

1
2 PLANNING BOARD OF THE TOWN OF OSSINING
3 PLANNING BOARD MEETING
-----X

4 In The Matter of
5 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
6 553 North State Road
7 Ossining, New York
8 -----X

9
10 DATE: September 21, 2016

11 TIME: 7:34 P.M.
12

13 CONTINUED PUBLIC HEARING in the
14 above-entitled matter, held at the Town of
15 Ossining Community Center, 95 Broadway,
16 Ossining, New York 10562, transcribed by
17 Suzanne Pastor, a Notary Public of the
18 State of New York.
19
20

21 RECEIVED

22 OCT 24 2016

23 Town of Ossining
24 Building & Planning Department
25

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2 IN ATTENDANCE:
3
4 CHING WAH CHIN, Acting Chairman
5 GREG McWILLIAMS, Planning Board Member
6 GARETH HOUGHAM, Planning Board Member
7 JIM BOSSINAS, Planning Board Member
8 MARC HOEFLICH, Planning Board Member
9 STEPHEN COLEMAN, Environmental Consultant
10 KATHERINE ZALANTIS, ESQ., Town Attorney
11 SANDY ANELLI, Secretary
12 PETER WISE, ESQ., DelBello Donnellan
13 Weingarten Wise Wiederkehr
14 MAX FERENTINOS, Artis Senior Living
15 DAVID SESSIONS, Kellard Sessions Consulting
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1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 CHAIRMAN CHIN: Name is Ching
3 Wah Chin, I'm the acting chairman of
4 the Planning Board. Welcome tonight.

5 I'd like to have the members
6 just introduce themselves, and also
7 others in attendance I'll ask to
8 introduce themselves so that the
9 audience can know who we are.

10 MS. ANELLI: Sandy Anelli,
11 Secretary.

12 MR. COLEMAN: Steve Coleman,
13 wetlands consultant.

14 MR. HOEFLICH: Marc Hoeflich,
15 Planning Board member.

16 MR. McWILLIAMS: Greg
17 McWilliams, Planning Board member.

18 CHAIRMAN CHIN: Ching Wah Chin.

19 MR. HOUGHAM: Gareth Hougham,
20 Planning Board member.

21 MR. BOSSINAS: Jim Bossinas,
22 Planning Board member.

23 MR. STOLMAN: David Stolman,
24 town planner.

25 MS. ZALANTIS: Kathy Zalantis,

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 Planning Board attorney.

3 CHAIRMAN CHIN: And I see that
4 according to the agenda, the first
5 item on the list today is for Artis
6 Senior Living Memory Care Facility at
7 553 North State Street, continuing
8 public hearing.

9 MR. WISE: Good evening,
10 Mr. Chairman, members of the board.
11 For the record, my name is Peter
12 Wise; I'm a member of the firm
13 DelBello, Donnellan, Weingarten, Wise
14 & Wiederkehr. I'm pleased to be here
15 tonight on behalf of Artis Senior
16 Living.

17 As the Chairman mentioned, this
18 is a continued public hearing. We
19 were last here in June for public
20 hearing. We have been to the board
21 though for two work sessions over the
22 summer in July and in August, and
23 we've discussed this project pretty
24 thoroughly and at length.

25 We're happy tonight to present

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 whatever you would like us to
3 present. We can review for you very
4 briefly the changes that were made
5 over the summer, if that would be
6 helpful for you, or we can defer. We
7 know that you have a proposed amended
8 negative declaration for your
9 consideration tonight and we're happy
10 to defer, and we'll like the board to
11 consider that document at your
12 pleasure.

13 CHAIRMAN CHIN: Does any member
14 of the board or our advisors have any
15 questions for the --

16 MS. ZALANTIS: It might be good
17 just for the public's benefit since
18 the other meetings were work sessions
19 to quickly review the changes.

20 MR. WISE: That's fine. To
21 discuss the changes to the building
22 design, Max Ferentinos is with me.
23 Max is a vice president of Artis.
24 He'll speak about those. When Max is
25 finished, David Sessions, a principal

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 with Kellard Sessions, the site
3 planners and civil engineers and
4 landscape architects for the project,
5 will discuss the other site plan
6 changes.

7 Max?

8 MR. FERENTINOS: Sure. Good
9 evening, my name is Max Ferentinos
10 with Artis Senior Living. Thank you
11 for considering us again.

12 I'm just here, as Peter
13 indicated, to discuss the building
14 changes after consultation and taking
15 into consideration comments from the
16 Planning Board as well as the
17 community.

18 We asked our architect to look
19 at the floor plan, look at the
20 building design and see what we can
21 do to reduce the footprint of the
22 building and lessen the impact on the
23 site. Having said that, we added a
24 basement, eliminating roughly 2,000
25 square feet of building coverage. At

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 the last meeting we were asked the
3 square footage, I think that was
4 indicated in the letter, but I'm
5 happy -- I'll put my glasses on, I
6 can't see. Sorry. The original
7 footprint had a floor -- first floor
8 of roughly 19,374 square feet, with
9 the second floor of 16,578 square
10 feet, for a total of just shy of
11 36,000, 35,952.

12 And not to further confuse
13 matters, but this is -- the square
14 footage is the Ossining code
15 requirement as far as outside --
16 outside wall to outside wall. I just
17 want to be clear. It's not the IBE
18 standard.

19 So as I mentioned, our
20 architect redesigned really the
21 center core portion of the building.
22 It's this central part of the
23 building which contains much of the
24 public spaces. And we added a
25 basement. The new square footage --

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 or actually the square footage of the
3 basement is 1,034. First floor is
4 16,500, second floor is 16,500, for a
5 total of 34,037. So it's roughly
6 even on a total square footage basis
7 about 2,000 less square feet.

8 The portions of the building
9 that were moved to the basement
10 primarily were back-of-house items.
11 Over half of it is storage mechanical
12 spaces, elevator shafts, elevator
13 maintenance, with about the other
14 portion being the kitchen, employee
15 lounge and employee bathroom down
16 there.

17 The other components of the
18 building have not changed. There's
19 two wings on the first floor, two
20 distinctive wings on the first floor,
21 two distinctive wings on the second
22 floor, each containing 16 resident
23 rooms, living room, dining room,
24 pantry kitchen. And the common
25 spaces include first floor community

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 room and a general activity area.
3 Second floor contains the health
4 room, what we call beauty/barber
5 shop. They also have an arts and
6 crafts room up there and some general
7 administrative spaces as well.

8 The elevation of the building
9 did not change, it just got smaller.

10 And with that, I'm happy to
11 answer any questions if I missed
12 anything. Thank you very much.

13 MR. HOEFLICH: Thank you very
14 much. I reviewed your plans and I
15 appreciate all the effort that you
16 went into to make all the changes.

17 The only comment I have was
18 actually the fence, and I know we
19 talked about it, and the location
20 where we suggested it at the work
21 session was fine. And the lights and
22 all those other things I'm fine with.

23 I still would like to have the
24 fence, so that animals can walk
25 freely, 6 inches off the ground. I

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 know Donna over there objects. To me
3 an animals free rein wherever they
4 want to go.

5 The only other thing I want, I
6 don't necessarily care for the
7 material used on your fence. It
8 looks like it's vinyl. And I don't
9 know if we are allowed as the
10 Architectural Review Board to
11 recommend a material on that. I
12 think we legally are. I would like
13 to see more of a natural product.
14 Even though vinyl is fine, but I
15 don't really see much vinyl fences on
16 North State Road. I don't see that
17 many fences in that area, but I know
18 you have to have one; we all agree
19 that you need one. And I know a
20 natural one would be more
21 maintenance.

22 MR. FERENTINOS: It is the
23 maintenance. And from North State
24 Road, the only -- you would only see
25 two small sections of fence, and

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 those are -- as far as visibility
3 from North State, it would be right
4 there and right there.

5 The other thing, it was
6 indicated in the fence specification
7 that we would strive for earth-tone
8 colors as natural to wood as
9 possible. We have found just from a
10 maintenance perspective, life span as
11 far as the durability and things like
12 that that --

13 MR. WISE: The integrity of the
14 fence.

15 MR. HOEFLICH: Again, it's not
16 like I would say yea or nay. I'm
17 just saying personally I would like
18 to see something more natural. In a
19 way I'm fine with it.

20 And maybe just a gate in the
21 back just for maintenance on the
22 opposite side of the fence.

23 MR. WISE: We added one. We
24 added a gate.

25 MR. FERENTINOS: And there has

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 been a detail added as far as -- the
3 cutouts within the fence, and I
4 forget what the spacing is, but that
5 has also been added to the revised
6 plans.

7 MR. HOEFLICH: Those are the
8 only comments I have.

9 MR. McWILLIAMS: About the
10 fence issue, there are a lot of nice
11 vinyl fences out there. I deal with
12 a lot of residential properties.
13 There are some that are really high
14 quality and you really can't tell the
15 difference.

16 So I would just suggest that
17 there's a little variation in the
18 color, it's not so monotone or
19 whatever, and that there's a texture
20 to it.

21 MR. FERENTINOS: I've seen --
22 we're still very early in the
23 process. Depending on the project,
24 we just finished a project up in
25 Connecticut that is a solid, it's an

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 off-white color. The game plan here,
3 intention here is to do a natural
4 that does have some wood grain to it,
5 that does have some color
6 differentiation on it. I think we
7 can get -- it's going to look like a
8 vinyl fence --

9 MR. McWILLIAMS: At some point
10 could you bring a sample?

11 MR. FERENTINOS: Absolutely.

12 MR. McWILLIAMS: Thank you.

13 CHAIRMAN CHIN: Any other
14 comments? Questions?

15 MR. SESSIONS: David Sessions
16 with Kellard Sessions Consulting.

17 Just to finish up on the fence
18 discussion, I think our detail
19 shows -- what we've done in other
20 municipalities, and we've had some
21 success with it, every 20 or 25 feet,
22 I think the detail was 20, we would
23 have an 18-inch wide by 6 to 12-inch
24 high cutout every 20 feet or so as
25 opposed to just a contiguous 6 inches

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 or foot off the ground.

3 So I think that's what we
4 proposed. We've had some success
5 with that. It just kind of -- what
6 it does is a number of things. One
7 of the main things is it keeps the
8 plant material on the side of the
9 fence it's supposed to be.
10 Otherwise, if it's raised above,
11 things grow through, things grow the
12 opposite way, mulch tends to slide,
13 things of that nature. It's cleaner
14 and also serves the purpose. So
15 that's the detail that we've provided
16 to the board.

17 From a site planning standpoint
18 and landscaping, I guess since the
19 last public hearing, I do believe
20 that at the last public hearing we
21 discussed the changes to the
22 Stormceptor on things of that nature,
23 correct? Okay, so since the last
24 public hearing, not much has changed
25 on site. The fence in the rear, as

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 you know -- or at the last work
3 session anyway, we've taken the
4 fence, we moved it closer, about 3
5 plus or minus feet, in the walkway to
6 allow for a larger robust planting
7 area behind that fence, between the
8 fence and the swale off site. That's
9 one of the things that was done.

10 I believe that we've added some
11 pervious pavers up front where the
12 dropoff area is. I believe we've
13 added eight parking spaces where that
14 dropoff was one upon a time. And I
15 could be overlapping between what we
16 talked about at the public hearing
17 and what we talked about at the work
18 session, but that was certainly a
19 modification that was made.

20 As you recall, we were
21 originally taking the off-site
22 drainage and piping it underneath and
23 through the site to connect to the
24 existing stormwater system at North
25 State. We've incorporated the

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 surface swale at your recommendation.
3 It wasn't easy but we happened to get
4 it done. The grades, as I think we
5 explained last time, was the
6 determining factor, but we were able
7 to take care of that.

8 We did remove the Stormceptor,
9 water quality structure. We've
10 worked with the town engineer on the
11 design of the stormwater system. The
12 entire site, the impervious surface,
13 everything is being treated for the
14 Hundred Year Storm. All of the pre
15 treatment will be treated in deep
16 sumps located in the actual drain
17 manholes and the catch basins. And
18 the water quality volume is being
19 treated underground as part of the
20 storm drainage system as well. So
21 unless we hear otherwise from the
22 town engineer, we pretty much have
23 taken care of that.

24 The landscaping plan, there's
25 been a lot of discussion about the

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 landscaping plan, particularly at the
3 last work session and since the
4 public hearing. The new plans now
5 show a significant increase in the
6 number of plants, trees, shrubs,
7 ground cover, grasses and so forth,
8 particularly on the north side of the
9 property behind the fence.

10 Just to throw a couple of
11 numbers out, the previous plan had
12 about 784 total plants, trees,
13 shrubs, ground cover. The new plan
14 has about 1,307 plants, over 500 more
15 plants. A lot of those plants are
16 ground cover, smaller plants
17 obviously, but ground cover to
18 stabilize the slope in the back and
19 so forth. But also a significant
20 more number of trees back there and
21 shrubs.

22 In the buffer itself, the old
23 plan showed 261 total plants. The
24 new plan in the buffer itself has 800
25 plants. So we're talking about 540,

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 almost, more plants in the buffer.

3 Outside of the buffer, the
4 south part of the site, it's about an
5 even swap. The old plan had 523
6 plants. This plan has 507 plants.
7 But what we did was at your board and
8 at the consultant's recommendation,
9 we beefed up the number of trees, the
10 number of shrubs and ground cover in
11 the important areas, in the areas
12 immediately adjacent to the wetland,
13 immediately adjacent to the northern
14 property line.

15 We have taken Steve's
16 recommendation on the majority of the
17 plants in his last memo. The
18 majority of the plants are native,
19 even though -- you know, this is an
20 interesting wetland buffer. A
21 typical wetland buffer actually
22 drains down to the wetland and you're
23 trying to protect any erosion down to
24 the wetland. This actually drains
25 away from the wetland. It's not your

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 typical pallet of wetland plants
3 because frankly, your typical wetland
4 plants close to the wetland like wet
5 feet. There's nothing wet here.

6 So it was a bit of a challenge,
7 but nonetheless, all of the plants,
8 or 90-some odd percent of the plants
9 are native and certainly a heck of a
10 lot more plants are on the plan.

11 Those are essentially the
12 changes. There weren't many changes
13 to the site plan since the last
14 public hearing, but certainly the
15 landscaping plan and the mitigation
16 plan was probably the biggest change.

17 MR. HOUGHAM: I have one
18 question if I may. I believe
19 Mr. Wise spoke to this at the last
20 work session, but I just wanted you
21 to confirm that the stormwater plan,
22 all the culverting within the line,
23 the stream from above the property to
24 below is compatible with DEC
25 regulations, or guidelines I should

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 say, for fish passability in both
3 directions.

4 MR. SESSIONS: Yes, what we've
5 done, as I mentioned before, we
6 eliminated the Stormceptor. Water
7 quality, I know that was the concern
8 of the board. And the piping system,
9 it's not a traditional piping system
10 where you've got a stretch of pipe
11 into a manhole with a sump. These
12 are basically troughs in the manhole,
13 in one case the doghouse manhole out
14 by the road, which allows no real
15 vertical drop of the water through
16 the system. If you know anything
17 about a sewer line and sewer manhole,
18 it's a very similar thing. It's a
19 very slight trough in the bottom of
20 the structure. The bottom of the
21 pipe that enters the structure is
22 essentially the same elevation as the
23 length through the manhole. It
24 doesn't dive down like --

25 MR. HOUGHAM: So there's no

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 perched pipe coming in and dropping
3 down.

4 MR. SESSIONS: That's correct.
5 There's basically essentially troughs
6 about the same elevation. So if
7 there are any fish or anything, they
8 can continue through the system.

9 CHAIRMAN CHIN: Any other
10 questions? Thank you.

11 MR. WISE: Just one other brief
12 thing because we did spend some time
13 discussing it at the work session.
14 The lighting. As you probably
15 noticed, we've agreed to turn the
16 lighting off at 10 p.m. year-round,
17 and I think that's probably a good
18 compromise for all concerned.

19 MR. HOUGHAM: Thank you.

20 MR. WISE: And that's it I
21 think.

22 Unless you have any questions
23 from us, I think the take-away from
24 this I'd like to say is we listened
25 carefully over the course of the

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 public hearing and over the summer.

3 We worked very, very hard over the

4 summer. We continue to work,

5 including with Ms. Sharrett and

6 Mr. Kamber, to make this project

7 successful for everybody. And we

8 believe we've come a long way and

9 look forward to your approval.

10 Thank you.

11 CHAIRMAN CHIN: Thank you.

12 Are there any other further

13 comments from the board?

14 MR. SESSIONS: I'm sorry, one

15 more thing. Speaking of

16 Ms. Sharrett, we did meet -- this is

17 going to sound horrible, we met in

18 the parking lot. But we've had some

19 discussions and Ms. Sharrett has some

20 suggested plantings, maybe swapping

21 out a few of the shrubs. Steve might

22 have the same comments. And as long

23 as it's not a wholesale change or it

24 completely changes the spirit of the

25 plan, we really have no issue. We're

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 here to do the right thing. We're
3 not going to squabble over one
4 species over the next. So we're
5 completely open and willing to work
6 with the neighbors.

7 CHAIRMAN CHIN: Thank you.

8 MR. STOLMAN: Sandy, does the
9 applicant have a copy? We have a
10 very brief memo, and actually a
11 number of things have been covered
12 already. I know some plans came in
13 today. Do the newest plans show --
14 or label the areas in the back
15 porches or awnings?

16 MR. SESSIONS: I'm not sure,
17 David. The plans that came in today
18 were limited to the two landscaping
19 plans. So whatever was submitted --

20 MR. STOLMAN: So the last
21 plans --

22 MR. WISE: I just looked today
23 earlier, the last plans still show
24 those two areas as porches in the
25 areas of the wings. They're not

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 porches. They're simply awnings over
3 the doors. So we'll correct that.

4 MR. STOLMAN: Only one more
5 thing. You mentioned that the lights
6 will be shut off at 10 p.m. except in
7 cases of emergency. And the lighting
8 plan should actually say that. So if
9 you could add that to the plan.

10 Those are the only two comments
11 we still have.

12 CHAIRMAN CHIN: Thank you.

13 As some of you might know, our
14 consult -- engineering consultant is
15 not available tonight. We would like
16 to read into the record his comments
17 concerning the latest plan
18 submission. This is dated
19 September 21st, 2016 concerning the
20 Artis Senior Living, plans prepared
21 by Kellard Sessions Consulting dated
22 August 1, 2015, last revised
23 September 14th, 2016.

24 "The following comments are in
25 response to the latest plan

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 submissions. 1, to provide a detail
3 or blowup of the area and the
4 vicinity of DMH #5 and clarification.

5 "2, the proposed 24-inch HDPE
6 pipe and being off site runoff has a
7 slope of 0.5 percent. This proposed
8 drainage channel has a slope of 0.63
9 percent. These slopes are less than
10 optimal for self-cleaning drainage
11 system. The area entering this
12 system is wooded and will typically
13 convey debris and sediment into the
14 system during major storm events. If
15 the board approves this concept, some
16 type of maintenance mechanism should
17 be put in place to ensure the system
18 is properly maintained to prevent
19 potential flooding of upstream
20 properties.

21 "3, provide a revised
22 Stormwater Pollution Prevention Plan
23 based upon the final design
24 preconfiguration."

25 MR. WISE: No comments.

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 MR. COLEMAN: Just a few
3 comments. I didn't have a memo. I
4 just received it a few minutes ago.
5 But I do have some initial comments.

6 I want to thank the applicant
7 for listening to our comments and
8 making the changes on the plan with
9 more appropriate native plant
10 species. Looking at the plan, there
11 are a few changes that I would like
12 to recommend and I can work with the
13 applicant to give them those
14 recommendations.

15 One of the concerns we have is
16 in the buffer area it's really going
17 to be very dry. I'd like to see put
18 in the plan provisions so that
19 there's watering that occurs during
20 the first growing season, regular
21 watering schedule, whether that's a
22 sprinkler system or just hoses or
23 whatever, but to make sure that the
24 plants have a good chance of success
25 and are established.

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 Also, mulching may be
3 appropriate. I want to make sure
4 that they certify that with sterile
5 mulch used in the buffer area.

6 Also from prior comments,
7 five-year wetland buffer monitoring
8 and maintenance plan.

9 MR. WISE: Right.

10 CHAIRMAN CHIN: Applicant okay?
11 Any response to that?

12 MR. WISE: Again, no comments,
13 everything is acceptable.

14 CHAIRMAN CHIN: Any further
15 comments from the board? Advisors?
16 Does the public have any comments?
17 Name and address.

18 MR. KAMBER: My name is Ken
19 Kamber, 84 Morningside Drive in
20 Ossining, New York. My property is
21 adjacent to the Artis proposal.

22 I have one question or one
23 comment is the fence. I think the
24 town code is 6-foot. And I believe
25 they should apply for an 8-foot fence

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 because of the nature of the patients
3 that are going to be using the
4 residence. I'm afraid of fear of
5 flight. People who have Alzheimer's
6 like to get out. And I believe an
7 8-foot fence would be more
8 appropriate than a 6-foot fence.

9 Thank you.

10 CHAIRMAN CHIN: Response?

11 MR. WISE: We discussed this.
12 In fact, it's also Artis's preference
13 to have a taller fence. We are
14 limited by the code. We do expect to
15 be applying for a variance. When we
16 do that, that will presumably be
17 referred to this board. Typically
18 they are for a recommendation. And
19 we'd ask this board to recommend in
20 favor of it and hopefully the
21 variance will be granted.

22 MR. HOEFLICH: What are usually
23 the fence heights at your other
24 properties? Are they also 8 feet?

25 MR. FERENTINOS: They're 8

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 feet. 7 feet of solid fence and a
3 foot of decorative lattice on top of
4 that.

5 MR. WISE: That's our
6 preference as well.

7 MR. KAMBER: And my other
8 comment was we've had a lot of
9 dialogue with Artis and their
10 affiliations as well as the Planning
11 Board and I want to thank you for
12 listening to our concerns. Thank
13 you.

14 MR. WISE: Thank you.

15 MS. MASSERMAN: My name is
16 Wendy Masserman, I live at 10
17 Morningside Court and have been a
18 resident of the town for 35 years.

19 My husband and I are business
20 owners on North State Road and I'm
21 chair of the Concerned Citizens of
22 Ossining. I've spoken at many of
23 these meetings asking for changes to
24 be made in the original Artis plan.
25 I've repeatedly said that this would

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 be a wonderful use for the property
3 and great addition to the North State
4 businesses.

5 I want to thank Artis for
6 sticking with us and hearing the
7 residents who are their neighbors and
8 I wish you great success.

9 MR. WISE: Thank you.

10 MR. FERENTINOS: Thank you.

11 MS. SHARRETT: Donna Sharrett,
12 84 Morningside Drive. I'm with Ken.
13 So I would first like to thank the
14 applicant for all the changes that
15 they have done. They increased the
16 area between the fence and the
17 wetland and reduced the size of the
18 middle building so now from the
19 property line to the fence is 23
20 feet. Certainly not what I had
21 originally wanted, but I think that
22 the changes they have made are going
23 to meet a lot of the objectives, or
24 the main objective that I have which
25 is to protect the wetland and it's

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 always been that way. So this 23
3 feet now, which is less than I had
4 wanted, but it is going to be
5 intensely planted. So I think that
6 there will be a lot of protection for
7 the wetlands. I'm really
8 appreciative of that.

9 Also, relocating the culvert
10 with the partial day-lighting, I'm
11 thrilled about that.

12 The 10 p.m. curfew is great.
13 And as Ken said, we support them in
14 their request for the 8-foot fence
15 because we've had experience with --
16 personal experience with Alzheimer's
17 patients and it's a necessity. So I
18 hope that the Planning Board will
19 allow them to do that.

20 The planting plan that was
21 presented has amazing plants. I'm
22 beyond thrilled. There are just a
23 few non-natives, and Dave has agreed
24 to consider possibly switching those
25 out.

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 And then I also asked Artis
3 today in our parking lot
4 conversation, there are some existing
5 trees right by this stream. And
6 there's one right by the back of the
7 house. And now that they're moving
8 the building in, it's a black birch.
9 It's about 12-inch diameter. It's
10 not on the site plan but it's there.
11 If it's possible, they have agreed to
12 keep those trees rather than getting
13 rid of them, and so that will change
14 their landscaping plan a little bit.
15 But I think it would be really
16 beautiful. I think another one is
17 black cherry right by the stream.
18 It's really hard for me to do
19 distance tree identification, but I
20 did my best. So I would like to
21 thank them for that.

22 I would hope that when there's
23 regrading, I'm not really clear how
24 much regrading is going to be between
25 the fence and our property. But I

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 would hope that the natural contours
3 that exist now could try to be
4 maintained because even with the
5 Stormwater Pollution Prevention Plan
6 they recommend not just having
7 straight slopes everywhere. So that
8 would be great.

9 In the latest letter that
10 Mr. Wise sent, he stated -- he
11 addressed my concern about the
12 underground tanks. And I really
13 appreciate your doing that.

14 MR. WISE: You're welcome.

15 MS. SHARRETT: I am still of
16 course concerned a little bit that
17 there's something there that will
18 leak eventually. But I really
19 appreciate you laying out a plan to
20 address anything that you could find.
21 And you stated that that could be a
22 condition of the site plan approval.
23 And I would ask the Planning Board to
24 do that, to make that a condition of
25 the site plan approval.

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 And also, if it's possible,
3 that part of the site plan -- maybe
4 this is already part of it, but
5 before any final okay when the
6 project is done, that everyone make
7 sure that our property hasn't been
8 disturbed and the stream hasn't been
9 disturbed, and if it has, then it
10 would be rectified. Because it is a
11 femoral stream, which has been a
12 problem all along. It's very, very
13 shallow. So just the slightest bit
14 of stuff slipping down would alter
15 its course or interrupt it in some
16 way. So that would be great if that
17 could be part of the site plan
18 approval.

19 I also -- just earlier tonight
20 I spoke about the possibility of a
21 wetland buffer maintenance agreement.
22 And it was explained to me, so I'm
23 just stating it, just make sure I
24 have it correct, that that is not
25 necessary because there's a planting

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 plan and that's part of the site
3 plan. Because my concern is that I
4 want to make sure if there's a cure
5 for Alzheimer's, which we all hope
6 for, and the building changes
7 purposes, that if somebody comes in
8 and they want to change the planting
9 in that back area, I want to make
10 sure that it comes back to the
11 Planning Board for approval. And I
12 don't know -- I just want to make
13 sure that they've done this nice
14 planting plan with all native plants
15 so that the integrity of the wetland
16 is maintained. I want to make sure
17 that it extends beyond my life on the
18 property, beyond the project's life.

19 MR. WISE: I could probably
20 help you because remember that one of
21 the approvals that we're hopefully
22 going to receive is an actual wetland
23 permit approval. And that wetland
24 permit approval can specifically
25 identify, and presumably will

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 specifically identify, those plans as
3 the approved plans. And that becomes
4 the approval of record for the
5 property.

6 MS. SHARRETT: Excellent,
7 excellent. Because I do expect the
8 wetland to live longer than me.

9 So we did ask what the back of
10 the building looked like. And I
11 don't think we had an opportunity.
12 We would like to see what the back of
13 the building would look like. Even
14 the great plants that are going in,
15 we're still going to see the back of
16 the building.

17 I also asked for the project
18 duration. And Mr. Ferentinos kindly
19 stated that they would notify us when
20 they're going to be doing any loud
21 construction or anything, because I
22 do work at home for one of my two
23 jobs. So my question with that
24 particularly is how is the basement
25 going to be dug. Is it going to be

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 rock chipping, is it going to be
3 blasting? So I just would like to --
4 and they have agreed to notify me
5 before so I can make alternate plans,
6 so I can go and work somewhere else.

7 So the last -- I'm at the last
8 here. The last thing is, I just
9 wanted to make sure that when the
10 site plan is signed, that it is
11 really carefully scrutinized to make
12 sure the latest and the one that
13 we're talking about, the mitigation
14 plan where the route injection --
15 manual pulling, route injection, not
16 the spring. I want to make sure
17 that's on the plan so that any of the
18 agreements that we have talked about,
19 and there's been so many agreements
20 over these several years, I just want
21 to make sure the latest things are on
22 the plans.

23 And I'm happy that this is the
24 developer that's developing behind my
25 house, but we have had in our

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 neighborhood a very bad experience
3 with another developer who made a lot
4 of promises to residents and then it
5 wasn't on the plans and there's
6 nothing anybody can do. And he's not
7 holding up to his promises. But I
8 don't think I'm going to have that
9 problem here, but it just is good
10 policy to make sure everything's
11 there.

12 I think that's it. And I just
13 would like to again thank you so
14 much.

15 MR. WISE: Thank you.

16 CHAIRMAN CHIN: Any responses
17 from the applicant?

18 MR. WISE: No. As I indicated,
19 we've had a dialogue going now over
20 the course of the summer, a very good
21 dialogue. And we don't take
22 exception to anything she said. I
23 think we're working together very
24 well at this point.

25 CHAIRMAN CHIN: Any further

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 comments from the public?

3 Would you --

4 MS. ZALANTIS: The board should
5 consider the proposed draft amended
6 negative declaration.

7 MR. STOLMAN: Actually, there's
8 a second draft.

9 CHAIRMAN CHIN: The one that
10 was just handed out.

11 MR. HOEFLICH: The one on
12 September 20th or 21st?

13 CHAIRMAN CHIN: 21st. It was
14 on your desk.

15 MR. STOLMAN: If I could just
16 clarify. There was one dated
17 September 20th that went out to the
18 Planning Board yesterday. And
19 there's an amended amended negative
20 dec. And that was on your desk
21 tonight. Sandy, I think you had
22 extra copies.

23 CHAIRMAN CHIN: Right, and the
24 one from September 21st has
25 strike-outs and additions on it

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 that's marked on the document.

3 MR. STOLMAN: Would you like me
4 to run through those changes?

5 CHAIRMAN CHIN: Yes.

6 MR. STOLMAN: So a number of
7 people weighed in this morning,
8 including Kathy and others. So these
9 are the changes. On page 1, in the
10 first paragraph, there's also an
11 Architectural Review Board approval
12 that would be granted, perhaps will
13 be granted by the Planning Board. So
14 that's been added.

15 And the enactment of the local
16 law adding assisted living facility
17 as a permitted use in GB district has
18 been put in the past tense in the
19 second paragraph. And there's a note
20 at the bottom of the page identifying
21 the local law that was used by the
22 Town Board to enact that amendment
23 based upon the original negative
24 declaration.

25 And then on the second page,

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 the downstream defender has been
3 eliminated, so in the paragraph under
4 heading number 3, that's been revised
5 to delete the wording regarding the
6 downstream defender being included as
7 a water quality treatment structure.

8 On the following page, page 3,
9 in the heading for item number 5,
10 we've added the words "drainage or."
11 So it now reads "the proposed action
12 will not have a significant
13 environmental impact with respect to
14 drainage or the development of land
15 subject to flooding." And the
16 reference to "no historical record of
17 flooding" has been eliminated from
18 the paragraph under number 5.

19 The next change is with respect
20 to page 6. And on page 6, instead of
21 saying -- this is in number 14, last
22 sentence, when completed, instead of
23 saying "34,062 square feet," it would
24 read "approximately, but no more than
25 34,000 square feet." And then --

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 MR. HOEFLICH: You might want
3 to just -- they said it was 34,037.
4 So if you say no more than 34, I
5 think you'd have to shrink the
6 building 37 feet.

7 CHAIRMAN CHIN: Why don't we
8 say approximately 34,000 feet but no
9 more than 34,037.

10 MR. WISE: Approximately 34,000
11 is okay. It will work.

12 MR. STOLMAN: Got it. 34,037.

13 Okay, and then at number 18,
14 the heading has been changed, it will
15 say "the proposed action will not
16 have a significant adverse
17 environmental impact upon community
18 services or as a result of being
19 inconsistent with the existing
20 community character."

21 And those are all the changes
22 relative to yesterday's letter.

23 CHAIRMAN CHIN: Will we need
24 any further revisions of this draft
25 in order to incorporate what the

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 applicant has agreed to at this
3 meeting?

4 MS. ZALANTIS: Maybe we should
5 just reference the applicant has
6 consented to the maintenance plan for
7 the daylighted stream?

8 MR. WISE: Based on
9 Mr. Ciarcia's comment?

10 MS. ZALANTIS: Yes.

11 MR. WISE: Yes, that's
12 acceptable. We'll work that out.

13 MS. ZALANTIS: And I think,
14 Steve, you had mentioned that they
15 still need to provide that that will
16 be provided, the five-year
17 maintenance for the wetland
18 mitigation plan.

19 MR. WISE: Correct.

20 MS. ZALANTIS: So if you could
21 just reference those two.

22 MR. WISE: Fine.

23 CHAIRMAN CHIN: As well as the
24 comments and the responses to the
25 public comments as well?

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 MS. ZALANTIS: I think some of
3 those we could handle in the context
4 of a site plan resolution. Because I
5 think those would be more appropriate
6 to meet conditions to a resolution.

7 CHAIRMAN CHIN: In the SEQRA.

8 MR. STOLMAN: I agree with
9 Kathy. And we're really talking
10 about whether there's significant
11 environmental impact here or not. I
12 think all the comments that were
13 made, the detailed comments were very
14 important and we'll make sure we
15 include them in the resolution.

16 MS. SAHMI: Can I just ask a
17 question? I'm adjacent to the
18 property --

19 CHAIRMAN CHIN: Sorry, your
20 name?

21 MS. SAHMI: Tria Sahmi.

22 I was told that today was just
23 a hearing and wasn't a time for
24 public comments. But I would like to
25 know when the next meeting is so that

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 I could make my comments, which I
3 really need to make because I'm next
4 door to the property right on Farm
5 Court and India Field. I had some
6 issues that I really wanted to
7 express.

8 MS. ANELLI: This is not Park
9 Knowles. This is on a different
10 property. Park Knowles is next. It
11 is a public hearing.

12 MS. SAHMI: Fine, thank you.

13 MR. HOUGHAM: So item number 3,
14 we'll be adding the sentence that the
15 applicant is planning to make the
16 stormwater prevention plan compatible
17 with fish passability as per DEC
18 guidelines.

19 MR. WISE: Okay.

20 CHAIRMAN CHIN: Any further
21 comments from the board?

22 MR. STOLMAN: Entertain a
23 resolution and adoption of this
24 amended negative declaration.

25 CHAIRMAN CHIN: Subject to all

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 the conditions already mentioned

3 here, anyone want to make a motion?

4 MR. MCWILLIAMS: I'll make a

5 motion.

6 MR. HOUGHAM: I'll second it.

7 MR. HOEFLICH: I'll third it.

8 CHAIRMAN CHIN: Am I allowed to

9 vote on this considering I wasn't

10 really present for the other matters?

11 MS. ZALANTIS: I think you

12 mentioned that you had an opportunity

13 to review the minutes.

14 CHAIRMAN CHIN: Yes.

15 MS. ZALANTIS: So I think if

16 you could just reflect that on the

17 record, then it would be appropriate

18 that you've gone back and looked at

19 all the minute meetings and made

20 yourself familiar with the

21 application and the plans.

22 CHAIRMAN CHIN: Yes, I've

23 actually had the time to go through

24 the previous documentation and the

25 minutes for the previous meetings as

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 well for this application. Sandy --
3 Ms. Nellie was very kind enough to
4 give me hard copies of all the
5 previous documents. So if we can
6 have a vote.

7 MR. HOEFLICH: I vote in favor.

8 MR. McWILLIAMS: I vote in
9 favor.

10 MS. BOSSINAS: I'm in favor.

11 MR. HOUGHAM: Yea, in favor.

12 CHAIRMAN CHIN: Let the record
13 show the board was unanimous.

14 MR. WISE: Thank you very much.

15 If we could spend two minutes
16 talking about next steps, this was a
17 very important step. We still have
18 to get to the actual, we'll call them
19 underlying approvals, the site plan
20 approval, the wetland approval.

21 The hearing is still open. I'm
22 going to ask you respectfully to
23 close that tonight. I don't see any
24 reason to continue that open any
25 further. Nevertheless, even if you

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 don't close the hearing, and I can
3 speak to counsel about that, we
4 certainly want to be on the next
5 agenda of the board to talk about any
6 specific site plan issues that may
7 remain because we do want to bring
8 this to closure.

9 I'll leave it to counsel to
10 talk about whether the hearing could
11 be closed, although I do think it's
12 appropriate at this time.

13 MS. ZALANTIS: Just because
14 we're at the stage where the public
15 may want to weigh in on conditions, I
16 think it would be appropriate to keep
17 the public hearing open. We could
18 certainly have a work session where
19 we talk through the issues of the
20 proposed resolution, but I think we
21 should keep the public hearing open
22 to the next session if the board is
23 actually considering an approval
24 resolution.

25 MR. BOSSINAS: I don't see it

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 slowing it down the process.

3 MR. WISE: No. Look, I have to
4 ask. I would prefer obviously that
5 it be closed. If it isn't going to
6 be closed, I'm not going to raise
7 major objection to it.

8 In terms of next steps and in
9 consideration of a resolution of
10 these different approvals, what do we
11 expect in terms of timing,
12 realistically?

13 MS. ZALANTIS: If we should
14 work on it at the work session --

15 MR. WISE: The next ensuing
16 work session?

17 MS. ZALANTIS: Right, so
18 there's a work session October 5th.
19 And if the Planning Board so thinks
20 it's appropriate, you could actually
21 authorize the drafting of a
22 resolution to consider that we could
23 use as a basis to talk about at the
24 work session.

25 MR. WISE: That would be

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 greatly appreciated.

3 CHAIRMAN CHIN: Do we have a
4 motion to --

5 MR. McWILLIAMS: I'll make that
6 motion.

7 MR. BOSSINAS: I'll second
8 that.

9 MR. STOLMAN: Just as a matter
10 of curiosity, are you planning on
11 going to the ZBA soon for the
12 variance for the fence?

13 MR. WISE: As soon as I have
14 these approvals from this board and
15 that I know I have a project, I'll go
16 to the Zoning Board of Appeals. Very
17 quickly right -- as soon as I get
18 approvals, I'll make application to
19 the Zoning Board of Appeals.

20 CHAIRMAN CHIN: Okay, so we
21 have a resolution to make a draft.

22 MR. STOLMAN: Right. I'll have
23 the draft for you for the work
24 session.

25 CHAIRMAN CHIN: Would that be

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 sufficient?

3 MR. WISE: That's perfect.
4 Thank you very much, very much. It's
5 been a long road, thank you.

6 MR. McWILLIAMS: I have a
7 question. David, all the various
8 approvals, like the Architectural
9 Review Board, that's what I'm mainly
10 asking for, are these all tied into a
11 single resolution for the project or
12 will there be separate resolutions?

13 MR. STOLMAN: Traditionally
14 we've rolled them into one resolution
15 but --

16 MS. ZALANTIS: I was thinking
17 they should be separate resolutions.

18 MR. WISE: It probably makes --
19 it's probably better to be separate I
20 think. To address, for example,
21 Donna's concern about enforceability
22 of the wetland permit conditions,
23 under the circumstances it probably
24 makes sense to have that a separate
25 resolution as a stand-alone. It's

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY
2 just easier to enforce it that way,
3 to know what's required and to make
4 it enforceable. That's just my sense
5 of it.

6 MR. McWILLIAMS: And Peter,
7 along the line of the Architectural
8 Review Board, although you show
9 renderings of what it's going to look
10 like, as soon as possible if we could
11 get detailed plans and detailed
12 elevations all the way around.

13 MR. WISE: Yes. We understand
14 that you have an architectural review
15 function as well. Again, to be
16 completely honest with you, we had to
17 know that the project was in fact
18 going forward. I will tell you that
19 tonight is an indication that the
20 project is going forward. As a
21 result of that, I'll speak a little
22 bit with Max here, but we can now be
23 more comfortable spending the money
24 that it takes to advance those plans
25 to the point that you're looking for.

1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 And we will do that.

3 MR. HOEFLICH: And maybe
4 samples of materials down the road?

5 MR. WISE: Yes. The answer is
6 yes.

7 MS. ZALANTIS: That would be
8 helpful to have before the work
9 session. To bring those samples to
10 the work session so the board can see
11 it.

12 MR. WISE: Yes. As soon as we
13 can.

14 MR. McWILLIAMS: There are
15 three architects on here.

16 MR. WISE: I understand.

17 (Continued on the next page.)
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1 ARTIS SENIOR LIVING, MEMORY CARE FACILITY

2 CHAIRMAN CHIN: Very good.

3 Anything further on this matter?

4 Thank you very much.

5 MR. WISE: Thank you very much.

6 (Whereupon, at 8:23 P.M., the
7 above matter concluded.)

8

9 I, SUZANNE PASTOR, a Notary

10 Public for and within the State of
11 New York, do hereby certify that the
12 above is a correct transcription of
13 my stenographic notes.

14

Suzanne Pastor

16 SUZANNE PASTOR

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0	540 [1] - 17:25 553 [2] - 1:6, 4:7 5th [1] - 49:18	adverse [1] - 42:16 advisors [2] - 5:14, 27:15 affiliations [1] - 29:10 afraid [1] - 28:4 after [1] - 6:14 again [5] - 6:11, 11:15, 27:12, 38:13, 52:15 agenda [2] - 4:4, 48:5 ago [1] - 26:4 agree [2] - 10:18, 44:8 agreed [5] - 21:15, 31:23, 32:11, 37:4, 43:2 agreement [1] - 34:21 agreements [2] - 37:18, 37:19 allow [2] - 15:6, 31:19 allowed [2] - 10:9, 46:8 allows [1] - 20:14 almost [1] - 18:2 alone [1] - 51:25 along [2] - 34:12, 52:7 alter [1] - 34:14 alternate [1] - 37:5 always [1] - 31:2 Alzheimer's [3] - 28:5, 31:16, 35:5 amazing [1] - 31:21 amended [5] - 5:7, 39:5, 39:19, 45:24 amendment [1] - 40:22 ANELLI [3] - 2:11, 3:10, 45:8 Anelli [1] - 3:10 animals [2] - 9:24, 10:3 another [2] - 32:16, 38:3 answer [2] - 9:11, 53:5 anybody [1] - 38:6 anyone [1] - 46:3 anything [7] - 9:12, 20:16, 21:7, 33:20, 36:21, 38:22, 54:3 anyway [1] - 15:3 Appeals [2] - 50:16, 50:19 applicant [9] - 23:9, 26:6, 26:13, 27:10, 30:14, 38:17, 43:2, 43:5, 45:15 application [3] - 46:21, 47:2, 50:18 apply [1] - 27:25 applying [1] - 28:15 appreciate [3] - 9:15, 33:13, 33:19 appreciated [1] - 50:2 appreciative [1] - 31:8 appropriate [8] - 26:9, 27:3, 28:8, 44:5, 46:17, 48:12, 48:16, 49:20 approval [12] - 22:9, 33:22, 33:25, 34:18, 35:11, 35:23, 35:24, 36:4, 40:11, 47:20, 48:23 approvals [6] - 35:21, 47:19, 49:10, 50:14, 50:18, 51:8 approved [1] - 36:3 approves [1] - 25:15 approximately [3] - 41:24, 42:8, 42:10 architect [2] - 6:18, 7:20 architects [2] - 6:4, 53:15 Architectural [4] - 10:10, 40:11, 51:8, 52:7 architectural [1] - 52:14 are there [1] - 22:12 area [10] - 9:2, 10:17, 15:7, 15:12, 25:3, 25:11, 26:16, 27:5, 30:16, 35:9 areas [5] - 18:11, 23:14, 23:24, 23:25 around [1] - 52:12 Artis [11] - 2:14, 4:5, 4:15, 5:23, 6:10, 24:20, 27:21, 29:9, 29:24, 30:5, 32:2 ARTIS [1] - 1:5 Artis's [1] - 28:12 arts [1] - 9:5 ask [7] - 3:7, 28:19, 33:23, 36:9, 44:16, 47:22, 49:4 asked [4] - 6:18, 7:2, 32:2, 36:17 asking [2] - 29:23, 51:10 assisted [1] - 40:16 attendance [1] - 3:7 ATTENDANCE [1] - 2:2 attorney [1] - 4:2 Attorney [1] - 2:10 audience [1] - 3:9 August [2] - 4:22, 24:22 authorize [1] - 49:21 available [1] - 24:15 away [2] - 18:25, 21:23 awnings [2] - 23:15, 24:2	
0.5 [1] - 25:7 0.63 [1] - 25:8			
1	6 [5] - 9:25, 13:23, 13:25, 41:20 6-foot [2] - 27:24, 28:8		
1 [3] - 24:22, 25:2, 40:9 1,034 [1] - 8:3 1,307 [1] - 17:14 10 [4] - 21:16, 24:6, 29:16, 31:12 10562 [1] - 1:16 12-inch [2] - 13:23, 32:9 14 [1] - 41:21 14th [1] - 24:23 16 [1] - 8:22 16,500 [2] - 8:4 16,578 [1] - 7:9 18 [1] - 42:13 18-inch [1] - 13:23 19,374 [1] - 7:8	7 [1] - 29:2 784 [1] - 17:12 7:34 [1] - 1:11		
2	8 [2] - 28:24, 28:25 8-foot [3] - 27:25, 28:7, 31:14 800 [1] - 17:24 84 [2] - 27:19, 30:12 8:23 [1] - 54:6		
2 [1] - 25:5 2,000 [2] - 6:24, 8:7 20 [3] - 13:21, 13:22, 13:24 2015 [1] - 24:22 2016 [3] - 1:10, 24:19, 24:23 20th [2] - 39:12, 39:17 21 [1] - 1:10 21st [4] - 24:19, 39:12, 39:13, 39:24 23 [2] - 30:19, 31:2 24-inch [1] - 25:5 25 [1] - 13:21 261 [1] - 17:23	90-some [1] - 19:8 95 [1] - 1:15		
3	A able [1] - 16:6 above [5] - 1:14, 14:10, 19:23, 54:7, 54:12 above-entitled [1] - 1:14 absolutely [1] - 13:11 acceptable [2] - 27:13, 43:12 according [1] - 4:4 acting [1] - 3:3 Acting [1] - 2:4 action [2] - 41:11, 42:15 activity [1] - 9:2 actual [3] - 16:16, 35:22, 47:18 add [1] - 24:9 added [10] - 6:23, 7:24, 11:23, 11:24, 12:2, 12:5, 15:10, 15:13, 40:14, 41:10 adding [2] - 40:16, 45:14 addition [1] - 30:3 additions [1] - 39:25 address [3] - 27:17, 33:20, 51:20 addressed [1] - 33:11 adjacent [4] - 18:12, 18:13, 27:21, 44:17 administrative [1] - 9:7 adoption [1] - 45:23 advance [1] - 52:24		B back [12] - 8:10, 11:21, 17:18, 17:20, 23:14, 32:6, 35:9, 35:10, 36:9, 36:12, 36:15, 46:18 back-of-house [1] - 8:10 bad [1] - 38:2 based [3] - 25:23, 40:23, 43:8 basement [5] - 6:24, 7:25, 8:3, 8:9, 36:24 basically [2] - 20:12, 21:5 basins [1] - 16:17 basis [2] - 8:6, 49:23 bathroom [1] - 8:15
5			
5 [3] - 25:4, 41:9, 41:18 500 [1] - 17:14 507 [1] - 18:6 523 [1] - 18:5			

<p>beautiful [1] - 32:16 beauty/barber [1] - 9:4 becomes [1] - 36:3 beefed [1] - 18:9 before [4] - 20:5, 34:5, 37:5, 53:8 behalf [1] - 4:15 behind [3] - 15:7, 17:9, 37:24 believe [7] - 14:19, 15:10, 15:12, 19:18, 22:8, 27:24, 28:6 below [1] - 19:24 benefit [1] - 5:17 best [1] - 32:20 better [1] - 51:19 between [4] - 15:7, 15:15, 30:16, 32:24 beyond [3] - 31:22, 35:17, 35:18 biggest [1] - 19:16 birch [1] - 32:8 bit [5] - 19:6, 32:14, 33:16, 34:13, 52:22 black [2] - 32:8, 32:17 blasting [1] - 37:3 blowup [1] - 25:3 board [19] - 4:10, 4:20, 5:10, 5:14, 14:16, 18:7, 20:8, 22:13, 25:15, 27:15, 28:17, 28:19, 39:4, 45:21, 47:13, 48:5, 48:22, 50:14, 53:10 BOARD [2] - 1:2, 1:2 Board [25] - 2:5, 2:6, 2:7, 2:8, 3:4, 3:15, 3:17, 3:20, 3:22, 4:2, 6:16, 10:10, 29:11, 31:18, 33:23, 35:11, 39:18, 40:11, 40:13, 40:22, 49:19, 50:16, 50:19, 51:9, 52:8 Bossinas [1] - 3:21 BOSSINAS [5] - 2:7, 3:21, 47:10, 48:25, 50:7 both [1] - 20:2 bottom [3] - 20:19, 20:20, 40:20 brief [2] - 21:11, 23:10 briefly [1] - 5:4 bring [3] - 13:10, 48:7, 53:9 Broadway [1] - 1:15 buffer [10] - 17:22, 17:24, 18:2, 18:3, 18:20, 18:21, 26:16, 27:5, 27:7, 34:21 building [17] - 5:21, 6:13, 6:20, 6:22, 6:25, 7:21, 7:23, 8:8, 8:18, 9:8, 30:18, 32:8, 35:6, 36:10, 36:13, 36:16, 42:6</p>	<p>business [1] - 29:19 businesses [1] - 30:4</p> <p style="text-align: center;">C</p> <p>call [2] - 9:4, 47:18 came [2] - 23:12, 23:17 can't [2] - 7:6, 12:14 CARE [1] - 1:5 care [3] - 10:6, 16:7, 16:23 Care [1] - 4:6 carefully [2] - 21:25, 37:11 case [1] - 20:13 cases [1] - 24:7 catch [1] - 16:17 center [1] - 7:21 Center [1] - 1:15 central [1] - 7:22 certainly [5] - 15:18, 19:9, 19:14, 30:20, 48:4, 48:18 certify [2] - 27:4, 54:11 chair [1] - 29:21 CHAIRMAN [33] - 3:2, 3:18, 4:3, 5:13, 13:13, 21:9, 22:11, 23:7, 24:12, 27:10, 27:14, 28:10, 38:16, 38:25, 39:9, 39:13, 39:23, 40:5, 42:7, 42:23, 43:23, 44:7, 44:19, 45:20, 45:25, 46:8, 46:14, 46:22, 47:12, 50:3, 50:20, 50:25, 54:2 Chairman [1] - 2:4 chairman [3] - 3:3, 4:10, 4:17 challenge [1] - 19:6 chance [1] - 26:24 change [6] - 9:9, 19:16, 22:23, 32:13, 35:8, 41:19 changed [3] - 8:18, 14:24, 42:14 changes [19] - 5:4, 5:19, 5:21, 6:6, 6:14, 9:16, 14:21, 19:12, 22:24, 26:8, 26:11, 29:23, 30:14, 30:22, 35:6, 40:4, 40:9, 42:21 channel [1] - 25:8 character [1] - 42:20 cherry [1] - 32:17 Chin [2] - 3:3, 3:18 CHIN [34] - 2:4, 3:2, 3:18, 4:3, 5:13, 13:13, 21:9, 22:11, 23:7, 24:12, 27:10, 27:14, 28:10, 38:16, 38:25, 39:9, 39:13, 39:23, 40:5, 42:7, 42:23, 43:23, 44:7, 44:19, 45:20, 45:25, 46:8, 46:14, 46:22, 47:12, 50:3, 50:20, 50:25, 54:2 Ching [2] - 3:2, 3:18 CHING [1] - 2:4</p>	<p>chipping [1] - 37:2 Ciarcia's [1] - 43:9 circumstances [1] - 51:23 Citizens [1] - 29:21 civil [1] - 6:3 clarification [1] - 25:4 clarify [1] - 39:16 cleaner [1] - 14:13 cleaning [1] - 25:10 clear [2] - 7:17, 32:23 close [3] - 19:4, 47:23, 48:2 closed [3] - 48:11, 49:5, 49:6 closer [1] - 15:4 closure [1] - 48:8 code [3] - 7:14, 27:24, 28:14 COLEMAN [3] - 2:9, 3:12, 26:2 Coleman [1] - 3:12 color [3] - 12:18, 13:2, 13:5 colors [1] - 11:8 comfortable [1] - 52:23 coming [1] - 21:2 comment [4] - 9:17, 27:23, 29:8, 43:9 comments [24] - 6:15, 12:8, 13:14, 22:13, 22:22, 24:10, 24:16, 24:24, 25:25, 26:3, 26:5, 26:7, 27:6, 27:12, 27:15, 27:16, 39:2, 43:24, 43:25, 44:12, 44:13, 44:24, 45:2, 45:21 common [1] - 8:24 Community [1] - 1:15 community [4] - 6:17, 8:25, 42:17, 42:20 compatible [2] - 19:24, 45:16 completed [1] - 41:22 completely [3] - 22:24, 23:5, 52:16 components [1] - 8:17 compromise [1] - 21:18 concept [1] - 25:15 concern [4] - 20:7, 33:11, 35:3, 51:21 Concerned [1] - 29:21 concerned [2] - 21:18, 33:16 concerning [2] - 24:17, 24:19 concerns [2] - 26:15, 29:12 concluded [1] - 54:7 condition [2] - 33:22, 33:24 conditions [4] - 44:6,</p>	<p>46:2, 48:15, 51:22 confirm [1] - 19:21 confuse [1] - 7:12 connect [1] - 15:23 Connecticut [1] - 12:25 consented [1] - 43:6 consider [4] - 5:11, 31:24, 39:5, 49:22 consideration [3] - 5:9, 6:15, 49:9 considering [3] - 6:11, 46:9, 48:23 construction [1] - 36:21 consult [1] - 24:14 Consultant [1] - 2:9 consultant [2] - 3:13, 24:14 consultant's [1] - 18:8 consultation [1] - 6:14 consulting [1] - 13:16 Consulting [2] - 2:15, 24:21 containing [1] - 8:22 contains [2] - 7:23, 9:3 context [1] - 44:3 contiguous [1] - 13:25 continue [3] - 21:8, 22:4, 47:24 Continued [1] - 53:17 continued [1] - 4:18 CONTINUED [1] - 1:13 continuing [1] - 4:7 contours [1] - 33:2 conversation [1] - 32:4 convey [1] - 25:13 copies [2] - 39:22, 47:4 copy [1] - 23:9 core [1] - 7:21 correct [6] - 14:23, 21:4, 24:3, 34:24, 43:19, 54:12 counsel [2] - 48:3, 48:9 couple [1] - 17:10 course [4] - 21:25, 33:16, 34:15, 38:20 Court [1] - 45:5 court [1] - 29:17 cover [5] - 17:7, 17:13, 17:16, 17:17, 18:10 coverage [1] - 6:25 covered [1] - 23:11 crafts [1] - 9:6 culvert [1] - 31:9 culverting [1] - 19:22 cure [1] - 35:4 curfew [1] - 31:12 curiosity [1] - 50:10 cutout [1] - 13:24 cutouts [1] - 12:3</p>
--	---	---	--

<p>D</p> <p>DATE [1] - 1:10 dated [3] - 24:18, 24:21, 39:16 Dave [1] - 31:23 DAVID [1] - 2:15 David [5] - 3:23, 5:25, 13:15, 23:17, 51:7 day [1] - 31:10 day-lighting [1] - 31:10 daylighted [1] - 43:7 deal [1] - 12:11 debris [1] - 25:13 dec [1] - 39:20 DEC [2] - 19:24, 45:17 declaration [4] - 5:8, 39:6, 40:24, 45:24 decorative [1] - 29:3 deep [1] - 16:15 defender [2] - 41:2, 41:6 defer [2] - 5:6, 5:10 DelBello [2] - 2:12, 4:13 delete [1] - 41:5 depending [1] - 12:23 design [4] - 5:22, 6:20, 16:11, 25:23 desk [2] - 39:14, 39:20 detail [5] - 12:2, 13:18, 13:22, 14:15, 25:2 detailed [3] - 44:13, 52:11 determining [1] - 16:6 developer [2] - 37:24, 38:3 developing [1] - 37:24 development [1] - 41:14 dialogue [3] - 29:9, 38:19, 38:21 diameter [1] - 32:9 difference [1] - 12:15 different [2] - 45:9, 49:10 differentiation [1] - 13:6 dining [1] - 8:23 directions [1] - 20:3 discuss [3] - 5:21, 6:5, 6:13 discussed [3] - 4:23, 14:21, 28:11 discussing [1] - 21:13 discussion [2] - 13:18, 16:25 discussions [1] - 22:19 distance [1] - 32:19 distinctive [2] - 8:20, 8:21 district [1] - 40:17 disturbed [2] - 34:8, 34:9 dive [1] - 20:24 DMH [1] - 25:4 document [2] - 5:11, 40:2 documentation [1] - 46:24</p>	<p>documents [1] - 47:5 doesn't [1] - 20:24 doghouse [1] - 20:13 Donna [2] - 10:2, 30:11 Donna's [1] - 51:21 Donnellan [2] - 2:12, 4:13 door [1] - 45:4 doors [1] - 24:3 down [8] - 8:15, 18:22, 18:23, 20:24, 21:3, 34:14, 49:2, 53:4 downstream [2] - 41:2, 41:6 draft [5] - 39:5, 39:8, 42:24, 50:21, 50:23 drafting [1] - 49:21 drain [1] - 16:16 drainage [6] - 15:22, 16:20, 25:8, 25:10, 41:10, 41:14 drains [2] - 18:22, 18:24 Drive [2] - 27:19, 30:12 drop [1] - 20:15 dropoff [2] - 15:12, 15:14 dropping [1] - 21:2 dry [1] - 26:17 dug [1] - 36:25 durability [1] - 11:11 duration [1] - 36:18</p>	<p>entering [1] - 25:11 enters [1] - 20:21 entertain [1] - 45:22 entire [1] - 16:12 entitled [1] - 1:14 Environmental [1] - 2:9 environmental [3] - 41:13, 42:17, 44:11 erosion [1] - 18:23 ESQ [2] - 2:10, 2:12 essentially [3] - 19:11, 20:22, 21:5 established [1] - 26:25 evening [2] - 4:9, 6:9 events [1] - 25:14 eventually [1] - 33:18 every [2] - 13:21, 13:24 everybody [1] - 22:7 everyone [1] - 34:6 everything [2] - 16:13, 27:13 everything's [1] - 38:10 everywhere [1] - 33:7 example [1] - 51:20 excellent [2] - 36:6, 36:7 except [1] - 24:6 exception [1] - 38:22 exist [1] - 33:3 existing [3] - 15:24, 32:4, 42:19 expect [3] - 28:14, 36:7, 49:11 experience [3] - 31:15, 31:16, 38:2 explained [2] - 16:5, 34:22 express [1] - 45:7 extends [1] - 35:17 extra [1] - 39:22</p>	<p>10:7, 10:25, 11:6, 11:14, 11:22, 12:3, 12:10, 13:8, 13:17, 14:9, 14:25, 15:4, 15:7, 15:8, 17:9, 27:23, 27:25, 28:7, 28:8, 28:13, 28:23, 29:2, 30:16, 30:19, 31:14, 32:25, 50:12 fences [3] - 10:15, 10:17, 12:11 Ferentinos [3] - 5:22, 6:9, 36:18 FERENTINOS [3] - 2:14, 6:8, 10:22, 11:25, 12:21, 13:11, 28:25, 30:10 few [5] - 22:21, 26:2, 26:4, 26:11, 31:23 field [1] - 45:5 final [2] - 25:23, 34:5 find [1] - 33:20 fine [7] - 5:20, 9:21, 9:22, 10:14, 11:19, 43:22, 45:12 finish [1] - 13:17 finished [2] - 5:25, 12:24 firm [1] - 4:12 first [9] - 4:4, 7:7, 8:3, 8:19, 8:20, 8:25, 26:20, 30:13, 40:10 fish [3] - 20:2, 21:7, 45:17 five [2] - 27:7, 43:16 five-year [2] - 27:7, 43:16 flight [1] - 28:5 flooding [3] - 25:19, 41:15, 41:17 floor [11] - 6:19, 7:7, 7:9, 8:3, 8:4, 8:19, 8:20, 8:22, 8:25, 9:3 following [2] - 24:24, 41:8 foot [2] - 14:2, 29:3 footage [5] - 7:3, 7:14, 7:25, 8:2, 8:6 footprint [2] - 6:21, 7:7 forget [1] - 12:4 forth [2] - 17:7, 17:19 forward [3] - 22:9, 52:18, 52:20 found [1] - 11:9 frankly [1] - 19:3 free [1] - 10:3 freely [1] - 9:25 front [1] - 15:11 function [1] - 52:15 further [8] - 7:12, 22:12, 27:14, 38:25, 42:24, 45:20, 47:25, 54:3</p>
	<p>E</p> <p>earlier [2] - 23:23, 34:19 early [1] - 12:22 earth [1] - 11:7 earth-tone [1] - 11:7 easier [1] - 52:2 easy [1] - 16:3 effort [1] - 9:15 eight [1] - 15:13 elevation [3] - 9:8, 20:22, 21:6 elevations [1] - 52:12 elevator [2] - 8:12 eliminated [3] - 20:6, 41:3, 41:17 eliminating [1] - 6:24 emergency [1] - 24:7 employee [2] - 8:14, 8:15 enact [1] - 40:22 enactment [1] - 40:15 enforce [1] - 52:2 enforceability [1] - 51:21 enforceable [1] - 52:4 engineer [2] - 16:10, 16:22 engineering [1] - 24:14 engineers [1] - 6:3 enough [1] - 47:3 ensuing [1] - 49:15 ensure [1] - 25:17</p>	<p>F</p> <p>FACILITY [1] - 1:5 facility [1] - 40:16 Facility [1] - 4:6 fact [2] - 28:12, 52:17 factor [1] - 16:6 familiar [1] - 46:20 far [4] - 7:15, 11:2, 11:11, 12:2 Farm [1] - 45:4 favor [5] - 28:20, 47:7, 47:9, 47:10, 47:11 fear [1] - 28:4 feet [17] - 6:25, 7:8, 7:10, 8:7, 13:21, 13:24, 15:5, 19:5, 28:24, 29:2, 30:20, 31:3, 41:23, 41:25, 42:6, 42:8 femoral [1] - 34:11 fence [29] - 9:18, 9:24,</p>	<p>G</p> <p>game [1] - 13:2 GARETH [1] - 2:6 Gareth [1] - 3:19</p>

<p>gate [2] - 11:20, 11:24 GB [1] - 40:17 general [2] - 9:2, 9:6 give [2] - 26:13, 47:4 glasses [1] - 7:5 good [8] - 4:9, 5:16, 6:8, 21:17, 26:24, 38:9, 38:20, 54:2 got [3] - 9:9, 20:10, 42:12 grades [1] - 16:4 grain [1] - 13:4 granted [3] - 28:21, 40:12, 40:13 grasses [1] - 17:7 great [6] - 30:3, 30:8, 31:12, 33:8, 34:16, 36:14 greatly [1] - 50:2 Greg [1] - 3:16 GREG [1] - 2:5 ground [7] - 9:25, 14:2, 17:7, 17:13, 17:16, 17:17, 18:10 grow [2] - 14:11 growing [1] - 26:20 guess [1] - 14:18 guidelines [2] - 19:25, 45:18</p>	<p>9:13, 11:15, 12:7, 28:22, 39:11, 42:2, 46:7, 47:7, 53:3 Hoeflich [1] - 3:14 holding [1] - 38:7 home [1] - 36:22 honest [1] - 52:16 hope [4] - 31:18, 32:22, 33:2, 35:5 hopefully [2] - 28:20, 35:21 horrible [1] - 22:17 hoses [1] - 26:22 HOUGHAM [8] - 2:6, 3:19, 19:17, 20:25, 21:19, 45:13, 46:6, 47:11 Hougham [1] - 3:19 house [3] - 8:10, 32:7, 37:25 how is [1] - 36:24 Hundred [1] - 16:14 husband [1] - 29:19</p>	<p>introduce [2] - 3:6, 3:8 is that [1] - 35:3 issue [2] - 12:10, 22:25 issues [3] - 45:6, 48:6, 48:19 item [3] - 4:5, 41:9, 45:13 items [1] - 8:10</p>	<p>lessen [1] - 6:22 letter [3] - 7:4, 33:9, 42:22 life [3] - 11:10, 35:17, 35:18 lighting [4] - 21:14, 21:16, 24:7, 31:10 lights [2] - 9:21, 24:5 limited [2] - 23:18, 28:14 line [5] - 18:14, 19:22, 20:17, 30:19, 52:7 list [1] - 4:5 listened [1] - 21:24 listening [2] - 26:7, 29:12 little [4] - 12:17, 32:14, 33:16, 52:21 live [2] - 29:16, 36:8 Living [5] - 2:14, 4:6, 4:16, 6:10, 24:20 LIVING [1] - 1:5 living [2] - 8:23, 40:16 local [2] - 40:15, 40:21 located [1] - 16:16 location [1] - 9:19 long [3] - 22:8, 22:22, 51:5 longer [1] - 36:8 look [7] - 6:18, 6:19, 13:7, 22:9, 36:13, 49:3, 52:9 looked [3] - 23:22, 36:10, 46:18 looking [2] - 26:10, 52:25 looks [1] - 10:8 lot [1] - 12:10, 12:12, 16:25, 17:15, 19:10, 22:18, 29:8, 30:23, 31:6, 32:3, 38:3 loud [1] - 36:20 lounge [1] - 8:15</p>
H	I	J	K
<p>half [1] - 8:11 handed [1] - 39:10 handle [1] - 44:3 happened [1] - 16:3 happy [5] - 4:25, 5:9, 7:5, 9:10, 37:23 hard [3] - 22:3, 32:18, 47:4 hasn't [2] - 34:7, 34:8 HDPE [1] - 25:5 he'll [1] - 5:24 he's [1] - 38:6 heading [3] - 41:4, 41:9, 42:14 health [1] - 9:3 hear [1] - 16:21 hearing [18] - 4:8, 4:18, 4:20, 14:19, 14:20, 14:24, 15:16, 17:4, 19:14, 22:2, 30:6, 44:23, 45:11, 47:21, 48:2, 48:10, 48:17, 48:21 HEARING [1] - 1:13 heck [1] - 19:9 heights [1] - 28:23 held [1] - 1:14 help [1] - 35:20 helpful [2] - 5:6, 53:8 hereby [1] - 54:11 high [2] - 12:13, 13:24 historical [1] - 41:16 HOEFlich [11] - 2:8, 3:14,</p>	<p>I'd [3] - 3:5, 21:24, 26:17 I've [4] - 12:21, 29:22, 29:25, 46:22 IBE [1] - 7:17 identification [1] - 32:19 identify [2] - 35:25, 36:2 identifying [1] - 40:20 immediately [2] - 18:12, 18:13 impact [4] - 6:22, 41:13, 42:17, 44:11 impervious [1] - 16:12 important [3] - 18:11, 44:14, 47:17 IN [1] - 2:2 inches [2] - 9:25, 13:25 include [2] - 8:25, 44:15 included [1] - 41:6 including [2] - 22:5, 40:8 inconsistent [1] - 42:19 incorporate [1] - 42:25 incorporated [1] - 15:25 increase [1] - 17:5 increased [1] - 30:15 India [1] - 45:5 indicated [4] - 6:13, 7:4, 11:6, 38:18 indication [1] - 52:19 initial [1] - 26:5 injection [2] - 37:14, 37:15 integrity [2] - 11:13, 35:15 intensely [1] - 31:5 intention [1] - 13:3 interesting [1] - 18:20 interrupt [1] - 34:15</p>	<p>J JIM [1] - 2:7 Jim [1] - 3:21 jobs [1] - 36:23 July [1] - 4:22 June [1] - 4:19</p>	<p>K Kamber [2] - 22:6, 27:19 KAMBER [2] - 27:18, 29:7 KATHERINE [1] - 2:10 Kathy [3] - 3:25, 40:8, 44:9 keep [3] - 32:12, 48:16, 48:21 keeps [1] - 14:7 Kellard [4] - 2:15, 6:2, 13:16, 24:21 Ken [3] - 27:18, 30:12, 31:13 kindly [1] - 36:18 kitchen [2] - 8:14, 8:24 know [18] - 3:9, 5:7, 9:18, 10:2, 10:9, 10:17, 10:19, 15:2, 18:19, 20:7, 20:16, 23:12, 24:13, 35:12, 44:25, 50:15, 52:3, 52:17 Knowles [2] - 45:9, 45:10</p>
		L	M
		<p>label [1] - 23:14 land [1] - 41:14 landscape [1] - 6:4 landscaping [6] - 14:18, 16:24, 17:2, 19:15, 23:18, 32:14 larger [1] - 15:6 last [18] - 4:19, 7:2, 14:19, 14:20, 14:23, 15:2, 16:5, 17:3, 18:17, 19:13, 19:19, 23:20, 23:23, 24:22, 37:7, 37:8, 41:21 latest [5] - 24:17, 24:25, 33:9, 37:12, 37:21 lattice [1] - 29:3 law [2] - 40:16, 40:21 laying [1] - 33:19 leak [1] - 33:18 leave [1] - 48:9 legally [1] - 10:12 length [2] - 4:24, 20:23</p>	<p>main [2] - 14:7, 30:24 mainly [1] - 51:9 maintained [3] - 25:18, 33:4, 35:16 maintenance [10] - 8:13, 10:21, 10:23, 11:10, 11:21, 25:16, 27:8, 34:21, 43:6, 43:17 major [2] - 25:14, 49:7 majority [2] - 18:16, 18:18 manhole [5] - 20:11, 20:12, 20:13, 20:17, 20:23 manholes [1] - 16:17 manual [1] - 37:15 Marc [1] - 3:14 MARC [1] - 2:8 marked [1] - 40:2 MASSERMAN [1] - 29:15 Masserman [1] - 29:16 material [3] - 10:7, 10:11,</p>

<p>14:8 materials [1] - 53:4 Matter [1] - 1:4 matter [4] - 1:14, 50:9, 54:3, 54:7 matters [2] - 7:13, 46:10 Max [5] - 5:22, 5:24, 6:7, 6:9, 52:22 MAX [1] - 2:14 max [1] - 5:23 McWilliams [12] - 2:5, 3:16, 3:17, 12:9, 13:9, 13:12, 46:4, 47:8, 50:5, 51:6, 52:6, 53:14 mechanical [1] - 8:11 mechanism [1] - 25:16 meet [3] - 22:16, 30:23, 44:6 meeting [3] - 7:2, 43:3, 44:25 MEETING [1] - 1:2 meetings [4] - 5:18, 29:23, 46:19, 46:25 Member [4] - 2:5, 2:6, 2:7, 2:8 member [6] - 3:15, 3:17, 3:20, 3:22, 4:12, 5:13 members [2] - 3:5, 4:10 memo [3] - 18:17, 23:10, 26:3 Memory [1] - 4:6 MEMORY [1] - 1:5 mentioned [7] - 4:17, 7:19, 20:5, 24:5, 43:14, 46:2, 46:12 middle [1] - 30:18 minus [1] - 15:5 minute [1] - 46:19 minutes [4] - 26:4, 46:13, 46:25, 47:15 missed [1] - 9:11 mitigation [3] - 19:15, 37:13, 43:18 modification [1] - 15:19 money [1] - 52:23 monitoring [1] - 27:7 monotone [1] - 12:18 morning [1] - 40:7 Morningside [3] - 27:19, 29:17, 30:12 motion [4] - 46:3, 46:5, 50:4, 50:6 moved [2] - 8:9, 15:4 moving [1] - 32:7 MR [96] - 3:12, 3:14, 3:16, 3:19, 3:21, 3:23, 4:9, 5:20, 6:8, 9:13, 10:22, 11:13, 11:15, 11:23, 11:25, 12:7, 12:9, 12:21, 13:9, 13:11, 13:12, 13:15, 19:17, 20:4,</p>	<p>20:25, 21:4, 21:11, 21:19, 21:20, 22:14, 23:8, 23:16, 23:20, 23:22, 24:4, 25:25, 26:2, 27:9, 27:12, 27:18, 28:11, 28:22, 28:25, 29:5, 29:7, 29:14, 30:9, 30:10, 33:14, 35:19, 38:15, 38:18, 39:7, 39:11, 39:15, 40:3, 40:6, 42:2, 42:10, 42:12, 43:8, 43:11, 43:19, 43:22, 44:8, 45:13, 45:19, 45:22, 46:4, 46:6, 46:7, 47:7, 47:8, 47:11, 47:14, 48:25, 49:3, 49:15, 49:25, 50:5, 50:7, 50:9, 50:13, 50:22, 51:3, 51:6, 51:13, 51:18, 52:6, 52:13, 53:3, 53:5, 53:12, 53:14, 53:16, 54:5 Mr [8] - 4:10, 19:19, 22:6, 33:10, 36:18, 43:9 Ms [4] - 22:5, 22:16, 22:19, 47:3 mS [1] - 36:6 MS [24] - 3:10, 3:25, 5:16, 29:15, 30:11, 33:15, 39:4, 43:4, 43:10, 43:13, 43:20, 44:2, 44:16, 44:21, 45:8, 45:12, 46:11, 46:15, 47:10, 48:13, 49:13, 49:17, 51:16, 53:7 mulch [2] - 14:12, 27:5 mulching [1] - 27:2 municipalities [1] - 13:20</p>	<p>48:4, 48:22, 49:8, 49:15, 53:17 nice [2] - 12:10, 35:13 non [1] - 31:23 non-natives [1] - 31:23 nonetheless [1] - 19:7 north [1] - 17:8 North [8] - 1:6, 4:7, 10:16, 10:23, 11:3, 15:24, 29:20, 30:3 northern [1] - 18:13 Notary [2] - 1:17, 54:9 note [1] - 40:19 notes [1] - 54:13 nothing [2] - 19:5, 38:6 noticed [1] - 21:15 notify [2] - 36:19, 37:4 number [13] - 14:6, 17:6, 17:20, 18:9, 18:10, 23:11, 40:6, 41:4, 41:9, 41:18, 41:21, 42:13, 45:13 numbers [1] - 17:11</p>	<p>outside [4] - 7:15, 7:16, 18:3 overlapping [1] - 15:15 owners [1] - 29:20</p>
			P
			<p>p.m [3] - 21:16, 24:6, 31:12 P.M [2] - 1:11, 54:6 page [8] - 40:9, 40:20, 40:25, 41:8, 41:20, 53:17 pallet [1] - 19:2 pantry [1] - 8:24 paragraph [4] - 40:10, 40:19, 41:3, 41:18 park [2] - 45:8, 45:10 parking [3] - 15:13, 22:18, 32:3 part [7] - 7:22, 16:19, 18:4, 34:3, 34:4, 34:17, 35:2 partial [1] - 31:10 particularly [3] - 17:2, 17:8, 36:24 passability [2] - 20:2, 45:17 past [1] - 40:18 Pastor [1] - 1:17 PASTOR [2] - 54:9, 54:16 patients [2] - 28:2, 31:17 pavers [1] - 15:11 people [2] - 28:5, 40:7 percent [3] - 19:8, 25:7, 25:9 perched [1] - 21:2 perfect [1] - 51:3 perhaps [1] - 40:12 permit [3] - 35:23, 35:24, 51:22 permitted [1] - 40:17 personal [1] - 31:16 personally [1] - 11:17 perspective [1] - 11:10 pervious [1] - 15:11 Peter [3] - 4:11, 6:12, 52:6 PETER [1] - 2:12 pipe [4] - 20:10, 20:21, 21:2, 25:6 piping [3] - 15:22, 20:8, 20:9 place [1] - 25:17 plan [48] - 6:5, 6:19, 13:2, 16:24, 17:2, 17:11, 17:13, 17:23, 17:24, 18:5, 18:6, 19:10, 19:13, 19:15, 19:16, 19:21, 22:25, 24:8, 24:9, 24:17, 24:25, 26:8, 26:10, 26:18, 27:8, 29:24, 31:20, 32:10, 32:14, 33:19, 33:22, 33:25, 34:3, 34:17, 35:2,</p>
		O	
		<p>objection [1] - 49:7 objective [1] - 30:24 objectives [1] - 30:23 objects [1] - 10:2 obviously [2] - 17:17, 49:4 occurs [1] - 26:19 October [1] - 49:18 odd [1] - 19:8 OF [2] - 1:2 off-site [1] - 15:21 off-white [1] - 13:2 okay [7] - 14:23, 27:10, 34:5, 42:11, 42:13, 45:19, 50:20 old [2] - 17:22, 18:5 open [5] - 23:5, 47:21, 47:24, 48:17, 48:21 opportunity [2] - 36:11, 46:12 opposed [1] - 13:25 opposite [2] - 11:22, 14:12 optimal [1] - 25:10 order [1] - 42:25 original [3] - 7:6, 29:24, 40:23 originally [2] - 15:21, 30:21 OSSINING [1] - 1:2 ossining [1] - 1:7 Ossining [5] - 1:15, 1:16, 7:14, 27:20, 29:22 others [2] - 3:7, 40:8 otherwise [2] - 14:10, 16:21 outs [1] - 39:25</p>	
	N		
	<p>name [7] - 3:2, 4:11, 6:9, 27:17, 27:18, 29:15, 44:20 native [4] - 18:18, 19:9, 26:9, 35:14 natives [1] - 31:23 natural [6] - 10:13, 10:20, 11:8, 11:18, 13:3, 33:2 nature [3] - 14:13, 14:22, 28:2 nay [1] - 11:16 necessarily [1] - 10:6 necessary [1] - 34:25 necessity [1] - 31:17 need [4] - 10:19, 42:23, 43:15, 45:3 negative [5] - 5:8, 39:6, 39:19, 40:23, 45:24 neighborhood [1] - 38:2 neighbors [2] - 23:6, 30:7 Nellie [1] - 47:3 nevertheless [1] - 47:25 newest [1] - 23:13 next [11] - 23:4, 41:19, 44:25, 45:3, 45:10, 47:16,</p>		

<p>35:3, 35:14, 37:10, 37:14, 37:17, 43:6, 43:18, 44:4, 45:16, 47:19, 48:6</p> <p>Plan [2] - 25:22, 33:5</p> <p>planner [1] - 3:24</p> <p>planners [1] - 6:3</p> <p>PLANNING [2] - 1:2, 1:2</p> <p>planning [3] - 14:17, 45:15, 50:10</p> <p>Planning [18] - 2:5, 2:6, 2:7, 2:8, 3:4, 3:15, 3:17, 3:20, 3:22, 4:2, 6:16, 29:10, 31:18, 33:23, 35:11, 39:18, 40:13, 49:19</p> <p>plans [18] - 9:14, 12:6, 17:4, 23:12, 23:13, 23:17, 23:19, 23:21, 23:23, 24:20, 36:2, 36:3, 37:5, 37:22, 38:5, 46:21, 52:11, 52:24</p> <p>plant [2] - 14:8, 26:9</p> <p>planted [1] - 31:5</p> <p>planting [5] - 15:6, 31:20, 34:25, 35:8, 35:14</p> <p>plantings [1] - 22:20</p> <p>plants [22] - 17:6, 17:12, 17:14, 17:15, 17:16, 17:23, 17:25, 18:2, 18:6, 18:17, 18:18, 19:2, 19:4, 19:7, 19:8, 19:10, 26:24, 31:21, 35:14, 36:14</p> <p>pleased [1] - 4:14</p> <p>pleasure [1] - 5:12</p> <p>plus [1] - 15:5</p> <p>point [3] - 13:9, 38:24, 52:25</p> <p>policy [1] - 38:10</p> <p>Pollution [2] - 25:22, 33:5</p> <p>porches [3] - 23:15, 23:24, 24:2</p> <p>portion [2] - 7:21, 8:14</p> <p>portions [1] - 8:8</p> <p>possibility [1] - 34:20</p> <p>possible [4] - 11:9, 32:11, 34:2, 52:10</p> <p>possibly [1] - 31:24</p> <p>potential [1] - 25:19</p> <p>pre [1] - 16:14</p> <p>preconfiguration [1] - 25:24</p> <p>prefer [1] - 49:4</p> <p>preference [2] - 28:12, 29:6</p> <p>prepared [1] - 24:20</p> <p>present [3] - 4:25, 5:3, 46:10</p> <p>presented [1] - 31:21</p> <p>president [1] - 5:23</p> <p>presumably [2] - 28:16, 35:25</p> <p>pretty [2] - 4:23, 16:22</p>	<p>prevent [1] - 25:18</p> <p>prevention [1] - 45:16</p> <p>Prevention [2] - 25:22, 33:5</p> <p>previous [4] - 17:11, 46:24, 46:25, 47:5</p> <p>primarily [1] - 8:10</p> <p>principal [1] - 5:25</p> <p>prior [1] - 27:6</p> <p>probably [7] - 19:16, 21:14, 21:17, 35:19, 51:18, 51:19, 51:23</p> <p>problem [2] - 34:12, 38:9</p> <p>process [2] - 12:23, 49:2</p> <p>product [1] - 10:13</p> <p>project [11] - 4:23, 6:4, 12:23, 12:24, 22:6, 34:6, 36:17, 50:15, 51:11, 52:17, 52:20</p> <p>project's [1] - 35:18</p> <p>promises [2] - 38:4, 38:7</p> <p>properly [1] - 25:18</p> <p>properties [3] - 12:12, 25:20, 28:24</p> <p>property [13] - 17:9, 18:14, 19:23, 27:20, 30:2, 30:19, 32:25, 34:7, 35:18, 36:5, 44:18, 45:4, 45:10</p> <p>proposal [1] - 27:21</p> <p>proposed [8] - 5:7, 14:4, 25:5, 25:7, 39:5, 41:11, 42:15, 48:20</p> <p>protect [2] - 18:23, 30:25</p> <p>protection [1] - 31:6</p> <p>provide [3] - 25:2, 25:21, 43:15</p> <p>provided [2] - 14:15, 43:16</p> <p>provisions [1] - 26:18</p> <p>PUBLIC [1] - 1:13</p> <p>public [19] - 4:8, 4:18, 4:19, 7:24, 14:19, 14:20, 14:24, 15:16, 17:4, 19:14, 22:2, 27:16, 39:2, 43:25, 44:24, 45:11, 48:14, 48:17, 48:21</p> <p>Public [2] - 1:17, 54:10</p> <p>public's [1] - 5:17</p> <p>pulling [1] - 37:15</p> <p>purpose [1] - 14:14</p> <p>purposes [1] - 35:7</p>	<p>R</p> <p>raise [1] - 49:6</p> <p>raised [1] - 14:10</p> <p>read [2] - 24:16, 41:24</p> <p>reads [1] - 41:11</p> <p>real [1] - 20:14</p> <p>realistically [1] - 49:12</p> <p>rear [1] - 14:25</p> <p>reason [1] - 47:24</p> <p>recall [1] - 15:20</p> <p>receive [1] - 35:22</p> <p>received [1] - 26:4</p> <p>recommend [4] - 10:11, 26:12, 28:19, 33:6</p> <p>recommendation [4] - 16:2, 18:8, 18:16, 28:18</p> <p>recommendations [1] - 26:14</p> <p>record [6] - 4:11, 24:16, 36:4, 41:16, 46:17, 47:12</p> <p>rectified [1] - 34:10</p> <p>redesigned [1] - 7:20</p> <p>reduce [1] - 6:21</p> <p>reduced [1] - 30:17</p> <p>reference [3] - 41:16, 43:5, 43:21</p> <p>referred [1] - 28:17</p> <p>reflect [1] - 46:16</p> <p>regarding [1] - 41:5</p> <p>regrading [2] - 32:23, 32:24</p> <p>regular [1] - 26:20</p> <p>regulations [1] - 19:25</p> <p>rein [1] - 10:3</p> <p>relative [1] - 42:22</p> <p>relocating [1] - 31:9</p> <p>remain [1] - 48:7</p> <p>remember [1] - 35:20</p> <p>remove [1] - 16:8</p> <p>renderings [1] - 52:9</p> <p>repeatedly [1] - 29:25</p> <p>request [1] - 31:14</p> <p>required [1] - 52:3</p> <p>requirement [1] - 7:15</p> <p>residence [1] - 28:4</p> <p>resident [2] - 8:22, 29:18</p> <p>residential [1] - 12:12</p> <p>residents [2] - 30:7, 38:4</p> <p>resolution [12] - 44:4, 44:6, 44:15, 45:23, 48:20, 48:24, 49:9, 49:22, 50:21, 51:11, 51:14, 51:25</p> <p>resolutions [2] - 51:12, 51:17</p> <p>respect [2] - 41:13, 41:19</p> <p>respectfully [1] - 47:22</p> <p>response [3] - 24:25, 27:11, 28:10</p>	<p>responses [2] - 38:16, 43:24</p> <p>result [2] - 42:18, 52:21</p> <p>Review [4] - 10:10, 40:11, 51:9, 52:8</p> <p>review [4] - 5:3, 5:19, 46:13, 52:14</p> <p>reviewed [1] - 9:14</p> <p>revised [4] - 12:5, 24:22, 25:21, 41:4</p> <p>revisions [1] - 42:24</p> <p>rid [1] - 32:13</p> <p>right [12] - 11:3, 11:4, 23:2, 27:9, 32:5, 32:6, 32:17, 39:23, 45:4, 49:17, 50:17, 50:22</p> <p>road [3] - 20:14, 51:5, 53:4</p> <p>Road [4] - 1:6, 10:16, 10:24, 29:20</p> <p>robust [1] - 15:6</p> <p>rock [1] - 37:2</p> <p>rolled [1] - 51:14</p> <p>room [5] - 8:23, 9:2, 9:4, 9:6</p> <p>rooms [1] - 8:23</p> <p>roughly [3] - 6:24, 7:8, 8:5</p> <p>round [1] - 21:16</p> <p>route [2] - 37:14, 37:15</p> <p>run [1] - 40:4</p> <p>runoff [1] - 25:6</p>
			<p>S</p> <p>SAHMI [3] - 44:16, 44:21, 45:12</p> <p>Sahmi [1] - 44:21</p> <p>same [3] - 20:22, 21:6, 22:22</p> <p>sample [1] - 13:10</p> <p>samples [2] - 53:4, 53:9</p> <p>sandy [3] - 23:8, 39:21, 47:2</p> <p>SANDY [1] - 2:11</p> <p>Sandy [1] - 3:10</p> <p>saying [3] - 11:17, 41:21, 41:23</p> <p>schedule [1] - 26:21</p> <p>scrutinized [1] - 37:11</p> <p>season [1] - 26:20</p> <p>second [9] - 7:9, 8:4, 8:21, 9:3, 39:8, 40:19, 40:25, 46:6, 50:7</p> <p>Secretary [2] - 2:11, 3:11</p> <p>sections [1] - 10:25</p> <p>sediment [1] - 25:13</p> <p>seen [1] - 12:21</p> <p>self [1] - 25:10</p> <p>self-cleaning [1] - 25:10</p> <p>SENIOR [1] - 1:5</p> <p>Senior [5] - 2:14, 4:6,</p>

<p>4:15, 6:10, 24:20 sense [2] - 51:24, 52:4 sent [1] - 33:10 sentence [2] - 41:22, 45:14 separate [4] - 51:12, 51:17, 51:19, 51:24 September [6] - 1:10, 24:19, 24:23, 39:12, 39:17, 39:24 SEQRA [1] - 44:7 serves [1] - 14:14 services [1] - 42:18 session [15] - 9:21, 15:3, 15:18, 17:3, 19:20, 21:13, 48:18, 48:22, 49:14, 49:16, 49:18, 49:24, 50:24, 53:9, 53:10 SESSIONS [6] - 2:15, 13:15, 20:4, 21:4, 22:14, 23:16 sessions [2] - 4:21, 5:18 Sessions [6] - 2:15, 5:25, 6:2, 13:15, 13:16, 24:21 several [1] - 37:20 sewer [2] - 20:17 shafts [1] - 8:12 shallow [1] - 34:13 SHARRETT [3] - 30:11, 33:15, 36:6 Sharrett [4] - 22:5, 22:16, 22:19, 30:11 shop [1] - 9:5 show [5] - 17:5, 23:13, 23:23, 47:13, 52:8 showed [1] - 17:23 shows [1] - 13:19 shrink [1] - 42:5 shrubs [5] - 17:6, 17:13, 17:21, 18:10, 22:21 shut [1] - 24:6 shy [1] - 7:10 side [3] - 11:22, 14:8, 17:8 signed [1] - 37:10 significant [5] - 17:5, 17:19, 41:12, 42:16, 44:10 similar [1] - 20:18 single [1] - 51:11 site [22] - 6:2, 6:5, 6:23, 14:17, 14:25, 15:8, 15:21, 15:23, 16:12, 18:4, 19:13, 25:6, 32:10, 33:22, 33:25, 34:3, 34:17, 35:2, 37:10, 44:4, 47:19, 48:6 size [1] - 30:17 slide [1] - 14:12 slight [1] - 20:19 slightest [1] - 34:13 slipping [1] - 34:14 slope [3] - 17:18, 25:7,</p>	<p>25:8 slopes [2] - 25:9, 33:7 slowing [1] - 49:2 small [1] - 10:25 smaller [2] - 9:9, 17:16 solid [2] - 12:25, 29:2 somebody [1] - 35:7 something [2] - 11:18, 33:17 somewhere [1] - 37:6 soon [5] - 50:11, 50:13, 50:17, 52:10, 53:12 sorry [3] - 7:6, 22:14, 44:19 sound [1] - 22:17 south [1] - 18:4 spaces [5] - 7:24, 8:12, 8:25, 9:7, 15:13 spacing [1] - 12:4 span [1] - 11:10 speak [3] - 5:24, 48:3, 52:21 speaking [1] - 22:15 species [2] - 23:4, 26:10 specific [1] - 48:6 specifically [2] - 35:24, 36:2 specification [1] - 11:6 spend [2] - 21:12, 47:15 spending [1] - 52:23 spirit [1] - 22:24 spoke [2] - 19:19, 34:20 spoken [1] - 29:22 spring [1] - 37:16 sprinkler [1] - 26:22 squabble [1] - 23:3 square [11] - 6:25, 7:3, 7:8, 7:9, 7:13, 7:25, 8:2, 8:6, 8:7, 41:23, 41:25 stabilize [1] - 17:18 stage [1] - 48:14 stand [1] - 51:25 stand-alone [1] - 51:25 standard [1] - 7:18 standpoint [1] - 14:17 State [10] - 1:6, 1:18, 4:7, 10:16, 10:23, 11:3, 15:25, 29:20, 30:3, 54:10 stated [3] - 33:10, 33:21, 36:19 stating [1] - 34:23 stenographic [1] - 54:13 step [1] - 47:17 STEPHEN [1] - 2:9 steps [2] - 47:16, 49:8 sterile [1] - 27:4 Steve [3] - 3:12, 22:21, 43:14 Steve's [1] - 18:15</p>	<p>sticking [1] - 30:6 STOLMAN [14] - 3:23, 23:8, 23:20, 24:4, 39:7, 39:15, 40:3, 40:6, 42:12, 44:8, 45:22, 50:9, 50:22, 51:13 Stolman [1] - 3:23 storage [1] - 8:11 Storm [1] - 16:14 storm [2] - 16:20, 25:14 Stormceptor [3] - 14:22, 16:8, 20:6 Stormwater [2] - 25:22, 33:5 stormwater [4] - 15:24, 16:11, 19:21, 45:16 straight [1] - 33:7 stream [6] - 19:23, 32:5, 32:17, 34:8, 34:11, 43:7 Street [1] - 4:7 stretch [1] - 20:10 strike [1] - 39:25 strike-outs [1] - 39:25 strive [1] - 11:7 structure [4] - 16:9, 20:20, 20:21, 41:7 stuff [1] - 34:14 subject [2] - 41:15, 45:25 submission [1] - 24:18 submissions [1] - 25:2 submitted [1] - 23:19 success [4] - 13:21, 14:4, 26:24, 30:8 successful [1] - 22:7 sufficient [1] - 51:2 suggest [1] - 12:16 suggested [2] - 9:20, 22:20 summer [5] - 4:22, 5:5, 22:2, 22:4, 38:20 sump [1] - 20:11 sumps [1] - 16:16 support [1] - 31:13 supposed [1] - 14:9 sure [16] - 6:8, 23:16, 26:23, 27:3, 34:7, 34:23, 35:4, 35:10, 35:13, 35:16, 37:9, 37:12, 37:16, 37:21, 38:10, 44:14 surface [2] - 16:2, 16:12 Suzanne [1] - 1:17 SUZANNE [2] - 54:9, 54:16 swale [2] - 15:8, 16:2 swap [1] - 18:5 swapping [1] - 22:20 switching [1] - 31:24 system [12] - 15:24, 16:11, 16:20, 20:8, 20:9, 20:16,</p>	<p>21:8, 25:11, 25:12, 25:14, 25:17, 26:22</p> <p>T</p> <p>take [3] - 16:7, 21:23, 38:21 take-away [1] - 21:23 taken [3] - 15:3, 16:23, 18:15 takes [1] - 52:24 taking [2] - 6:14, 15:21 talk [4] - 48:5, 48:10, 48:19, 49:23 talked [4] - 9:19, 15:16, 15:17, 37:18 talking [4] - 17:25, 37:13, 44:9, 47:16 taller [1] - 28:13 tanks [1] - 33:12 tell [2] - 12:14, 52:18 tends [1] - 14:12 tense [1] - 40:18 terms [2] - 49:8, 49:11 texture [1] - 12:19 thank [28] - 6:10, 9:12, 9:13, 13:12, 21:10, 21:19, 22:10, 22:11, 23:7, 24:12, 26:6, 28:9, 29:11, 29:12, 29:14, 30:5, 30:9, 30:10, 30:13, 32:21, 38:13, 38:15, 45:12, 47:14, 51:4, 51:5, 54:4, 54:5 THE [1] - 1:2 there's [21] - 8:18, 12:17, 12:19, 16:24, 19:5, 20:25, 21:5, 26:19, 32:6, 32:22, 33:17, 34:25, 35:4, 37:19, 38:5, 39:7, 39:19, 40:10, 40:19, 44:10, 49:18 they're [5] - 23:25, 24:2, 28:25, 32:7, 36:20 they've [1] - 35:13 thing [8] - 10:5, 11:5, 20:18, 21:12, 22:15, 23:2, 24:5, 37:8 things [11] - 9:22, 11:11, 14:6, 14:7, 14:11, 14:13, 14:22, 15:9, 23:11, 37:21 think [31] - 7:3, 10:12, 13:6, 13:18, 13:22, 14:3, 16:4, 21:17, 21:21, 21:23, 27:23, 30:21, 31:5, 32:15, 32:16, 36:11, 38:8, 38:12, 38:23, 39:21, 42:5, 43:13, 44:2, 44:5, 44:12, 46:11, 46:15, 48:11, 48:16, 48:20, 51:20 thinking [1] - 51:16 thinks [1] - 49:19</p>
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<p>third [1] - 46:7 thoroughly [1] - 4:24 three [1] - 53:15 thrilled [2] - 31:11, 31:22 through [8] - 14:11, 15:23, 20:15, 20:23, 21:8, 40:4, 46:23, 48:19 throw [1] - 17:10 tied [1] - 51:10 TIME [1] - 1:11 time [6] - 15:14, 16:5, 21:12, 44:23, 46:23, 48:12 timing [1] - 49:11 today [6] - 4:5, 23:13, 23:17, 23:22, 32:3, 44:22 together [1] - 38:23 tone [1] - 11:7 tonight [9] - 3:4, 4:15, 4:25, 5:9, 24:15, 34:19, 39:21, 47:23, 52:19 total [5] - 7:10, 8:5, 8:6, 17:12, 17:23 TOWN [1] - 1:2 town [5] - 3:24, 16:10, 16:22, 27:24, 29:18 Town [3] - 1:14, 2:10, 40:22 traditional [1] - 20:9 traditionally [1] - 51:13 transcribed [1] - 1:16 transcription [1] - 54:12 treated [3] - 16:13, 16:15, 16:19 treatment [2] - 16:15, 41:7 tree [1] - 32:19 trees [6] - 17:6, 17:12, 17:20, 18:9, 32:5, 32:12 Tria [1] - 44:21 trough [1] - 20:19 troughs [2] - 20:12, 21:5 try [1] - 33:3 trying [1] - 18:23 turn [1] - 21:15 type [1] - 25:16 typical [3] - 18:21, 19:2, 19:3 typically [2] - 25:12, 28:17</p>	<p>usually [1] - 28:22</p> <p>V</p> <p>variance [3] - 28:15, 28:21, 50:12 variation [1] - 12:17 various [1] - 51:7 vertical [1] - 20:15 vice [1] - 5:23 vicinity [1] - 25:4 vinyl [5] - 10:8, 10:14, 10:15, 12:11, 13:8 visibility [1] - 11:2 volume [1] - 16:18 vote [4] - 46:9, 47:6, 47:7, 47:8</p> <p>W</p> <p>WAH [1] - 2:4 Wah [2] - 3:3, 3:18 walk [1] - 9:24 walkway [1] - 15:5 wall [2] - 7:16 want [19] - 7:17, 10:4, 10:5, 26:6, 27:3, 29:11, 30:5, 35:4, 35:8, 35:9, 35:12, 35:16, 37:16, 37:20, 42:2, 46:3, 48:4, 48:7, 48:15 wanted [5] - 19:20, 30:21, 31:4, 37:9, 45:6 water [5] - 16:9, 16:18, 20:6, 20:15, 41:7 watering [2] - 26:19, 26:21 we'd [1] - 28:19 we'll [6] - 5:10, 24:3, 43:12, 44:14, 45:14, 47:18 we're [13] - 4:25, 5:9, 12:22, 17:25, 22:25, 23:2, 23:4, 35:21, 36:15, 37:13, 38:23, 44:9, 48:14 we've [19] - 4:23, 13:19, 13:20, 14:4, 14:15, 15:3, 15:10, 15:12, 15:25, 16:9, 20:4, 21:15, 22:8, 22:18, 29:8, 31:15, 38:19, 41:10, 51:14 weigh [1] - 48:15 weighed [1] - 40:7 Weingarten [2] - 2:13, 4:13 welcome [2] - 3:4, 33:14 Wendy [1] - 29:16 weren't [1] - 19:12 wet [2] - 19:4, 19:5 wetland [20] - 18:12, 18:20, 18:21, 18:22, 18:24, 18:25, 19:2, 19:3, 19:4,</p>	<p>27:7, 30:17, 30:25, 34:21, 35:15, 35:22, 35:23, 36:8, 43:17, 47:20, 51:22 wetlands [2] - 3:13, 31:7 what are [1] - 28:22 what's [1] - 52:3 Whereupon [1] - 54:6 wherever [1] - 10:3 white [1] - 13:2 who are [1] - 30:7 wholesale [1] - 22:23 why [1] - 42:7 wide [1] - 13:23 Wiederkehr [2] - 2:13, 4:14 willing [1] - 23:5 wings [4] - 8:19, 8:20, 8:21, 23:25 wise [1] - 19:19 WISE [37] - 2:12, 4:9, 5:20, 11:13, 11:23, 21:11, 21:20, 23:22, 25:25, 27:9, 27:12, 28:11, 29:5, 29:14, 30:9, 33:14, 35:19, 38:15, 38:18, 42:10, 43:8, 43:11, 43:19, 43:22, 45:19, 47:14, 49:3, 49:15, 49:25, 50:13, 51:3, 51:18, 52:13, 53:5, 53:12, 53:16, 54:5 Wise [4] - 2:13, 4:12, 4:13, 33:10 wish [1] - 30:8 within [3] - 12:3, 19:22, 54:10 wonderful [1] - 30:2 wood [2] - 11:8, 13:4 wooded [1] - 25:12 wording [1] - 41:5 words [1] - 41:10 work [24] - 4:21, 5:18, 9:20, 15:2, 15:17, 17:3, 19:20, 21:13, 22:4, 23:5, 26:12, 36:22, 37:6, 42:11, 43:12, 48:18, 49:14, 49:16, 49:18, 49:24, 50:23, 53:8, 53:10 worked [2] - 16:10, 22:3 working [1] - 38:23</p>	<p>yesterday [1] - 39:18 yesterday's [1] - 42:22 York [5] - 1:7, 1:16, 1:18, 27:20, 54:11 you'd [1] - 42:5 you've [2] - 20:10, 46:18 yourself [1] - 46:20</p> <p>Z</p> <p>ZALANTIS [16] - 2:10, 3:25, 5:16, 39:4, 43:4, 43:10, 43:13, 43:20, 44:2, 46:11, 46:15, 48:13, 49:13, 49:17, 51:16, 53:7 Zalantis [1] - 3:25 ZBA [1] - 50:11 Zoning [2] - 50:16, 50:19</p>
<p>U</p> <p>unanimous [1] - 47:13 under [3] - 41:3, 41:18, 51:23 underground [2] - 16:19, 33:12 underlying [1] - 47:19 underneath [1] - 15:22 understand [2] - 52:13, 53:16 upstream [1] - 25:19</p>	<p>Y</p> <p>yea [2] - 11:16, 47:11 year [3] - 21:16, 27:7, 43:16 Year [1] - 16:14 year-round [1] - 21:16 years [2] - 29:18, 37:20 yes [10] - 20:4, 40:5, 43:10, 43:11, 46:14, 46:22, 52:13, 53:5, 53:6, 53:12</p>		

Diamond Errata Sheet

Plaintiff(s): _____

Defendant(s): _____

[illegible]

Date: _____

Name of Witness:

Signature:

Subscribed and sworn to before me

This _____ **of** _____ **20** _____.

Notary Public