23 9/5  
 11/14 24/20 28/13 28/20 29/3 29/10  
 29/25 31/9 31/10 31/20 31/21 49/22  
 61/20 62/4 63/17 64/5 64/20 68/10 72/3  
 72/15 77/18 81/21 85/9 85/10 85/12  
 85/20 85/21 85/23 91/4 93/4 94/4 96/4  
 96/24 97/8 98/4 100/4 103/4 106/4 108/4  
 110/4 112/4 112/20 113/8 114/4 116/5  
 118/4  
 proposal [3] 45/25 61/10 67/10  
 proposed [30] 26/24 38/18 41/25 48/13  
 50/13 55/14 55/16 59/16 60/6 86/17  
 91/18 91/21 92/3 92/6 94/13 94/15 94/16  
 95/2 95/11 97/2 98/25 104/7 106/22  
 108/17 113/2 116/15 116/23 117/3 119/3  
 119/7  
 proposing [8] 7/17 13/2 30/19 30/19  
 34/18 65/25 69/2 73/9  
 protect [3] 38/7 47/12 103/24  
 protection [1] 68/24  
 proud [1] 35/14  
 provide [5] 32/25 38/7 44/22 45/2 98/21  
 provided [4] 10/2 40/6 40/13 107/3  
 providers [2] 33/14 34/21  
 providing [1] 54/13  
 proximate [1] 39/17  
 proximity [2] 53/6 54/24  
 public [15] 4/9 11/11 24/17 28/10 61/17  
 64/17 68/7 71/24 75/19 75/21 77/14  
 81/18 88/3 91/10 94/25  
 purpose [1] 95/4  
 purposes [1] 58/13  
 pursuant [1] 90/21  
 pursue [1] 41/2  
 put [21] 13/2 18/9 23/9 24/8 35/5 35/7  
 36/7 40/8 40/19 42/18 42/21 62/6 62/8  
 62/12 67/4 75/2 78/11 82/20 82/20 83/15  
 87/17  
 putting [3] 54/12 82/19 83/8  
 PVC [1] 42/8  
 pylon [1] 25/18

**Q**  
 question [11] 16/16 17/18 18/19 21/2  
 23/3 26/20 27/4 51/11 53/5 54/20 57/17  
 questions [24] 4/23 18/17 20/20 24/11  
 26/16 28/5 35/16 35/23 41/11 41/15  
 45/23 61/11 64/8 67/9 67/25 71/5 71/19  
 73/19 77/9 79/6 81/8 82/22 86/21 87/12  
 quick [1] 60/19

quickly [2] 26/6 26/14  
 quite [4] 34/12 34/20 35/12 68/22  
 quote [1] 84/2

**R**  
 raceway [8] 16/18 16/19 17/3 17/4 17/5  
 17/6 17/19 18/4  
 railing [1] 58/7  
 railings [1] 60/15  
 raised [2] 38/18 38/19  
 rather [5] 13/14 14/7 47/5 97/7 99/6  
 reacquaint [1] 7/20  
 read [2] 3/25 20/24  
 reads [2] 74/13 74/14  
 ready [3] 3/24 4/17 30/8  
 Real [1] 86/3  
 really [33] 5/6 15/8 16/13 19/18 21/6  
 21/13 25/14 27/19 31/15 31/16 33/5 33/7  
 33/9 34/11 34/14 34/20 35/11 37/20 38/6  
 41/7 49/23 53/15 62/21 66/14 66/15 67/2  
 67/3 75/15 76/11 76/13 79/18 84/23  
 87/21  
 reapproval [2] 26/12 27/2  
 rear [9] 28/17 28/24 29/21 37/25 39/12  
 46/6 96/8 98/8 103/15  
 reason [4] 12/3 62/18 63/12 73/9  
 reasonable [1] 95/7  
 reasonably [3] 96/21 98/20 112/20  
 reasons [4] 40/18 47/5 48/10 63/11  
 rebranding [1] 5/3  
 rebuild [2] 82/11 118/17  
 recall [1] 25/8  
 received [2] 37/22 40/12  
 recently [1] 12/23  
 reclassified [1] 25/24  
 reconfiguration [1] 84/11  
 reconfigurations [1] 25/14  
 reconstruct [1] 25/20  
 reconstructed [2] 81/23 118/6  
 record [7] 2/11 7/16 26/22 41/10 41/22  
 43/14 85/9  
 recreate [1] 48/13  
 rectangle [2] 23/12 38/3  
 redesigning [1] 82/25  
 redid [1] 12/10  
 refabricating [1] 18/11  
 referred [1] 38/25  
 refresh [1] 5/13  
 refurbished [1] 12/10  
 regard [2] 41/12 44/25  
 regarding [11] 11/10 24/16 28/9 40/22  
 57/2 61/15 68/6 71/23 77/13 81/17 88/2  
 regards [1] 19/2  
 Regional [1] 114/20  
 registered [1] 4/21  
 regular [2] 46/24 48/19  
 reinforcements [1] 4/12  
 relate [1] 27/25  
 Related [1] 51/19  
 relation [1] 114/17  
 relative [3] 48/23 95/7 118/18  
 relatively [1] 39/16  
 relief [6] 15/7 18/24 19/2 40/10 48/24  
 104/6  
 religions [1] 6/14  
 religious [1] 7/11  
 relocating [1] 12/21  
 remade [1] 14/23  
 remain [3] 7/24 25/23 35/18  
 REMAINS [2] 4/9 91/10  
 remember [3] 3/2 10/19 86/20  
 reminded [1] 26/4  
 remnant [1] 26/11

**R**  
rendering [1] 25/24  
renderings [2] 41/25 73/14  
renovation [2] 25/13 26/11  
renovations [2] 25/12 25/13  
rental [1] 83/11  
repainted [1] 12/11  
repeats [1] 44/11  
replace [7] 24/22 25/18 26/10 68/25  
78/12 94/6 94/13  
replaces [3] 94/22 95/6 116/15  
replacing [1] 116/23  
report [2] 89/5 120/5  
Reported [2] 1/24 90/24  
REPORTER [4] 1/24 89/2 90/24 120/2  
REPORTING [2] 1/24 90/24  
representing [1] 25/4  
repurpose [2] 13/6 15/9  
request [9] 6/3 16/7 24/2 45/15 62/14  
69/8 104/10 108/13 118/14  
requested [12] 96/13 96/16 98/13 98/16  
100/13 103/22 104/5 110/20 112/13  
112/16 116/14 118/20  
requesting [4] 4/18 48/11 62/5 62/9  
require [4] 38/20 49/16 58/18 59/12  
required [18] 28/17 28/24 29/21 64/23  
65/25 68/13 69/14 70/10 82/2 90/21 96/8  
98/8 103/15 104/3 110/7 112/8 112/24  
118/9  
requirement [4] 38/24 52/12 52/13 101/3  
requirements [2] 56/10 103/23  
requires [6] 16/6 55/24 69/4 81/4 94/24  
101/2  
resident [3] 33/21 35/21 35/25  
residents [6] 34/5 34/9 34/19 38/5 46/22  
101/9  
respectively [2] 29/17 103/11  
restricted [1] 12/14  
result [9] 31/18 100/15 100/20 104/11  
106/20 108/21 110/24 116/18 116/22  
retail [1] 27/22  
reuse [1] 13/5  
review [21] 9/23 9/24 13/10 16/25 18/21  
19/6 19/18 22/15 37/8 39/18 39/19 41/10  
65/19 70/20 90/21 92/8 93/16 95/17  
108/25 111/6 114/23  
rezoning [3] 31/8 31/20 37/8  
RICK [9] 1/14 2/5 3/24 4/14 18/19 49/6  
62/12 74/3 90/14  
rid [1] 78/7  
Ridge [2] 12/21 12/25  
right [45] 3/4 7/3 9/15 13/22 15/11 15/14  
15/22 16/2 18/10 20/17 22/9 22/12 22/14  
23/20 23/24 24/5 24/6 24/8 39/20 40/8  
50/22 51/2 52/4 52/7 52/8 52/14 53/19  
54/8 55/23 59/15 60/6 61/8 62/22 64/8  
65/9 65/14 69/12 69/20 75/14 76/23 80/8  
84/20 85/4 87/5 87/6  
ringing [1] 37/16  
rise [1] 35/19  
road [34] 12/21 12/25 15/4 27/21 28/13  
28/20 29/3 29/10 29/25 30/25 31/11 66/2  
66/20 68/11 68/18 69/11 72/4 73/3 73/8  
76/7 76/12 76/14 81/21 96/4 98/4 100/4  
103/4 106/4 106/16 112/5 112/18 114/5  
114/18 118/4  
roads [1] 96/19  
Robert [2] 64/19 110/3  
ROCHESTER [13] 1/2 1/5 62/3 72/2  
72/14 78/3 79/24 80/3 89/13 90/2 90/5  
114/3 120/13  
role [1] 19/18

roll [17] 2/10 3/22 92/14 93/22 95/23  
97/19 99/19 102/2 105/3 107/8 109/10  
111/12 113/19 115/7 115/17 117/21  
119/15  
roof [13] 42/11 42/11 42/18 42/21 48/13  
48/20 48/21 48/22 67/13 67/22 67/23  
83/15 85/2  
room [3] 23/5 23/7 79/18  
rooms [13] 33/11 33/11 34/16 34/16  
34/17 35/5 35/7 35/18 36/5 36/6 36/9  
36/13 46/23  
rope [1] 58/4  
roped [1] 22/11  
roughly [6] 42/9 43/18 43/21 44/17 61/6  
84/12  
row [1] 23/23  
Rue [1] 27/8  
rules [1] 66/7  
run [1] 85/17  
running [1] 57/12

**S**  
safe [1] 98/21  
safety [4] 58/12 101/5 101/8 117/6  
said [10] 14/6 15/18 29/16 53/10 54/11  
65/21 66/19 89/8 103/10 120/8  
same [34] 6/10 7/3 7/4 7/11 7/24 8/3 8/23  
17/6 17/8 17/9 18/22 19/9 19/10 19/13  
19/15 19/20 21/6 23/10 23/16 26/9 31/21  
36/4 39/16 42/7 48/13 50/21 54/12 56/2  
71/15 78/20 78/22 82/17 84/12 87/19  
sample [1] 73/16  
savings [1] 15/10  
saw [1] 34/14  
say [12] 8/9 10/9 18/6 21/4 33/22 42/23  
43/8 63/11 66/25 74/14 79/25 83/25  
saying [2] 19/6 84/2  
says [4] 8/14 14/13 19/19 43/5  
scale [4] 27/9 43/17 43/19 43/19  
scape [1] 25/13  
schematic [2] 37/12 40/16  
SCHWARTZ [25] 1/10 90/10 92/10  
92/12 93/20 94/10 95/22 97/17 99/16  
101/24 104/24 107/4 107/6 109/7 110/9  
111/11 113/15 113/17 115/5 115/13  
115/15 117/17 117/19 119/11 119/13  
se [1] 21/2  
seatback [1] 70/10  
seating [2] 80/12 80/13  
second [7] 16/5 20/18 23/23 38/14 62/10  
73/5 108/13  
seconded [19] 2/23 3/2 3/4 3/21 92/10  
93/18 95/19 97/15 99/15 101/22 104/23  
107/4 109/6 111/8 113/15 115/3 115/13  
117/17 119/11  
Secretary [2] 1/15 90/15  
section [32] 4/4 8/5 9/3 11/15 11/18  
24/21 29/16 30/3 61/22 64/21 68/11 72/4  
72/9 74/24 77/19 79/8 81/22 91/5 93/5  
93/8 94/5 103/10 106/6 108/6 110/5  
112/5 114/5 114/11 115/10 115/17 116/6  
118/5  
sections [11] 28/15 28/22 29/5 29/12  
29/19 96/6 98/6 100/6 103/6 103/13  
114/15  
secure [2] 40/4 106/17  
security [1] 58/12  
see [21] 5/20 14/9 21/13 37/11 41/19  
42/2 48/25 58/20 59/3 59/7 63/2 63/2  
65/22 69/8 73/4 73/5 73/15 76/11 76/17  
76/18 78/22  
seeking [3] 26/25 39/23 48/24  
seems [3] 41/18 63/12 63/14

seen [4] 13/11 27/17 63/23 63/25  
sees [1] 5/11  
self [12] 31/15 41/6 67/2 70/13 97/7 99/6  
100/24 104/2 104/11 113/7 117/2 118/15  
self-contained [1] 31/15  
self-created [11] 41/6 67/2 70/13 97/7  
99/6 100/24 104/2 104/11 113/7 117/2  
118/15  
semi [2] 33/11 36/6  
semi-private [2] 33/11 36/6  
senior [17] 28/12 28/19 29/2 29/9 29/24  
30/11 30/13 30/19 30/24 32/9 96/3 96/23  
98/3 100/3 101/9 103/3 106/3  
senior-living [1] 96/23  
sense [4] 19/22 19/24 76/20 85/7  
sentence [1] 2/15  
separate [4] 6/10 17/11 49/17 110/14  
September [1] 25/8  
SEQRA [1] 90/21  
serve [1] 108/17  
service [4] 1/24 55/11 55/15 90/24  
serviced [1] 55/10  
services [1] 32/24  
session [1] 2/3  
set [3] 15/3 89/9 120/9  
setback [23] 64/22 65/24 66/3 66/5 66/6  
68/13 68/13 69/5 69/6 69/7 69/13 69/14  
69/16 70/9 70/11 71/8 110/7 110/20  
110/21 111/4 112/7 112/7 118/23  
setbacks [1] 112/18  
sets [2] 37/20 110/14  
seven [3] 65/24 66/6 111/4  
seven feet [1] 66/6  
seventy [1] 56/16  
seventy-two [1] 56/16  
several [3] 7/5 32/24 70/2  
sf [16] 11/16 11/16 29/13 29/14 29/14  
29/20 81/23 81/24 93/6 93/7 103/7 103/8  
103/8 103/14 118/6 118/7  
shade [16] 28/16 37/24 38/8 40/10 42/5  
42/6 42/15 44/5 44/9 44/10 44/14 45/2  
60/21 96/7 96/16 97/11  
shaded [1] 38/11  
shall [13] 18/22 92/2 92/9 95/18 101/18  
101/20 104/21 106/24 107/2 109/2 111/7  
114/24 117/16  
shallow [1] 47/5  
shape [2] 83/15 91/15  
she [2] 84/23 84/23  
sheet [1] 78/15  
shield [3] 56/22 57/7 104/12  
shielded [1] 60/22  
shingles [1] 42/12  
shocks [1] 26/6  
short [2] 36/24 57/16  
shortened [1] 32/8  
shorthand [2] 89/5 120/5  
should [12] 2/16 2/18 2/25 3/6 19/9  
19/12 19/12 19/15 19/20 66/10 70/15  
70/16  
shouldn't [3] 19/9 23/14 50/9  
show [6] 2/11 14/11 14/24 59/6 73/14  
79/2  
showers [3] 34/16 35/7 36/7  
shown [4] 9/4 36/18 43/24 107/3  
shows [2] 47/25 58/21  
side [19] 4/21 5/6 5/19 7/18 9/6 9/8 12/22  
13/14 13/14 15/13 15/13 40/8 53/7 54/10  
62/6 62/10 62/25 81/25 118/8  
sided [1] 47/19  
sides [2] 16/22 71/3  
sidewalk [1] 57/23  
sight [1] 62/21

<p><b>S</b></p> <p>sign [122]</p> <p>signage [15] 5/18 11/3 61/23 61/23 62/5 63/8 72/5 72/6 72/23 91/15 94/20 108/7 108/8 114/6 114/7</p> <p>signs [39] 4/5 4/6 5/22 7/19 7/24 9/14 11/15 12/7 15/15 15/17 15/19 15/20 15/23 17/8 19/7 19/20 19/21 19/23 21/11 21/14 26/21 27/6 27/7 63/23 72/2 72/7 72/10 72/14 72/24 73/9 73/10 75/3 77/3 91/6 91/7 93/6 114/3 114/8 114/11</p> <p>silly [1] 16/15</p> <p>similar [14] 7/13 19/20 19/22 19/24 36/8 48/6 52/6 59/18 59/20 70/5 112/16 112/17 112/18 118/23</p> <p>Simplifying [1] 85/4</p> <p>simply [1] 79/12</p> <p>since [5] 5/8 31/2 55/24 94/18 108/22</p> <p>single [1] 44/12</p> <p>site [22] 25/17 30/22 30/23 31/2 31/4 36/17 37/11 37/16 37/18 38/19 39/7 39/22 40/4 40/12 40/15 41/12 41/25 44/7 47/6 53/20 54/15 94/15</p> <p>sits [2] 72/25 73/7</p> <p>sitting [2] 15/13 82/21</p> <p>situation [1] 19/23</p> <p>six [22] 13/25 33/2 39/25 40/2 44/13 44/17 54/8 60/7 66/3 66/20 69/3 70/9 80/22 82/16 83/4 84/2 84/2 84/3 84/6 84/8 84/15 91/22</p> <p>six feet [3] 69/3 84/2 84/3</p> <p>sixteen [2] 86/25 86/25</p> <p>sixteen feet [1] 86/25</p> <p>sixty [7] 15/3 32/11 69/4 69/13 70/9 84/17 84/18</p> <p>size [31] 8/2 10/3 11/16 14/24 15/16 19/10 19/13 22/3 22/7 23/10 36/8 49/12 50/15 50/21 60/14 81/23 93/6 94/21 94/24 95/7 95/11 96/17 97/11 98/17 99/10 103/21 104/2 104/14 118/6 118/18 118/21</p> <p>sized [2] 49/13 95/2</p> <p>sizes [1] 15/13</p> <p>skilled [5] 32/11 35/12 35/24 35/25 96/22</p> <p>slab [2] 46/16 47/9</p> <p>slab-on-grade [1] 47/9</p> <p>sleep [2] 63/5 63/6</p> <p>slight [1] 84/10</p> <p>small [6] 34/17 45/20 49/14 66/18 66/22 106/16</p> <p>smaller [11] 14/5 15/5 16/3 22/7 23/25 35/9 45/19 54/12 56/7 94/21 95/6</p> <p>SMITH [6] 1/24 89/4 89/17 90/24 120/4 120/17</p> <p>smoking [1] 80/14</p> <p>smooth [1] 87/18</p> <p>snow [2] 65/12 118/16</p> <p>snowstorm [1] 82/10</p> <p>so [148]</p> <p>soils [1] 47/7</p> <p>solely [1] 39/9</p> <p>some [20] 5/14 6/4 17/14 26/17 31/12 33/10 38/7 41/12 42/13 47/20 53/13 57/15 65/16 67/21 69/22 72/20 73/17 76/15 83/12 84/24</p> <p>somebody [1] 63/18</p> <p>someplace [2] 45/22 54/23</p> <p>something [16] 4/25 13/17 16/24 21/4 21/6 21/21 22/3 22/18 27/16 41/13 42/3 49/3 56/7 57/11 70/5 79/8</p> <p>sometime [1] 31/2</p> <p>sometimes [2] 21/22 79/23</p>	<p>soon [1] 47/6</p> <p>sorry [9] 42/24 43/7 48/5 50/2 73/22 74/5 76/25 80/18 87/22</p> <p>sort [3] 6/4 38/7 57/23</p> <p>sought [5] 31/19 37/18 96/20 98/19 112/19</p> <p>sound [1] 87/5</p> <p>sounds [1] 87/6</p> <p>source [6] 38/23 38/25 39/3 51/20 100/23 101/7</p> <p>sources [1] 52/9</p> <p>south [27] 24/20 25/7 28/13 28/20 29/3 29/10 29/25 30/24 30/25 31/11 32/21 50/14 61/21 63/17 63/23 72/4 73/3 76/14 94/5 96/4 98/4 100/4 103/4 106/4 108/5 108/19 114/5</p> <p>Southview [2] 77/17 116/4</p> <p>space [7] 33/12 35/6 35/8 35/9 83/19 86/4 110/15</p> <p>spaces [1] 34/17</p> <p>speak [10] 11/10 24/16 28/9 30/16 61/15 64/16 68/6 71/23 81/17 88/2</p> <p>special [1] 6/5</p> <p>specific [3] 31/16 107/2 109/3</p> <p>specifically [2] 7/8 75/4</p> <p>specified [1] 116/18</p> <p>specs [1] 73/17</p> <p>Spencer [2] 30/14 41/23</p> <p>spend [1] 63/6</p> <p>spiritual [2] 6/16 7/9</p> <p>spirituality [4] 4/23 6/13 6/21 8/10</p> <p>spirt [1] 13/4</p> <p>spot [2] 53/3 73/8</p> <p>sprinklered [3] 51/3 51/4 51/7</p> <p>Spruce [2] 77/18 116/5</p> <p>square [31] 12/17 12/19 13/25 14/14 15/21 15/25 16/4 19/2 22/5 22/11 22/12 47/18 49/8 49/16 49/20 50/5 50/18 50/19 55/4 73/11 77/2 82/15 82/20 83/4 83/7 83/22 83/23 84/4 84/17 84/18 84/25</p> <p>squaring [1] 84/11</p> <p>squirrels [1] 85/18</p> <p>stacked [2] 13/14 36/25</p> <p>stage [1] 32/23</p> <p>standard [1] 48/17</p> <p>standards [2] 40/22 48/23</p> <p>standby [2] 29/5 100/7</p> <p>standing [5] 4/5 7/15 9/21 91/6 110/15</p> <p>standpoint [2] 46/5 51/8</p> <p>start [3] 18/3 37/18 45/24</p> <p>started [9] 33/4 33/13 33/15 33/18 34/3 34/6 40/16 47/6 62/4</p> <p>state [10] 33/7 36/4 38/24 51/3 52/12 56/23 85/8 85/10 100/16 100/25</p> <p>state-of-the-art [1] 33/7</p> <p>stated [2] 76/24 95/3</p> <p>states [2] 75/4 112/23</p> <p>status [1] 7/11</p> <p>stay [2] 7/24 22/20</p> <p>staying [2] 8/21 8/22</p> <p>steakhouse [5] 77/17 78/3 79/24 80/3 116/4</p> <p>stems [2] 97/7 99/6</p> <p>stenographic [2] 89/8 120/8</p> <p>stereotype [2] 89/5 120/5</p> <p>steps [7] 65/11 65/23 66/3 66/19 66/21 110/12 110/14</p> <p>still [10] 5/14 6/7 6/10 6/19 7/10 8/17 14/17 15/17 15/17 56/17</p> <p>stone [7] 9/8 23/3 78/7 78/8 78/11 78/24 116/25</p> <p>stopped [1] 27/21</p> <p>storage [36] 29/13 39/8 39/11 39/16</p>	<p>40/10 45/14 45/16 45/21 45/21 46/2 46/4 46/6 46/8 46/9 46/20 47/16 47/25 48/2 50/8 50/9 50/10 50/13 50/13 50/15 51/5 51/16 52/5 53/7 53/18 54/14 54/20 84/13 101/18 103/7 103/21 104/3</p> <p>store [3] 12/21 12/24 20/16</p> <p>stored [4] 46/24 51/25 52/10 53/13</p> <p>stories [1] 36/24</p> <p>stormwater [1] 58/9</p> <p>story [1] 33/20</p> <p>stove [1] 83/11</p> <p>Stracey [1] 72/13</p> <p>straight [2] 84/4 84/20</p> <p>strange [1] 63/13</p> <p>street [10] 4/3 4/20 5/6 5/21 8/19 15/2 70/16 76/15 91/4 112/17</p> <p>streets [1] 5/19</p> <p>strictly [2] 2/20 75/19</p> <p>structural [2] 25/21 25/22</p> <p>structure [41] 5/9 25/23 38/8 42/8 42/10 42/11 42/21 44/5 44/9 44/10 44/14 44/16 46/2 46/4 46/6 46/7 47/9 47/10 48/2 48/3 48/4 48/14 48/18 49/19 50/14 51/2 51/8 53/8 54/20 54/21 54/21 54/25 55/5 55/19 57/7 83/3 86/10 91/23 98/23 117/10 118/18</p> <p>structures [31] 28/16 28/23 37/24 38/11 38/15 38/20 39/7 39/20 40/11 42/5 42/6 43/20 45/2 46/19 48/11 48/21 49/8 49/22 49/23 55/5 60/21 96/7 96/17 97/11 98/7 98/17 99/10 103/24 104/14 104/19 117/12</p> <p>study [1] 31/18</p> <p>stuff [2] 33/3 83/10</p> <p>style [7] 19/10 59/10 59/14 59/15 59/17 70/23 104/15</p> <p>subject [1] 54/16</p> <p>subjects [1] 39/17</p> <p>submit [1] 26/4</p> <p>submitted [2] 104/20 109/4</p> <p>substantial [16] 39/11 41/3 45/2 59/3 91/21 95/5 96/16 98/16 100/13 100/19 104/5 108/13 112/16 116/14 116/21 118/20</p> <p>substantially [1] 50/6</p> <p>success [1] 32/21</p> <p>such [1] 46/9</p> <p>Suddaby [1] 4/11</p> <p>sudden [1] 16/11</p> <p>suffer [1] 32/22</p> <p>sufficient [1] 42/17</p> <p>suggesting [1] 18/21</p> <p>suggestions [3] 13/10 13/12 13/12</p> <p>suitably [1] 95/2</p> <p>summer [2] 25/17 42/15</p> <p>Summit [2] 31/7 32/16</p> <p>sun [2] 38/7 44/21</p> <p>sunlight [1] 38/9</p> <p>sunny [1] 38/9</p> <p>super [1] 25/23</p> <p>supply [2] 100/16 101/2</p> <p>support [2] 55/19 103/22</p> <p>suppose [1] 66/25</p> <p>supposed [1] 78/9</p> <p>sure [7] 7/7 17/16 27/19 43/19 56/18 63/20 86/23</p> <p>surprise [1] 64/11</p> <p>surrounding [3] 30/4 95/8 106/7</p> <p>surroundings [1] 70/17</p> <p>surrounds [1] 79/21</p> <p>Swingle [1] 72/14</p> <p><b>T</b></p> <p>table [3] 47/6 115/10 115/17</p>
--	---	---

**T**  
TABLED [2] 4/8 91/9  
tables [1] 46/22  
Tabor [1] 4/10  
tack [1] 53/23  
take [9] 3/8 5/10 20/17 20/18 36/6 40/13  
60/19 80/9 84/9  
take-out [1] 80/9  
taken [6] 34/10 34/11 46/24 54/16 89/9  
120/9  
taking [3] 50/17 54/11 66/15  
talk [6] 30/18 30/20 32/2 32/5 53/2 78/3  
talked [5] 33/3 37/4 54/7 67/20 86/18  
talking [12] 5/21 8/19 8/25 25/21 31/23  
33/4 33/14 36/16 39/11 45/14 54/17  
57/11  
taller [2] 40/3 78/17  
tank [2] 52/6 101/18  
tapping [1] 52/16  
Tax [10] 28/13 28/20 29/3 29/10 29/25  
96/5 98/5 100/5 103/5 106/5  
team [1] 33/4  
tear [1] 67/14  
technical [1] 41/12  
tell [4] 12/12 47/14 52/18 54/6  
telling [1] 21/11  
Temple [8] 4/2 4/11 6/9 7/9 8/11 8/15  
8/17 91/3  
ten [9] 27/5 27/9 27/20 34/9 43/20 84/7  
84/8 84/15 115/12  
tenant [1] 11/25  
tenants [1] 25/13  
term [2] 36/24 57/16  
terms [6] 36/5 37/10 37/17 39/15 70/13  
78/24  
test [1] 57/16  
testimony [13] 92/6 95/16 97/12 99/11  
101/14 104/19 107/3 109/5 111/5 113/12  
115/2 117/11 119/8  
testing [1] 57/15  
text [1] 72/19  
than [28] 7/23 12/18 13/3 13/6 13/14  
14/7 19/11 28/16 29/21 34/9 37/24 41/10  
45/17 49/20 49/24 64/3 66/15 66/21  
74/18 78/17 79/8 85/15 86/7 86/24 94/21  
95/6 96/8 103/15  
thank [29] 4/13 9/11 11/6 11/7 11/8  
11/22 13/22 20/9 24/12 24/13 24/14 27/3  
28/2 28/6 28/7 61/12 61/13 68/2 68/3  
71/20 71/21 76/21 77/8 77/10 77/11 81/9  
81/12 87/23 87/24  
Thanks [5] 20/19 28/4 32/3 64/14 81/10  
that [349]  
that's [40] 3/15 8/4 8/12 8/18 10/5 10/13  
13/15 14/19 16/14 17/18 19/3 19/17  
19/18 21/6 23/2 23/16 24/3 24/5 27/8  
35/2 36/23 41/13 48/3 52/21 55/3 60/10  
60/23 61/3 62/17 67/8 74/13 74/14 76/10  
78/18 79/4 79/25 80/8 81/6 84/18 84/22  
their [22] 7/10 13/12 19/18 30/20 35/6  
63/6 65/6 65/7 65/8 68/19 70/6 72/18  
72/20 72/21 72/21 74/3 74/6 85/20 96/22  
112/25 114/21 114/21  
them [16] 18/24 18/25 19/3 36/7 37/21  
42/19 43/17 43/24 44/25 48/21 49/11  
57/23 73/6 79/2 80/6 103/25  
themselves [4] 30/21 44/8 46/9 53/6  
then [29] 8/5 16/11 18/9 21/11 21/16  
21/17 21/18 26/22 27/20 30/17 30/20  
32/6 32/18 32/21 32/23 35/3 36/7 37/19  
44/12 44/15 46/6 46/23 50/21 55/8 55/20  
62/16 63/10 74/3 76/17

there [115] 5/7 5/7 6/22 6/24 11/9 11/11  
12/7 14/11 15/12 20/11 24/5 24/15 24/17  
25/15 27/16 28/8 28/10 31/9 31/12 31/16  
34/10 34/22 35/13 35/14 35/16 35/20  
36/7 36/10 36/17 38/8 38/17 40/23 41/11  
43/14 43/15 44/8 45/21 46/18 47/2 49/11  
52/7 53/5 53/13 54/9 54/21 54/25 55/3  
55/16 55/18 56/3 57/15 58/6 58/6 58/17  
58/25 59/19 60/25 61/14 61/17 62/11  
62/11 62/12 62/17 63/19 64/4 64/6 64/15  
64/17 65/8 66/14 66/15 66/23 67/16  
67/18 67/23 68/5 68/7 69/20 69/24 71/17  
71/22 71/24 73/4 74/25 75/12 76/10  
77/12 77/14 78/10 80/8 80/12 80/13  
80/16 81/6 81/16 81/18 82/8 82/13 83/9  
83/20 83/21 85/17 86/11 86/11 87/25  
88/3 95/9 97/2 98/20 98/25 110/13  
110/22 112/21 113/2 118/21  
there's [27] 15/9 15/16 15/17 15/18  
15/20 17/14 17/23 32/23 41/13 44/14  
47/4 47/5 50/13 50/24 55/25 57/22 58/8  
58/14 58/15 62/18 65/13 68/23 69/5 75/3  
75/21 76/8 86/3  
these [27] 5/22 19/7 19/23 34/8 34/14  
34/18 36/22 36/24 37/4 37/25 39/20  
43/20 45/8 45/14 46/18 47/15 49/2 49/24  
54/24 61/15 63/22 77/2 78/17 79/17  
96/22 98/22 104/14  
they [61] 6/4 6/15 7/10 7/24 7/24 9/13  
9/19 9/22 12/8 13/10 13/13 17/15 19/9  
19/22 19/24 24/3 33/24 33/25 34/8 35/21  
35/22 36/2 36/8 38/20 42/8 45/8 46/11  
48/8 49/10 49/13 58/17 58/18 59/18  
59/20 60/14 60/18 63/23 65/6 65/6 65/7  
65/8 65/15 65/20 65/21 67/4 67/15 67/23  
68/19 70/3 70/3 70/10 71/10 74/17 79/12  
79/13 79/22 79/23 82/13 82/14 87/20  
96/18  
they're [21] 7/11 18/6 20/18 42/22 42/25  
43/3 43/6 43/18 45/11 48/14 49/22 60/6  
60/22 65/21 67/14 69/2 79/16 79/17  
79/18 80/2 85/25  
they've [2] 68/23 71/16  
thing [9] 10/24 13/24 15/11 42/19 54/3  
73/13 78/22 79/16 83/2  
things [13] 8/25 14/20 25/15 46/9 46/22  
71/16 72/16 76/10 82/19 83/8 83/12  
84/23 85/3  
think [30] 2/19 3/6 3/9 4/17 5/14 17/20  
17/21 18/3 18/4 18/5 22/22 23/9 23/15  
24/2 35/10 35/14 41/9 62/4 63/4 63/8  
67/6 69/20 70/3 70/14 71/17 74/17 80/15  
82/7 83/18 87/21  
thinking [1] 23/13  
third [2] 9/18 38/22  
thirty [5] 65/24 66/3 66/5 66/20 91/22  
thirty-seven [1] 65/24  
thirty-six [2] 66/3 91/22  
thirty-six feet [1] 66/20  
thirty-three [1] 66/5  
this [151]  
Thomas [1] 33/18  
thorough [1] 37/7  
those [19] 13/11 32/22 35/7 35/21 38/19  
39/20 46/23 48/11 55/10 56/15 58/4 58/7  
60/4 60/16 61/9 69/17 73/15 79/13 84/24  
thought [4] 22/23 39/12 61/4 67/18  
thousand [1] 12/18  
three [25] 4/4 5/22 8/25 32/11 34/8 34/22  
36/17 36/24 36/25 37/5 39/24 39/25 40/2  
50/17 56/16 58/8 58/18 65/5 66/4 66/5  
72/16 83/16 91/5 106/15 110/21  
through [11] 9/22 25/16 34/25 37/7

40/20 40/21 46/3 46/7 74/2 82/14 110/16  
throughout [2] 40/4 40/15  
throw [1] 14/7  
ties [1] 39/5  
time [20] 4/12 4/24 6/18 7/2 10/6 11/5  
12/5 26/2 26/6 27/2 27/25 31/8 31/21  
33/8 33/9 39/16 42/3 79/25 89/9 120/9  
today [4] 13/16 32/7 52/21 82/7  
together [2] 18/9 48/15  
TOMPKINS [23] 1/11 90/11 92/11  
93/19 95/20 96/10 97/18 98/10 99/18  
101/22 101/24 104/25 107/5 109/8 111/8  
111/10 112/10 113/17 115/3 115/5  
115/15 117/18 119/12  
tone [1] 27/18  
tonight [4] 11/23 12/3 25/4 30/12  
too [4] 5/18 26/2 69/21 86/22  
tools [1] 83/12  
top [7] 3/5 10/17 12/5 42/21 78/13 80/22  
86/19  
total [5] 11/16 15/21 66/5 77/2 93/6  
tower [1] 8/5  
town [16] 1/4 1/13 2/4 6/13 12/23 13/18  
19/21 37/8 57/20 75/3 90/4 90/13 101/20  
106/24 117/15 119/9  
track [1] 16/16  
traffic [1] 76/14  
transcript [2] 89/7 120/7  
transcription [2] 89/8 120/8  
transform [1] 33/5  
transformational [2] 34/20 35/11  
traveling [1] 91/16  
treated [1] 65/17  
trees [1] 76/15  
trellis [1] 42/10  
Trex [1] 65/18  
tried [1] 73/11  
trouble [1] 80/5  
truck [3] 87/8 87/9 87/10  
true [2] 89/7 120/7  
trusses [1] 84/4  
try [3] 35/8 40/19 41/14  
trying [16] 4/16 15/8 15/8 18/23 25/19  
39/15 48/12 48/12 48/14 53/25 78/14  
82/11 83/24 83/25 84/25 85/2  
tucked [1] 53/6  
Tupelo [1] 34/7  
turn [2] 30/17 70/18  
turned [3] 25/15 31/14 74/9  
turns [2] 5/17 110/13  
twelve [4] 34/9 34/19 37/2 43/6  
twenty [12] 13/25 34/6 43/21 43/21  
50/16 55/3 56/16 61/6 61/6 73/5 83/7  
96/19  
twenty-eight [1] 83/7  
twenty-five [2] 50/16 55/3  
twenty-four [2] 61/6 61/6  
twenty-six [1] 13/25  
twenty-three feet [1] 56/16  
twists [1] 110/13  
two [58] 4/5 7/19 7/23 9/13 10/21 10/22  
11/15 12/24 14/4 15/12 15/13 15/15  
15/17 15/19 15/20 17/11 18/15 18/16  
19/7 20/7 21/7 21/23 23/6 24/5 38/12  
38/12 39/6 43/3 45/19 49/7 49/8 49/11  
49/12 49/15 49/20 52/19 53/16 54/9 55/7  
56/16 58/4 61/23 62/18 63/11 63/15  
63/22 72/6 73/9 73/10 77/2 80/22 85/14  
91/6 93/5 104/18 108/7 110/13 114/7  
two acres [1] 85/14  
two feet [1] 58/4  
type [5] 9/20 35/20 48/20 56/2 112/22  
typical [1] 75/25

**U**  
 uhm [6] 8/20 9/2 9/12 10/14 53/11 71/4  
 uhm-hmm [6] 8/20 9/2 9/12 10/14 53/11 71/4  
 ultimately [1] 37/6  
 Um [1] 55/6  
 unacceptable [2] 100/18 116/20  
 under [9] 6/10 6/12 9/16 9/17 26/24 38/20 44/5 73/11 86/23  
 underground [3] 52/6 52/6 52/10  
 understand [9] 7/17 15/7 21/8 22/18 24/10 52/14 76/4 76/5 83/5  
 understanding [3] 57/9 69/23 115/11  
 undesirable [6] 40/24 94/16 96/14 98/14 110/22 112/14  
 unexpected [1] 101/11  
 Unfortunately [1] 58/25  
 uninterrupted [4] 38/25 39/2 100/16 101/2  
 unit [2] 31/16 101/4  
 University [1] 62/3  
 unknowledgeable [1] 17/17  
 unless [5] 19/4 22/7 62/21 63/3 64/2  
 unlike [1] 41/7  
 until [4] 74/4 74/6 74/12 76/11  
 up [22] 6/14 10/13 14/5 14/9 21/14 23/10 25/25 31/25 33/21 34/15 40/8 42/14 50/17 55/3 58/23 62/8 62/12 64/7 79/23 82/20 84/12 110/13  
 Upon [16] 3/22 92/14 93/22 95/23 97/19 99/19 102/2 105/3 107/8 109/10 111/12 113/19 115/7 115/17 117/21 119/15  
 upper [1] 76/19  
 upside [1] 40/9  
 us [19] 5/10 6/11 6/16 7/20 9/4 11/6 11/22 14/16 32/7 34/23 34/25 39/13 41/2 51/24 52/18 56/21 56/25 78/16 86/4  
 use [10] 6/5 6/5 14/7 14/17 41/7 41/8 51/5 72/23 97/8 106/18  
 used [8] 19/12 27/5 27/10 27/11 57/10 82/18 100/21 114/20  
 uses [2] 69/21 92/3  
 using [5] 20/7 27/21 53/17 82/17 87/19  
 utilities [1] 86/10  
 utility [1] 44/24  
 utilize [1] 57/6  
 utilized [2] 53/9 54/22  
 utilizing [1] 52/16

**V**  
 vacant [2] 12/5 12/6  
 valid [1] 63/12  
 vantage [1] 40/15  
 variance [101] 4/4 4/18 6/5 9/16 9/17 10/5 10/7 11/15 11/17 12/4 14/16 15/17 15/18 15/20 22/5 24/2 24/21 25/6 26/5 26/12 29/19 30/21 37/23 38/14 38/20 38/22 39/6 39/23 40/19 41/7 48/11 49/7 49/13 49/16 58/19 59/12 61/21 62/9 64/21 66/18 66/22 67/7 68/11 70/8 70/22 71/10 71/10 72/9 77/19 79/10 91/5 91/18 91/21 92/5 93/5 93/7 94/5 95/5 96/13 96/16 97/2 98/13 98/16 98/25 100/13 100/21 101/7 101/13 103/13 104/5 104/7 104/10 104/18 106/15 106/21 107/2 108/6 108/22 109/3 110/5 110/20 110/24 111/3 112/5 112/13 112/16 112/23 113/2 113/10 114/10 114/25 116/6 116/14 116/23 117/8 117/10 118/14 118/17 118/20 119/3 119/7  
 variances [25] 25/10 28/14 28/21 29/4 29/11 29/16 30/2 37/17 37/20 40/25 41/3

66/8 66/16 72/4 81/22 96/6 97/10 98/6 99/9 100/6 103/6 103/10 106/6 114/5 118/5  
 various [2] 40/9 40/15  
 vehicle [3] 53/13 53/17 119/2  
 veneer [1] 116/25  
 version [1] 32/8  
 versus [4] 15/6 35/19 52/19 53/6  
 very [26] 12/12 16/15 34/24 36/14 36/24 40/17 52/6 53/4 54/6 60/19 60/19 61/13 63/13 65/10 65/10 68/2 69/20 71/18 71/20 73/4 77/10 81/9 81/12 84/22 91/23 106/15  
 via [1] 15/24  
 view [9] 36/17 43/24 43/25 47/14 54/3 58/20 60/22 98/18 103/25  
 viewed [1] 59/25  
 viewing [13] 28/22 38/15 57/19 59/2 59/7 59/8 60/13 60/21 61/5 98/7 98/17 98/22 99/10  
 views [1] 38/17  
 viewshed [4] 40/13 41/24 47/23 58/7  
 Ville [4] 24/19 25/5 27/8 94/3  
 vines [2] 42/13 42/14  
 visibility [2] 73/7 76/12  
 visible [2] 5/22 108/19  
 vision [1] 57/24  
 visitors [3] 38/6 65/10 91/16  
 visual [2] 13/19 16/3  
 voting [1] 42/3

**W**  
 walk [1] 57/25  
 wall [21] 26/23 62/15 62/25 65/9 65/14 65/24 66/15 67/4 67/15 78/19 79/20 80/20 80/21 80/23 110/15 110/17 116/15 116/16 116/23 116/24 117/4  
 wander [3] 44/8 44/12 60/2  
 wandering [2] 30/4 106/8  
 want [29] 3/8 4/13 5/10 10/24 15/24 21/4 24/3 35/4 35/13 35/14 35/22 43/19 44/24 47/12 65/15 67/24 73/6 74/15 74/17 78/6 82/15 82/16 84/3 84/21 84/23 84/25 87/8 87/10 87/19  
 wanted [14] 2/24 13/13 14/24 21/10 21/10 22/22 24/8 25/18 34/14 65/22 67/4 73/13 82/20 84/19  
 was [78] 2/5 2/6 2/23 3/12 6/16 13/4 13/13 13/24 13/24 14/10 14/10 14/13 14/23 15/12 15/15 16/24 18/13 20/11 20/13 21/9 21/11 21/11 22/16 22/23 23/13 27/4 31/5 31/9 31/11 31/16 31/19 33/7 33/7 33/8 33/9 33/17 33/18 33/20 34/13 36/16 39/12 43/7 45/13 45/18 46/6 47/8 47/9 51/11 52/19 53/23 54/11 54/16 58/25 61/3 62/3 62/4 63/19 67/2 69/23 69/24 70/8 71/12 72/24 73/12 74/16 78/4 82/15 83/5 83/8 83/17 83/18 83/22 86/11 86/20 86/21 86/23 104/10 117/2  
 wasn't [2] 47/11 83/14  
 water [6] 47/6 47/7 50/24 51/7 69/22 86/14  
 way [17] 6/17 14/2 14/14 15/5 25/15 33/5 33/8 33/25 37/6 53/20 63/19 72/25 73/7 75/2 76/8 76/12 98/21  
 wayfinding [3] 63/4 63/7 63/21  
 ways [2] 62/18 73/2  
 we [164]  
 We'd [1] 23/20  
 we'll [5] 10/25 37/19 41/14 47/20 70/11  
 we're [51] 4/17 5/21 8/16 9/9 12/3 12/13 12/14 12/15 12/22 13/16 18/23 18/23 19/3 25/14 26/11 26/13 26/20 34/18

34/23 35/4 35/6 35/10 35/15 35/25 36/6 36/23 37/23 39/11 39/19 39/25 41/19 48/10 48/12 50/10 53/25 54/12 54/17 57/11 65/25 66/16 66/20 70/18 73/12 73/25 75/14 75/15 77/25 78/3 78/4 78/13 78/22  
 we've [4] 25/11 27/16 52/11 78/16  
 weather [2] 68/25 101/10  
 weathers [1] 27/12  
 website [2] 72/20 72/22  
 week [3] 38/10 65/20 70/21  
 weekly [1] 57/13  
 weight [1] 118/16  
 welcome [2] 6/15 76/22  
 welfare [3] 101/5 101/8 117/6  
 well [26] 5/8 5/19 13/22 18/25 23/6 23/13 23/13 30/13 32/25 35/7 36/8 36/20 54/6 54/25 57/8 61/2 72/22 73/8 74/8 74/19 80/23 96/17 96/18 96/24 98/17 106/16  
 went [2] 37/7 87/18  
 were [18] 4/16 4/16 5/9 12/7 12/8 19/4 25/9 25/10 25/11 27/8 31/7 33/9 49/10 49/13 54/9 86/21 90/21 101/14  
 west [9] 12/21 12/24 30/25 31/6 62/6 62/19 73/2 85/20 85/22  
 west-facing [1] 62/6  
 Westfall [7] 61/20 62/24 63/23 64/5 64/7 108/4 108/19  
 what [77] 3/9 4/16 5/25 7/20 8/7 9/8 12/19 13/15 14/6 14/22 15/12 15/14 16/17 18/23 19/6 19/17 19/18 22/25 24/3 26/9 27/4 32/9 33/4 33/22 33/23 33/24 34/13 34/14 34/23 36/16 36/23 38/6 38/24 40/14 41/19 41/19 41/24 41/25 42/2 42/4 42/4 43/9 44/2 45/13 46/3 47/19 49/24 50/15 50/17 51/25 52/2 52/7 54/11 59/13 59/18 59/20 65/15 67/15 69/9 73/10 73/16 73/20 73/23 74/13 74/14 75/4 75/7 75/11 76/9 77/5 81/3 83/5 83/18 83/22 84/18 86/9 87/14  
 what's [7] 10/15 35/17 47/17 75/5 77/2 80/20 82/12  
 whatever [2] 22/20 53/18  
 whatnot [1] 85/18  
 when [27] 3/24 4/14 14/4 14/25 18/3 18/13 21/5 21/8 21/9 21/21 24/4 25/9 26/2 33/6 44/20 44/23 47/15 48/21 74/4 74/7 76/6 76/14 76/16 76/18 79/17 83/15 86/21  
 where [37] 4/6 19/21 19/23 24/23 26/3 29/6 29/14 32/7 32/13 34/4 34/7 34/15 35/22 36/10 52/2 53/9 61/23 65/24 67/22 68/13 69/13 70/9 70/11 72/6 72/10 73/6 75/13 78/18 84/21 91/7 94/7 100/8 103/8 108/7 112/7 114/7 114/12  
 whether [2] 25/22 63/12  
 which [52] 5/8 9/7 9/8 12/19 13/7 15/3 15/5 16/6 25/16 25/20 26/6 31/3 31/17 31/23 32/10 32/16 32/17 32/19 32/20 32/22 33/9 36/18 37/17 37/19 38/4 38/4 38/18 39/6 39/7 39/9 39/14 40/9 40/16 41/6 46/19 47/25 49/4 49/4 54/3 54/16 55/24 62/10 62/19 62/19 63/17 68/23 69/4 69/22 73/12 84/14 94/14 101/3  
 while [4] 27/11 36/19 60/20 71/17  
 white [8] 21/10 21/15 21/17 21/18 41/18 42/7 77/18 116/5  
 who [6] 3/2 11/25 30/12 33/18 35/21 65/2  
 whoever [2] 22/16 67/2  
 whole [4] 23/22 44/4 64/5 82/25  
 why [13] 23/2 40/18 45/18 45/21 52/18 53/2 53/9 63/9 67/4 69/23 76/4 83/4 83/6

**W**  
 wide [2] 43/12 69/3  
 width [3] 18/22 43/18 43/20  
 wife [3] 65/3 83/17 84/22  
 wild [1] 85/16  
 wildlife [1] 38/17  
 will [120] 2/9 3/6 6/11 7/5 7/24 7/24 8/2  
 8/7 8/9 8/10 9/3 17/2 17/3 17/5 17/6 17/9  
 20/4 26/12 30/23 31/23 34/19 34/21  
 35/18 35/20 36/8 36/9 36/10 36/11 37/2  
 37/16 37/25 38/3 38/4 38/4 39/7 39/14  
 40/14 40/23 41/3 41/25 42/8 44/2 44/2  
 44/9 44/17 44/21 45/2 46/9 46/24 48/8  
 51/3 51/8 51/25 52/5 55/2 55/9 55/11  
 56/15 56/19 56/21 56/23 56/23 57/10  
 58/6 58/13 58/17 65/17 66/2 66/4 66/5  
 66/11 66/23 67/16 69/6 69/12 69/17  
 69/21 70/24 75/9 78/20 78/24 79/6 80/12  
 84/15 87/13 91/18 94/13 94/16 94/18  
 94/18 94/19 94/21 95/9 95/12 96/13 97/3  
 98/13 99/2 101/6 101/13 101/15 104/7  
 106/16 106/17 106/20 108/15 108/17  
 108/21 110/22 110/24 110/25 112/13  
 113/3 114/18 117/7 117/10 117/12  
 118/17 118/24 119/3  
 wintertime [2] 65/12 66/13  
 Winton [20] 28/13 28/20 29/3 29/10  
 29/25 30/25 31/11 72/4 73/3 73/3 76/7  
 76/12 76/14 96/4 98/4 100/4 103/4 106/4  
 114/5 114/18  
 wise [2] 14/23 14/24  
 within [14] 7/15 16/10 22/20 27/20 34/22  
 35/3 35/5 35/9 38/8 44/8 59/24 69/6  
 94/20 103/24  
 without [4] 11/3 71/10 98/22 112/22  
 Wolk [4] 31/7 31/9 32/17 32/19  
 won't [7] 9/7 9/8 16/7 34/22 52/15 52/16  
 66/9  
 wondering [4] 45/13 45/18 49/10 49/12  
 wood [2] 42/8 65/17  
 Woodcrest [2] 1/25 90/25  
 woods [2] 63/18 85/16  
 word [5] 2/17 2/19 2/21 17/11 17/11  
 wording [1] 8/7  
 words [2] 12/17 23/6  
 work [5] 27/10 46/4 46/4 68/23 93/15  
 working [3] 40/17 62/5 68/17  
 works [1] 37/13  
 world [1] 34/12  
 would [79] 2/2 5/11 5/25 9/18 11/9 12/18  
 13/3 13/5 13/16 13/17 13/18 13/18 13/20  
 14/4 14/7 14/22 16/21 20/24 21/16 22/20  
 23/5 23/6 23/10 24/15 28/9 31/17 34/4  
 34/17 35/14 37/2 37/6 41/10 42/16 44/24  
 47/3 49/12 49/16 49/24 53/25 54/4 54/21  
 54/21 54/23 54/24 55/18 56/6 57/11  
 57/15 57/16 59/16 61/15 63/2 63/2 63/11  
 64/15 67/22 68/6 70/4 70/19 71/23 72/22  
 73/17 74/4 74/6 74/17 74/17 74/21 77/5  
 77/13 79/2 79/5 80/25 81/3 81/16 86/4  
 87/21 88/2 104/12 117/4  
 wouldn't [6] 45/18 48/24 56/11 74/19  
 80/25 81/5  
 wound [1] 25/25  
 WRIGHT [23] 1/11 90/11 92/11 93/19  
 95/20 96/10 97/18 98/10 99/18 101/22  
 101/24 104/25 107/5 109/8 111/8 111/10  
 112/10 113/18 115/3 115/5 115/15  
 117/18 119/12  
 written [1] 119/8  
 WRS [3] 72/3 72/15 114/4

**Y**  
 yard [18] 28/17 28/24 28/24 29/21 29/21  
 30/5 39/24 77/20 82/21 83/9 96/8 98/8  
 98/8 98/24 103/15 103/15 106/8 116/7  
 yards [5] 28/16 37/24 37/25 53/16 96/8  
 yeah [14] 20/4 23/15 24/10 27/7 56/5  
 60/24 81/5 84/9 84/18 85/6 87/6 87/6  
 87/11 87/15  
 year [6] 25/8 25/9 26/5 26/9 68/19 87/18  
 years [18] 12/6 12/24 14/4 18/15 18/16  
 20/7 27/20 27/20 31/14 33/2 34/6 65/6  
 67/3 69/25 82/14 83/16 83/20 83/21  
 yes [104] 2/6 2/22 2/22 3/11 3/13 3/14  
 10/11 17/13 27/13 41/24 45/6 51/17  
 51/21 56/8 57/18 57/21 58/17 71/4 74/16  
 87/17 92/11 92/11 92/12 92/12 92/12  
 92/13 93/19 93/19 93/20 93/20 93/20  
 93/21 95/20 95/21 95/21 95/21 95/21  
 95/22 97/16 97/16 97/17 97/17 97/18  
 99/16 99/17 99/17 99/17 99/18 101/23  
 101/24 101/24 101/25 104/24 104/25  
 104/25 104/25 105/2 107/5 107/5 107/6  
 107/7 107/7 109/7 109/8 109/8 109/8  
 109/9 111/9 111/9 111/10 111/10 111/10  
 111/11 113/15 113/16 113/16 113/17  
 113/17 113/17 113/18 115/4 115/4 115/5  
 115/5 115/5 115/6 115/14 115/14 115/15  
 115/15 115/15 115/16 117/18 117/18  
 117/19 117/19 117/19 117/20 119/12  
 119/12 119/13 119/13 119/13 119/14  
 yet [1] 62/8  
 YORK [12] 1/2 1/5 1/25 33/19 51/3  
 89/13 90/2 90/5 90/25 100/15 100/25  
 120/13  
 you [233]  
 You'd [1] 23/22  
 you're [22] 3/24 7/17 8/18 8/24 15/2 20/2  
 22/6 22/10 23/11 32/8 33/16 53/10 53/13  
 53/17 59/11 60/20 63/9 76/22 78/19 80/4  
 82/25 84/12  
 you've [3] 9/4 62/7 62/22  
 your [33] 4/13 4/14 5/13 8/12 10/12  
 12/16 20/7 22/3 22/23 24/7 25/25 27/4  
 27/6 32/2 34/18 36/13 37/21 40/11 41/10  
 41/11 43/25 47/23 51/11 57/24 63/13  
 63/15 64/10 75/19 75/20 85/9 85/10  
 85/19 87/14  
 Yup [2] 67/13 68/21

**Z**  
 zone [1] 44/16  
 zoned [1] 31/11  
 zoning [12] 1/2 2/3 9/25 10/2 30/16  
 31/19 37/9 37/18 54/17 70/21 71/12 90/2