

STATE OF NEW YORK SKANEATELES VILLAGE BOARD
 COUNTY OF ONONDAGA VILLAGE OF SKANEATELES

 In the Matter of

To Consider Proposed Local Law No. 4 of 2015
 ADOPT A MORATORIUM
 of Chapter 225, Article IV and Article X,

 FINAL PUBLIC HEARING and BOARD DISCUSSION on
 SEQR and VOTE in the above matter, conducted at
 the Skaneateles Fire Station, 77 West Genesee
 Street, Skaneateles, New York before JOHN F.
 DRURY, CSR, Notary Public in and for the State of
 New York, on December 23, 2015, 7:00-9:30 p.m.

VILLAGE BOARD PRESENT:

MAYOR MARTIN HUBBARD

TRUSTEE JAMES LANNING

TRUSTEE SUE DOVE

TRUSTEE CAROL STOKES-CAWLEY

TRUSTEE MARC ANGELILLO

VILLAGE ATTORNEY MICHAEL J. BYRNE, ESQ.

VILLAGE CLERK/TREASURER PATRICIA A. COUCH

ALSO PRESENT:

RICARDO T. GALBATO, ESQ., Special Counsel

BRODY SMITH, ESQ., Environmental Counsel

BRIAN CARVALHO, Planning Board

BRUCE KEENAN, Planning Board



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INDEX TO SPEAKERS

SPEAKERS	PAGES
KATHY DYSON 1 Teasel Lane	192
BOB EGGLESTON 1391 E. Genesee St.	193
TOM BLAIR 3895 Fennell Street	195
ANDY RAMSGARD 181 East Genesee St.	196
LINDA ROACH 39 West Lake Street	197
MIKE FOGEL, ESQ. For Moscaritos	198
CAROLYN LOMBARDI 56 Jordan Street	200
ELOISE LUCHSINGER 44 East Genesee St.	202
MAUREEN WOPPERER 24 East Genesee St.	205
PATRICIA CARROLL 7 East Elizabeth	207
DANE GIST 14 Griffin Street	207
MOLLY ELLIOTT 125 Orchard Road	209
STEPHEN WHITE 26 State/18 E Genesee	212
RON BOUCHARD 72 West Elizabeth	214
BETH O'SULLIVAN 10 Leitch Street	215
ARNOLD RUBENSTEIN 2 East Genesee St.	216
QUESTIONS FROM BOARD	219
SEQR Review	242
VOTE ON MOTION	306
MOTION TO PASS LOCAL LAW #4 Amendments	307
VOTE ON MOTION	322

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2
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Mayor

THE MAYOR: Thank you, everyone, for coming. This is a continuation of the public hearing of December 1st. The opportunity since December 1st has been opened for people to submit written comments, e-mails, etc., of which the village has received several. Those have been put together in its entirety and they will be presented as a matter of the public record.

I will go over the protocol briefly of what we discussed, what I announced at the last meeting. I'll ask first of all the courtesy of turning off cell phones so that we're not needlessly interrupted with that.

We expect that the public hearing will be conducted in an orderly manner with courtesy and decorum. Fair opportunity for all who wish to speak. We ask each person who speaks to sign the attendance sheet, giving your name and residence address. That will assist the stenographer (court

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Mayor

reporter) in recording the minutes of the hearing.

As each person begins to speak, please give us your name and residence address. Each speaker will be limited to two minutes in order that we hear from everyone who wishes to speak. Allows people a second opportunity to speak, but only after people have had a first opportunity to do so. Will be a time limit of one minute for the second opportunity.

Encourage everyone to submit your remarks in writing, which has been done, and will cease tonight. Written and oral comments will be given full consideration.

Public hearing is an opportunity for the public to give your views, it's not a question and answer session. Questions put to the Board will not be responded to. Trustees may ask questions of a speaker, but they're not required to respond to questions. All comments

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Mayor

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shall be directed to the Trustees, not

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to other speakers or persons attending

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the meeting.

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Every person in attendance must

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conduct themselves or herself properly.

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Shouting comment or disruptive comments

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will not be tolerated. It's important

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that the order be maintained so the

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Trustees have the benefit of public

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input.

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For those speakers who have had a

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problem or bad experience with a

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neighbor, we suggest you describe that

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problem or that experience without

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referring to the neighbor by name.

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I reiterate that this is a

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continuation of a public hearing that

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was all gone over at the first public

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hearing. If you spoke at the first

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public hearing, tonight is important,

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relevant tonight, is for someone who did

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not have the opportunity at the December

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1st meeting to have an opportunity to

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speak, or an opportunity to speak a

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Mayor

second time.

So before we open up the public hearing for comments, we have a couple entries of documents that need to be entered into the record. The list of statements that we have received since the December 1st hearing that have been received officially at the Village Office. And we have to enter the SOCPA report or County Planning, if I said that correctly.

MR. BYRNE: That's right. It's the determination of the County Planning Agency made today in response to the Board's referral several weeks ago. So I have a copy of that, and a copy of the summary of the written comments, petitions etc., received at Village Hall, which I'll give to the stenographer to be included in the record.

THE MAYOR: Is there any further discussion of the Board before we open up the public comment period? There

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Dyson

being none, then at this time I'll recognize who has checked the box, wanted to speak. Kathy Dyson, you're first.

KATHY DYSON: Thank you. I live at 1 Teasel, and the only question I have, I may be a total dip, but I cannot figure out the difference. And I'm a writer, I write a number of different kinds of things and try to straighten them out. I can't figure out the difference between lodging and a hotel. And it seems to me that the only difference I can find is where they're allowed. And since we're going to live with this law for a long time, would it make sense to consider them all hotels, and so many are allowed in the District C, I think it's nine, and so many are allowed in District D, which is eight.

Lodging is the generic term, which is used as an umbrella. You go to any website and you will see lodging. And under it hotels, motels, B&Bs and so

1 Eggleston

2 forth. I would really like to see the
3 wording altered and cleaned up a little,
4 because it's very ambiguous. And I read
5 it over and over and over, and I kept
6 seeing words may, this, exterior
7 entrance. But basically it all said the
8 same thing. So that's the main thing.

9 THE MAYOR: Beth O'Sullivan.

10 BETH O'SULLIVAN: I'd just like to
11 comment later, please.

12 THE MAYOR: Bob Eggleston.

13 BOB EGGLESTON: Bob Eggleston, 1391
14 East Genesee Street. I handed out to
15 the Board my written comments. Again, I
16 wanted to focus on the technical writing
17 representing clients. It's challenging,
18 dealing with a Zoning Law as
19 sophisticated as what we have. But then
20 to have ambiguities and have conflicts
21 and mistakes in the law makes it even
22 worse.

23 Basically I have hit on several
24 technical parts. I put in red what my
25 suggestion be for correcting that. And

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Blair

a second principal use of the restaurant/bar which is not incidental to the -- it relies on general public access, not -- it's not primarily for the occupants of the hotel.

So you need to look at this carefully. And basically you're making the Sherwood Inn a non-conforming use. There is a number of things that I would be glad to answer any questions you have about this, but this is important stuff. We need to get it right.

THE MAYOR: Tom Blair.

TOM BLAIR: Tom Blair, 3895 Fennell Street. Already spoken at the previous public hearing, so I won't I belabor the points we made.

THE MAYOR: One time, that's why I'm allowing you a second time.

TOM BLAIR: The one comment that I'd like to add to what's been given to the Board in writing, and some of the comments we've been hearing about ambiguities and difficulties of the

1 Ramsgard

2 interpretation is that I'd like to
3 encourage the Board to look at a
4 hardship variance section for the law.

5 I know this has been brought up. I
6 didn't see that added to the new
7 proposed law. It gives this Board
8 flexibility to take on a case by case
9 basis certain hardship applications.
10 Where there may be unique circumstances
11 that the Code doesn't address. Don't
12 see this in the proposed law.

13 I think it's fair and equitable for
14 enforcement, and but also for the
15 residents of the village and just
16 property owners in general. I would
17 encourage the Board reconsider the
18 ability for a hardship variance section
19 in the proposed law. Thank you.

20 THE MAYOR: Andy Ramsgard.

21 ANDY RAMSGARD: Andy Ramsgard, 181
22 East Genesee Street. Bob said it great.
23 The people that vote tonight for this
24 law will vote to make the Sherwood Inn a
25 non-conforming use and a non-conforming

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Roach

THE MAYOR: Michael Fogel.

MR. FOGEL: Evening, Mike Fogel from Brown, Sharlow, Duke & Fogel representing FingerLakes Luxury Homes and the Moscaritos. I'm not going to go through the comments I already submitted, December 1st, which included all of our comments to date. We still believe that the law is flawed, not only for the reasons set forth in those letters, but also for the reasons that other people have talked about tonight.

Given the importance of this issue, the biggest issue in the past twenty years, there is an article today in the Skaneateles Journal about this gaining unprecedented attention. And the most amount of public comments that a law has ever received seems to make sense given all that, to take some more time and make sure you get this right.

But one thing I do want to focus on is the SEQR review that you're required to conduct before you can act on this

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Fogel

law. The law has been designated as a Type 1 action. That has significance in the SEQR juris prudence, because that carries with it a presumption of an Environmental Impact Statement, which would require evaluation of an environmental impact, such as the hotel that would be allowed here, greater than six rooms. A chain hotel even could come in, Holiday Inn Express or something like that.

This Board should really be evaluating the potential environmental impacts associated with what this law can allow. Instead of just adopting a negative declaration, which I anticipate will probably happen tonight.

There are decisions where it's been held to be impermissible segmentation, where the Board doesn't evaluate the environmental impacts that's used that the Zoning Law is going to allow. It's not good enough to wait until that hotel application comes in. Due to the

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Lombardi

environmental review it really should be done at this time. It should be evaluating potential impacts with respect to traffic, parking, issues like that. Because those are the types of uses that are going to be allowed as a result of this law.

So with that, thank you, and just want to incorporate all of our prior comments and letters into the record at tonight's hearing. Thank you.

THE MAYOR: Carolyn Lombardi.

CAROLYN LOMBARDI: Carolyn Lombardi, 56 Jordan Street. I would just like to put a little bit of my experience on this. I would like to express my concern about short term rentals. I'm raising my five children right in the Village, and they all live there their whole life. A short term rental popped up right next door to us and we were never advised it was becoming a short term rental, by anyone. Nor were we aware that such a use was permissible in

1 Lombardi

2 our quiet residential neighborhood.

3 I will first state that I'm thrilled
4 that the short term rental that was my
5 neighbor, has now sold to neighbors who
6 live in the property. Not temporary
7 occupants who only stay for a few days.
8 Not temporary occupants who urinate on
9 my property. Not temporary occupants
10 that have sex in the driveway, swear and
11 play music loud enough to wake my
12 sleeping children. Not temporary
13 occupants who are celebrating a wedding
14 and request to use my porch as a photo
15 backdrop. Not temporary occupants who
16 assume they can crash our Labor Day
17 parade party, stand naked in front of a
18 window for my kids to see. Oh, yeah.

19 It did feel a bit like a Las Vegas
20 nightclub a little bit, located in a
21 quiet residential Village neighborhood.
22 The hot tub at the dwelling next door
23 has been removed and I no longer have to
24 be concerned about the hot tub
25 activities that can be seen from my

1 Luchsinger

2 children's bedroom.

3 I speak today out of concern for any
4 and all residents who may end up with
5 this same experience if some clear
6 regulations aren't put in place. Quite
7 frankly, the Village needs to remember
8 that the pro-short term rental warriors
9 make it sound like everyone benefits
10 from short term rentals. That is not
11 the case. I just use my speech to add
12 truce to the short term rental debate.
13 And please take into consideration my
14 family's experience and to create laws
15 on this subject for the Village of
16 Skaneateles.

17 THE MAYOR: Eloise Luchsinger.

18 ELOISE LUCHSINGER: Eloise
19 Luchsinger, 44 East Genesee Street. I
20 have two short term rentals, one on
21 either side of me. And I have been on
22 the 11 o'clock news being called a liar,
23 but that's beside the point. My main
24 concern tonight is the D District. And
25 this is what I sort of have come up

1 Luchsinger

2 with.

3 There is 19 buildings in the D
4 District right now, not including the
5 White Hall or Blue Water Grill on the
6 Lakeside. Three owners reside in the
7 buildings. Five of these buildings are
8 short term rentals. Two have been
9 converted into condos. Nine are owned
10 by people in their 70s and 80s.

11 Now, by the definition of a hotel in
12 our new proposal, hotels are allowed
13 restaurants and bars open to guests and
14 the general public. To me that means
15 the next five to eight years, those nine
16 properties will be sold, probably to
17 investors who want to get in on this
18 bandwagon, and will be on the market,
19 and probably a hotel with a restaurant
20 and bar. I can only see the nightmare
21 on the Lakeside and now I can see it on
22 the Genesee Street side.

23 It's unacceptable to me, and I'm
24 sure to anyone who would be in my
25 position, to have a bar and a restaurant

1 Luchsinger

2 and a hotel right next door or maybe on
3 both sides, I don't know. None of us on
4 this Board, none of you on this Board or
5 the Planning Board will be here at that
6 time. You'll all be doing other things,
7 they'll have a whole new regime, if you
8 want to call it that. And I think we
9 have to really, and I agree with Linda
10 Roach and with Bob Eggleston, we have to
11 really give this some time to be
12 reviewed. Because this is going to be
13 something that it's not -- it's never
14 going to get better.

15 The Village could conceivably become
16 a tourist mecca. Assuming that the law
17 that's passed tonight will be certainly
18 challenged by new owners. I think we
19 should think long and hard about this
20 scenario. I also think it might be a
21 good idea to extend the moratorium and
22 perhaps have a Citizens Review Board.
23 Thank you.

24 THE MAYOR: Ron Bouchard.

25 RON BOUCHARD: I wish to defer my

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Wopperer

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comments.

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THE MAYOR: Arnold Rubenstein.

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ARNOLD RUBENSTEIN: Like to reserve

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the right to possibly speak later.

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THE MAYOR: Maureen Wopperer.

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MAUREEN WOPPERER: Maureen Wopperer,

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24 East Genesee Street. There is a lot

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of things in the bill that I really

10

don't understand, the draft of the law

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here. My main concern is this on-site

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supervisory management. And then you go

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into professional hotel or lodging

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management companies. It looks to me as

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if you're requiring training and

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experience to operate such facilities in

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the same standard of care and quality

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required of on-site supervising

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management.

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I would just like to say it's my

21

hope you really have on-site management

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of these properties. Whether they're a

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company or not, somebody needs to be

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present at these facilities. And that's

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my main concern right now. Thank you.

1 Wopperer

2 THE MAYOR: That concludes everyone
3 who has signed up.

4 MOLLY ELLIOTT: I signed up.

5 THE MAYOR: We have allowed everyone
6 to speak. I said this is a continuation
7 of a public hearing. We allowed
8 everyone to speak twice at the public
9 hearing.

10 MOLLY ELLIOTT: Why don't I have a
11 right, may I ask.

12 THE MAYOR: Continuation of a public
13 hearing, to give you the right to speak,
14 keep speaking, I have to let everyone
15 speak. What's the pleasure of the
16 Board, how long do you want this to
17 last? We had protocol, we're adhering
18 to protocol.

19 MOLLY ELLIOTT: I spoke twice last
20 time.

21 THE MAYOR: Are there any people who
22 have just come in did not sign in and
23 would care to speak?

24 MOLLY ELLIOTT: He spoke twice.

25 THE MAYOR: That's correct. We have

1 Carroll & Gist

2 the chart. Jim, comment?

3 MR. LANNING: On opening it? Let

4 them speak.

5 THE MAYOR: Pat Carroll.

6 PATRICIA CARROLL: Pat Carroll, 7
7 East Elizabeth Street. I previously
8 spoke twice. I just want to say that I
9 think the law is a good balance between
10 the commercial and residential interests.
11 This isn't about being anti-commerce,
12 this is about being pro-resident. And
13 that's it, that's all I have to say.

14 THE MAYOR: Dane Gist.

15 DANE GIST: Dane Gist, 14 Griffin
16 Street and 44 East Genesee Street. I
17 spoke twice. I'd like to talk about
18 what I had mentioned before, which I
19 think is so important, is the whole
20 fabric of the town. There is business
21 interests, there is the coming and going
22 interest as to what's going to happen in
23 the next few years and everything. But
24 it's so much about the fabric of the
25 town, and what brought people here to

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Gist

begin with is this fabric. And why isn't this a referendum for the public, for the Village people to vote on? They're the people who are walking down the streets. They're the people who own the houses and the buildings. And they're the people who are going to live with this more than the people who don't live in the Village.

People are talking about the economies of having to have these types of businesses, it being a hardship. I don't see a hardship. Where is the hardship? If it is such a hardship why did the people buy these buildings to begin with? What building stays empty? Where is a For Rent sign that lasts more than a short period of time? This is a very successful area. And that's why these people bought the businesses and the buildings to begin with.

THE MAYOR: Molly Elliott.

DANE GIST: I wasn't done, I just pushed my paper over. I'd like to say

1 Elliott

2 if a property does become a hotel and
3 the hotel requirement is for that hotel
4 to have one parking space for each room
5 and in these buildings in the block,
6 where do those parking spaces come from?
7 And if the hotel can get a parking
8 space, can my salon get a parking space?
9 Where do they come from? That's all I
10 have to say. Thank you.

11 THE MAYOR: Excuse me for
12 interrupting you. Mollie Elliott.

13 MOLLY ELLIOTT: Molly Elliott, 125
14 Orchard Road. First I would like to
15 apologize, I don't live on Fennell
16 Street, I think you misunderstood what I
17 was saying the last meetings. I'm not
18 saying that Fennell Street is a horrible
19 street, I'm just saying it's one of our
20 streets, and we've talked about it as a
21 Village, trying to make it better. And
22 it's one street that we just can't seem
23 to get it right. I apologize,
24 especially to Ms. -- about your sister,
25 I was defending you too as well.

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Elliott

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For me it's not really about short term rentals right now, I'm talking as a Village resident where I feel that publicly this entire topic has been completely wronged in the press. Our Village, who wrote the letter from Mr. Byrne that was just in the Skaneateles Journal, was about 175 people were against vacation rental. It's the residential areas that we're getting these letters from, it's banned.

I would just hope, you know, what has happened is, it is completely segregated from Downtown D. It's about all the residential areas, not for where a lot of the problems have occurred. Eloise, yes, you had a problem. But we can control that.

I am very upset as our taxpayer dollars in this Village that as a community our entire community has no idea what we're talking about. I'm telling you I went to dinner two weeks ago with five women from Skaneateles,

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Elliott

they read the press, they talked to me.
I told them the whole story. They said,
well what's wrong with that? Exactly.
Because the real truth has not come out.
We have not separated residential to
Downtown D. We can regulate it. We do
need notice though. To Linda Roach, I
agree, I'm a real estate agent, we do
need other lodging.

I'm not saying this Village should
become the next Las Vegas. I believe in
zoning. But we need places for people
to stay, like for families, like my
friends. I'm telling you when my
friends got married, when I was in my
20s, I wasn't spending \$3,000 a week on
vacation rental. I was staying at the
Sherwood Inn and Packwood House. They
are mothers and fathers of the bride and
groom, the grandparents. Once in a
while, yes, you may get a party, but if
you look at the majority, I would tell
you right now, five percent out of a
hundred that had a bad experience.

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White

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And that is where I have a really hard time with it. Because we are not looking at it as a whole, there is a lot more work to be done, especially the local law, like Bob said. We really, really have to look at this much more deeply than we are.

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THE MAYOR: Steve White.

STEPHEN WHITE: How did you get my name? 26 State Street and 18 East Genesee. I'm going to read a letter that my wife wrote, so I'm speaking for her for a second. "To the Board of Trustees: At the last meeting before the Board, a representative of the Chamber of Commerce said that the commercial districts was suitable for short term rentals. I disagree. The people who have bought condominiums and buildings in the Downtown District have invested lots of money, time and much effort into renovating old buildings into very liveable homes, with lake frontage.

1 White

2 They have formed a neighborhood.
3 They are a stabilizing factor to the
4 downtown area, and at the end of the
5 weekend they don't leave, but they stay
6 to contribute to the Village."

7 Now on my own. I have to reiterate
8 a couple things I said before, but in a
9 different way. The rental at 42 Loft
10 has been a focus of some of this. But
11 also the gentleman who has that, also
12 has bought another building in the
13 Village. And has advertised it for rent
14 and said, if you rent that building you
15 can come down and use my waterfront.

16 He also said that people that came
17 into his place have spent 2 million in
18 the Village. If you divide up the
19 amount of people that have stayed in his
20 place, and how long they stayed for the
21 entire last couple of years have been
22 doing it, it would mean that one would
23 have to come out and spend about six
24 grand in every store in town, and
25 restaurant. It's a pipe dream.

1 Bouchard

2 I am a member of the Chamber of
3 Commerce, and will remain one. But I
4 definitely disagree that downtown in
5 that area is ripe for -- is right for
6 short term rental. And I hope that you
7 guys will follow the law as it stands.

8 I would like to see somewhere in the
9 law a provision for enforcement and
10 penalties and so forth, that somebody
11 doesn't obey the law. Thank you very
12 much, and thanks for your time, and all
13 the work you guys put into it.

14 THE MAYOR: Ron Bouchard again.

15 RON BOUCHARD: I'm relatively new
16 here, 72 West Elizabeth Street. We
17 owned property here for about a decade.
18 So I've been listening to all of this as
19 something of a newcomer. And it tells
20 me like you've got a lot more work to do
21 to get this law straight. But I'll tell
22 you a little story.

23 My wife and I about a month ago,
24 drove across New England, came down
25 through Lake George. Pulled off,

1

Bouchard

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thought it would be nice to get a

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sandwich. And we were absolutely

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devastated by what we saw. Lake George

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30 years ago looked like Skaneateles.

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Today Lake George, in the middle of

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October, is empty. Every store front is

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closed, to be opened next May. And

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according to the people we talked to in

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one place we could find to eat, everyone

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who owns those stores spends the winter

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in Florida.

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We can become Lake George. We're

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not a tourist town, we are a Village

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that has tourists. We can become a

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tourist town, Cooperstown did, Lake

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George did. We can. If you are

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revising this further, which I hope you

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will, please keep in mind that the last

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thing this Village needs is to become a

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tourist town with it being full off

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short term rentals.

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THE MAYOR: Beth O'Sullivan again.

24

BETH O'SULLIVAN: My daughter got

25

married about a year and-a-half ago.

1 Bouchard

2 And none of the guests stayed in the
3 short term rental. That's when our
4 neighbors get together and they say,
5 hey, if you need a place to stay, you're
6 welcome to stay at my house. We didn't
7 actually need to take their offer up.
8 But that's what a neighbor is all about,
9 neighborhood is all about. And I don't
10 think that everyone thinks that this is
11 just about the neighborhoods.

12 This is, I mean part of the D
13 District and the C District, that's part
14 of the Village. I mean short term
15 rentals, those are residences that
16 people are staying in right now. So I
17 agree with Beth White's letter. And I
18 think it's just going to be really sad
19 if we don't have adequate supervision on
20 these places. And that's all I have to
21 say. Thank you.

22 THE MAYOR: Arnie Rubenstein again.

23 ARNOLD RUBENSTEIN: Thank you.

24 2 East Genesee Street, Skaneateles. It
25 sounds like a lot of the input here is

1 Rubenstein

2 saying that there is more work to be
3 done. If you're going to take the time
4 to do that kind of work, I'd like to
5 also suggest that you look at how the
6 laws are enforced. This young lady over
7 here said that everything can be
8 enforced. Who's going to enforce it?
9 How is it going to be done? How do we
10 get the police involved? That is
11 something that also should be looked at
12 and what those costs are.

13 THE MAYOR: That concludes the
14 speakers that have signed to speak.

15 MR. BYRNE: Before you close the
16 hearing, the record should reflect that
17 the Village sent the required written
18 notices of this proceeding to the
19 Village Planning Board, to the Town
20 Board of the Town of Skaneateles, and to
21 the Skaneateles Housing Authority. The
22 Village received back the recommendation
23 from its Planning Board. It has not
24 received input from the Town Board or
25 the Housing Authority.

1 Rubenstein

2 TRUSTEE ANGELILLO: Like to make a
3 motion that we close the public hearing.

4 TRUSTEE CAWLEY: I'll second that.

5 TRUSTEE LANNING: I have questions
6 for Counsel. Can I ask those after we
7 close this?

8 MR. ANGELILLO: I have a question
9 for him as well.

10 THE MAYOR: We'll close the public
11 hearing first. Counsel?

12 MR. BYRNE: Yes, unless it relates
13 to the public hearing itself you can do
14 that.

15 THE MAYOR: Motion been made and
16 seconded to close the public hearing.
17 I'll poll the Board.

18 Q. (Mayor) Marc?

19 A. Yes.

20 Q. Jim?

21 A. Yes.

22 Q. Carol?

23 A. Yes.

24 Q. Sue?

25 A. I recuse myself.

1 Questions of Board

2 THE MAYOR: Any further discussion
3 from the Board, questions of Counsel?

4 TRUSTEE ANGELILLO: The comments
5 about the hotel, and I'm listening to
6 all the comments in a comprehensive
7 manner, but I have to stick with the
8 logistics of Local Law Number 4, more
9 specifically any generalities presented.
10 Where it says hotel, it says "which may
11 contain one or more facilities,
12 including alcohol, non-alcohol
13 consumption, restaurants, boutiques."

14 If that were to happen in the
15 Downtown D District wouldn't that
16 require a use variance?

17 MR. BYRNE: Yes.

18 TRUSTEE LANNING: And another public
19 hearing for each and every instance?

20 MR. BYRNE: Yes, not to mention
21 other approvals, from the state liquor
22 authority, etc.

23 TRUSTEE LANNING: So our passage of
24 this doesn't automatically guarantee
25 anyone that they can have a hotel.

1 Questions of Board

2 MR. BYRNE: That's correct.

3 TRUSTEE LANNING: So if they were to
4 try to convert an existing building to a
5 hotel, they would have to go for the
6 liquor authority, for a public hearing
7 on being a restaurant. There would be a
8 number of safeguards to that.

9 MR. BYRNE: That's correct.

10 MR. ANGELILLO: I have a question
11 for Mike too. We broached the subject,
12 I think Trustee Lanning brought up about
13 a referendum vote. Could you address
14 that?

15 MR. BYRNE: We hear that all the
16 time, typically when something becomes
17 controversial. The law, state law
18 provides when you may or must conduct a
19 referendum. There are referenda that
20 are mandatory and there are those that
21 are permissive. You don't have the
22 legal authority to just conduct a
23 referendum when you think it might be
24 useful or might be a good idea.

25 And in this case you don't have the

1 Questions of Board

2 authority to do that. You might
3 remember we had public referenda in
4 connection with the construction of this
5 building, when the bonding for this
6 building. The law dictates when you may
7 or must do that. This situation is not
8 one of them.

9 TRUSTEE ANGELILLO: Thank you.

10 THE MAYOR: Further questions,
11 discussions from the Board?

12 TRUSTEE DOVE: Maybe somebody could
13 answer Kathy Dyson's questions. I have
14 a question I asked to Kathy. Hotel
15 versus lodging, and the way it was
16 supposedly explained to us. Lodging was
17 sort of created when Mirbeau was
18 created. So I thought all the lodging
19 was A3. But Bob Eggleston was saying
20 also it's for Arbor House. I thought
21 they were given hotel or something. Can
22 anyone, Mike or Rick help us out with
23 this one?

24 MR. BYRNE: While Rick researches
25 it. I would echo the A3 zone, which is

1 Questions of Board

2 the Mirbeau, you remember that property
3 was annexed from the Town into the
4 Village. And when it came in, that new
5 classification of lodging was created
6 specifically for it. Because we didn't
7 have anything previously that fit that
8 intended use.

9 So with newly annexed property and a
10 new use coming in, the Village created
11 that category of lodging. I can't speak
12 to Bob's statement with respect to the
13 other facility because I'm just not
14 familiar with it.

15 TRUSTEE DOVE: They both happened
16 right about the same time, that's all I
17 remember. But if there is any reason
18 why we should combine it just to make it
19 clearer to people?

20 TRUSTEE CAWLEY: Isn't the
21 difference between the lodging and the
22 hotel the residency?

23 MR. BYRNE: There are some technical
24 differences I would rather let Rick
25 speak to. You notice in the Code, the

1 Questions of Board

2 definition of lodging speaks to units.
3 Which I think again was crafted with the
4 vision of the Mirbeau or the plan for
5 the Mirbeau in mind, where they are
6 separate freestanding buildings. That's
7 where -- so that it wasn't a hotel, a
8 single building, it was a series of
9 buildings on a contiguous property. And
10 so I think what the Village was looking
11 to do was to create a category that fit
12 that particularly.

13 TRUSTEE DOVE: I guess with either
14 hotel or lodging, the one other thing
15 that I'm concerned about is basically, I
16 mean I think we've heard from so many
17 people the concern with keeping the
18 character of our Village the same. And
19 the same feeling that we have today,
20 which I would go for as well.

21 Both in the lodging and the hotel
22 definitions we have that it can contain
23 six or more rental units or more rooms.
24 But we don't have a high end. So what
25 stops somebody from taking like these

1 Questions of Board

2 three buildings on Fennell Street,
3 knocking them all down and wanting to
4 build a 50 or hundred room hotel? I
5 don't think that's what we want. So I
6 think that's something that's missing in
7 this Code.

8 MR. BYRNE: That kind of a proposal
9 would have to pass muster with the
10 Planning Board. And it would be subject
11 to all of the other requirements
12 contained in any development. Density,
13 height, setback, etc., parking. I mean
14 the idea, I don't know where that
15 proposal came from, hundred room
16 facility. There is no way on God's
17 green earth that somebody is going to
18 find enough parking to build a hundred
19 room hotel.

20 TRUSTEE DOVE: What if somebody
21 bought the Tops, there is a lot of
22 spaces there. I'm just saying we're
23 opening ourselves up to something that
24 we don't want.

25 TRUSTEE ANGELILLO: Can I ask a

1 Questions of Board

2 question about the process right now?
3 We really hadn't had the opportunity as
4 a Board to speak to each other about any
5 of the language or changes or
6 suggestions that we listened to and we
7 may want to incorporate. At this point
8 are we discussing this amongst ourselves
9 or are we to decide what we're going to
10 do?

11 And if that's the case, I guess what
12 I want to ask first is, is there any
13 appetite on the Board to extend this
14 moratorium and not decide this, this
15 evening.

16 THE MAYOR: I have none.

17 TRUSTEE LANNING: I think we can
18 play this tennis match for years and
19 never come to a consensus opinion that
20 would please everybody. And if the law
21 needs to be reviewed a year from now or
22 two years from now, so be it. But at
23 some point in time we've done ninety
24 days, we've listened to the public. I
25 think that a continuation would just

1 Questions of Board

2 continue the dialogue that would never
3 be a consensus. That's my humble opinion.

4 THE MAYOR: Well said.

5 TRUSTEE ANGELILLO: I'm not
6 suggesting I want to extend this, it's
7 been painful. But I'm just asking is
8 there any interest on the Board? And I
9 guess it I got my answer.

10 TRUSTEE LANNING: That's my opinion.
11 Counsel, I did have one question about
12 the floodplain overlay zone. Is this in
13 a floodplain?

14 MR. BYRNE: No.

15 TRUSTEE LANNING: So that the
16 buildings on the south side of Genesee
17 Street, they're based on, none of that
18 is within a floodplain overlay?

19 MR. BYRNE: I don't have that map in
20 front of me, Jim. Rick might.

21 TRUSTEE LANNING: Shall not be
22 deemed as permitted use unless a permit
23 is approved by the Zoning Board of
24 Appeals.

25 MR. BYRNE: What are you reading

1 Questions of Board

2 from?

3 TRUSTEE LANNING: Section 3, the
4 pages aren't numbered.

5 MR. GALBATO: That exists now.

6 MR. BYRNE: That's the existing
7 language in the, that language already
8 exists. In that Section 3, beginning at
9 the bottom of page 3, all of that
10 language is existing text. Only new
11 language is on the next page, Item C.

12 TRUSTEE LANNING: Is there a
13 floodplain overlay that --

14 MR. BYRNE: I can't tell you from
15 memory, I don't have the map with me, I
16 don't have a picture of it in my head.
17 Do you recall, Rick?

18 MR. GALBATO: I don't.

19 MR. EGGLESTON: There is a
20 floodplain in the Downtown D District.

21 TRUSTEE ANGELILLO: I guess I'll
22 talk to the Board about this. So in the
23 language of this law, one of the items
24 that was brought to my attention is that
25 we're writing in that we'll allow hotels

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Questions of Board

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to be on site managed 24/7, and they

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must contain six rooms. So that's in

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the law.

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But in the Downtown D District the

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changes the zoning requirement to meet

7

the residential requirement in A2.

8

Which basically would make all the

9

properties in Downtown D, except for

10

Tops and the Arbor House and CVS and

11

Creekside eligible to be a hotel, and

12

nowhere else. Is that language that we

13

want to keep in here? Or do we want to

14

make -- it's Downtown D zoning, but it's

15

now changed to residential A2 zoning.

16

And I wouldn't even mind if the Planning

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Board would discuss that, the reason for

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doing that, if that's okay.

19

THE MAYOR: Do you want to address

20

that, Counsel?

21

MR. GALBATO: That was discussed at

22

length at the Joint Planning Board and

23

Trustee meeting, and I think Brian had a

24

comment, discussion on that, that he

25

led, that it appeared to be a consensus

1 Questions of Board

2 of the Board at that time.

3 BRIAN CARVALHO: Downtown D
4 setbacks, the property lines, that might
5 be appropriate on Genesee Street, if not
6 for also in the Downtown D District. So
7 we didn't want to have the most -- we
8 wanted to have title restrictions not
9 the most open restrictions.

10 THE MAYOR: But basically changing
11 the zoning, I mean there is commercial
12 zoning and then there is residential
13 zoning. So we're changing the zoning
14 from commercial to residential.

15 MR. CARVALHO: Just density, not
16 spot zoning.

17 THE MAYOR: Density. It's a big
18 deal from my understanding. Because you
19 go from requiring 3,000 square feet to
20 30,000 square feet. I mean among other
21 things.

22 MR. ANGELILLO: Does the Board
23 understand what I'm discussing?

24 TRUSTEE LANNING: Yes, the density
25 control.

1 Questions of Board

2 TRUSTEE ANGELILLO: 22.42 density
3 development. Item C. So I guess my
4 point is --

5 MR. CARVALHO: That's existing too.

6 MR. BYRNE: That's the law as it
7 exists today. Not the draft law.

8 MR. CARVALHO: Not a change.

9 MR. BYRNE: That's what your Code
10 reads today.

11 TRUSTEE ANGELILLO: So what you're
12 saying today the law it has to meet the
13 A2 residential?

14 MR. CARVALHO: Yes.

15 MR. GILBATO: It does for lodging,
16 but 225-42 now added the hotel to these
17 additional requirements.

18 MR. BYRNE: 225-42 that entire
19 section exists today. But it applies
20 only to lodging. This Local Law, the
21 proposed Local Law would apply those
22 concepts to hotels as well. So that if
23 someone, let's say wanted to build a
24 hotel on Fennell Street, at Tops or
25 someplace else, they would have to

1 Questions of Board

2 comply with the requirements that we
3 could now apply to a lodging facility.

4 MR. GILBATO: So they may need some
5 additional area variances that would
6 have to be considered, where they have
7 an application.

8 MR. ANGELILLO: If somebody wanted
9 to build a hotel or make a hotel on
10 Genesee Street with six rooms and 24/7
11 coverage as required, wouldn't they
12 still have to follow the A2 residential
13 density control?

14 MR. BYRNE: If it's going to be a
15 hotel they have to follow a lot of
16 regulations.

17 TRUSTEE DOVE: That was initially
18 written from your book.

19 MR. BYRNE: Probably accurate way of
20 saying it.

21 TRUSTEE DOVE: Now we're extending it.

22 MR. BYRNE: I think it was the
23 suggestion from this Board that those
24 rules ought to apply uniformly to hotels
25 as well as lodging. So the Planning

1 Questions of Board

2 Board modified its proposal.

3 MR. GALBATO: There was a lengthy
4 discussion over numerous meetings of I
5 think a vote for, especially the
6 Planning Board, to add to the special
7 permit requirements, bed and breakfasts
8 have additional requirements, that's
9 already in the Code. Lodging has
10 additional requirements, that's 225-42
11 in addition to the special permit. It
12 was nothing additional other than a
13 special permit for hotel. And that's
14 why as proposed 225-42 now, as proposed
15 would apply to hotel to add additional
16 requirements above and beyond the
17 special permit test that's allowed.

18 MR. ANGELILLO: We don't need to
19 understand it. I needed to understand
20 it, honestly I do.

21 MR. GALBATO: But that was, Marc,
22 brought up, I think Bob might have
23 brought that up, so as a result we
24 brought it up at the Joint Planning
25 Trustee meeting. And then I think Brian

1 Questions of Board

2 summarized it best how that conversation
3 when we had that meeting regarding that
4 issue, but.

5 TRUSTEE LANNING: Counsel, aside
6 from the restaurant and the alcohol, if
7 someone were to, not hypotheticals, but
8 if someone wanted to convert a downtown
9 building to a hotel, they would still
10 have to go before the Planning Board.

11 MR. BYRNE: Yes.

12 TRUSTEE LANNING: Receive Planning
13 Board approval?

14 MR. BYRNE: Yes.

15 TRUSTEE ANGELILLO: And any zoning
16 variances?

17 MR. BYRNE: Yes.

18 TRUSTEE LANNING: And go through the
19 Zoning Board approval, which would also
20 have a public hearing as part of that.

21 MR. BYRNE: Yes, and critical impact
22 by the Trustees.

23 MR. GALBATO: Two public hearings.

24 MR. BYRNE: Two public hearings on
25 such an application.

1 Questions of Board

2 TRUSTEE LANNING: So we're not
3 automatically granting the approval by
4 the Board, we're just holding the door --

5 MR. BYRNE: Not at all.

6 TRUSTEE LANNING: -- to the
7 possibility, but it would still have the
8 safeguards and the checks and balances
9 of public hearings and critical impact
10 hearing.

11 MR. BYRNE: And licensing.

12 TRUSTEE LANNING: And licensure.

13 MR. BYRNE: While you ponder your
14 next steps, before you could act on the
15 Local Law we do need to go through a
16 SEQR review tonight, which is going to
17 be some what laborious and time
18 consuming. You've got some materials up
19 there for you to follow along with that.
20 And Brody will conduct that review and
21 take you through it when you're ready.

22 THE MAYOR: Any further questions
23 before we move on to that?

24 MR. ANGELILLO: I actually do. This
25 is regarding bed and breakfast. I think

1 Questions of Board

2 they reduced the law, correct me if I'm
3 wrong, Rick, from two rooms -- from
4 three rooms to two rooms for a bed and
5 breakfast?

6 MR. DUNDON: No.

7 MR. BYRNE: The one that was
8 reduced, the Planning Board had
9 originally contemplated limiting it to
10 six rooms. But state Code only permits
11 five in the D District. So we modified
12 it so that the maximum would be five in
13 compliance with state Code.

14 BY TRUSTEE ANGELILLO:

15 Q. I guess I'm referring to the A2 District,
16 where we're going to allow three bed and breakfast?

17 A. (Byrne) Yes, three facilities, yes.

18 Q. Three facilities. So I guess my
19 question is, just in regard to the rooms, if a
20 facility had sufficient parking that would
21 accommodate three rooms, could we change the law
22 to go from two rooms to three rooms?

23 A. Theoretically. Now I would say though,
24 that a facility that existed at that time, that
25 had two, would become a lawful non-conforming use,

1 Questions of Board

2 TRUSTEE CAWLEY: Parking already
3 there, don't want more.

4 BY TRUSTEE ANGELILLO:

5 Q. Then the only other thing on bed and
6 breakfast, which I was just reading, and it came
7 up in the last meeting about the commercial
8 insurance. There is something called bed and
9 breakfast insurance?

10 A. (Byrne) Well, the insurance consultants
11 that we talked to, I think we discussed this at
12 the meeting you were present at, at the Planning
13 Board. There is a bed and breakfast rider or
14 there are riders called bed and breakfast riders
15 to the standard homeowner's policy, HO 1. What we
16 learned was that the scope and the quality of
17 those riders vary considerably from company to
18 company and some of them aren't very good.

19 And the suggestion was made, and the
20 Planning Board thought it made sense, to require
21 not a bed and breakfast rider, but standard
22 business owner insurance coverage, which has all
23 of the components applicable to any business
24 operation. And the standards are uniform
25 throughout the insurance industry in New York.

1 Questions of Board

2 So that's why the Planning Board
3 recommended business owner insurance, which is a
4 known item in the industry, rather than bed and
5 breakfast rider.

6 Q. I guess I'll just throw this out, don't
7 mean to be questioning the Planning Board, but I
8 guess I am. Do we normally get involved with the
9 insurance requirements of facilities?

10 A. No.

11 Q. Other facilities, restaurants?

12 A. No, I think as a matter of policy they
13 felt it was appropriate in this case to protect
14 the people using these places. Because if you're
15 going to license, if it is a municipality, you're
16 going to take on the function of licensing an
17 establishment, then there has to be certain
18 criteria associated with that licensing. And the
19 Board felt, one of them should be management, one
20 of them should be insurance coverage, etc.

21 TRUSTEE ANGELILLO: When you put in
22 the form of licensing I better
23 understand that.

24 TRUSTEE DOVE: The reality from my
25 research is that B&B rider might cost

1 Questions of Board

2 MR. BYRNE: This Local Law wouldn't
3 address that.

4 TRUSTEE LANNING: Is that legal
5 without notification of neighbors?

6 MR. BYRNE: I don't know that I can
7 say that, Jim. If I were a neighbor I'd
8 have a real problem with that. If I
9 were a neighbor and those, let's say
10 renters from Fennell Street, were
11 walking down to, you know there is a
12 shared easement in front of the
13 buildings that face -- and they're in
14 the historic block. That's a shared
15 easement for the people that live and
16 work in those buildings.

17 I don't believe that easement
18 applies to an owner's customers who are
19 staying at another facility on Fennell
20 Street. And I suspect neighbors in the
21 historic block would have a real problem
22 with that and would have the right to
23 legal recourse over it.

24 I'll give you, years ago when I
25 first moved into the Village, I had a

Questions of Board

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2 sailboat, and a friend who lived in one
3 of those buildings offered to let me
4 moor it out in front of his building,
5 which was great. Then I found out there
6 were people that objected to that,
7 didn't think that anybody but an
8 occupant of those buildings ought to be
9 able to come in there. And I understood
10 that, respected it and didn't do it
11 again. I think the residents would have
12 a problem if that happens.

13 TRUSTEE LANNING: Would they have
14 legal recourse?

15 MR. BYRNE: Yes, they would. That's
16 not a public way down there.

17 MR. GILBATO: Jim, just to elaborate
18 there is that one year review under
19 licensing that that issue may or may not
20 come up, because the license is good for
21 a year. The issue of this other people
22 using some other property's right-of-way
23 to the lake.

24 THE MAYOR: Any other discussion,
25 questions? We'll move on to the next

SEQR

1
2 item on the agenda, the SEQR
3 determination for proposed Local Law
4 Number 4.

5 MR. SMITH: My name is Brody Smith,
6 I'm an attorney at Bond, Schoeneck &
7 King. I've been retained by the Village
8 to help with the SEQR on this project.
9 So I'll try to move through it as
10 efficiently as I can. I've given
11 everybody a packet on their table with
12 the documents that I'll be referring to.
13 All these documents have been provided
14 to the Board in the past. It's nothing
15 new. But I want to put them all in one
16 spot so you can flip through them a bit
17 more efficiently during our
18 conversation.

19 The first thing I would like to note
20 is, for the record, that this Board is
21 the Lead Agency, but also the only
22 involved agency for SEQR. There were
23 referrals sent out to the Planning Board,
24 which provided comments and for strictly
25 consent of the lead status, but that

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SEQR

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your Board is the lead agency for the SEQR review. And the letter provided by the Planning Board is attached to your packet.

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The preliminary resolution that was passed at your last meeting said that this action is a Type 1 action under SEQR. And under the regulation that applies to the adoption of changes in the allowable uses within any zoning district affecting 25 or more acres of the district. So that's the reason why we're treating this as a Type 1. That's the reason why we're using the full EAF form the longer form. And that was adopted in the previous resolution.

23

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Going back to Part 1 of the form, I'm going to read to you just a section of the instructions only. It says complete Part 1 based on information currently available.

Part 1 is attached to your packet at letter A. If additional research investigation will be needed to fully

SEQR

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respond to any item, please answer as thoroughly as possible based on your current information. Indicate whether missing information does not exist or is not reasonably available to sponsor. When possible generally describe the studies to update fully that information.

So what that means if new information pops up about the Part 1, it should be discussed at this point. We're not going to change the Part 1. We're going to put on the record if there is additional information that comes to light.

In between your previous meeting and this meeting it's come to my attention that the Part 1 did not indicate that there is a dam in the Village. So I would like to note for the record that there is a dam in the Village.

Also there was some discussion on the Part 1 as to whether or not there are floodplains in the Village. That was discussed during the public comments.

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SEQR

I think that it's worth noting that there are floodplains within the Village. And that was not indicated in the Part 1.

If now or at any time during this discussion there are other factual items that you'd like added to the record, things that were wrong in Part 1, or more information, it's perfectly appropriate for you to stop and do so, we'll note those things for the record.

With that behind us, I want to get to the main thrust of what we're going to do today is go through Part 2 and 3 of the FEAF. And I'm going to give you some instructions before we start, and tell you what these things are and what they're for.

The Village Board must review the full environmental assessment form, which includes Part 1 provided by -- that was provided to you already. And Parts 2 and 3, which we'll go over tonight, together with any information

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SEQR

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provided by the Planning Board and
3 public, and decide whether the proposal
4 to amend the Zoning Law is likely to
5 have, and this is the key test, any
6 significant adverse impacts upon the
7 environment.

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SEQR, that's the law that we're
applying now, requires the approving
agency to identify and assess potential
impacts of a proposed action in order to
avoid or reduce significant adverse
environmental impacts to immediate and
social economic needs of the community.

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That means SEQR asks you to consider
the environmental impact actions, prior
to acting, whenever you pass any law.
Completing Part 2 of the EAF will help
the Board identify those general topics
that need to be discussed further in
Part 3. So Part 2 you can think of as a
searching exercise, to identify if there
are any potential things we need to
discuss more deeply.

25

Together Parts 2 and 3 assist the

SEQR

1
2 Board in making a determination of
3 environmental significance. If the
4 Board finds that the amendments may
5 result in one or more impacts that are
6 both significant and adverse, that's our
7 test, then it must issue a positive
8 declaration, identifying the significant
9 adverse impacts, and requiring the
10 preparation of an environmental impact
11 statement. That would be a document
12 that further explores those potential
13 impacts and study.

14 If the Board find that the project
15 will not have a significant adverse
16 impact on the environment, no EIS is
17 necessary, and a negative declaration
18 must be prepared.

19 So if you decide that a potential
20 impact may be significant and adverse,
21 then a positive declaration is issued
22 or studied. If you decide that no
23 impact -- no significant adverse impacts
24 will occur, then a negative declaration
25 is issued, and you move on to the merits

1 SEQR

2 of the legislation.

3 The Part 2 Analysis. Part 2 is
4 designed to help the Board as lead
5 agency to inventory all potential
6 resources that could be affected by the
7 proposed amendments and assess whether
8 there are any potential adverse impacts
9 that need further consideration.

10 Specifically, Part 2 is designed to
11 assist the Board in determining whether
12 any identified impacts, or no impact, a
13 small impact, or a moderate to large
14 impact. This decision should be based
15 on the magnitude of the potential
16 impact. Magnitude is not just physical
17 size of the change, but also it depends
18 on scale and context and the severity of
19 any project's potential impacts.

20 The interpretation of the size or
21 significance of an impact is the
22 discretion of this Board as the lead
23 agency. So here's what we're going to
24 do in Part 2. There are 18 overriding
25 questions. And if you answer yes, to

1

SEQR

2 any one of those overriding questions,
3 there is a series of sub-questions. And
4 we'll go through those sub-questions if
5 you answer yes, to any of those
6 questions, the main questions. If you
7 answer no to any of those 18 questions
8 we move on to the next question.

9 So if you answer yes, we go through
10 the sub-questions. For each sub-question
11 you'll decide whether the potential
12 impact falls into one of two categories.
13 Either it's no impact or a small impact.
14 Which would end the discussion of that
15 sub-question. Or if it's a moderate to
16 large impact, we're going to set that
17 question aside, and we'll have to
18 discuss it in more detail in Part 3 to
19 decide if it's significant or adverse.
20 That's the ultimate question.

21 So Part 2 you can think of as
22 scoping. You're deciding which things,
23 if any, we're going to discuss in Part 3.

24 For each impact in Part 2 that the
25 Board identifies as moderate to large,

SEQR

1
2 the Board must undertake further
3 analysis in Part 3. Specifically in
4 Part 3 the Board must discuss each
5 potential moderate to large impact. And
6 there are four things that you think of
7 if that's necessary: Magnitude,
8 duration of the impact, likelihood and
9 importance.

10 So I'll very briefly, touch on this.
11 The magnitude talks about the size of
12 the impact. Is it localized? Is it
13 regional?

14 Duration talks about how long it
15 will occur. Is it something of short
16 term that will end, or is it something
17 that will go on indefinitely?

18 Likelihood. You know, not all these
19 impacts are sure things. Sometimes you
20 discuss the probability of an adverse
21 impact occurring, likely to cover that.

22 And finally, importance takes into
23 account in a more qualitative way, the
24 context of the status quo conditions
25 versus what the changes will be. And

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SEQR

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you discuss the context in the community

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how important those changes will be.

4

So I'll give you one example before

5

we get into the Part 2 and get you

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started. So here's an example from the

7

DEC Handbook, which is a book

8

promulgated by the New York State

9

Department of Environmental Conservation.

10

And it's just given as an example how

11

you apply these four factors.

12

A bridge is proposed to cross the

13

river. Potential erosion during

14

construction could be large in

15

magnitude. If the stream into which the

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eroded soil would fall is presently

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relative muddy, already carrying large

18

quantities of sediment. The addition of

19

such temporary load during construction

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would most likely not be very important.

21

Even though there is, some of those

22

other factors present.

23

However, if the same amount of water

24

were to wash into a clear trout stream,

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particularly during or immediately

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SEQR

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following spawning or settle downstream

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in a productive wetland, this impact

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should be viewed as more important.

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These are the high value of the wetland

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and the trout stream. So that's just to

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kind of illustrate one of the ways you

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can evaluate those.

9

So now I'm going to ask you to turn

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to Item B in your packet, and that is

11

Part 2 of the EAF. I'm going to stop

12

here for a moment and see if there are

13

any questions before I continue.

14

THE MAYOR: Did you say D as in dog?

15

MR. SMITH: No, I'm sorry, B as in

16

boy. Are there any questions from the

17

Board about the instructions I just gave

18

before we get into it? Okay, we'll go

19

through it.

20

TRUSTEE LANNING: We'll only answer

21

the ensuing question if the first

22

question is yes?

23

MR. SMITH: Absolutely. That's correct.

24

TRUSTEE LANNING: Otherwise we go to

25

the next section.

1 SEQOR (1)

2 MR. SMITH: Right. Those are the 18
3 main topic questions. So if everyone
4 has Part 2 in front of them I'm going to
5 start with Impact on Land. So impact on
6 land asks the question, whether the
7 proposed action may involve construction
8 on or physical alteration of the land,
9 surface of the proposed site. Here the
10 site is the Village.

11 So I'm also for each question going
12 to read you just a couple sentences from
13 the FEAF Workbook. The workbook is a
14 document that was produced by the New
15 York State DEC, and it was produced at
16 the same time that this new form came
17 out about three years ago. So the
18 workbook provides guidance for every
19 single question. It gives examples of
20 some things that might be -- might cause
21 you to say yes, or cause you to say, no.

22 At the end of the day it's your
23 discretion. But this guidance is
24 designed to give you some help in terms
25 of contextualizing these questions. So

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SEQR (1)

this question asks the reviewing agency to evaluate the potential impacts on the physical alteration of land. This would include things likes grading, clearing, filling, excavation and construction of any structure.

The workbook also gives you some examples of things that would trigger a no answer on this question. And so that includes projects where there isn't any physical alteration of land, like adoption of a comprehensive plan, the initial adoption of zoning regulations, the acquisition or sale of land, or the adoption of a local law.

Given those examples, in my opinion the answer to this ought to be no. Because the amendment of the Zoning Law would not necessarily create an alteration of the land. So at this point I would like to elicit any conversation from the Board on Question 1.

TRUSTEE LANNING: I would say poll

1 SEQOR (1)

2 the Board on each and every question?

3 MR. SMITH: Yes.

4 TRUSTEE LANNING: Yes. I'm not
5 saying, yes, I'm getting an
6 understanding. After each one of these
7 we're going to vote yes or no individually.

8 MR. SMITH: Right.

9 TRUSTEE LANNING: Not as a Board,
10 but we're going to have a roll call vote
11 on each one.

12 MR. SMITH: Well, actually in my
13 opinion whether roll call or verbal, but
14 I think we need to have, I want to
15 elicit any comments from the Board on
16 each one. Then we should poll the Board
17 on each one. So let's start on this one
18 we'll do, are there any comments, anyone
19 have anything to say about it?

20 TRUSTEE CAWLEY: Sounds like from
21 your definition that it would be no.
22 Because it's a change in law.

23 TRUSTEE LANNING: Change in law.

24 MR. SMITH: Not altering the land.
25 So maybe the quickest way is to poll the

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SEQR (2)

Board. Is there any other discussion of
Question 1? Okay, so why don't we start.

TRUSTEE LANNING: No.

TRUSTEE DOVE: Can I recuse myself
for these votes, so I don't have to say
it each time?

MR. SMITH: Yes.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

TRUSTEE ANGELILLO: No.

MR. SMITH: Having answered that
question no, move on to 2. This is
Impact on Geological Features. The
instruction for this question asks
whether the proposed action may result
in the modification or destruction of,
or inhibit access to any unique or
unusual land forms on the site. For
example: cliffs, dunes, minerals,
fossils, caves.

This question asks the reviewing
agency to evaluate potential impacts to
unique or unusual land forms, like
national natural landmarks. The Village

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SEQR (2)

may contain unique or unusual land forms,
however the workbook states no impact
will result if the action does not
directly modify or inhibit access to
those unique or unusual lands.

Given that instruction from the
workbook, in my opinion because for the
same reason we discussed before, no
physical alteration of land, and in
addition, we have to consider whether
this law would inhibit anyone's access
to any potential unique geological
features in the Village. Doesn't seem
to be any feature of the law that would
do that. And in my opinion the answer
to this ought to be no as well.

Is there any discussion from the
Board? Does anyone have any thoughts on
whether the law would inhibit access to
any unique geological features?

TRUSTEE LANNING: I vote no.

MR. SMITH: You don't think it would?
Audibly for the record it's for the
stenographer, sorry.

1 SEQOR (3)

2 TRUSTEE LANNING: You're asking us
3 to vote on it?

4 MR. SMITH: I'm asking you for you
5 to discuss it. Do you feel that it
6 would?

7 TRUSTEE LANNING: No.

8 MR. SMITH: Do you think it would
9 alter any unique geological features?

10 THE MAYOR: No.

11 TRUSTEE CAWLEY: No.

12 MR. SMITH: Any further comments
13 from the Board? Let's go ahead and poll
14 the Board on Question Number 2.

15 TRUSTEE LANNING: No.

16 TRUSTEE CAWLEY: No.

17 THE MAYOR: No.

18 TRUSTEE ANGELILLO: No.

19 MR. SMITH: Question Number 3
20 requires us to consider Impacts on
21 Surface Water. The question asks
22 whether the proposed action may affect
23 one or more wetlands or other surface
24 water bodies. This question asks you to
25 evaluate the potential impacts in the

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SEQR (3)

wetland or other surface waterways, like those things like streams, rivers, ponds and lakes.

The Village is adjacent to a lake. And it contains other such water bodies, but there is a creek that goes through the Village. The workbook states: That impact on surface water may occur as a result of activities that disturb the land, such as removing vegetation, increasing or decreasing the size of a water body, creating new water bodies, creating, clearing, excavating. It also asks, which would either cause erosion, water withdrawals, discharges to water.

Given the nature of the potential impacts in the workbook, is there any discussion from the Board as to whether passing the amendments would affect a surface water body?

TRUSTEE CAWLEY: We aren't disturbing the land, so we're not impacting any water bodies. No construction going on.

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SEQR (3)

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THE MAYOR: We're only discussing
legislation.

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MR. SMITH: Correct.

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MR. BYRNE: When he speaks of the
action, the action is the proposed
adoption of a law.

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THE MAYOR: That's right. If
someone is to take action based upon
this, they would have to do the same
particular review that's on there.

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MR. SMITH: And the point was raised
during the public hearing by Mr. Fogel,
that maybe you ought to be considering a
hypothetical hotel. I disagree with
that. I think because there is no
application and there is no, you know,
it's not something even on the horizon,
it's too speculative to try to create a
hypothetical hotel and to SEQR review of
that.

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23

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The other reason that I think that
that is not, I disagree with that
position, is because under the current
law there is a mechanism by which you

1 SEQR (3)

2 can obtain a special permit and have a
3 hotel. And if anything, the changes to
4 the law, adding the licensure provision
5 and reducing the number of districts
6 within the Village where you can
7 actually construct a hotel, would make
8 it less likely, not more likely, for
9 there to be a hotel. You're not
10 increasing the likelihood of a hotel.

11 MR. BYRNE: Can I interject
12 something, Brody? You'll recall the
13 concept of segmentation came up in this
14 very room a few months ago when we had
15 the joint public hearing with the Town
16 Board regarding the proposed annexation
17 of land at Franklin Street and Route 20.

18 There the Boards had to consider the
19 proposed or potential impact of
20 expansion plans at Mirbeau, because he
21 made an application for that at the same
22 time. So those, that was a real
23 proposal for modification at the Mirbeau
24 associated with the proposed annexation
25 of adjacent land. Because of the

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SEQR (4)

segmentation requirement those had to be considered together in context with each other. We don't have that situation.

MR. SMITH: I agree completely with what the Village attorney stated. Is there any further discussion on impacts on surface water? I think we're ready for a vote on surface water.

TRUSTEE LANNING: No.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

MR. ANGELILLO: No.

MR. SMITH: The next, Question Number 4 asks about Impacts on Groundwater. Asked the question: The proposed action may result in new or additional use of groundwater. Or may have a potential to introduce contaminants to groundwater or aquifer.

This question asks the reviewing agency to evaluate potential impacts under this use of and the contamination of groundwater resources.

The workbook states that the impacts

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SEQR (4)

may occur when an action causes excavation, mining, new demand for water, impact to water sources, the generation of liquid waste, the bulk storage of petroleum, use of pesticides or a generation of hazardous wastes.

Is there any discussion from the Board as to whether any of those things are likely to result as a result of the amendments to the Zoning Law?

THE MAYOR: Same position, legislation, isn't that right?

MR. SMITH: Do you feel that this legislation will promote any of those impacts that I listed? Meaning, make it more likely there will be a storage of hazardous waste?

THE MAYOR: No.

TRUSTEE CAWLEY: No.

MR. SMITH: All right, if there is no further discussion on impacts on groundwater, let's vote on that.

TRUSTEE LANNING: No.

TRUSTEE CAWLEY: No.

1 SEQOR (5)

2 THE MAYOR: No.

3 TRUSTEE ANGELILLO: No.

4 MR. SMITH: The next question asks
5 about Impact on Flooding. It asks the
6 question, the proposed action may result
7 in a development on lands subject to
8 flooding.

9 The Village does contain surface
10 water bodies, and is located next to
11 Skaneateles Lake. And thus it may
12 contain floodplains, as stated in the
13 public hearing, there are floodplains
14 within the Village. Floodplains are low
15 lying lands next to rivers and streams.
16 Left in the natural state floodplain
17 systems, storm dissipated floods,
18 without adverse impacts to humans,
19 buildings, roads or river structure.

20 So what this question was asking is,
21 will this law, will these proposed
22 amendments make it more likely that
23 people will develop new floodplains?

24 THE MAYOR: No.

25 TRUSTEE CAWLEY: No. Not touching a

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SEQR (6)

specific construction project.

MR. SMITH: Okay, and I think it's worth discussing. The law doesn't create new uses, correct? These are uses that exist now. But it adds the licensing requirement. It changes some of the special permit requirements. But it doesn't create the opportunity for bringing uses that weren't there before. Let's poll to the Board for that.

TRUSTEE LANNING: Number 5, I vote no.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

MR. ANGELILLO: No.

MR. SMITH: Number 6 discusses Impacts on Air. The question asks whether the proposed action may include the state regulated air emission source. The amendments will not result in creation of new state regulated air sources.

There is reasons which we discussed before, there is no portion of these amendments that will create a new source.

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SEQR (7)

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Are there any comments or discussion

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from the Board on that? Poll the Board.

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TRUSTEE LANNING: Nr. 6, I vote no.

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TRUSTEE CAWLEY: No.

6

THE MAYOR: No.

7

TRUSTEE ANGELILLO: No.

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MR. SMITH: Number 7 discusses

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Impacts on Plants and Animals. It asks

10

the question, will the proposed action

11

result in the loss of flora or fauna?

12

This question asks you to evaluate the

13

potential impacts to plants and animals.

14

The workbook states that unless an

15

action has no land disturbances or

16

redevelops a location that already has

17

been cleared, some vegetation can be

18

removed. If some vegetation is removed,

19

then habitat for the animals could be

20

affected and animals could be lost.

21

This, we've discussed before, that

22

this proposed amendment, the proposed

23

amendments will not result in the

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destruction or alteration of land, the

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destruction of habitat.

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SEQR (8)

Are there any comments or questions
from the Board about Question Number 7?

TRUSTEE CAWLEY: No.

THE MAYOR: No.

MR. SMITH: If there are no
questions or comments we can vote on
Number 7.

TRUSTEE LANNING: Nr. 7, I vote no.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

TRUSTEE ANGELILLO: No.

MR. SMITH: Question Number 8 talks
about Impact on Agricultural Resources.
It asks the question whether the
proposed action may impact agricultural
resources. This question asks the
reviewing agency to evaluate potential
impact on agricultural. This includes
impacts on productive soil, on active
farms, on handling facilities, on all
those different types of agricultural
uses and enterprises.

Though the Village contains very few
agricultural resources, there are

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SEQR (9)

agricultural resources in the adjacent town, the Town of Skaneateles. The Board of Trustees must evaluate whether those agricultural resources would be negatively impacted by the proposed changes to the Zoning Law.

Is there any discussion or questions about impacts on agricultural resources?

THE MAYOR: No.

TRUSTEE CAWLEY: No.

MR. SMITH: I think if there is no comments, we can vote on impacts to agricultural resources.

TRUSTEE LANNING: Number 8, agricultural, I vote no.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

TRUSTEE ANGELILLO: No.

MR. SMITH: The Question 9 talks about Impacts on Aesthetic Resources. It asks the question whether the land use of the proposed action are obviously different from or are in sharp contrast to current land use patterns between the

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SEQR (9)

proposed project, as scenic or aesthetic resource.

So this question, the wording of it is a bit confusing. So let me talk a little bit about what they're getting at. This question explores consistency in land use between the proposed project and other land uses that may be seen from a particular aesthetic resource.

So it's not asking you about your attitude towards any particular, you know, aesthetic architectural style or anything like that. There is certain resources that are designated aesthetic resources. This talks about whether it would affect that.

The workbook states that this question is slanted toward the scenic and aesthetic resources that are officially designated and publicly accessible. These include things like scenic roads, scenic areas that are considered significant, scenic trails, scenic rivers.

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SEQR (9)

This includes things like, other designated areas may also include places like things on the national or state registers of historic places, state parks, state forests, things like that.

The Village does contain multiple buildings listed on the national state registers of historic places. If you believe that the passage of this law will affect the ability to view those aesthetic resources or negatively affect those aesthetic resources in terms of, you know, new construction being viewed from them you should answer this question yes.

I should point out the next question, Number 10, we're going to talk specifically about historic buildings and whether or not you have this type of buildings. This is about aesthetics, not about the preservation of. Is there any discussion or question about aesthetic resources?

TRUSTEE CAWLEY: No.

1 SEQR (10)

2 THE MAYOR: No.

3 MR. SMITH: Okay. Your vote on that.

4 TRUSTEE LANNING: Nr. 9, I vote no.

5 TRUSTEE CAWLEY: No.

6 THE MAYOR: No.

7 TRUSTEE ANGELILLO: No.

8 MR. SMITH: Number 10 asks about

9 Impacts on Historic and Archeological
10 Resources. The question asks, the
11 proposed action may occur in or adjacent
12 to a historic or archeological resource.
13 The Village contains historic buildings.

14 The amendments may impact a historic
15 building or archeological resource in
16 the Village. Does contain historic
17 buildings, and how those buildings could
18 be put to use, could be potentially
19 impacted.

20 For that reason I would advise you
21 to answer this question, yes. Then well
22 go on to sub-questions. Are there any
23 questions about that?

24 TRUSTEE LANNING: The is the entire
25 Downtown D District in the historic

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SEQR (10)

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district?

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MR. SMITH: It is a historic

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district. There are buildings within

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that district that are on the national

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register, the state register, but not

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all of them are.

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TRUSTEE LANNING: And your

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recommendation is that we vote yes, on

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this?

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THE MAYOR: He's saying go to each

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individual.

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MR. SMITH: I'm talking about the

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question on top, so really the form of

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the question on top. I recommend you

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vote yes, because there are historic

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buildings present in the Village. And

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then we would go and discuss the sub-

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questions to see if the law will

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negatively impact those. Any questions

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about that?

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TRUSTEE ANGELILLO: Actually I do.

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So if they consider the Downtown D

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District in the A2 residential for

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hotels. And none of those properties

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SEQR (10)

would qualify for a hotel, is that correct? The density control, the whole A2 discussion.

MR. SMITH: Right. Well, I think I understand what you're asking. From a SEQR point of view we're considering whether or not the law is going to impact at all, this first question, historic resources. And it is, without saying whether it's good or bad or positive or negative, that would trigger us to go and discuss the sub-questions to decide whether or not it's a big impact or small impact, good or bad, so on so forth. Does that answer your question?

MR. ANGELILLO: Maybe not. I don't want to make a big deal about this because it's lengthy. So in the law that we're going to approve or not approve, it says that we're going to consider any hotels in the Downtown D District in an historic area right here we're talking about, would have the

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SEQR (10)

density control under A2, which is residential. So really none of the buildings would qualify to be a hotel in that district.

MR. SMITH: That would be relevant. I think that is relevant. I'm glad you mentioned that, that is relevant to put on the record. That would be helpful for the sub-questions I think.

TRUSTEE ANGELILLO: So still, if we pass the law then would it be yes or no?

MR. SMITH: I think the question is asking are there historic buildings in the Village? I think the answer is yes. And because there are, then we go to the next step, second sub-question, and your point is maybe going to answer the sub-question.

MR. ANGELILLO: Okay.

MR. SMITH: Any other questions about this? Are you ready then to vote on Number 10?

TRUSTEE LANNING: Vote yes.

TRUSTEE CAWLEY: Yes.

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SEQR (10)

THE MAYOR: Yes.

MR. ANGELILLO: Yes.

MR. SMITH: Okay, so we checked yes, on the top of number 10, so we're now going to go through the sub-questions for 10. And the first sub-question, letter (a) asks, whether the proposed action may occur wholly or partially within or substantially contiguous to any buildings, archeological site or district that has been nominated as a New York State Board of Historic Preservation for inclusion on the state or national register of historic places.

So the workbook states that if the potential action, here the amendments, would not alter the physical appearance of any historic buildings, but instead would simply limit the types of uses those buildings could be used for, the resulting impacts would be small.

If you were going to be altering, you know, the appearance of some of these historic buildings through your

1 SEQR (10)

2 law, then you would say moderate to
3 large. So for that reason I advise --
4 in my opinion, I would check (a), no or
5 small.

6 But I would like to also note in the
7 record the issue raised by the Board
8 about this law may also really not allow
9 the historic buildings at issue in the D
10 District for their use to change, maybe
11 not to change, not only physical
12 appearance. So that's a good thing to
13 know. Are there any other comments on
14 that?

15 So we need to decide whether it's no
16 impacts, no or small impacts, or
17 moderate to large impacts? So, poll the
18 Board.

19 TRUSTEE LANNING: 10a, no or small
20 impact.

21 TRUSTEE CAWLEY: No or small impact.

22 THE MAYOR: No or small impacts.

23 TRUSTEE ANGELILLO: Same, no or
24 small impact.

25 MR. SMITH: Letter (b) asks whether

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SEQR (10)

or not there are archaeological sites as designated by the New York State Historic Preservation Office that would be impacted. I see no potential for archeological sites being impacted. Are there any questions or comments from the Board? Okay, you can vote no or small or moderate to large.

TRUSTEE LANNING: (b). No or small impact.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

MR. ANGELILLO: No.

MR. SMITH: Letter (c) is a similar question. This asks whether or not the amendments would be, would affect an archeological site, not included on the New York SHPO inventory. I would, same, I think it's a very similar question, the context is similar.

TRUSTEE LANNING: 10c, no or small impact.

TRUSTEE CAWLEY: No or small impact.

THE MAYOR: No or small impact.

1 SEQR (10)

2 MR. ANGELILLO: No or small impact.

3 MR. SMITH: Arguably we don't have
4 to go through (e) because of the answers
5 to the others. But for the sake of
6 completeness I'm going to read them.
7 The proposed action may result in
8 destruction or alteration of all or part
9 of historic property. I think that's
10 important to our discussion, the reason
11 I'm drawing this out.

12 I would ask the Board to state
13 whether the amendments will result in
14 destruction or alteration of historic
15 property?

16 THE MAYOR: No.

17 TRUSTEE LANNING: No.

18 TRUSTEE CAWLEY: No.

19 MR. ANGELILLO: No.

20 MR. SMITH: And ii: The proposed
21 action may result in the alteration of
22 historic property setting or integrity.

23 TRUSTEE LANNING: No.

24 TRUSTEE CAWLEY: No.

25 THE MAYOR: No.

1 SEQR (11)

2 MR. ANGELILLO: No.

3 MR. SMITH: And iii: The proposed
4 action may result in the introduction of
5 visual elements which are out of
6 character with the site or property, or
7 may alter its setting.

8 TRUSTEE LANNING: No.

9 TRUSTEE CAWLEY: No.

10 THE MAYOR: No.

11 TRUSTEE ANGELILLO: No.

12 MR. SMITH: That's it for 10. Moving
13 on to 11. The question asks whether the
14 proposed action may result in the loss
15 of recreational opportunities for
16 reduction in open space. An open space
17 resource I should say, as designated in
18 any adopted municipal open space plan.

19 The amendments will not directly
20 result in a loss of recreational
21 opportunities for residents or
22 destruction of open space.

23 The workbook states, that an impact
24 may occur when a location is converted
25 from undeveloped land to residential,

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SEQR (12)

commercial, industrial uses or there is at least some loss of open space that could be used for outdoor recreation. Are there any comments or discussion about the loss of open space?

TRUSTEE CAWLEY: No.

MR. SMITH: I'd like to poll the Board then on 11.

TRUSTEE LANNING: No.

TRUSTEE CAWLEY: No.

THE MAYOR: No.

MR. ANGELILLO: No.

MR. SMITH: Number 12 asks about Critical Environmental Areas. The question asks, the proposed action may be located within or adjacent to a critical environmental area.

Either New York State or the Board of Trustees can designate critical environmental areas within the Village. The Board of Trustees may conclude whether there are or aren't environmental, critical environmental areas within the Village that passage of

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SEQR (13)

2

the amendments would have no impact on

3

such areas. I think you could

4

rationally do that if you choose. Are

5

there any questions or discussion about

6

Question Number 12?

7

THE MAYOR: No.

8

MR. SMITH: Like to poll the Board.

9

TRUSTEE LANNING: No on number 12.

10

TRUSTEE CAWLEY: No.

11

THE MAYOR: No.

12

MR. ANGELILLO: No.

13

MR. SMITH: Number 13 talks about

14

Impacts on Transportation. The question

15

asks, whether the proposed action may

16

result in a change to existing

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transportation systems. New development

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can generate a change of traffic. Can

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create new demand for public

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transportation. Several potential

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impacts can result when traffic levels

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increase. Obviously more traffic can

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lead to congestion, which can have

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economic, environmental and safety

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impacts.

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SEQR (13)

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The Board could conclude that the proposed amendments would actually reduce the amount of traffic in the Village by reducing the number of transient overnight visitors visiting the Village. But the Board has to make a determination as to whether these amendments, whether they would have increased traffic, not change it at all, or potentially result in additional traffic. Are there any -- is there any discussion or questions from the Board?

TRUSTEE CAWLEY: No. Could either reduce it a little bit or have no impact on them.

MR. SMITH: Why do you think it could reduce it?

TRUSTEE CAWLEY: Because of the people coming to town.

MR. SMITH: By virtue of the regulations restricting the number of bed and breakfasts?

TRUSTEE CAWLEY: Number of bed and breakfasts not allowed in short term

1 SEQR (14)

2 rentals.

3 MR. SMITH: Are there any other
4 comments or questions about this
5 question? Okay, seeing there is none,
6 like to poll the Board on transportation.

7 TRUSTEE LANNING: Nr. 13, I vote, no.

8 TRUSTEE CAWLEY: No.

9 THE MAYOR: No.

10 MR. ANGELILLO: No.

11 MR. SMITH: Impacts on Energy is
12 Number 14. The question asks whether
13 the proposed action may cause an
14 increase in the use of any form of
15 energy. An increase in energy use means
16 no need for more energy production
17 either off-site or on-site, which in
18 turn would mean an increase in pollution.

19 The workbook provides examples of
20 actions that do not increase energy use,
21 and they include the following: The
22 adoption of an amendment to a local law,
23 ordinance or regulation, or the granting
24 of a zone change, or a change in the
25 allowable uses in the Zoning Law.

1 SEQR (14 & (15)

2 That's pretty close. I mean that is
3 what you're doing. So in my opinion,
4 given the examples provided by the
5 workbook, in my opinion you should
6 answer this question, no. Is there any
7 discussion from the Board?

8 TRUSTEE LANNING: In your opinion we
9 should answer this?

10 MR. SMITH: No. And that's because
11 one of the examples provided in the
12 workbook, if something that would have
13 no impacts on energy would be a change
14 in the allowable uses in the Zoning Law.
15 You could conclude differently, if you
16 feel that the amendments would create an
17 additional need for energy consumption.
18 Is there any discussion or questions
19 from the Board? Poll the Board then.

20 TRUSTEE LANNING: 14, I vote no.

21 TRUSTEE CAWLEY: No.

22 THE MAYOR: No.

23 MR. ANGELILLO: No.

24 MR. SMITH: 15 asks about Impacts on
25 Noise, Odor and Light. It asks the

1 SEQR (15)

2 question whether the proposed action may
3 result in an increase in noise, odors or
4 outdoor lighting. This question
5 explores whether the proposed project
6 will increase noise, air conditions or
7 lighting levels.

8 The amendments will most likely not
9 increase noise, odor or lighting.
10 Rather the intention from the discussion
11 that I heard from the Board and public
12 comments, is the intention of this law
13 is to reduce these impacts to the
14 community going forward and to residents
15 in the Village.

16 So the Board could rationally
17 conclude, if the Board does conclude
18 that the net effect of the amendments
19 would be to reduce those things, you
20 could answer no. But if you don't feel
21 that, if you feel that something about
22 the amendments would increase the
23 potential, that these impacts may occur,
24 you answer yes. Is there any discussion
25 from the Board?

1 SEQOR (16)

2 THE MAYOR: No.

3 TRUSTEE CAWLEY: No, I think by
4 adopting this law, noise has been a big
5 concern of a lot of residents. So it
6 could impact the noise.

7 MR. SMITH: Any other comments from
8 the Board? I suggest you poll the Board.

9 TRUSTEE LANNING: Nr. 15, I vote no.

10 TRUSTEE CAWLEY: No.

11 THE MAYOR: No.

12 TRUSTEE ANGELILLO: No.

13 MR. SMITH: Only three left. So
14 Number 16 is Impacts on Human Health.
15 The question asks whether the proposed
16 action may have an impact on human
17 health from exposure to new or existing
18 sources of contaminants. That's a
19 narrow question, it doesn't affect human
20 health. It's really about contaminants.

21 This question asks the reviewing
22 agency to evaluate the potential impact
23 from exposure to any solid or hazardous
24 substances and contaminants. These
25 substances can be toxic, infectious,

1 SEQR (17)

2 flammable or corrosive materials.

3 Does the Board have any comments or
4 discussion about whether the law will
5 affect any of those factors?

6 THE MAYOR: No.

7 TRUSTEE ANGELILLO: No.

8 TRUSTEE LANNING: No discussion.

9 MR. SMITH: I suggest if there is no
10 discussion, then poll the Board.

11 TRUSTEE LANNING: 16, I vote no.

12 TRUSTEE CAWLEY: No.

13 THE MAYOR: No.

14 MR. ANGELILLO: No.

15 MR. SMITH: Number 17 is Consistency
16 with Community Plans. It asks the
17 question whether the proposed action is
18 consistent with adopted land use plans.

19 The Village has a Comprehensive
20 Plan. The Board of Trustees has
21 reviewed it in connection with this
22 consideration of the amendments. And up
23 to this point through the discussions of
24 the Board, the consensus has been
25 consistent with the Comprehensive Plan.

1 SEQOR (17a)

2 But this, the proposed amendments would
3 change the Zoning Law.

4 And the workbook states, the agency
5 should consider this when deciding
6 whether the project is consistent with
7 zoning laws. So I think this captures
8 zoning laws. So for that reason my
9 suggestion for you would be to answer
10 this question, yes, and to go through
11 the sub-questions, because we are
12 proposing to amend the zoning laws. Is
13 there any discussion or thoughts on that?

14 THE MAYOR: Seems correct.

15 MR. SMITH: Okay, I poll the Board
16 on this then.

17 TRUSTEE LANNING: 17, I vote, yes.

18 TRUSTEE CAWLEY: Yes.

19 THE MAYOR: Yes.

20 MR. ANGELILLO: Yes.

21 MR. SMITH: So we'll go through the
22 sub questions here on 17. Starting with
23 question (a), the proposed action's land
24 use components may be different from, or
25 in sharp contrast to current surrounding

1 SEQR (17a & b)

2 land use patterns.

3 So what this is asking about, if you
4 look at the workbook, it talks about, are
5 you allowing for much larger development
6 than under the current Code? Are you
7 changing setbacks? Is this -- are these
8 amendments going to allow for a
9 development that's out of step with what
10 we have now? If you don't believe that
11 to be likely you would answer, no or
12 small impact. Or if you think that
13 there is potential for that, you would
14 answer moderate to large.

15 THE MAYOR: Small impact.

16 TRUSTEE LANNING: No or small
17 impacts on 17a.

18 TRUSTEE ANGELILLO: No or small
19 impacts.

20 TRUSTEE CAWLEY: No or small impacts.

21 MR. SMITH: Letter (b) asks whether
22 the proposed action will cause the
23 permanent population of the Village to
24 grow by more than 5 percent.

25 THE MAYOR: No.

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SEQR (17c)

TRUSTEE ANGELILLO: No.

TRUSTEE LANNING: No or small impact.

TRUSTEE CAWLEY: No.

MR. SMITH: Letter (c), asks whether the proposed action is inconsistent with local land use plans or zoning regulations. And it is. You should evaluate, when answering this question, if the inconsistency of the amendment to the existing Zoning Law will only result in a small impact, you can answer this with small impact.

The actual change in land use patterns would potentially be modest, in the sense that some land owners would no longer be able to operate hotels or bed and breakfasts in certain portions of the Village. The increased regulation of the accommodation of transient guests could also potentially result only in a small impact.

So I think you could rationally answer this as no to small. But if you believe that the proposed amendments

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SEQR (17d & e)

would drastically change land use patterns in the Village, you should answer it moderate to large.

THE MAYOR: No.

TRUSTEE LANNING: No or small impact.

TRUSTEE CAWLEY: No or small impact.

MR. ANGELILLO: No.

MR. SMITH: Letter (d) asks whether the proposed action is inconsistent with any County plans or the regional land use plans. You can take into account the SOCPA recommendations, when answering this.

TRUSTEE LANNING: No or small impact.

TRUSTEE CAWLEY: No or small impact.

THE MAYOR: No or small impacts.

TRUSTEE ANGELILLO: No or small impacts.

MR. SMITH: Letter (e) asks whether the proposed action would cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

1 SEQR (17f & g)

2 So you're being ask asked whether or
3 not this is going to change the density
4 in the Village requiring more
5 infrastructure to be built.

6 TRUSTEE LANNING: No or small impact.

7 TRUSTEE GRAY: No or small impact.

8 THE MAYOR: No or small impact.

9 MR. ANGELILLO: No or small impacts.

10 MR. SMITH: (f). The proposed
11 action is located in an area
12 characterized by low density development
13 that will require new or expanded public
14 infrastructure.

15 TRUSTEE LANNING: No or small impact.

16 TRUSTEE CAWLEY: No.

17 THE MAYOR: No.

18 TRUSTEE ANGELILLO: No.

19 MR. SMITH: (g). The proposed
20 action may induce second development
21 impacts, meaning residential or
22 commercial development that's not
23 included in the -- could result as a
24 result of the amendments.

25 TRUSTEE LANNING: No or small impact.

1 SEQR (17)

2 TRUSTEE CAWLEY: No.

3 THE MAYOR: No.

4 MR. ANGELILLO: No.

5 MR. SMITH: Are there any other
6 impacts that relate to consistency with
7 community plans that the Board would
8 like to discuss?

9 TRUSTEE LANNING: No.

10 TRUSTEE CAWLEY: No.

11 MR. SMITH: No other? It might be
12 relevant here because I said something
13 about the community plan. It might be
14 useful to get some input from the Board
15 here whether or not you believe the
16 amendments are consistent with the
17 community plan.

18 MR. BYRNE: Comprehensive plan.

19 MR. SMITH: I'm sorry, the
20 Comprehensive Plan, thank you. Because
21 I know that was discussed recently
22 change in the Comprehensive Plan.

23 TRUSTEE LANNING: The passage of the
24 Comprehensive Plan entails some changes
25 to the Town Zoning Code, but I don't

1 SEQR (18)

2 know that the Village is going to have
3 any review or changes to their Zoning
4 Code as part of the Comprehensive Plan.

5 MR. SMITH: So specifically I'm
6 asking whether the amendments that we're
7 discussing are consistent with the
8 Comprehensive Plan as it exists?

9 BRUCE KEENAN: The existing.

10 MR. SMITH: Existing.

11 TRUSTEE CAWLEY: Yes.

12 TRUSTEE LANNING: Yes.

13 TRUSTEE CAWLEY: So this objective
14 it says, could encourage a broad array
15 of housing in new and existing
16 commercial areas.

17 MR. SMITH: Final question is Number
18 18. Consistency with Community
19 Character. It asks the question whether
20 the proposed project is inconsistent
21 with the existing community character?

22 Community character defined by all
23 man-made and natural features of the
24 area. Includes the visual character of
25 the Village, that's visual landscape.

1 SEQR (18)

2 But it also includes buildings and
3 structures and their uses, the natural
4 environment, activities to town services
5 and local policies.

6 These combined to create a sense of
7 place, of character and defines the
8 area. Changes to the type and intensity
9 of land use, housing, public services,
10 aesthetic quality and to the balance to
11 the residential commercial uses can all
12 change the community character.

13 The amendments seek to preserve the
14 community character is the stated
15 purpose that has been expressed by the
16 Planning Board and by this Board in
17 previous meetings, by preventing
18 unwanted accommodation of transient
19 guests in areas where this activity did
20 not traditionally occur or is not
21 welcome.

22 However, some accommodation of
23 transient guests has been permitted by
24 the Zoning Law in the past and the
25 amendments will alter the old law by

1 SEQR (18)

2 restricting some of the areas where that
3 can occur. The amendments are changes
4 to the Zoning Law.

5 So the Board of Trustees must decide
6 whether the passage of the amendments
7 will alter the -- will alter the -- I'm
8 sorry, I should say whether it will be
9 consistent with the character of the
10 community.

11 THE MAYOR: Yes.

12 MR. BYRNE: Clarification. I think
13 it asks the Board to decide if the
14 adoption of the Local Law would be
15 inconsistent with existing community
16 character.

17 MR. SMITH: Correct.

18 MR. BYRNE: So if you feel that no,
19 it would not, then the answer is no. If
20 you feel yes, it would, then the answer
21 is yes.

22 THE MAYOR: No.

23 TRUSTEE LANNING: 18, I vote no.

24 TRUSTEE CAWLEY: No.

25 TRUSTEE ANGELILLO: No.

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SEQR

MR. SMITH: We've completed the review of the Part 2 of the SEQR form. You have not found any moderate to large impacts.

There are a couple, just a few more things we have to go over before we get to Part 3. The SEQR law asks you to consider whether there will be cumulative impacts as a result of the amendments. Those are impacts that can occur when the incremental or increased impacts of an action or other actions are added to other past, present or reasonably foreseeable actions.

So that means, cumulative impacts can result from a single action, or from the number of individual minor but collective actions over a period of time that add up to a bigger resource.

So you can imagine a situation where if you were just considering the impact of something in a vacuum. But if you add it to other things that are also happening, well maybe it would create a

1 SEQR

2 different answer in terms of environmental
3 impacts. Does the Board feel that there
4 are any cumulative impacts, that there
5 could be a significant adverse impact on
6 the environment due to the cumulative
7 effect?

8 TRUSTEE CAWLEY: No.

9 THE MAYOR: No.

10 TRUSTEE LANNING: No.

11 MR. ANGELILLO: No.

12 MR. SMITH: Synergistic impacts we
13 also have to think of. Synergistic
14 impacts are impacts that individually
15 something is not particularly damaging
16 to the environment, but it combines two
17 things that can create unexpected
18 damaging effects to the environment.

19 The example, I know it doesn't apply
20 to this situation, but the example given
21 by the DEC is for example, the nitrogen
22 oxide and sulfur dioxide, air
23 contaminants individually don't have a
24 major negative environmental impact, but
25 if they happen near to each other and

1 SEQR

2 combine, they create acid rain. So are
3 there any unexpected synergistic impacts
4 the Board would like to identify?

5 TRUSTEE CAWLEY: No.

6 THE MAYOR: No.

7 MR. ANGELILLO: No.

8 TRUSTEE LANNING: No.

9 MR. SMITH: Finally, there is a few
10 criteria in the regulation that the DEC
11 didn't capture in any of these forms.
12 The regulations states that if the
13 action would encourage or attract a
14 large number of people to a place or
15 places for more than a few days,
16 compared to the number of people who
17 come to such places absent the action,
18 you should consider that. Do you feel
19 this is going to increase the number of
20 visitors to the Village?

21 TRUSTEE LANNING: No.

22 MR. SMITH: The other one is
23 creation of a material demand -- I'm
24 sorry, I need to poll the whole Board on
25 that, I apologize.

1 SEQR Part 3

2 TRUSTEE CAWLEY: No.

3 THE MAYOR: No.

4 MR. ANGELILLO: No.

5 MR. SMITH: The other is whether the
6 creation of material demand for other
7 actions that would result in one of the
8 consequences that we have discussed,
9 meaning would the passage of these laws
10 create the necessity for another action
11 that could happen with a negative
12 environmental impact?

13 TRUSTEE LANNING: No.

14 TRUSTEE CAWLEY: No.

15 THE MAYOR: No.

16 MR. ANGELILLO: No.

17 MR. SMITH: Okay, that concludes the
18 Part 2 review. And because you did not
19 identify any moderate to large impacts
20 as part of the Part 2 review, my advice
21 would be in Part 3 to answer -- to call
22 for a negative declaration.

23 If you look at Part 3, it's in your
24 packet, under letter C, we would check
25 Type 1 on the bottom of page 1. It

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SEQR Part 3

identifies parts 1, 2 and 3 as being reviewed as part of this environmental review. And then that brings you to the ultimate question of this SEQR review on the second page.

And the question is, you answer one of two ways. The project will result in no significant adverse effects on the environment, therefore an Environmental Impact Statement need not be prepared. Accordingly, this negative declaration is issued.

Or letter B, which is, although this project could, it may, potential impacts could have a significant impact on the environmental. That impact would be avoided or mitigated.

And/or C, this project may result in one or more significant impacts on the environment, and you must therefore prepare an EIS.

So I'd ask the Board if there is any discussion over whether a negative declaration will be issued, meaning

SEQR Part 3

1
2 there are no, you don't anticipate, there
3 will not be any significant adverse
4 impacts on the environment as a result
5 of the amendments. Or whether you think
6 a positive declaration should be issued
7 because there may be significant adverse
8 impacts on the environment that would
9 result in the amendments.

10 THE MAYOR: Again, I think it
11 stresses this is legislation, so I would
12 say A.

13 TRUSTEE CAWLEY: Negative declaration.

14 TRUSTEE LANNING: Negative
15 declaration under A.

16 TRUSTEE ANGELILLO: Same, negative
17 declaration.

18 MR. SMITH: Okay, what we have done
19 is we have prepared for your review an
20 initial version of an elaboration of
21 your thoughts on SEQR was shared with
22 open questions on Monday. And then
23 later we shared a draft for your review
24 as to what a written elaboration based
25 on this anticipated discussion would

1 Resolution

2 look like. Did you get a chance to take
3 a look at that sample resolution and the
4 elaboration that was attached to it?

5 THE MAYOR: Yes.

6 TRUSTEE LANNING: Yes.

7 MR. SMITH: If I could take one
8 moment, I just want to check and make
9 sure I checked all my boxes before I
10 continue. Can I consult with my
11 associate?

12 (Consulted with his associated).

13 MR. SMITH: Has the Board had a
14 chance to review that resolution, the
15 elaboration?

16 TRUSTEE CAWLEY: Yes.

17 MR. ANGELILLO: Yes.

18 MR. SMITH: Are there any changes
19 the Board would like to suggest to that
20 elaboration for your resolution?

21 THE MAYOR: I have none.

22 TRUSTEE CAWLEY: No.

23 MR. ANGELILLO: Excuse me a second,
24 if we were going to propose a change in
25 language of one specific thing in the

1 Resolution

2 law, would that be a time we address it
3 now or we don't or is that in the
4 resolution?

5 MR. SMITH: I'm asking whether or
6 not there would be changes to the
7 environmental -- I'm asking whether you
8 want to amend the law, the description
9 that I wrote down of the Board's
10 consideration of the potential
11 environmental impacts.

12 MR. ANGELILLO: I don't think it has
13 any impact on the environmental part.

14 THE MAYOR: No.

15 MR. SMITH: So the resolution, which
16 you've reviewed, goes through the
17 background with the Whereas clause.

18 MR. BYRNE: It summarizes what you
19 just have done.

20 MR. SMITH: What you've just done.
21 It gives dates to when past things are
22 and all that, and you reviewed all that.
23 So then, just getting to the Therefore,
24 Be It Resolved portion of it. It's
25 asking whether the action is subject to

Resolution

1
2 SEQR. It's stating the action is
3 subject to SEQR. Saying there is an
4 another involved agency, it's Type 1, we
5 talked about that.

6 That the determination of
7 significance, talked about all the
8 criteria. That the Board approves Part
9 1, 2 and 3 of the EAF, that you've
10 attached to it. That we've just filled
11 it in as we've been discussing it here.
12 And the reasoning that it was provided
13 in attachment C, which is the written
14 elaboration I gave you, is consistent
15 with the Board's determination of those
16 environmental issues.

17 And ultimately that the Board has
18 not identified any significant adverse
19 environmental impacts, and would be
20 issuing a negative declaration. That's
21 G. And that is the consequence of the
22 foregoing you're going to direct the
23 Mayor to sign the Part 3, that's the
24 negative declaration. And that you'll
25 direct us and the Clerk to make all the

1 Motion

2 necessary publications.

3 So we will need action on this
4 Resolution if it's acceptable to the
5 Board. If there is a motion and a
6 second.

7 TRUSTEE CAWLEY: I make a motion we
8 adopt the Resolution of the Village
9 Board of Trustees, Village make the
10 determination of significance under the
11 SEQR environmental impacts.

12 TRUSTEE LANNING: I'll second that.

13 THE MAYOR: Any further discussion?
14 Poll the Board.

15 Q. (Mayor): Marc.

16 A. Yes.

17 Q. Jim?

18 A. Yes.

19 Q. Carol?

20 A. Yes.

21 THE MAYOR: I vote yes.

22 MR. SMITH: So I've had Kevin
23 working over here making sure all the
24 boxes were checked while you were
25 discussing. This is your final document

1 Motion

2 that can be signed by the Mayor. And
3 that concludes the SEQR review.

4 MR. BYRNE: Do you want to keep going?

5 THE MAYOR: I think I've had root
6 canal. Certainly appears we've lost our
7 crowd.

8 TRUSTEE LANNING: Half of them.

9 MR. BYRNE: Well, that concludes the
10 SEQR, other than signatures on the
11 documents. The next item then is the
12 consideration of the Local Law. You can
13 proceed however you'd like. We don't
14 often follow the strict protocols of
15 Roberts Rules, but typically you get
16 something on the table for discussion by
17 moving its adoption, having a second and
18 then opening it for discussion.

19 THE MAYOR: That being said, do we
20 hear a motion?

21 TRUSTEE CAWLEY: I can make the
22 motion that we adopt draft Local Law
23 Number 4 of 2015.

24 TRUSTEE LANNING: I'll second that.

25 THE MAYOR: Motion has been made and

1 Discussion on Motion

2 seconded. I'll open it up to the Board
3 for discussion.

4 TRUSTEE LANNING: Counsel, if we
5 change the density use, density control
6 use schedule from A2 to the existing D1,
7 is that a show stopper for the entire
8 piece of legislation?

9 MR. GILBATO: Hotel or lodging? For
10 a hotel?

11 TRUSTEE LANNING: I guess I'm trying
12 to get my arms around why we're using an
13 A2 designation for a D1 District.

14 MR. GILBATO: Just to recap a little
15 bit. 225-42 is exactly the same as the
16 law is now, except we are adding hotel
17 to be included within the requirements
18 of that section.

19 TRUSTEE LANNING: Bear with me.
20 Where am I finding this?

21 MR. BYRNE: Article VI on the, looks
22 like the 5th page -- 6th page.

23 TRUSTEE LANNING: So as it reads
24 now, the Downtown D District is?

25 MR. BYRNE: All of that language is

1 Discussion on Motion

2 existing language in the Village Code
3 today, but it applies only to lodging.
4 The effect of this change is to make all
5 those same requirements going forward
6 applicable to hotels.

7 TRUSTEE LANNING: To hotels as well.

8 MR. BYRNE: So that if someone were
9 to propose the construction of a hotel,
10 let's say on Fennell Street, they would
11 be required to follow these requirements.

12 TRUSTEE LANNING: Density control
13 segments of A2.

14 MR. BYRNE: Yes.

15 MR. GILBATO: Which is the setback,
16 and if they didn't meet those as part of
17 their application they would need
18 variances from the Zoning Board of
19 Appeals, those particular density
20 requirements that they could not meet.

21 TRUSTEE CAWLEY: It's more
22 restrictive, not less.

23 MR. BYRNE: More restrictive.

24 MR. GILBATO: More restrictive for a
25 hotel, same as lodging.

1 Discussion on Motion

2 TRUSTEE ANGELILLO: So properties
3 like The Village Inn, which is on the
4 corner, would never exist with this law,
5 couldn't have, for one it would be a
6 four room hotel and wouldn't have the
7 density to meet the regulation.

8 MR. GILBATO: Well, lodging and a
9 hotel both require six or more rental
10 units.

11 TRUSTEE ANGELILLO: Right. You're
12 going to get grandfathered in right now.

13 MR. BYRNE: That one would be.

14 TRUSTEE ANGELILLO: Consider it a
15 hotel or lodging, I don't know?

16 MR. GILBATO: I think that one might
17 be an approved hotel. Arbor House is
18 approved lodging.

19 TRUSTEE ANGELILLO: So basically
20 we're limiting any hotels in the
21 Downtown D District. Because there is
22 only one or two properties that may have
23 the density.

24 MR. GILBATO: Without variances.

25 TRUSTEE ANGELILLO: Without a

1 Discussion on Motion

2 variance, yes.

3 TRUSTEE LANNING: Can you help me
4 understand, density is side yard
5 setbacks?

6 MR. BYRNE: Area coverage.

7 TRUSTEE LANNING: Area coverage,
8 side yard setback.

9 MR. BYRNE: Front yard setback.

10 TRUSTEE LANNING: So having a hotel
11 in the Downtown District, they would
12 have to read side yard setbacks and
13 impermeable structure for A2.

14 MR. BYRNE: Yes, unless a variance
15 were granted.

16 TRUSTEE DOVE: Variances are hard to
17 come by.

18 MR. BYRNE: Use variances are very
19 difficult to come by. I can't speak to
20 how often the ZBA grants variances from
21 density requirements, but my sense is
22 they would not be as difficult. Rick,
23 how would you characterize it?

24 MR. GILBATO: Say again?

25 MR. SMITH: The difficulty of

1 Discussion on Motion

2 getting an area variance versus a use
3 variance.

4 MR. GILBATO: Area variances, it's a
5 balancing test and the ZBA grants them
6 repeatedly after first the applicant
7 goes to a Planning Board for a
8 recommendation on those area variances,
9 and then goes to the ZBA for
10 consideration.

11 Variances are denied by the ZBA.
12 Many times applicants go back for a
13 subsequent meeting when they hear they
14 would likely not have the consensus of
15 the Board or majority of the Board.

16 And then the applicant chooses to
17 make some changes based on comments made
18 from the ZBA. That just happened last
19 night at a ZBA meeting, and they're
20 going to come back and we're going to
21 have a special meeting in January. So
22 area variances are granted. Use
23 variances are very very difficult.
24 That's allowing a use that is not
25 permitted in the area being proposed.

1 Discussion on Motion

2 And I think there has only been one use
3 variance in the last 20 or 30 years in
4 the Village, and that's the former
5 funeral home which is now a condominium
6 on East Genesee Street.

7 Because the use variance, you have
8 to show financial hardship, with
9 financial backing of why you cannot
10 obtain a reasonable return with the
11 property as permitted by the existing
12 Code. You can't receive that without
13 obtaining permission to do the use that
14 you want to use it for.

15 TRUSTEE LANNING: So the area
16 variance would still be a possibility,
17 just decreased likelihood.

18 TRUSTEE ANGELILLO: Is that right,
19 Rick, for the area variance? So if they
20 came to the ZBA, the Planning Board,
21 ZBA, and said they would like to build a
22 hotel, they need a variance, they could
23 consider a variance.

24 MR. SMITH: Bulk requirements.

25 MR. GILBATO: There is a density

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Discussion on Motion

control schedule which talks about side yard setbacks and minimum open space, etc. And every time there is an application, our Code Enforcement officer goes through this and sees, as presented by the applicant or typically an applicant's architect goes through and sees what area variances are needed. Because the application as proposed does not meet something within the density control schedule, which is different than our permitted use chart.

TRUSTEE LANNING: Different density control schedule for A2 as D1.

MR. GILBATO: Absolutely.

MR. BYRNE: The granting of either an area variance in connection with a density scheduled item for a use variance rests with the discretion of the Zoning Board of Appeals after a recommendation from the Planning Board.

What we've been saying is that as a practical matter, area variances are granted more routinely than are use

1 Discussion on Motion

2 variances. In fact use variances, the
3 burden on the applicant is very high.
4 And as a result they are seldom
5 requested or granted.

6 MR. GILBATO: I think part of the --

7 TRUSTEE DOVE: If I can paraphrase
8 Marc, if I can, what you were trying to
9 get at Marc, based on what available
10 land there is in the downtown area,
11 almost everything would have to go
12 through the variance process for a hotel
13 based on this A2 density schedule. Is
14 that correct?

15 MR. BYRNE: That's true of other
16 areas of the Village as well. I mean
17 much of the Village was built obviously
18 before zoning was applied. So I don't
19 know that there is a structure in the
20 Village -- an older structure that
21 strictly complies with the requirements
22 of our zoning Code.

23 MR. GILBATO: And must remember in
24 Downtown D, which I think was part of
25 the discussion of the Planning Board on

1 Discussion on Motion

2 this topic, there is no side yard
3 setbacks in Downtown D, you have
4 buildings touching each other. Rather
5 than in some of the other zones you do
6 have side yard setbacks. That was a
7 concern about, you know, commercial uses
8 of a hotel or without any type of side
9 yard setbacks that would affect the
10 neighborhood.

11 TRUSTEE ANGELILLO: This is a pretty
12 significant question, because if anyone
13 was to propose something they would go
14 from a requirement of area of 3,000
15 square feet to 30,000 square feet. Am I
16 saying that right?

17 THE MAYOR: Did you say that was on
18 the existing law? Or what Marc just
19 described?

20 MR. GILBATO: Say that again, Marc.

21 MR. ANGELILLO: If they were to
22 propose a project in the Downtown D
23 District, the existing law allows the
24 project within for 3,000 square feet,
25 with no setbacks because their buildings

1 Discussion on Motion

2 are, they don't have a setback
3 requirement. The new law would require
4 that you need 30,000 square feet?

5 MR. BYRNE: No. That's not correct.

6 MR. GILBATO: For lot dimensions.

7 MR. BYRNE: We're not changing the
8 density. It's not changing.

9 TRUSTEE DOVE: For hotels you will
10 be.

11 MR. BYRNE: You're applying it to
12 hotels.

13 TRUSTEE DOVE: Right.

14 TRUSTEE ANGELILLO: Somebody who is
15 proposing a hotel specifically, that's
16 what I'm asking.

17 MR. BYRNE: Doesn't apply to hotels
18 today.

19 TRUSTEE ANGELILLO: Existing doesn't,
20 but the new law would apply to hotels.

21 MR. BYRNE: Yes.

22 TRUSTEE ANGELILLO: But I guess I'm
23 also hearing that regardless they would
24 go through the zoning process. They
25 would apply for a hotel, go to the

1 Discussion on Motion
2 Planning Board or the Zoning Board,
3 regardless of what they were requesting.
4 It still has to go through the whole
5 process.

6 MR. BYRNE: Yes. Subject to all of
7 the normal reviews that any other
8 development would be subject to.

9 THE MAYOR: I would just like to
10 make a generalized observation on this
11 process. It strikes me that this entire
12 zoning is a work in progress. It's not
13 finality. It's changed over the years.
14 And this will probably be changed. So I
15 don't think we should beat ourselves up
16 to try to reach perfection, because I
17 don't think there is any such thing as
18 perfection, certainly not going to meet
19 everyone's satisfaction.

20 So it appears that we continue to
21 ask questions, and it just strikes me
22 this is a work in progress. It will
23 always be a work in progress. And
24 circumstances will change five years
25 from now, and they'll want to change

1 Discussion on Motion

2 something a little different. Regularly
3 change. There is no time frame on
4 mandates or changes in when zoning laws
5 can be changed. Correct, Counsel?

6 MR. BYRNE: That's right.

7 THE MAYOR: Want to do a Local Law
8 in six months, because we think we erred
9 in something we have done tonight, we
10 can initiate.

11 MR. BYRNE: Yes, you could.

12 THE MAYOR: I'm just trying to make
13 the point that we shouldn't try to beat
14 ourselves up here to reach perfection,
15 because I don't think there is such a
16 thing. And it's a work in progress. We
17 learn as we go. And two or three or
18 four months from now we find a glaring
19 mistake has been made, we try to correct
20 it. Hope we don't have to do the SEQR
21 process, all due respect to you, it
22 could affect my vote before we get
23 started. Whatever. I'm just making a
24 generalized observation. I don't think
25 we should beat ourselves up here tonight

1 Discussion on Motion

2 that we're at the end of the road.

3 We're not. Unfortunately this stuff

4 will continue to be questioned.

5 TRUSTEE DOVE: I think as long as
6 everybody can keep an open mind to that,
7 I think that's a very good point.

8 TRUSTEE LANNING: I agree with those
9 comments. I just want to make sure that
10 the Planning Board has specific, they
11 did address that, and that that was
12 reviewed and discussed.

13 MR. GILBATO: Issue of density
14 control?

15 MR. BYRNE: Listen, correct me if
16 I'm wrong, my recollection is that it
17 was a suggestion from a Trustee that
18 these rules apply to hotels as well as
19 lodging. So my recollection is that the
20 initial proposal from the Planning Board
21 did not contain that recommendation.

22 MR. DUNDON: That's right.

23 MR. BYRNE: Came from this Board.

24 TRUSTEE LANNING: We are not going
25 to achieve perfection tonight or any

1 Discussion on Motion

2 given night, we're going to do the best
3 we can.

4 THE MAYOR: Pleasure of the Board?
5 We have a motion and a second. Further
6 discussion? Want to poll the Board?

7 TRUSTEE ANGELILLO: I guess, you
8 know, I fought long and hard about all
9 this, I don't really want to make a
10 grandstand statement. But I do support
11 the work that the Zoning Board and the
12 Planning Board do.

13 And as in most governments, you
14 know, that may get a recommendation from
15 a Military Board on some action they
16 should do and then they completely
17 ignore it. We're certainly, I speak for
18 myself, I am no expert on any of this,
19 and it is a bit overwhelming to, you
20 know, to be involved in something that
21 you don't understand completely.

22 But I've gone through it enough and
23 spoke to enough people that, you know, I
24 feel that we have to rely on the experts
25 in the field, which is the Zoning and

1 Discussion on Motion

2 the Planning Board on it. So I'm all
3 done.

4 TRUSTEE LANNING: I think it's
5 important that we not lose sight of the
6 forest by looking at the individual
7 trees, the root systems. Short term
8 rentals will have an impact on our
9 residential community, as I see it. And
10 I would like to thank the Planning Board
11 and those involved for their due
12 diligence in getting us to this points.

13 THE MAYOR: Any other comments,
14 discussion, before I poll the Board?
15 Motion has been made and seconded. I'll
16 poll the Board.

17 Q. Marc?

18 A. Yes.

19 Q. Jim?

20 A. Yes.

21 Q. Carol?

22 A. Yes.

23 THE MAYOR: I vote yes.

24 [Conclusion of Public Hearing & Vote by Board].

25

* * * *

REPORTERS C E R T I F I C A T E

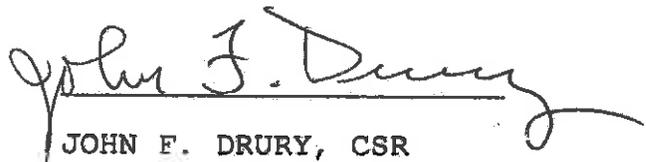
I, JOHN F. DRURY Court Reporter and
Notary Public, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
: recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
: transcript of my shorthand notes so taken;

I further certify that I am not a relative or
employee of any attorney or of any of the parties nor
financially interested in the action.


JOHN F. DRURY, CSR

A

A2 228:7,15 230:13 231:12 235:15 272:24 273:4 274:2 308:6,13 309:13 311:13 314:15 315:13	304:25 305:2 306:3 321:15 action's 288:23 actions 246:16 283:20 297:13,15 297:19 300:7 active 267:20 activities 201:25 259:10 295:4 activity 295:19 actual 290:14 add 195:22 202:11 232:6,15 297:20 297:24 added 196:6 230:16 245:8 297:14 adding 261:4 308:16 addition 232:11 251:18 257:11 additional 230:17 231:5 232:8,10,12 232:15 243:24 244:14 262:18 282:11 284:17 address 188:24 189:6 196:11 220:13 228:19 240:3 304:2 320:11 adds 265:6 adequate 216:19 adhering 206:17 adjacent 259:5 261:25 268:2 271:11 280:17 adopt 186:6 306:8 307:22 adopted 243:17 279:18 287:18 adopting 199:16 286:4 adoption 243:10 254:13,14,16 260:7 283:22 296:14 307:17 adverse 246:6,12 247:6,9,15,20,23 248:8 249:19 250:20 264:18 298:5 301:9 302:3	302:7 305:18 advertised 213:13 advice 300:20 advise 271:20 276:3 advised 200:23 aesthetic 268:21 269:2,10,13,15,20 270:12,13,24 295:10 aesthetics 270:21 affect 258:22 259:20 269:17 270:11,12 277:17 286:19 287:5 316:9 319:22 agency 191:15 242:21,22 243:2 246:10 248:5,23 254:2 256:23 262:22 267:18 286:22 288:4 305:4 agenda 242:2 agent 211:9 ago 191:16 210:25 214:23 215:5,25 240:24 253:17 261:14 agree 204:9 211:9 216:17 262:5 320:8 agricultural 267:14 267:16,19,22,25 268:2,5,9,14,16 ahead 258:13 air 265:17,19,21 285:6 298:22 alcohol 219:12 233:6 allow 199:16,23 227:25 235:16 276:8 289:8 allowable 243:11 283:25 284:14 allowed 192:16,19 192:21 194:9 199:9 200:7 203:12 206:5,7 232:17 282:25 allowing 195:20 289:5 312:24	allows 189:9 316:23 alter 258:9 275:18 279:7 295:25 296:7,7 alteration 253:8 254:4,12,21 257:10 266:24 278:8,14,21 altered 193:3 altering 255:24 275:23 ambiguities 193:20 194:6 195:25 ambiguous 193:4 amend 246:4 288:12 304:8 amendment 254:19 266:22 283:22 290:10 amendments 187:23 247:4 248:7 259:20 263:11 264:22 265:20,25 266:23 271:14 275:17 277:17 278:13 279:19 281:2 282:3,9 284:16 285:8,18,22 287:22 288:2 289:8 290:25 292:24 293:16 294:6 295:13,25 296:3,6 297:11 302:5,9 amount 198:19 213:19 251:23 282:4 analysis 248:3 250:3 and-a-half 215:25 And/or 301:19 Andy 187:7 196:20 196:21,21 Andy's 197:7 ANGELILLO 186:16 218:2,8 219:4 220:10 221:9 224:25 226:5 227:21	229:22 230:2,11 231:8 232:18 233:15 234:24 235:14 236:15 237:4 238:21 256:11 258:18 262:13 264:3 265:15 266:7 267:12 268:19 271:7 272:22 273:18 274:11,20 275:3 276:23 277:14 278:2,19 279:2,11 280:13 281:12 283:10 284:23 286:12 287:7,14 288:20 289:18 290:2 291:8,18 292:9,18 293:4 296:25 298:11 299:7 300:4,16 302:16 303:17,23 304:12 310:2,11,14,19,25 313:18 316:11,21 317:14,19,22 321:7 animals 266:9,13 266:19,20 annexation 261:16 261:24 annexed 222:3,9 announced 188:13 answer 189:21 195:11 221:13 226:9 236:14 244:2 248:25 249:5,7,9 252:20 254:10,18 257:16 270:15 271:21 273:16 274:15,18 284:6,9 285:20,24 288:9 289:11,14 290:12,24 291:4 296:19,20 298:2 300:21 301:7 answered 256:12 answering 290:9 291:14 answers 278:4 anti-commerce
--	--	--	--	---

207:11	aquifer 262:20	276:25 277:16	back 197:19,20	better 194:20
anticipate 199:17	Arbor 194:11	279:13 280:14,16	217:22 243:18	204:14 209:21
302:2	221:20 228:10	281:15 283:12	312:12,20	238:22
anticipated 302:25	310:17	284:24,25 286:15	backbone 197:17	beyond 232:16
anybody 241:7	archaeological	286:21 287:16	backdrop 201:15	big 194:21 229:17
anyone's 257:12	277:2	289:21 290:5	background 304:17	273:14,19 286:4
apologize 209:15	archeological 271:9	291:9,20 294:19	backing 197:6	bigger 297:20
209:23 299:25	271:12,15 275:11	296:13 297:8	313:9	biggest 198:15
Appeals 226:24	277:6,18	assess 246:10 248:7	bad 190:13 211:25	bill 205:9
309:19 314:21	architect 314:8	assessment 245:21	273:11,15	bit 194:20 197:21
appearance 275:18	architectural	assist 246:25	balance 207:9	200:16 201:19,20
275:24 276:12	269:13	248:11	295:10	242:16 269:5,6
appeared 228:25	area 208:20 213:4	assistant 188:25	balances 234:8	282:15 308:15
appears 307:6	214:5 231:5	associate 303:11	balancing 312:5	321:19
318:20	273:24 280:18	associated 199:15	bandwagon 203:18	Blair 187:6 195:1
appetite 225:13	292:11 294:24	238:18 261:24	banned 210:12	195:14,15,15,21
applicable 237:23	295:8 311:6,7	303:12	bar 203:20,25	block 209:5 240:14
309:6	312:2,4,8,22,25	assume 201:16	bars 203:13	240:21
applicant 312:6,16	313:15,19 314:9	Assuming 204:16	based 226:17	Blue 203:5
314:7 315:3	314:18,24 315:10	attached 243:4,23	236:19 243:21	Board 186:2,9,13
applicant's 314:8	316:14	303:4 305:10	244:3 248:14	186:21,21 187:20
applicants 312:12	areas 210:11,16	attachment 305:13	260:9 302:24	189:22 191:24
application 199:25	269:23 270:3	attendance 188:23	312:17 315:9,13	193:15 195:23
231:7 233:25	280:15,21,25	190:5	basically 193:7,23	196:3,7,17 199:13
260:17 261:21	281:3 294:16	attended 323:5	195:8 223:15	199:21 204:4,4,5
309:17 314:5,10	295:19 296:2	attending 190:3	228:8 229:10	204:22 206:16
applications 196:9	315:16	attention 198:18	310:19	212:14,16 217:19
applied 315:18	Arguably 278:3	227:24 244:17	basis 196:9	217:20,23,24
applies 230:19	arms 308:12	attitude 269:12	Bear 308:19	218:17 219:1,3
240:18 243:10	Arnie 216:22	attorney 186:17	beat 318:15 319:13	220:1 221:1,11
309:3	Arnold 187:19	242:6 262:6	319:25	222:1 223:1 224:1
apply 230:21 231:3	205:3,4 216:23	attract 299:13	becoming 200:23	224:10 225:1,4,13
231:24 232:15	array 294:14	Audibly 257:24	bed 232:7 234:25	226:1,8,23 227:1
236:7 251:11	article 186:7,7	authority 217:21	235:4,16 237:5,8	227:22 228:1,17
298:19 317:17,20	198:16 308:21	217:25 219:22	237:13,14,21	228:22 229:1,2,22
317:25 320:18	aside 233:5 249:17	220:6,22 221:2	238:4 282:23,24	230:1 231:1,23
applying 246:9	asked 221:14	automatically	290:17	232:1,2,6 233:1
317:11	262:16 292:2	219:24 234:3	bedroom 202:2	233:10,13,19
appreciate 194:2	asking 226:7	available 243:22	beginning 227:8	234:1,4 235:1,8
appropriate 229:5	236:16 258:2,4	244:6 315:9	begins 189:4	236:1,16 237:1,13
238:13 245:11	264:20 269:11	avoid 246:12	belabor 195:17	237:20 238:1,2,7
approval 194:11	273:6 274:14	avoided 301:18	believe 198:10	238:19 239:1
233:13,19 234:3	289:3 294:6 304:5	aware 200:25	211:12 240:17	240:1 241:1
approvals 219:21	304:7,25 317:16		270:10 289:10	242:14,20,23
approve 273:21,22	asks 246:15 253:6	B	290:25 293:15	243:2,4 245:20
approved 194:14	254:2 256:15,22	b 252:10,15 276:25	benefit 190:10	246:2,19 247:2,4
194:15 226:23	258:21,24 259:15	277:10 289:1,21	benefits 202:9	247:14 248:4,11
310:17,18	262:15,21 264:4,5	301:14	best 233:2 321:2	248:22 249:25
approves 305:8	265:17 266:9,12	B&B 238:25 239:7	Beth 187:18 193:9	250:2,4 252:17
approving 236:17	267:15,17 268:22	239:11	193:10 215:23,24	254:23 255:2,9,15
246:9	271:8,10 275:8	B&Bs 192:25	216:17	255:16 256:2

259:19 261:16
263:9 265:11
266:3,3 267:3
268:4 275:13
276:7,18 277:8
278:12 280:9,19
280:22 281:8
282:2,7,13 283:6
284:7,19,19
285:11,16,17,25
286:8,8 287:3,10
287:20,24 288:15
293:7,14 295:16
295:16 296:5,13
298:3 299:4,24
301:23 303:13,19
305:8,17 306:5,9
306:14 308:2
309:18 312:7,15
312:15 313:20
314:21,22 315:25
318:2,2 320:10,20
320:23 321:4,6,11
321:12,15 322:2
322:10,14,16,24
Board's 191:16
304:9 305:15
Boards 261:18
Bob 187:5 193:12
193:13,13 196:22
197:7 204:10
212:6 221:19
232:22
Bob's 222:12
bodies 258:24
259:6,13,24
264:10
body 259:13,21
Bond 242:6
bonding 221:5
book 231:18 251:7
bottom 227:9
300:25
Bouchard 187:17
204:24,25 214:1
214:14,15 215:1
216:1
bought 208:21
212:20 213:12
224:21
boutiques 219:13

box 192:3
boxes 303:9 306:24
boy 252:16
breakfast 234:25
235:5,16 237:6,9
237:13,14,21
238:5
breakfasts 232:7
282:23,25 290:18
Brian 186:21
228:23 229:3
232:25
bride 211:20
bridge 251:12
briefly 188:12
250:10
bringing 265:10
brings 301:4
broached 220:11
broad 294:14
Brody 186:20
234:20 242:5
261:12
brought 196:5
207:25 220:12
227:24 232:22,23
232:24 239:23
Brown 198:4
BRUCE 186:21
294:9
build 224:4,18
230:23 231:9
313:21
building 208:17
213:12,14 220:4
221:5,6 223:8
233:9 241:4
271:15
buildings 203:3,7,7
208:7,16,22 209:5
212:21,23 223:6,9
224:2 226:16
240:13,16 241:3,8
264:19 270:8,19
270:21 271:13,17
271:17 272:4,17
274:4,14 275:11
275:19,21,25
276:9 295:2 316:4
316:25
built 292:5 315:17

bulk 263:5 313:24
burden 315:3
business 207:20
237:22,23 238:3
239:2,5,17
businesses 208:13
208:21
buy 208:16
Byrne 186:17
191:13 210:8
217:15 218:12
219:17,20 220:2,9
220:15 221:24
222:23 224:8
226:14,19,25
227:6,14 230:6,9
230:18 231:14,19
231:22 233:11,14
233:17,21,24
234:5,11,13 235:7
235:17 236:10
237:10 239:8
240:2,6 241:15
260:5 261:11
293:18 296:12,18
304:18 307:4,9
308:21,25 309:8
309:14,23 310:13
311:6,9,14,18
314:17 315:15
317:5,7,11,17,21
318:6 319:6,11
320:15,23

C

c 192:20 216:13
227:11 230:3
277:15 290:5
300:24 301:19
305:13 323:2,2
call 204:8 255:10
255:13 300:21
called 202:22 237:8
237:14
canal 307:6
capture 299:11
captures 288:7
care 205:17 206:23
carefully 195:8
Carol 186:16
218:22 306:19

322:21
Carolyn 187:10
200:13,14,14
carries 199:5
Carroll 187:13
207:1,5,6,6
carrying 251:17
CARVALHO
186:21 229:3,15
230:5,8,14
case 196:8,8 202:11
220:25 225:11
238:13
categories 249:12
category 222:11
223:11
cause 253:20,21
259:15 283:13
289:22 291:21
causes 263:2
caves 256:21
CAWLEY 218:4
222:20 237:2
255:20 256:9
258:11,16 259:22
262:11 263:20,25
264:25 265:13
266:5 267:4,10
268:11,17 270:25
271:5 274:25
276:21 277:12,24
278:18,24 279:9
280:7,11 281:10
282:14,19,24
283:8 284:21
286:3,10 287:12
288:18 289:20
290:4 291:7,16
292:16 293:2,10
294:11,13 296:24
298:8 299:5 300:2
300:14 302:13
303:16,22 306:7
307:21 309:21
cease 189:16
celebrating 201:13
cell 188:15
certain 196:9
238:17 269:14
290:18
certainly 204:17

307:6 318:18
321:17
Certified 323:3
certify 323:3
chain 199:10
challenged 204:18
challenging 193:17
Chamber 212:17
214:2
chance 303:2,14
change 230:8
235:21 236:20
244:12 248:17
255:22,23 276:10
276:11 281:16,18
282:10 283:24,24
284:13 288:3
290:14 291:2,21
292:3 293:22
295:12 303:24
308:5 309:4
318:24,25 319:3
changed 228:15
236:4 318:13,14
319:5
changes 225:5
228:6 236:11,12
243:10 250:25
251:3 261:3 265:7
268:7 293:24
294:3 295:8 296:3
303:18 304:6
312:17 319:4
changing 229:10,13
289:7 317:7,8
Chapter 186:7
character 223:18
279:6 294:19,21
294:22,24 295:7
295:12,14 296:9
296:16
characterize
311:23
characterized
292:12
chart 207:2 314:13
cheaper 239:13
check 276:4 300:24
303:8
checked 192:3
275:4 303:9

306:24	282:20	219:6 254:13	192:18 236:21	235:9
checks 234:8	comment 190:7	287:19,25 293:18	246:15 257:11	context 248:18
children 200:19	191:25 193:11	293:20,22,24	258:20 261:18	250:24 251:2
201:12	195:21 207:2	294:4,8	272:23 273:23	262:3 277:21
children's 202:2	228:24	conceivably 204:15	288:5 297:9	contextualizing
choose 281:4	comments 188:7	concept 239:22	299:18 310:14	253:25
chooses 312:16	189:17,25 190:7	261:13	313:23	contiguous 223:9
circumstances	191:4,18 193:15	concepts 230:22	considerably	275:10
196:10 318:24	194:6 195:24	concern 200:18	237:17	continuation 188:3
Citizens 204:22	198:7,9,19 200:11	202:3,24 205:11	consideration	190:18 206:6,12
Clarification	205:2 219:4,6	205:25 223:17	189:18 202:13	225:25
296:12	242:24 244:25	239:10 286:5	248:9 287:22	continue 226:2
classification 222:5	255:15,18 258:12	316:7	304:10 307:12	236:2,5,13 252:13
clause 304:17	266:2 267:2,7	concerned 201:24	312:10	303:10 318:20
cleaned 193:3	268:13 276:13	223:15	considered 231:6	320:4
clear 202:5 251:24	277:7 280:5 283:4	conclude 280:22	262:3 269:24	contrast 268:24
cleared 266:17	285:12 286:7	282:2 284:15	considering 260:14	288:25
clearer 222:19	287:3 312:17	285:17,17	273:7 297:22	contribute 213:6
clearing 254:5	320:9 322:13	concludes 206:2	consistency 269:7	control 210:19
259:14	Commerce 212:17	217:13 300:17	287:15 293:6	229:25 231:13
Clerk 305:25	214:3	307:3,9	294:18	236:19 273:3
CLERK/TREAS...	commercial 207:10	Conclusion 322:24	consistent 287:18	274:2 308:5
186:17	212:18 229:11,14	conditions 250:24	287:25 288:6	309:12 314:2,12
clients 193:17	237:7 280:2	285:6	293:16 294:7	314:15 320:14
cliffs 256:20	292:22 294:16	condominiums	296:9 305:14	controversial
close 217:15 218:3	295:11 316:7	212:20	construct 261:7	220:17
218:7,10,16 284:2	community 197:18	condominium	construction 221:4	conversation 233:2
closed 215:8	210:22,22 246:14	313:5	251:14,19 253:7	242:18 254:23
Code 196:11	251:2 285:14	condos 203:9	254:6 259:25	convert 220:4
222:25 224:7	287:16 293:7,13	conduct 190:6	265:2 270:14	233:8
230:9 232:9	293:17 294:18,21	198:25 220:18,22	309:9	converted 203:9
235:10,13 289:6	294:22 295:12,14	234:20	consult 303:10	279:24
293:25 294:4	296:10,15 322:9	conducted 186:10	consultants 237:10	Cooperstown
309:2 313:12	companies 205:14	188:19	Consulted 303:12	215:16
314:5 315:22	company 205:23	conflicts 193:20	consuming 234:18	copy 191:17,17
collective 297:19	237:17,18	confusing 269:5	consumption	194:19
combine 222:18	compared 299:16	confusion 194:14	219:13 284:17	corner 310:4
299:2	323:7	congestion 281:23	contain 219:11	correct 206:25
combined 295:6	complete 243:21	connection 221:4	223:22 228:3	220:2,9 235:2
combines 298:16	completed 297:2	287:21 314:18	257:2 264:9,12	252:23 260:4
come 197:20	completely 210:6	consensus 225:19	270:7 271:16	265:5 273:3
199:11 202:25	210:14 262:5	226:3 228:25	320:21	288:14 296:17
206:22 209:6,9	321:16,21	287:24 312:14	contained 224:12	315:14 317:5
211:5 213:15,23	completeness 278:6	consent 242:25	contains 259:6	319:5,19 320:15
225:19 241:9,20	Completing 246:18	consequence	267:24 271:13	323:9
244:17 299:17	compliance 235:13	305:21	contaminants	correcting 193:25
311:17,19 312:20	complies 315:21	consequences	262:20 286:18,20	correctly 191:12
comes 197:19	comply 231:2	300:8	286:24 298:23	corrosive 287:2
199:25 244:15	components 237:23	Conservation	contamination	cost 238:25 239:3
coming 188:3	288:24	251:9	262:23	239:11
207:21 222:10	comprehensive	consider 186:6	contemplated	costs 217:12

COUCH 186:17
Counsel 186:20,20
 218:6,11 219:3
 226:11 228:20
 233:5 239:21
 308:4 319:5
County 186:3
 191:11,14 291:11
couple 191:4 213:8
 213:21 253:12
 297:6
court 188:25
courtesy 188:15,20
cover 250:21
coverage 231:11
 237:22 238:20
 239:12,13,15,17
 311:6,7
crafted 223:3
crash 201:16
create 202:14
 223:11 254:20
 260:19 265:5,9,25
 281:19 284:16
 295:6 297:25
 298:17 299:2
 300:10
created 221:17,18
 222:5,10
creating 259:13,14
creation 265:21
 299:23 300:6
creek 259:7
Creekside 228:11
criteria 238:18
 299:10 305:8
critical 197:8
 233:21 234:9
 280:15,18,20,24
cross 251:12
crowd 307:7
CSR 186:11 323:13
cumulative 297:10
 297:16 298:4,6
current 244:4
 260:24 268:25
 288:25 289:6
currently 243:22
customers 240:18
CVS 228:10

D

d 192:21 194:9,10
 202:24 203:3
 210:15 211:7
 216:12 219:15
 227:20 228:5,9,14
 229:3,6 235:11
 252:14 271:25
 272:23 273:23
 276:9 291:9
 308:24 310:21
 315:24 316:3,22
D1 308:6,13 314:15
dam 244:19,21
damaging 298:15
 298:18
Dane 187:14
 207:14,15,15
 208:24
date 198:9
Dated 323:15
dates 304:21
daughter 215:24
day 201:16 253:22
days 201:7 225:24
 299:15
deal 229:18 273:19
dealing 193:18
debate 202:12
DEC 251:7 253:15
 298:21 299:10
decade 214:17
December 186:12
 188:4,5 190:23
 191:8 198:8
 323:15
decide 225:9,14
 246:3 247:19,22
 249:11,19 273:14
 276:15 296:5,13
deciding 249:22
 288:5
decision 197:22
 248:14
decisions 199:19
declaration 199:17
 247:8,17,21,24
 300:22 301:12,25
 302:6,13,15,17
 305:20,24

decorum 188:20
decreased 313:17
decreasing 259:12
deemed 226:22
deeply 212:8
 246:24
defending 209:25
defer 204:25
defined 294:22
defines 295:7
definitely 214:4
definition 194:24
 194:25 203:11
 223:2 255:21
definitions 194:16
 223:22
demand 263:3
 281:19 299:23
 300:6
denied 312:11
density 224:12
 229:15,17,24
 230:2 231:13
 236:19 273:3
 274:2 291:22
 292:3,12 308:5,5
 309:12,19 310:7
 310:23 311:4,21
 313:25 314:11,14
 314:19 315:13
 317:8 320:13
Department 251:9
depends 248:17
depth 197:22
describe 190:14
 244:7
described 316:19
description 304:8
designate 280:20
designated 199:2
 269:15,21 270:3
 277:3 279:17
designation 308:13
designed 248:4,10
 253:24
destruction 256:17
 266:24,25 278:8
 278:14 279:22
detail 249:18
determination
 191:14 242:3

247:2 282:8 305:6
 305:15 306:10
determining
 248:11
devastated 215:4
develop 264:23
development
 224:12 230:3
 264:7 281:17
 289:5,9 291:22
 292:12,20,22
 318:8
dialogue 226:2
dictates 221:6
difference 192:9,13
 192:15 194:7,21
 222:21
differences 194:18
 222:24
different 192:10
 213:9 267:22
 268:24 288:24
 298:2 314:12,14
 319:2
differently 284:15
difficult 311:19,22
 312:23
difficulties 195:25
difficulty 311:25
diligence 322:12
dimensions 317:6
dinner 210:24
dioxide 298:22
dip 192:8
direct 305:22,25
directed 190:2
directly 257:5
 279:19
disagree 212:19
 214:4 260:15,23
discharges 259:16
discretion 248:22
 253:23 314:20
discuss 228:17
 246:24 249:18,23
 250:4,20 251:2
 258:5 272:18
 273:13 293:8
discussed 188:13
 228:21 237:11
 244:11,25 246:20

257:9 265:23
 266:21 293:21
 300:8 320:12
discusses 265:16
 266:8
discussing 225:8
 229:23 260:2
 265:4 294:7
 305:11 306:25
discussion 186:9
 191:24 219:2
 228:24 232:4
 241:24 244:22
 245:7 249:14
 256:2 257:18
 259:19 262:7
 263:8,22 266:2
 268:8 270:23
 273:4 278:10
 280:5 281:5
 282:13 284:7,18
 285:10,24 287:4,8
 287:10 288:13
 301:24 302:25
 306:13 307:16,18
 308:1,3 309:1
 310:1 311:1 312:1
 313:1 314:1 315:1
 315:25 316:1
 317:1 318:1 319:1
 320:1 321:1,6
 322:1,14
discussions 221:11
 287:23
disruptive 190:7
dissipated 264:17
distant 291:24
district 192:19,21
 194:10 202:24
 203:4 212:21
 216:13,13 219:15
 227:20 228:5
 229:6 235:11,15
 243:12,13 271:25
 272:2,4,5,24
 273:24 274:5
 275:12 276:10
 308:13,24 310:21
 311:11 316:23
districts 212:18
 261:5

disturb 259:10	dwelling 201:22	eligible 228:11	298:2,24 300:12	294:9,10,15,21
disturbances 266:15	Dyson 187:4 192:1 192:4,6	Elizabeth 187:13 187:17 207:7 214:16	301:3,10,17 304:7 304:11,13 305:16 305:19 306:11	296:15 308:6 309:2 313:11 316:18,23 317:19
disturbing 259:23	Dyson's 194:6 221:13	Elliott 187:15 206:4 206:10,19,24 208:23 209:1,12 209:13,13 210:1 211:1	equitable 196:13	exists 227:5,8 230:7 230:19 294:8
divide 213:18	<hr/> E <hr/>		eroded 251:16	expanded 292:13
document 247:11 253:14 306:25	e 187:5,16 278:4 291:1,20 323:2,2		erosion 251:13 259:15	expansion 261:20
documents 191:5 242:12,13 307:11	e-males 188:7	Eloise 187:11 202:17,18,18 210:18	erred 319:8	expect 188:18
dog 252:14	EAF 243:15 246:18 252:11 305:9	empty 208:17 215:7	especially 209:24 212:5 232:5	expensive 239:15
doing 204:6 213:22 228:18 236:21 284:3	earth 224:17	emission 265:19	ESQ 186:17,20,20 187:9	experience 190:13 190:15 200:16 202:5,14 205:16 211:25
dollars 210:21	easement 240:12,15 240:17	encourage 189:14 196:3,17 294:14 299:13	establishment 238:17	expert 321:18
door 200:22 201:22 204:2 234:4	East 187:7,11,12,13 187:19 193:14 196:22 202:19 205:8 207:7,16 212:11 216:24 313:6	energy 283:11,15 283:15,16,20 284:13,17	estate 211:9	experts 321:24
DOVE 186:15 221:12 222:15 223:13 224:20 231:17,21 238:24 256:5 311:16 315:7 317:9,13 320:5	eat 215:10	enforce 217:8	evaluate 199:21 252:8 254:3 256:23 258:25 262:22 266:12 267:18 268:4 286:22 290:9	explained 221:16
downstream 252:2	echo 221:25	enforced 217:6,8	evaluating 199:14 200:4	explores 247:12 269:7 285:5
downtown 210:15 211:7 212:21 213:4 214:4 219:15 227:20 228:5,9,14 229:3 229:6 233:8 271:25 272:23 273:23 308:24 310:21 311:11 315:10,24 316:3 316:22	economic 246:14 281:24	enforcement 196:14 214:9 314:5	evaluation 199:7	exposure 286:17,23
draft 205:10 230:7 302:23 307:22	economies 208:12	England 214:24	evening 198:3 225:15	express 199:11 200:17
drastically 291:2	effect 285:18 298:7 309:4	ensuing 252:21	everybody 225:20 242:11 320:6	expressed 295:15
drawing 278:11	effects 298:18 301:9	entails 293:24	evening 198:3 225:15	extend 204:21 225:13 226:6
dream 213:25	efficiently 242:10 242:17	enter 191:10	evaluation 199:7	extending 231:21 239:24
driveway 201:10	effort 212:23	entered 191:6	evening 198:3 225:15	exterior 193:6
drove 214:24	Eggleston 187:5 193:1,12,13,13 194:1 204:10 221:19 227:19	enterprise 236:5	everybody 225:20 242:11 320:6	<hr/> F <hr/>
Drury 186:11 323:13	eight 192:21 203:15	enterprises 267:23	everyone's 318:19	f 186:11 292:10 323:2,13
due 199:25 298:6 319:21 322:11	EIS 247:16 301:22	entire 210:5,22 213:21 230:18 271:24 308:7 318:11	exactly 211:4 308:15	fabric 207:20,24 208:2
Duke 198:4	either 202:21 223:13 249:13 259:15 280:19 282:14 283:17 314:17	entirety 188:9	example 251:4,6,10 256:20 298:19,20 298:21	face 240:13
DUNDON 235:6 320:22	elaborate 239:22 241:17	entitled 323:6	examples 253:19 254:9,17 283:19 284:4,11	facilities 205:16,24 219:11 235:17,18 238:9,11 267:21
dunes 256:20	elaboration 302:20 302:24 303:4,15 303:20 305:14	entrance 193:7	excavating 259:14	facility 222:13 224:16 231:3 235:20,24 240:19
duration 250:8,14	elements 279:5	entries 191:5	excavation 254:6 263:3	fact 315:2
	elicit 254:22 255:15	environment 246:7 247:16 295:4 298:6,16,18 301:10,21 302:4,8	Excuse 209:11 303:23	factor 213:3
		environmental 186:20 199:6,8,14 199:22 200:2 245:21 246:13,16 247:3,10 251:9 280:15,18,21,24 280:24 281:24	exercise 246:22	factors 251:11,22 287:5
			exist 244:5 265:6 310:4	factual 245:7
			existed 235:24	fair 188:20 196:13
			existing 220:4 227:6,10 230:5 281:16 286:17 290:11 291:23,24	fall 251:16
				falls 249:12
				familiar 222:14
				families 197:18

211:14
family's 202:14
farms 267:21
fathers 211:20
fauna 266:11
FEAF 245:16
253:13
feature 257:15
features 256:14
257:14,21 258:9
294:23
feel 201:19 210:4
258:5 263:14
284:16 285:20,21
296:18,20 298:3
299:18 321:24
feeling 223:19
feet 229:19,20
316:15,15,24
317:4
felt 238:13,19
Fennell 187:6
195:15 209:15,18
224:2 230:24
240:10,19 309:10
field 321:25
figure 192:9,12
filled 305:10
filling 254:6
final 186:9 294:17
306:25
finality 318:13
finally 250:22
299:9
financial 313:8,9
find 192:15 215:10
224:18 247:14
319:18
finding 308:20
finds 247:4
FingerLakes 198:5
Fire 186:10
first 188:14 189:11
190:19,20 192:5
201:3 209:14
218:11 225:12
240:25 242:19
252:21 273:9
275:7 312:6
fit 222:7 223:11
five 200:19 203:7

203:15 210:25
211:24 235:11,12
318:24
flammable 287:2
flawed 198:10
flexibility 196:8
flip 242:16
flooding 264:5,8
floodplain 226:12
226:13,18 227:13
227:20 264:16
floodplains 244:24
245:3 264:12,13
264:14,23
floods 264:17
flora 266:11
Florida 215:12
focus 193:16
198:23 213:10
Fogel 187:9 198:2,3
198:3,4 199:1
260:13
follow 214:7 231:12
231:15 234:19
307:14 309:11
following 252:2
283:21
foregoing 305:22
323:7
foreseeable 297:15
forest 322:6
forests 270:6
form 238:22 243:16
243:16,18 245:21
253:16 272:14
283:14 297:3
formed 213:2
former 313:4
forms 256:19,24
257:2 299:11
forth 193:2 198:11
214:10 273:16
forward 285:14
309:5
fossils 256:21
fought 321:8
found 241:5 297:4
four 250:6 251:11
310:6 319:18
frame 319:3
Franklin 261:17

frankly 202:7
freestanding 223:6
friend 241:2
friends 211:15,16
front 201:17 215:7
226:20 240:12
241:4 253:4 311:9
frontage 212:25
full 189:17 215:21
243:15 245:21
fully 243:25 244:8
function 238:16
funeral 313:5
further 191:23
215:18 219:2
221:10 234:22
246:20 247:12
248:9 250:2
258:12 262:7
263:22 306:13
321:5
future 197:8,11

G

g 292:1,19 305:21
gaining 198:17
GALBATO 186:20
227:5,18 228:21
232:3,21 233:23
general 195:4
196:16 203:14
246:19
generalities 219:9
generalized 318:10
319:24
generally 244:7
generate 281:18
generation 263:5,7
generic 192:22
Genesee 186:10
187:5,7,11,12,16
187:19 193:14
196:22 202:19
203:22 205:8
207:16 212:12
216:24 226:16
229:5 231:10
313:6
gentleman 213:11
geological 256:14
257:13,21 258:9

George 214:25
215:4,6,13,17
getting 210:12
255:5 269:6
304:23 312:2
322:12
GILBATO 230:15
231:4 236:25
241:17 308:9,14
309:15,24 310:8
310:16,24 311:24
312:4 313:25
314:16 315:6,23
316:20 317:6
320:13
Gist 187:14 207:1
207:14,15,15
208:1,24
give 189:5,20
191:20 194:19
204:11 206:13
240:24 245:16
251:4 253:24
given 189:17
195:22 198:14,20
221:21 242:10
251:10 254:17
257:7 259:17
284:4 298:20
321:2
gives 196:7 253:19
254:8 304:21
giving 188:23
glad 195:11 274:7
glaring 319:18
go 188:12 192:23
198:6 205:12
220:5 223:20
229:19 233:10,18
234:15 235:22
245:15,24 249:4,9
250:17 252:18,24
258:13 271:22
272:11,18 273:13
274:16 275:6
278:4 288:10,21
297:7 312:12
315:11 316:13
317:24,25 318:4
319:17
God's 224:16

goes 259:7 304:16
312:7,9 314:6,8
going 192:16 194:5
197:10,24 198:6
199:23 200:7
204:12,14 207:21
207:22 208:8
212:12 216:18
217:3,8,9 224:17
225:9 231:14
234:16 235:16
238:15,16 239:14
243:18,19 244:12
244:13 245:14,16
248:23 249:16,23
252:9,11 253:4,11
255:7,10 259:25
270:18 273:8,21
273:22 274:18
275:6,23 278:6
285:14 289:8
292:3 294:2
299:19 303:24
305:22 307:4
309:5 310:12
312:20,20 318:18
320:24 321:2
good 199:24 204:21
207:9 220:24
237:18 239:7
241:20 273:11,15
276:12 320:7
governments
321:13
grading 254:5
grand 213:24
grandfathered
310:12
grandparents
211:21
grandstand 321:10
granted 311:15
312:22 314:25
315:5
granting 234:3
283:23 314:17
grants 311:20
312:5
GRAY 292:7
great 196:22 241:5
greater 199:9

green 224:17	285:11	203:11,19 204:2	identifying 247:8	265:17 266:9,13
Griffin 187:14	hearing 186:9	205:13 209:2,3,3	ignore 321:17	267:20 268:9,13
207:15	188:4,18 189:3,19	209:7 219:5,10,25	ii 278:20	268:21 271:9
Grill 203:5	190:18,20,21	220:5 221:14,21	iii 279:3	275:22 276:16,16
groom 211:21	191:4,8 195:17,24	222:22 223:7,14	illustrate 252:7	276:17,22 281:14
groundwater	200:12 206:7,9,13	223:21 224:4,19	imagine 297:21	281:21,25 283:11
262:16,18,20,24	217:16 218:3,11	228:11 230:16,24	immediate 246:13	284:13,24 285:13
263:23	218:13,16 219:19	231:9,9,15 232:13	immediately	285:23 286:14
grow 289:24	220:6 233:20	232:15 233:9	251:25	289:17,19,20
guarantee 219:24	234:10 260:13	260:15,20 261:3,7	immensely 197:11	291:17,19 292:9
239:18	261:15 264:13	261:9,10 273:2	impact 197:10	292:21 293:6
guess 223:13	317:23 322:24	274:4 308:9,10,16	199:6,8 233:21	297:5,10,11,13,16
225:11 226:9	hearings 233:23,24	309:9,25 310:6,9	234:9 246:16	298:3,4,12,14,14
227:21 230:3	234:9	310:15,17 311:10	247:10,16,20,23	299:3 300:19
235:15,18 236:15	height 224:13	313:22 315:12	248:12,13,14,16	301:15,20 302:4,8
238:6,8 308:11	held 199:20	316:8 317:15,25	248:21 249:12,13	304:11 305:19
317:22 321:7	help 221:22 242:8	hotels 192:18,25	249:13,16,24	306:11
guests 203:13 216:2	246:18 248:4	203:12 227:25	250:5,8,12,21	impermeable
290:20 295:19,23	253:24 311:3	230:22 231:24	252:3 253:5,5	311:13
guidance 253:18,23	helpful 274:9	272:25 273:23	256:14 257:3	impermissible
guys 214:7,13	hey 216:5	290:17 309:6,7	259:9 261:19	199:20
	high 223:24 252:5	310:20 317:9,12	263:4 264:5	importance 198:14
	315:3	317:17,20 320:18	267:14,16,19	250:9,22
H	highlighted 194:17	house 194:12	271:14 272:20	important 190:8,21
habitat 266:19,25	historic 240:14,21	211:19 216:6	273:9,15,15	195:12 197:23
Half 307:8	270:5,9,19 271:9	221:20 228:10	276:20,21,24	207:19 251:3,20
Hall 191:20 203:5	271:12,13,14,16	310:17	277:11,23,24,25	252:4 278:10
Handbook 251:7	271:25 272:3,16	houses 208:7	278:2 279:23	322:5
handed 193:14	273:10,24 274:14	housing 217:21,25	281:2 282:15	incidental 195:3
handling 267:21	275:13,15,19,25	294:15 295:9	286:6,16,22	include 254:5
happen 194:10	276:9 277:4 278:9	HUBBARD 186:14	289:12,15 290:3	265:18 269:22
199:18 207:22	278:14,22	human 286:14,16	290:12,13,22	270:3 283:21
219:14 298:25	hit 193:23	286:19	291:6,7,15,16	included 191:21
300:11	HO 237:15	humans 264:18	292:6,7,8,15,25	198:8 277:18
happened 210:14	holding 234:4	humble 226:3	297:22 298:5,24	292:23 308:17
222:15 312:18	Holiday 199:11	hundred 211:25	300:12 301:11,16	includes 245:22
happening 297:25	home 313:5	224:4,15,18	301:17 304:13	254:11 267:19
happens 241:12	homeowner's	hypothetical	322:8	270:2 294:24
hard 204:19 212:3	237:15	260:15,20	impacted 197:24	295:2
311:16 321:8	homes 198:5	hypotheticals 233:7	268:6 271:19	including 203:4
hardship 196:4,9	212:24		277:5,6	219:12
196:18 208:13,14	honestly 232:20	I	impacting 259:24	inclusion 275:14
208:15,15 239:4	hope 205:21 210:13	idea 204:21 210:23	impacts 199:15,22	inconsistency
313:8	214:6 215:18	220:24 224:14	200:4 246:6,11,13	290:10
hazardous 263:7,18	319:20	identified 248:12	247:5,9,13,23	inconsistent 290:6
286:23	horizon 260:18	305:18	248:8,12,19	291:10 294:20
head 227:16	horrible 209:18	identifies 249:25	250:19 254:3	296:15
health 286:14,17,20	hot 201:22,24	301:2	256:23 258:20,25	incorporate 200:10
hear 189:7 220:15	hotel 192:13 194:7	identify 246:10,19	259:18 262:7,15	225:7
239:8 307:20	194:8,17,21,24	246:22 299:4	262:22,25 263:16	increase 281:22
312:13	195:6 199:8,10,24	300:19	263:22 264:18	283:14,15,18,20
heard 223:16				

285:3,6,9,22 299:19 increased 282:10 290:19 297:12 increasing 259:12 261:10 incremental 297:12 indefinitely 250:17 INDEX 187:2 indicate 244:4,18 indicated 245:4 individual 272:12 297:18 322:6 individually 255:7 298:14,23 induce 292:20 industrial 280:2 industry 237:25 238:4 infectious 286:25 information 243:21 244:4,5,8,10,14 245:10,25 infrastructure 291:23,25 292:5 292:14 inhibit 256:18 257:5,12,20 initial 254:14 302:20 320:20 initially 231:17 initiate 319:10 Inn 194:23,23 195:9 196:24 199:11 211:19 310:3 input 190:11 216:25 217:24 293:14 instance 219:19 instruction 256:15 257:7 instructions 243:20 245:17 252:17 insurance 237:8,9 237:10,22,25 238:3,9,20 239:18 239:20 integrity 278:22 intended 222:8 intensity 295:8	intention 285:10,12 interest 207:22 226:8 interests 207:10,21 interject 261:11 interpretation 196:2 248:20 interrupted 188:17 interrupting 209:12 introduce 262:19 introduction 279:4 inventory 248:5 277:19 invested 212:22 investigation 243:25 investors 203:17 involve 253:7 involved 217:10 238:8 242:22 305:4 321:20 322:11 issue 198:14,15 233:4 241:19,21 247:7 276:7,9 320:13 issued 247:21,25 301:13,25 302:6 issues 200:5 305:16 issuing 305:20 item 227:11 230:3 238:4 242:2 244:2 252:10 307:11 314:19 items 227:23 245:7 IV 186:7	Journal 198:17 210:9 juris 199:4	257:2,10 259:11 259:23 261:17,25 266:15,24 268:22 268:25 269:8,9 279:25 287:18 288:23 289:2 290:7,14,16 291:2 291:11 295:9 315:10 landmarks 256:25 lands 257:6 264:7 264:15 landscape 294:25 Lane 187:4 language 225:5 227:7,7,10,11,23 228:12 303:25 308:25 309:2 Lanning 186:15 207:3 218:5 219:18,23 220:3 220:12 225:17 226:10,15,21 227:3,12 229:24 233:5,12,18 234:2 234:6,12 236:8,23 239:21 240:4 241:13 252:20,24 254:25 255:4,9,23 256:4 257:22 258:2,7,15 262:10 263:24 265:12 266:4 267:9 268:15 271:4,24 272:8 274:24 276:19 277:10,22 278:17,23 279:8 280:10 281:9 283:7 284:8,20 286:9 287:8,11 288:17 289:16 290:3 291:6,15 292:6,15,25 293:9 293:23 294:12 296:23 298:10 299:8,21 300:13 302:14 303:6 306:12 307:8,24 308:4,11,19,23 309:7,12 311:3,7 311:10 313:15	314:14 320:8,24 322:4 large 248:13 249:16 249:25 250:5 251:14,17 276:3 276:17 277:9 289:14 291:4 297:4 299:14 300:19 larger 289:5 Las 201:19 211:12 lasts 208:18 law 186:6 187:23 192:17 193:18,21 196:4,7,12,19,24 197:3 198:10,19 199:2,2,15,23 200:8 204:16 205:10 207:9 212:6 214:7,9,11 214:21 219:8 220:17,17 221:6 225:20 227:23 228:4 230:6,7,12 230:20,21 234:15 235:2,21 236:11 240:2 242:3 246:4 246:8,17 254:16 254:19 255:22,23 257:12,15,20 260:7,25 261:4 263:11 264:21 265:4 268:7 270:10 272:19 273:8,20 274:12 276:2,8 283:22,25 284:14 285:12 286:4 287:4 288:3 290:11 295:24,25 296:4,14 297:8 304:2,8 307:12,22 308:16 310:4 316:18,23 317:3 317:20 319:7 lawful 235:25 lawfully 236:3 laws 202:14 217:6 288:7,8,12 300:9 319:4 lead 242:21,25 243:2 248:4,22	
	J				
	J 186:17 JAMES 186:15 January 312:21 Jim 207:2 218:20 226:20 240:7 241:17 306:17 322:19 John 186:11 323:13 joint 228:22 232:24 261:15 Jordan 187:10 200:15	John 187:4 192:4 192:6 194:5,18 221:13,14 KEENAN 186:21 294:9 keep 206:14 215:19 228:13 307:4 320:6 keeping 223:17 kept 193:5 Kevin 306:22 key 246:5 kids 201:18 kind 217:4 224:8 252:7 kinds 192:11 King 242:7 knocking 224:3 know 196:5 197:16 204:3 210:13 224:14 240:6,11 250:18 260:17 269:13 270:14 275:24 276:13 293:21 294:2 298:19 310:15 315:19 316:7 321:8,14,20,23 known 194:13 238:4	L		
		Labor 201:16 laborious 234:17 lady 217:6 lake 187:8 197:6 212:24 214:25 215:4,6,13,16 239:24 241:23 259:5 264:11 lakefront 239:25 lakes 259:4 Lakeside 203:6,21 land 253:5,6,8 254:4,12,15,21 255:24 256:19,24			

281:23	211:8	201:1	247:2 306:23	258:10,17 260:2,8
learn 319:17	lines 229:4	long 192:17 204:19	319:23	262:12 263:12,19
learned 237:16	liquid 263:5	206:16 213:20	man-made 294:23	264:2,24 265:14
leave 213:5	liquor 219:21 220:6	250:14 320:5	managed 228:2	266:6 267:5,11
led 228:25	list 191:6	321:8	management	268:10,18 271:2,6
left 264:16 286:13	listed 263:16 270:8	longer 201:23	205:12,14,19,21	272:11 275:2
legal 220:22 236:12	Listen 320:15	243:16 290:17	238:19	276:22 277:13,25
240:4,23 241:14	listened 225:6,24	look 194:16,22	mandates 319:4	278:16,25 279:10
legislation 248:2	listening 214:18	195:7 196:3	mandatory 220:20	280:12 281:7,11
260:3 263:13,15	219:5	211:23 212:7	manner 188:19	283:9 284:22
302:11 308:8	little 193:3 194:20	217:5 289:4	219:7	286:2,11 287:6,13
legitimate 239:9	197:21 200:16	300:23 303:2,3	map 226:19 227:15	288:14,19 289:15
Leitch 187:18	201:20 214:22	looked 215:5	Marc 186:16	289:25 291:5,17
length 228:22	269:6 282:15	217:11	218:18 232:21	292:8,17 293:3
lengthy 232:3	308:14 319:2	looking 212:4	306:15 315:8,9	296:11,22 298:9
273:20	live 192:6,16	223:10 322:6	316:18,20 322:17	299:6 300:3,15
let's 230:23 240:9	200:20 201:6	looks 205:14	market 203:18	302:10 303:5,21
255:17 258:13	208:8,10 209:15	308:21	married 211:16	304:14 305:23
263:23 265:11	240:15	loopholes 197:13	215:25	306:13,15,21
309:10	liveable 212:24	lose 322:5	MARTIN 186:14	307:2,5,19,25
letter 210:7 212:12	lived 197:19 241:2	loss 266:11 279:14	match 225:18	316:17 318:9
216:17 243:3,24	load 251:19	279:20 280:3,6	material 299:23	319:7,12 321:4
275:8 276:25	local 186:6 187:23	lost 266:20 307:6	300:6	322:13,23
277:15 289:21	212:6 219:8	lot 197:13,16 205:8	materials 234:18	mean 213:22
290:5 291:9,20	230:20,21 234:15	210:17 212:4	287:2	216:12,14 223:16
300:24 301:14	240:2 242:3	214:20 216:25	matter 186:5,10	224:13 229:11,20
letters 198:12	254:16 283:22	224:21 231:15	188:10 238:12	238:7 283:18
200:11 210:12	290:7 295:5	286:5 317:6	314:24	284:2 315:16
levels 281:21 285:7	296:14 307:12,22	lots 212:22	Maureen 187:12	meaning 263:16
liability 239:18	319:7	loud 201:11	205:6,7,7	292:21 300:9
liar 202:22	localized 250:12	low 264:14 292:12	maximum 235:12	301:25
license 238:15	located 201:20	Luchsinger 187:11	236:9	means 203:14
241:20	264:10 280:17	202:1,17,18,19	Mayor 186:14	244:9 246:15
licensing 234:11	292:11	203:1 204:1	188:1,2 189:1	283:15 297:16
238:16,18,22	location 266:16	Luxury 198:5	190:1 191:1,23	mecca 204:16
241:19 265:7	279:24	lying 264:15	193:9,12 195:14	mechanism 260:25
licensure 234:12	lodging 192:13,22		195:19 196:20	meet 194:24 228:6
261:4	192:24 194:8,8,12	M	197:4 198:2	230:12 309:16,20
life 200:21	194:15,17,25	magnitude 248:15	200:13 202:17	310:7 314:11
light 244:15 284:25	205:13 211:10	248:16 250:7,11	204:24 205:3,6	318:18
lighting 285:4,7,9	221:15,16,18	251:15	206:2,5,12,21,25	meeting 188:14
lightly 197:12	222:5,11,21 223:2	main 193:8 202:23	207:5,14 208:23	190:4,24 212:15
likelihood 250:8,18	223:14,21 230:15	205:11,25 245:14	209:11 212:9	228:23 232:25
261:10 313:17	230:20 231:3,25	249:6 253:3	214:14 215:23	233:3 237:7,12
likes 254:5	232:9 308:9 309:3	maintained 190:9	216:22 217:13	243:7 244:16,17
limit 189:12 275:20	309:25 310:8,15	239:19	218:10,15,18	312:13,19,21
limited 189:6	310:18 320:19	major 298:24	219:2 221:10	meetings 209:17
limiting 235:9	Loft 213:9	majority 211:23	225:16 226:4	232:4 295:17
310:20	logistics 219:8	312:15	228:19 229:10,17	meets 194:24
Linda 187:8 197:4	Lombardi 187:10	making 195:8	234:22 241:24	member 214:2
197:5,5 204:9	200:1,13,14,14	236:14 239:4	252:14 256:10	memory 227:15

mention 219:20
mentioned 207:18
274:8
merits 247:25
Michael 186:17
198:2
middle 215:6
Mike 187:9 198:3
220:11 221:22
Military 321:15
million 213:17
mind 215:19 223:5
228:16 320:6
minerals 256:20
minimum 236:4,8
314:3
mining 263:3
minor 297:18
minute 189:12
minutes 189:2,7
194:4 323:8
Mirbeau 221:17
222:2 223:4,5
261:20,23
missing 224:6
244:5
misspoke 236:10
mistake 319:19
mistakes 193:21
misunderstood
209:16
mitigated 301:18
moderate 248:13
249:15,25 250:5
276:2,17 277:9
289:14 291:4
297:4 300:19
modest 290:15
modification
256:17 261:23
modified 232:2
235:11
modify 257:5
Mollie 209:12
Molly 187:15 206:4
206:10,19,24
208:23 209:13,13
moment 252:12
303:8
Monday 302:22
money 212:22

month 214:23
months 261:14
319:8,18
moor 241:4
moratorium 186:6
204:21 225:14
Moscaritos 187:9
198:6
motels 192:25
mothers 211:20
motion 187:22,23
187:24 218:3,15
306:1,5,7 307:1
307:20,22,25
308:1 309:1 310:1
311:1 312:1 313:1
314:1 315:1 316:1
317:1 318:1 319:1
320:1 321:1,5
322:1,15
move 234:23
241:25 242:9
247:25 249:8
256:13
moved 240:25
moving 279:12
307:17
muddy 251:17
multiple 270:7
municipal 279:18
municipality
238:15
music 201:11
muster 224:9

N

naked 201:17
name 188:23 189:5
190:16 212:11
242:5
narrow 286:19
national 256:25
270:4,8 272:5
275:15
natural 256:25
264:16 294:23
295:3
nature 259:17
near 298:25
necessarily 254:20
necessary 247:17

250:7 306:2
necessity 300:10
need 191:5 195:7
195:13 197:21
211:8,10,13 216:5
216:7 231:4
232:18 234:15
246:20,23 248:9
255:14 276:15
283:16 284:17
299:24 301:11
306:3 309:17
313:22 317:4
needed 232:19
243:25 314:9
needlessly 188:16
needs 202:7 205:23
215:20 225:21
246:14
negative 199:17
247:17,24 273:12
298:24 300:11,22
301:12,24 302:13
302:14,16 305:20
305:24
negatively 268:6
270:12 272:20
neighbor 190:14,16
201:5 216:8 240:7
240:9
neighborhood
201:2,21 213:2
216:9 316:10
neighborhoods
216:11
neighbors 201:5
216:4 240:5,20
net 285:18
never 200:23
204:13 225:19
226:2 310:4
new 186:2,11,12
196:6 203:12
204:7,18 214:15
214:24 222:4,10
227:10 237:25
242:15 244:9
251:8 253:14,16
259:13 262:17
263:3 264:23
265:5,21,25

270:14 275:13
277:3,19 280:19
281:17,19 286:17
292:13 294:15
317:3,20 323:5
newcomer 214:19
newly 222:9
news 202:22
nice 215:2
night 312:19 321:2
nightclub 201:20
nightmare 203:20
nine 192:20 203:9
203:15
ninety 225:23
nitrogen 298:21
noise 284:25 285:3
285:6,9 286:4,6
nominated 275:12
non-alcohol 219:12
non-conforming
195:9 196:25,25
235:25
normal 318:7
normally 238:8
Notary 186:11
323:4
note 242:19 244:20
245:12 276:6
notice 211:8 222:25
notices 217:18
notification 240:5
noting 245:2
Nr 266:4 267:9
271:4 283:7 286:9
number 192:10
195:10 219:8
220:8 242:4
258:14,19 261:5
262:15 265:12,16
266:8 267:3,8,13
268:15 270:18
271:8 274:23
275:5 280:14
281:6,9,13 282:5
282:22,24 283:12
286:14 287:15
294:17 297:18
299:14,16,19
307:23
numbered 227:4

numerous 232:4

O

o'clock 202:22
O'Sullivan 187:18
193:9,10 215:23
215:24
obey 214:11
objected 241:6
objective 294:13
observation 318:10
319:24
obtain 261:2
313:10
obtaining 313:13
obviously 268:23
281:22 315:17
occupant 241:8
occupants 195:6
201:7,8,9,13,15
occur 247:24
250:15 259:9
263:2 271:11
275:9 279:24
285:23 295:20
296:3 297:12
occurred 210:17
occurring 250:21
October 215:7
odor 284:25 285:9
odors 285:3
off-site 283:17
offer 216:7
offered 241:3
Office 191:10 277:4
officer 314:6
officially 191:9
269:21
Oh 201:18
okay 228:18 252:18
256:3 265:3 271:3
274:20 275:4
277:8 283:5
288:15 300:17
302:18
old 212:23 295:25
older 315:20
on-site 205:11,18
205:21 283:17
Once 211:21
ONONDAGA

186:3
open 191:3,24
203:13 229:9
279:16,16,18,22
280:3,6 302:22
308:2 314:3 320:6
opened 188:6 215:8
opening 207:3
224:23 307:18
operate 205:16
236:2,6,13 290:17
operating 236:3
operation 237:24
opinion 225:19
226:3,10 254:17
255:13 257:8,16
276:4 284:3,5,8
opportunities
279:15,21
opportunity 188:5
188:21 189:9,11
189:13,19 190:23
190:24,25 225:3
265:9
oral 189:17
Orchard 187:15
209:14
order 189:7 190:9
246:11
orderly 188:19
ordinance 283:23
original 323:7
originally 235:9
ought 231:24 241:8
254:18 257:17
260:14
outdoor 280:4
285:4
overlay 226:12,18
227:13
overnight 282:6
overriding 248:24
249:2
overwhelming
321:19
owned 203:9
214:17
owner 237:22 238:3
239:5,17,19
owner's 239:2
240:18

owners 196:16
203:6 204:18
290:16
owning 239:23
owns 215:11
oxide 298:22

P

p.m 186:12
packet 242:11
243:5,23 252:10
300:24
Packwood 211:19
page 227:9,11
300:25 301:6
308:22,22
pages 187:3 194:3
227:4
painful 226:7
paper 208:25
parade 201:17
paraphrase 315:7
pardon 236:10
parking 200:5
209:4,6,7,8
224:13,18 235:20
236:18,20,24
237:2
parks 270:6
part 216:12,13
233:20 243:18,21
243:23 244:10,12
244:18,23 245:5,9
245:15,22 246:18
246:21,21 248:3,3
248:10,24 249:18
249:21,23,24
250:3,4 251:5
252:11 253:4
278:8 294:4 297:3
297:8 300:1,18,20
300:20,21,23
301:1,3 302:1
304:13 305:8,23
309:16 315:6,24
partially 275:9
particular 260:11
269:10,12 309:19
particularly 223:12
251:25 298:15
parts 193:24

245:24 246:25
301:2
party 201:17
211:22
pass 187:23 224:9
246:17 274:12
passage 219:23
270:10 280:25
293:23 296:6
300:9
passed 204:17
243:7
passing 259:20
Pat 207:5,6
PATRICIA 186:17
187:13 207:6
patterns 268:25
289:2 290:15
291:3
penalties 214:10
people 188:6 189:9
189:10 196:23
197:16 198:13
203:10 206:21
207:25 208:4,5,6
208:8,9,11,16,21
210:10 211:13
212:20 213:16,19
215:9 216:16
222:19 223:17
238:14 240:15
241:6,21 264:23
282:20 299:14,16
321:23
percent 211:24
289:24
perfection 318:16
318:18 319:14
320:25
perfectly 245:10
period 191:25
208:19 297:19
permanent 289:23
permissible 200:25
permission 313:13
permissive 220:21
permit 226:22
232:7,11,13,17
261:2 265:8
permits 235:10
permitted 226:22

295:23 312:25
313:11 314:13
person 188:22
189:4 190:5
personally 194:11
persons 190:3
pesticides 263:6
petitions 191:19
petroleum 263:6
phones 188:16
photo 201:14
physical 248:16
253:8 254:4,12
257:10 275:18
276:11
pick 194:5
picture 227:16
piece 308:8
pipe 213:25
place 202:6 213:17
213:20 215:10
216:5 295:7
299:14
places 211:13
216:20 238:14
270:3,5,9 275:15
299:15,17
plan 223:4 254:13
279:18 287:20,25
293:13,17,18,20
293:22,24 294:4,8
Planning 186:21,21
191:11,14 204:5
217:19,23 224:10
228:16,22 231:25
232:6,24 233:10
233:12 235:8
237:12,20 238:2,7
242:23 243:4
246:2 295:16
312:7 313:20
314:22 315:25
318:2 320:10,20
321:12 322:2,10
plans 261:20
287:16,18 290:7
291:11,12 293:7
plants 266:9,13
play 201:11 225:18
please 189:5 193:11
202:13 215:19

225:20 244:2
pleasure 206:15
321:4
plus 236:25
point 202:23 225:7
225:23 230:4
236:13 244:11
254:22 260:12
270:17 273:7
274:18 287:23
319:13 320:7
points 195:18
322:12
police 217:10
policies 239:7 295:5
policy 237:15
238:12 239:2
poll 218:17 254:25
255:16,25 258:13
265:11 266:3
276:17 280:8
281:8 283:6
284:19 286:8
287:10 288:15
299:24 306:14
321:6 322:14,16
pollution 283:18
ponder 234:13
ponds 259:3
popped 200:21
pops 244:10
population 289:23
porch 201:14
portion 265:24
304:24
portions 290:18
position 203:25
260:24 263:12
positive 247:7,21
273:12 302:6
possibility 234:7
313:16
possible 244:3,7
possibly 205:5
potential 199:14
200:4 246:10,23
247:12,19 248:5,8
248:15,19 249:11
250:5 251:13
254:3 256:23
257:13 258:25

259:17 261:19
262:19,22 266:13
267:18 275:17
277:5 281:20
285:23 286:22
289:13 301:15
304:10
potentially 271:18
282:11 290:15,21
practical 314:24
preliminary 243:6
preparation 247:10
prepare 301:22
prepared 247:18
301:11 302:19
present 186:13,19
205:24 237:12
251:22 272:17
297:14
presented 188:10
219:9 314:7
presently 251:16
preservation
270:22 275:14
277:4
preserve 295:13
press 210:6 211:2
presumption 199:5
pretty 284:2 316:11
preventing 295:17
previous 195:16
243:17 244:16
295:17
previously 207:7
222:7
primarily 195:5
principal 194:22
195:2
prior 200:10
246:16
pro-resident
207:12
pro-short 202:8
probability 250:20
probably 199:18
203:16,19 231:19
239:6 318:14
problem 190:13,15
210:18 240:8,21
241:12
problems 210:17

proceed 307:13
proceeding 217:18
proceedings 323:6
323:10
process 225:2
315:12 317:24
318:5,11 319:21
produced 253:14
253:15
production 283:16
productive 252:3
267:20
professional 205:13
progress 318:12,22
318:23 319:16
project 242:8
247:14 265:2
269:2,8 285:5
288:6 294:20
301:8,15,19
316:22,24
project's 248:19
projects 254:11
promote 263:15
promulgated 251:8
properly 190:6
properties 203:16
205:22 228:9
239:23,25 272:25
310:2,22
property 196:16
201:6,9 209:2
214:17 222:2,9
223:9 229:4
239:25 278:9,15
278:22 279:6
313:11
property's 241:22
proposal 203:12
224:8,15 232:2
246:3 261:23
320:20
propose 303:24
309:9 316:13,22
proposed 186:6
196:7,12,19
230:21 232:14,14
242:3 246:11
248:7 251:12
253:7,9 256:16
258:22 260:6

261:16,19,24
262:17 264:6,21
265:18 266:10,22
266:22 267:16
268:6,23 269:2,8
271:11 275:8
278:7,20 279:3,14
280:16 281:15
282:3 283:13
285:2,5 286:15
287:17 288:2,23
289:22 290:6,25
291:10,21 292:10
292:19 294:20
312:25 314:10
proposing 288:12
317:15
protect 238:13
protocol 188:12
206:17,18
protocols 307:14
provide 239:14
provided 242:13,24
243:3 245:22,23
246:2 284:4,11
305:12
provides 220:18
253:18 283:19
provision 214:9
236:17 261:4
prudence 199:4
public 186:9,11
188:4,11,18
189:19,20 190:10
190:18,19,21
191:3,25 195:4,17
198:19 203:14
206:7,8,12 208:3
218:3,10,13,16
219:18 220:6
221:3 225:24
233:20,23,24
234:9 241:16
244:25 246:3
260:13 261:15
264:13 281:19
285:11 292:13
295:9 322:24
323:4
publications 306:2
publicly 210:5

269:21
Pulled 214:25
purpose 295:15
pushed 208:25
put 188:9 189:22
193:24 200:16
202:6 214:13
238:21 242:15
244:13 271:18
274:8

Q

qualify 273:2 274:4
qualitative 250:23
quality 205:17
237:16 239:12,12
239:14,19 295:10
quantities 251:18
question 189:21
192:7 218:8
220:10 221:14
225:2 226:11
235:19 236:14
249:8,17,20
252:21,22 253:6
253:11,19 254:2
254:10,24 255:2
256:3,13,15,22
258:14,19,21,24
262:14,16,21
264:4,6,20 265:17
266:10,12 267:3
267:13,15,17
268:20,22 269:4,7
269:19 270:16,18
270:23 271:10,21
272:14,15 273:9
273:17 274:13
277:16,20 279:13
280:16 281:6,14
283:5,12 284:6
285:2,4 286:15,19
286:21 287:17
288:10,23 290:9
294:17,19 301:5,7
316:12
questioned 320:4
questioning 238:7
questions 187:20
189:21,23,25
194:13 195:11

218:5 219:1,3
220:1 221:1,10,13
222:1 223:1 224:1
225:1 226:1 227:1
228:1 229:1 230:1
231:1 232:1 233:1
234:1,22 235:1
236:1 237:1 238:1
239:1 240:1 241:1
241:25 248:25
249:2,6,6,7
252:13,16 253:3
253:25 267:2,7
268:8 271:23
272:19,20 274:21
277:7 281:5
282:13 283:4
284:18 288:22
302:22 318:21
quickest 255:25
quiet 201:2,21
Quite 202:6
quo 250:24

R

R 323:2
rain 299:2
raised 260:12 276:7
raising 200:19
Ramsgard 187:7
196:1,20,21,21
rationality 281:4
285:16 290:23
reach 318:16
319:14
read 193:4 211:2
212:12 243:19
253:12 278:6
311:12
reading 226:25
237:6
reads 230:10
308:23
ready 234:21 262:8
274:22
real 211:5,9 239:4
240:8,21 261:22
reality 238:24
realize 239:9
really 193:2 197:8
197:22,23 199:13

200:2 204:9,11 205:9,21 210:2 212:2,6,7 216:18 225:3 239:5,7 272:14 274:3 276:8 286:20 321:9	recuse 218:25 256:5 red 193:24 redevelops 266:16 reduce 246:12 282:4,15,18 285:13,19 reduced 235:2,8 reducing 261:5 282:5 reduction 279:16 referenda 220:19 221:3 referendum 208:3 220:13,19,23 referral 191:16 referrals 242:23 referring 190:16 235:15 242:12 reflect 217:16 regard 235:19 regarding 233:3 234:25 261:16 regardless 317:23 318:3 regime 204:7 regional 250:13 291:11 register 272:6,6 275:15 registers 270:5,9 Regularly 319:2 regulate 211:7 regulated 265:19 265:21 regulation 243:9 283:23 290:19 299:10 310:7 regulations 202:6 231:16 254:14 282:22 290:8 299:12 reiterate 190:17 213:7 relate 293:6 relates 218:12 relative 251:17 relatively 214:15 relevant 190:22 274:6,7,8 293:12 relies 195:4	rely 321:24 remain 214:3 remarks 189:15 remember 202:7 221:3 222:2,17 315:23 removed 201:23 266:18,18 removing 259:11 renovating 212:23 rent 208:18 213:13 213:14 rental 200:21,24 201:4 202:8,12 210:10 211:18 213:9 214:6 216:3 223:23 310:9 rentals 200:18 202:10,20 203:8 210:3 212:19 215:22 216:15 283:2 322:8 renters 240:10 repeatedly 312:6 report 191:11 reported 323:6 reporter 189:2 323:4 representative 212:16 representing 193:17 198:5 request 201:14 requested 315:5 requesting 318:3 require 199:7 219:16 237:20 292:13 310:9 317:3 required 189:24 198:24 205:18 217:17 231:11 309:11 requirement 209:3 228:6,7 236:4 239:16 262:2 265:7 316:14 317:3 requirements 224:11 230:17 231:2 232:7,8,10	232:16 236:20 238:9 265:8 308:17 309:5,11 309:20 311:21 313:24 315:21 requires 246:9 258:20 requiring 205:15 229:19 247:9 292:4 research 238:25 243:24 researches 221:24 reserve 205:4 reside 203:6 residence 188:24 189:5 residences 216:15 residency 222:22 resident 210:4 residential 201:2 201:21 207:10 210:11,16 211:6 228:7,15 229:12 229:14 230:13 231:12 272:24 274:3 279:25 292:21 295:11 322:9 residents 196:15 202:4 241:11 279:21 285:14 286:5 resolution 243:6,17 303:1,3,14,20 304:1,4,15 305:1 306:4,8 Resolved 304:24 resource 269:3,10 271:12,15 279:17 297:20 resources 248:6 262:24 267:14,17 267:25 268:2,5,9 268:14,21 269:15 269:16,20 270:12 270:13,24 271:10 273:10 respect 200:5 222:12 319:21 respected 241:10	respond 189:25 244:2 responded 189:22 response 191:15 restaurant 203:19 203:25 213:25 220:7 233:6 restaurant/bar 195:3 restaurants 203:13 219:13 238:11 restricting 282:22 296:2 restrictions 229:8,9 restrictive 309:22 309:23,24 rests 314:20 result 200:8 232:23 247:5 256:16 257:4 259:10 262:17 263:10,10 264:6 265:20 266:11,23 278:7 278:13,21 279:4 279:14,20 281:16 281:21 282:11 285:3 290:11,21 292:23,24 297:10 297:17 300:7 301:8,19 302:4,9 315:4 resulting 275:22 retained 242:7 return 313:10 review 187:21 194:4 198:24 200:2 204:22 234:16,20 241:18 243:3 245:20 260:11,20 294:3 297:3 300:18,20 301:4,5 302:19,23 303:14 307:3 reviewed 204:12 225:21 287:21 301:3 304:16,22 320:12 reviewing 254:2 256:22 262:21 267:18 286:21 reviews 318:7
--	--	--	---	---

revising 215:18	235:22 236:3,24	274:17 292:20	275:1 276:1 277:1	314:2 316:2,6,8
RICARDO 186:20	239:3	301:6 303:23	278:1 279:1 280:1	sides 204:3
Rick 221:22,24	root 307:5 322:7	306:6,12 307:17	281:1 282:1 283:1	sight 322:5
222:24 226:20	Route 261:17	307:24 321:5	284:1 285:1 286:1	sign 188:22 206:22
227:17 235:3	routinely 314:25	seconded 218:16	287:1 288:1 289:1	208:18 305:23
311:22 313:19	Rubenstein 187:19	308:2 322:15	290:1 291:1 292:1	signatures 307:10
rider 237:13,21	205:3,4 216:22,23	section 196:4,18	293:1 294:1 295:1	signed 206:3,4
238:5,25 239:7,14	217:1 218:1	227:3,8 230:19	296:1 297:1,3,8	217:14 307:2
239:15	rules 231:24 236:6	243:19 252:25	298:1 299:1 300:1	significance 199:3
riders 237:14,14,17	307:15 320:18	308:18	301:1,5 302:1,21	247:3 248:21
239:11	S	sediment 251:18	305:2,3 306:11	305:7 306:10
right 191:13 195:13	sad 216:18	see 192:24 193:2	307:3,10 319:20	significant 246:6
197:14,22 198:22	safeguards 220:8	196:6,12 201:18	series 223:8 249:3	246:12 247:6,8,15
200:19,22 203:4	234:8	203:20,21 208:14	services 295:4,9	247:20,23 249:19
204:2 205:5,25	safety 281:24	214:8 252:12	session 189:21	269:24 298:5
206:11,13 209:23	sailboat 241:2	272:19 277:5	set 198:11 249:16	301:9,16,20 302:3
210:3 211:24	sake 278:5	322:9	setback 224:13	302:7 305:18
214:5 216:16	sale 254:15	seeing 193:6 283:5	309:15 311:8,9	316:12
222:16 225:2	salon 209:8	seek 295:13	317:2	similar 277:15,20
240:22 253:2	sample 303:3	seen 201:25 269:9	setbacks 229:4	277:21
255:8 260:8	sandwich 215:3	sees 314:6,9	289:7 311:5,12	simply 275:20
263:13,21 273:5	satisfaction 318:19	segmentation	314:3 316:3,6,9	single 223:8 253:19
273:24 310:11,12	saw 215:4	199:20 261:13	316:25	297:17
313:18 316:16	saying 209:17,18	262:2	setting 278:22	sister 209:24
317:13 319:6	209:19 211:11	segments 309:13	279:7	site 228:2 253:9,10
320:22	217:2 221:19	segregated 210:15	settle 252:2	256:19 275:11
right-of-way	224:22 230:12	seldom 315:4	severity 248:18	277:18 279:6
241:22	231:20 255:5	sense 192:18	sex 201:10	sites 277:2,6
rights 239:24	272:11 273:11	198:20 237:20	shared 240:12,14	situation 221:7
ripe 214:5	305:3 314:23	290:16 295:6	302:21,23	262:4 297:21
river 251:13 264:19	316:16	311:21	Sharlow 198:4	298:20
rivers 259:3 264:15	says 219:10,10	sent 217:17 242:23	sharp 268:24	six 199:10 213:23
269:25	243:20 273:22	sentences 253:12	288:25	223:23 228:3
Roach 187:8 197:1	294:14	separate 223:6	sheet 188:23	231:10 235:10
197:4,5,5 198:1	scale 248:18	separated 211:6	Sherwood 194:23	310:9 319:8
204:10 211:8	scenario 204:20	SEQR 186:10	194:23 195:9	size 248:17,20
road 187:15 209:14	scenic 269:2,19,23	187:21 198:24	196:24 211:19	250:11 259:12
320:2	269:23,24,25	199:4 234:16	short 200:18,21,23	Skaneateles 186:2
roads 264:19	schedule 308:6	242:1,2,8,22	201:4 202:10,12	186:3,10,11
269:23	314:2,12,15	243:1,3,9 244:1	202:20 203:8	198:17 202:16
Roberts 307:15	315:13	245:1 246:1,8,15	208:19 210:2	210:9,25 215:5
roll 255:10,13	scheduled 314:19	247:1 248:1 249:1	212:19 214:6	216:24 217:20,21
Ron 187:17 204:24	Schoeneck 242:6	250:1 251:1 252:1	215:22 216:3,14	264:11 268:3
204:25 214:14,15	scope 237:16	253:1 254:1 255:1	250:15 282:25	slanted 269:19
room 209:4 224:4	239:13	256:1 257:1 258:1	322:7	sleeping 201:12
224:15,19 261:14	scoping 249:22	259:1 260:1,20	Shorthand 323:4	small 248:13
310:6	searching 246:22	261:1 262:1 263:1	Shouting 190:7	249:13 273:15
rooms 199:10	second 189:9,12	264:1 265:1 266:1	show 308:7 313:8	275:22 276:5,16
223:23 228:3	191:2 195:2,20	267:1 268:1 269:1	SHPO 277:19	276:19,21,22,24
231:10 235:3,4,4	212:14 218:4	270:1 271:1 272:1	side 202:21 203:22	277:8,10,22,24,25
235:10,19,21,22		273:1,7 274:1	226:16 311:4,8,12	278:2 289:12,15

289:16,18,20	296:8 299:24	spot 229:16 242:16	188:25 191:21	study 247:13
290:3,12,13,22,24	sort 202:25 221:17	square 229:19,20	257:25	stuff 195:12 320:3
291:6,7,15,16,17	sound 202:9	316:15,15,24	step 274:17 289:9	style 269:13
291:18 292:6,7,8	sounds 216:25	317:4	STEPHEN 187:16	sub 288:22
292:9,15,25	255:20	St 187:5,7,11,12,19	212:10	sub- 272:18
Smith 186:20 242:5	source 265:19,25	stabilizing 213:3	steps 234:14	sub-question
242:5 252:15,23	sources 263:4	stand 201:17	Steve 212:9	249:10,15 274:17
253:2 255:3,8,12	265:22 286:18	standard 205:17	stick 219:7	274:19 275:7
255:24 256:8,12	south 226:16	237:15,21	STOKES-CAW...	sub-questions
257:23 258:4,8,12	space 209:4,8,8	standards 237:24	186:16	249:3,4,10 271:22
258:19 260:4,12	279:16,16,18,22	stands 214:7	stop 245:11 252:11	273:13 274:10
262:5,14 263:14	280:3,6 314:3	start 245:17 253:5	stopper 308:7	275:6 288:11
263:21 264:4	spaces 209:6	255:17 256:3	stops 223:25	subject 202:15
265:3,16 266:8	224:22 236:24	started 251:6	storage 263:6,17	220:11 224:10
267:6,13 268:12	spawning 252:2	319:23	store 213:24 215:7	236:6 264:7
268:20 271:3,8	speak 188:21 189:4	Starting 288:22	stores 215:11	304:25 305:3
272:3,13 273:5	189:8,10 190:25	state 186:2,11	storm 264:17	318:6,8
274:6,13,21 275:4	190:25 192:4	201:3 212:11	story 211:3 214:22	submit 188:6
276:25 277:15	202:3 205:5 206:6	219:21 220:17	straight 214:21	189:14
278:3,20 279:3,12	206:8,13,15,23	235:10,13 251:8	straighten 192:11	submitted 198:8
280:8,14 281:8,13	207:4 217:14	253:15 264:16	stream 251:15,24	subsequent 312:13
282:17,21 283:3	222:11,25 225:4	265:19,21 270:4,5	252:6	substances 286:24
283:11 284:10,24	311:19 321:17	270:6,8 272:6	streams 259:3	286:25
286:7,13 287:9,15	speaker 189:6,24	275:13,14 277:3	264:15	substantially
288:15,21 289:21	speakers 187:2,3	278:12 280:19	street 186:11 187:6	275:10
290:5 291:9,20	190:3,12 217:14	323:5	187:8,10,14,18	successful 208:20
292:10,19 293:5	speaking 197:6	State/18 187:16	193:14 195:16	Sue 186:15 218:24
293:11,19 294:5	206:14 212:13	stated 262:6 264:12	196:22 197:6	sufficient 235:20
294:10,17 296:17	speaks 188:22	295:14	200:15 202:19	236:18,23
297:2 298:12	223:2 260:5	statement 199:6	203:22 205:8	suggest 190:14
299:9,22 300:5,17	special 186:20	222:12 247:11	207:7,16,16	217:5 286:8 287:9
302:18 303:7,13	232:6,11,13,17	301:11 321:10	209:16,18,19,22	303:19
303:18 304:5,15	261:2 265:8	statements 191:7	212:11 214:16	suggesting 226:6
304:20 306:22	312:21	197:7	216:24 224:2	suggestion 193:25
311:25 313:24	specific 265:2	states 257:3 259:8	226:17 229:5	231:23 237:19
social 246:14	303:25 320:10	262:25 266:14	230:24 231:10	288:9 320:17
SOCPA 191:10	specifically 219:9	269:18 275:16	240:10,20 261:17	suggestions 225:6
291:13	222:6 248:10	279:23 288:4	309:10 313:6	suitable 212:18
soil 251:16 267:20	250:3 270:19	299:12	streets 208:6	sulfur 298:22
sold 201:5 203:16	294:5 317:15	stating 305:2	209:20	summarized 233:2
solid 286:23	speculative 260:19	Station 186:10	stresses 302:11	summarizes 304:18
somebody 205:23	speech 202:11	status 242:25	strict 307:14	summary 191:18
214:10 221:12	spend 213:23	250:24	strictly 242:24	supervising 205:18
223:25 224:17,20	spending 211:17	stay 201:7 211:14	315:21	supervision 216:19
231:8 236:18	spends 215:11	213:5 216:5,6	strikes 318:11,21	supervisory 205:12
239:3 317:14	spent 213:17	stayed 213:19,20	structure 197:2	support 321:10
someplace 230:25	spoke 190:20	216:2	254:7 264:19	supported 291:23
sophisticated	206:19,24 207:8	staying 211:18	311:13 315:19,20	supposedly 221:16
193:19	207:17 321:23	216:16 240:19	structures 295:3	sure 198:22 203:24
sorry 252:15	spoken 195:16	stays 208:17	studied 247:22	250:19 303:9
257:25 293:19	sponsor 244:6	stenographer	studies 244:8	306:23 320:9

surface 253:9 258:21,23 259:2,9 259:21 262:8,9 264:9	202:8,10,12,20 203:8 210:3 212:19 214:6 215:22 216:3,14 250:16 282:25 322:7	237:11 238:12 239:4 241:7,11 245:2 246:21 249:21 250:6 255:14 257:23 258:8 260:16,22 262:8 265:3 268:12 273:5 274:7,10,13,15 277:20 278:9 281:3 282:17 286:3 288:7 289:12 290:23 296:12 298:13 302:5,10 304:12 307:5 310:16 313:2 315:6,24 318:15,17 319:8 319:15,24 320:5,7 322:4	today 191:15 198:16 202:3 215:6 223:19 230:7,10,12,19 245:15 309:3 317:18 told 211:3 tolerated 190:8 Tom 187:6 195:14 195:15,15,21 tonight 189:16 190:21,22 196:23 198:13 199:18 202:24 204:17 234:16 245:25 319:9,25 320:25 tonight's 200:12 top 272:14,15 275:5 topic 210:5 253:3 316:2 topics 246:19 Tops 224:21 228:10 230:24 total 192:8 touch 250:10 touching 264:25 316:4 tourism 197:17 tourist 204:16 215:14,16,21 tourists 215:15 town 207:20,25 213:24 215:14,16 215:21 217:19,20 217:24 222:3 261:15 268:3,3 282:20 293:25 295:4 toxic 286:25 traditionally 295:20 traffic 200:5 281:18 281:21,22 282:4 282:10,12 trails 269:24 training 205:15 transcript 323:9 transient 282:6 290:20 295:18,23 transportation 281:14,17,20	283:6 treating 243:14 trees 322:7 trigger 254:9 273:12 trouble 197:15 trout 251:24 252:6 truce 202:12 true 315:15 323:8 Trustee 186:15,15 186:16,16 218:2,4 218:5 219:4,18,23 220:3,12 221:9,12 222:15,20 223:13 224:20,25 225:17 226:5,10,15,21 227:3,12,21 228:23 229:24 230:2,11 231:17 231:21 232:25 233:5,12,15,18 234:2,6,12 235:14 236:8,23 237:2,4 238:21,24 239:21 240:4 241:13 252:20,24 254:25 255:4,9,20,23 256:4,5,9,11 257:22 258:2,7,11 258:15,16,18 259:22 262:10,11 263:20,24,25 264:3,25 265:12 265:13 266:4,5,7 267:4,9,10,12 268:11,15,17,19 270:25 271:4,5,7 271:24 272:8,22 274:11,24,25 276:19,21,23 277:10,12,22,24 278:17,18,23,24 279:8,9,11 280:7 280:10,11 281:9 281:10 282:14,19 282:24 283:7,8 284:8,20,21 286:3 286:9,10,12 287:7 287:8,11,12 288:17,18 289:16 289:18,20 290:2,3
T				
T 186:20 323:2,2 table 242:11 307:16 take 196:8 198:21 202:13 216:7 217:3 234:21 238:16 260:9 291:12 303:2,7 taken 197:12 323:8 takes 250:22 talk 207:17 227:22 269:5 270:18 talked 198:13 209:20 211:2 215:9 237:11 305:5,7 talking 208:11 210:3,23 272:13 273:25 talks 250:11,14 267:13 268:20 269:16 281:13 289:4 314:2 taxpayer 210:20 Teasel 187:4 192:7 technical 193:16,24 222:23 tell 211:23 214:21 227:14 245:18 telling 210:24 211:15 tells 214:19 temporary 201:6,8 201:9,12,15 251:19 tennis 225:18 term 192:22 200:18 200:21,24 201:4	202:8,10,12,20 203:8 210:3 212:19 214:6 215:22 216:3,14 250:16 282:25 322:7 terms 253:24 270:13 298:2 test 232:17 246:5 247:7 312:5 text 227:10 thank 188:2 192:6 196:19 197:24 200:9,12 204:23 205:25 209:10 214:11 216:21,23 221:9 293:20 322:10 thanks 214:12 themselves 190:6 Theoretically 235:23 thereof 323:9 thing 193:8,8 198:23 215:20 223:14 237:5 242:19 276:12 303:25 318:17 319:16 things 192:11 195:10 197:23 204:6 205:9 213:8 229:21 245:9,12 245:18 246:23 249:22 250:6,19 253:20 254:5,9 259:3 263:9 269:22 270:2,4,6 285:19 297:7,24 298:17 304:21 think 192:20 196:13 197:7,9,12 197:15,21 204:8 204:18,19,20 207:9,19 209:16 216:10,18 220:12 220:23 223:3,10 223:16 224:5,6 225:17,25 228:23 231:22 232:5,22 232:25 234:25	237:11 238:12 239:4 241:7,11 245:2 246:21 249:21 250:6 255:14 257:23 258:8 260:16,22 262:8 265:3 268:12 273:5 274:7,10,13,15 277:20 278:9 281:3 282:17 286:3 288:7 289:12 290:23 296:12 298:13 302:5,10 304:12 307:5 310:16 313:2 315:6,24 318:15,17 319:8 319:15,24 320:5,7 322:4 thinks 216:10 thoroughly 244:3 thought 215:2 221:18,20 237:20 thoughts 257:19 288:13 302:21 three 203:6 224:2 235:4,16,17,18,21 235:22 236:4,9,9 236:21,24,24,25 253:17 286:13 319:17 thrilled 201:3 throw 236:16 238:6 thrust 245:14 time 189:12 191:2 192:2,17 194:15 195:19,20 197:21 198:21 200:3 204:6,11 206:20 208:19 212:3,22 214:12 217:3 220:16 222:16 225:23 229:2 234:17 235:24 245:6 253:16 256:7 261:22 297:19 304:2 314:4 319:3 times 312:12 title 229:8	today 191:15 198:16 202:3 215:6 223:19 230:7,10,12,19 245:15 309:3 317:18 told 211:3 tolerated 190:8 Tom 187:6 195:14 195:15,15,21 tonight 189:16 190:21,22 196:23 198:13 199:18 202:24 204:17 234:16 245:25 319:9,25 320:25 tonight's 200:12 top 272:14,15 275:5 topic 210:5 253:3 316:2 topics 246:19 Tops 224:21 228:10 230:24 total 192:8 touch 250:10 touching 264:25 316:4 tourism 197:17 tourist 204:16 215:14,16,21 tourists 215:15 town 207:20,25 213:24 215:14,16 215:21 217:19,20 217:24 222:3 261:15 268:3,3 282:20 293:25 295:4 toxic 286:25 traditionally 295:20 traffic 200:5 281:18 281:21,22 282:4 282:10,12 trails 269:24 training 205:15 transcript 323:9 transient 282:6 290:20 295:18,23 transportation 281:14,17,20	283:6 treating 243:14 trees 322:7 trigger 254:9 273:12 trouble 197:15 trout 251:24 252:6 truce 202:12 true 315:15 323:8 Trustee 186:15,15 186:16,16 218:2,4 218:5 219:4,18,23 220:3,12 221:9,12 222:15,20 223:13 224:20,25 225:17 226:5,10,15,21 227:3,12,21 228:23 229:24 230:2,11 231:17 231:21 232:25 233:5,12,15,18 234:2,6,12 235:14 236:8,23 237:2,4 238:21,24 239:21 240:4 241:13 252:20,24 254:25 255:4,9,20,23 256:4,5,9,11 257:22 258:2,7,11 258:15,16,18 259:22 262:10,11 263:20,24,25 264:3,25 265:12 265:13 266:4,5,7 267:4,9,10,12 268:11,15,17,19 270:25 271:4,5,7 271:24 272:8,22 274:11,24,25 276:19,21,23 277:10,12,22,24 278:17,18,23,24 279:8,9,11 280:7 280:10,11 281:9 281:10 282:14,19 282:24 283:7,8 284:8,20,21 286:3 286:9,10,12 287:7 287:8,11,12 288:17,18 289:16 289:18,20 290:2,3

290:4 291:6,7,15
291:16,18 292:6,7
292:15,16,18,25
293:2,9,10,23
294:11,12,13
296:23,24,25
298:8,10 299:5,8
299:21 300:2,13
300:14 302:13,14
302:16 303:6,16
303:22 306:7,12
307:8,21,24 308:4
308:11,19,23
309:7,12,21 310:2
310:11,14,19,25
311:3,7,10,16
313:15,18 314:14
315:7 316:11
317:9,13,14,19,22
320:5,8,17,24
321:7 322:4
Trustees 189:23
190:2,10 212:15
233:22 268:4
280:20,22 287:20
296:5 306:9
truth 211:5
try 192:11 220:4
242:9 260:19
318:16 319:13,19
trying 209:21
308:11 315:8
319:12
tub 201:22,24
turn 252:9 283:18
turning 188:15
twenty 198:15
twice 206:8,19,24
207:8,17
two 189:7 194:3,4
202:20 203:8
210:24 225:22
233:23,24 235:3,4
235:22,25 236:3
236:21 239:3
249:12 298:16
301:8 310:22
319:17
type 199:3 243:8,14
270:20 295:8
300:25 305:4

316:8
types 200:6 208:12
267:22 275:20
typically 220:16
307:15 314:7

U

ultimate 249:20
301:5
ultimately 305:17
umbrella 192:23
unacceptable
203:23
understand 194:20
197:2 205:10
229:23 232:19,19
238:23 273:6
311:4 321:21
understanding
229:18 255:6
understood 241:9
undertake 250:2
undeveloped
279:25
unexpected 298:17
299:3
Unfortunately
320:3
uniform 237:24
239:16
uniformly 231:24
unique 196:10
256:18,24 257:2,6
257:13,21 258:9
units 223:2,23
310:10
unprecedented
198:18
unusual 256:19,24
257:2,6
unwanted 295:18
update 244:8
upset 197:16
210:20
urinate 201:8
use 194:22 195:2,9
196:25 200:25
201:14 202:11
213:15 219:16
222:8,10 226:22
235:25 262:18,23

263:6 268:23,25
269:8 271:18
276:10 283:14,15
283:20 287:18
288:24 289:2
290:7,14 291:2,12
295:9 308:5,6
311:18 312:2,22
312:24 313:2,7,13
313:14 314:13,19
314:25 315:2
useful 220:24
293:14
uses 194:8 200:7
243:11 265:5,6,10
267:23 269:9
275:20 280:2
283:25 284:14
295:3,11 316:7

V

vacation 210:10
211:18
vacuum 297:23
value 252:5
variance 196:4,18
219:16 311:2,14
312:2,3 313:3,7
313:16,19,22,23
314:18,20 315:12
variances 231:5
233:16 309:18
310:24 311:16,18
311:20 312:4,8,11
312:22,23 314:9
314:24 315:2,2
vary 237:17 239:11
239:12
Vegas 201:19
211:12
vegetation 259:11
266:17,18
verbal 255:13
version 302:20
versus 221:15
250:25 312:2
VI 308:21
view 270:11 273:7
viewed 252:4
270:14
views 189:20

village 186:2,3,13
186:17,17 188:8
191:9,19 196:15
197:9,10 200:20
201:21 202:7,15
204:15 208:4,10
209:21 210:4,7,21
211:11 213:6,13
213:18 215:14,20
216:14 217:17,19
217:22 222:4,10
223:10,18 240:25
242:7 244:19,21
244:24 245:4,20
253:10 256:25
257:14 259:5,8
261:6 262:6 264:9
264:14 267:24
270:7 271:13,16
272:17 274:15
280:21,25 282:5,7
285:15 287:19
289:23 290:19
291:3 292:4 294:2
294:25 299:20
306:8,9 309:2
310:3 313:4
315:16,17,20
virtue 282:21
vision 223:4
visit 197:20
visiting 282:6
visitors 282:6
299:20
visual 279:5 294:24
294:25
vote 186:10 187:22
187:24 196:23,24
197:3,13 208:4
220:13 232:5
255:7,10 257:22
258:3 262:9
263:23 265:12
266:4 267:7,9
268:13,16 271:3,4
272:9,16 274:22
274:24 277:8
283:7 284:20
286:9 287:11
288:17 296:23
306:21 319:22

322:23,24
voted 197:9
votes 256:6

W

wait 199:24
wake 201:11
walking 208:5
240:11
want 197:20 198:23
200:10 203:17
204:8 206:16
207:8 224:5,24
225:7,12 226:6
228:13,13,19
229:7 237:3
242:15 245:13
255:14 273:19
303:8 304:8 307:4
313:14 318:25
319:7 320:9 321:6
321:9
wanted 192:4
193:16 229:8
230:23 231:8
233:8
wanting 224:3
warriors 202:8
wash 251:24
wasn't 208:24
211:17 223:7
waste 263:5,18
wastes 263:7
water 203:5 251:23
258:21,24 259:6,9
259:13,13,16,16
259:21,24 262:8,9
263:4,4 264:10
waterfront 213:15
waterways 259:2
way 194:4 197:14
213:9 221:15
224:16 231:19
241:16 250:23
255:25
ways 252:7 301:8
we'll 218:10 227:25
241:25 245:12,24
249:4,17 252:18
252:20 255:18
288:21

we're 188:16 192:16 206:17 210:11,23 215:13 224:22 225:9 227:25 229:13 231:21 234:2,4 235:16 243:14,15 244:12,13 245:14 246:8 248:23 249:16,23 255:7 255:10 259:23 260:2 262:8 270:18 273:7,21 273:22,25 275:5 294:6 308:12 310:20 312:20 317:7 320:2,3 321:2,17	Wopperer 187:12 205:1,6,7,7 206:1	213:21 215:5 225:18,22 240:24 253:17 313:3 318:13,24	279:12 10a 276:19 10c 277:22 11 202:22 279:1,13 280:9 12 280:1,14 281:6,9 125 187:15 209:13 13 281:1,13 282:1 283:7 1391 187:5 193:13 14 187:14 207:15 283:1,12 284:1,20 15 284:1,24 285:1 286:9 16 286:1,14 287:11 17 287:1,15 288:17 288:22 293:1 175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
we've 195:24 209:20 223:16 225:23,24 266:21 297:2 305:10,11 307:6 314:23	working 306:23	York 186:2,11,12 237:25 251:8 253:15 275:13 277:3,19 280:19 323:5	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
website 192:24	worse 193:22	young 217:6	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
wedding 201:13	worth 245:2 265:4	Z	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
week 211:17	wouldn't 219:15 228:16 231:11 240:2 310:6	ZBA 311:20 312:5 312:9,11,18,19 313:20,21	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
weekend 213:5	wouldn't 219:15 228:16 231:11 240:2 310:6	zone 221:25 226:12 283:24	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
weeks 191:16 210:24	writing 189:15 193:16 195:23 227:25	zones 316:5	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
welcome 216:6 295:21	written 188:6 189:16 191:18 193:15 197:14 217:17 231:18 302:24 305:13	zoning 193:18 199:23 211:13 226:23 228:6,14 228:15 229:11,12 229:13,13,16 233:15,19 243:11 246:4 254:14,19 263:11 268:7 283:25 284:14 288:3,7,8,12 290:7,11 293:25 294:3 295:24 296:4 309:18 314:21 315:18,22 317:24 318:2,12 319:4 321:11,25	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
went 210:24	wrote 210:7 212:13 304:9	0	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
weren't 265:10	wrong 211:4 235:3 245:9 320:16	1	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
West 186:10 187:8 187:17 197:5 214:16	wronged 210:6	2	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
wetland 252:3,5 259:2	wrote 210:7 212:13 304:9	3	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
wetlands 258:23	X	4	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 195 187:6 196 187:7 197 187:8 198 187:9 1st 188:4,5 190:24 191:8 198:8	2015 186:6,12 307:23 323:15 202 187:11 205 187:12 207 187:13,14 209 187:15 20s 211:17 212 187:16 214 187:17 215 187:18 216 187:19 219 187:20 22.42 230:2 225 186:7 225-42 230:16,18 232:10,14 308:15 23 186:12 24 187:12 205:8 24/7 228:2 231:10 242 187:21 25 243:12 26 187:16 212:11 29 323:15
White 187:16 203:5 212:1,9,10 213:1	Y	1 187:4 192:7 199:3 237:15 243:8,14 243:18,21,23 244:10,12,18,23 245:5,9,22 253:1 254:1,24 255:1 256:3 300:25,25 301:2 305:4,9 10 187:18 270:18 271:1,8 272:1 273:1 274:1,23 275:1,5,7 276:1 277:1 278:1	175 210:9 17a 288:1 289:1,17 17c 290:1 17d 291:1 17f 292:1 18 212:11 248:24 249:7 253:2 294:1 294:18 295:1 296:1,23 181 187:7 196:21 19 203:3 192 187:4 193 187:5 19	

207:16

5

5 264:1 265:12

289:24

50 224:4

56 187:10 200:15

5th 308:22

6

6 265:1,16 266:4

6,000 239:3

6th 308:22

7

7 187:13 207:6

266:1,8 267:3,8,9

7:00-9:30 186:12

70s 203:10

72 187:17 214:16

77 186:10

8

8 267:1,13 268:15

80s 203:10

9

9 268:1,20 269:1

270:1 271:4