

In the Matter Of:

VILLAGE OF FARMINGDALE - ZBA

January 13, 2022



ACRS

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01/13/2022

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ZONING BOARD OF APPEALS

5

PUBLIC HEARING

6

THE INCORPORATED VILLAGE OF FARMINGDALE

7

361 MAIN STREET

8

FARMINGDALE, NEW YORK 11735

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10

January 13, 2022

11

8:00 p.m.

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Case #1 SCOTT NICHOL, Applicant.

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Case #2, Application of Scott and Janice Nichol

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ACCURATE COURT REPORTING SERVICE, INC.

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631-331-3753 info@accuratecorp.com 866-388-2277

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

3 DAVID NOSTRAND, Chairman

4 CHRISTOPHER MARO, Board Member

5 MARY CARPENTER, Board Member

6 STEVE FELLMAN, Building Inspector

7 CLAUDIO DEBELLIS, Board Counsel

8 CARLOS DEFONSECA, Architect

9 Case #1 SCOTT NICHOL, Applicant

10 Case #1, Sandy Cortez.

11 Case #2, Application of Scott and

12 Janice Nichol

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1 ZBA - 1/13/22

2 CHAIRMAN NOSTRAND: Call the
3 meeting to order of January 13th, 2022,
4 and we need a motion to waive reading the
5 minutes of the last meeting.

6 MS. CARPENTER: I make a motion to
7 waive the minutes of -- reading of the
8 minutes of the last meeting.

9 CHAIRMAN NOSTRAND: All in favor?
10 (WHEREUPON, there was a unanimous,
11 affirmative vote of the Board members.)

12 CHAIRMAN NOSTRAND: Motion carried.
13 Okay, case #1, Sandy Cortez.
14 can you hear me?

15 MR. DEFONSECA: Yes.

16 CHAIRMAN NOSTRAND: Okay. Sandy
17 Cortez, to erect a fence in the front
18 yard, 134 William Street, Village of
19 Farmingdale, need a variance from the
20 code, Chapter -- Part 2, Chapter 600
21 Zoning, Article 13, fences.

22 MR. DEFONSECA: Yeah. Good
23 evening, this is the receipts.

24 CHAIRMAN NOSTRAND: Okay, I'll
25 Take them. You can put them

1 ZBA - 1/13/22

2 somewhere

3 over here.

4 COURT REPORTER: Can I just get
5 your name and the spelling of it; please?

6 MR. DEFONSECA: Yes, my name is
7 Carlos DeFonseca, C-A-R-L-O-S
8 D-E-F-O-N-S-E-C-A, from DeFonseca
9 Architects, 164 Beaver Drive, Kings Park,
10 New York 11754.

11 COURT REPORTER: Thank you.

12 MR. DEFONSECA: Thank you.

13 CHAIRMAN NOSTRAND: Okay.

14 MR. DEFONSECA: Thank you.

15 So while we -- the proposal, what
16 we need is for my client -- the husband is
17 here, Mr. Cortez -- they need this fence
18 on the location that is proposed.

19 We are on the corner of Fulton and
20 Williams. Fulton is a very busy street,
21 and they really -- we really -- they
22 really need the fence to be at that
23 height.

24 We have the fence along Fulton, is
25 going to be on the property line. The

1 ZBA - 1/13/22
2 fence along Williams is going to be set
3 back about 34 and-a-half feet from the
4 intersection, so it won't block the
5 turning or the view from the turning of
6 the cars.

7 The fence size is an important
8 feature that they need on the house. It
9 just happens to be, about a month ago,
10 that they have a couple of dogs. One of
11 the dogs went out and went in the middle
12 of the street and he almost got killed,
13 almost. So thank God he didn't, he's
14 okay. They have also children so they
15 need a little more privacy and all that,
16 so that's --

17 CHAIRMAN NOSTRAND: What's the
18 height of the fence?

19 MR. DEFONSECA: Six feet.

20 CHAIRMAN NOSTRAND: Six feet.

21 MR. DEFONSECA: Yes.

22 MS. CARPENTER: All of it?

23 CHAIRMAN NOSTRAND: All of the
24 fence?

25 MR. DEFONSECA: All of it, yes, and

1 ZBA - 1/13/22
2 it's basically the same height, you see,
3 along the road, along Fulton there are a
4 few properties that have the same
5 condition, yes.

6 CHAIRMAN NOSTRAND: Does anybody in
7 the audience have any questions for this
8 application, concerns, anything?

9 (WHEREUPON, no response was heard.)

10 CHAIRMAN NOSTRAND: Nothing? Okay.
11 Any of the members have any
12 questions?

13 (WHEREUPON, no response was heard.)

14 CHAIRMAN NOSTRAND: Okay. We
15 understand that this is a very necessary
16 fence.

17 MR. DEFONSECA: Yes, yes.

18 CHAIRMAN NOSTRAND: We do. We need
19 to make a motion to approve the
20 application as submitted.

21 MS. CARPENTER: Sure, should I do
22 that?

23 CHAIRMAN NOSTRAND: Sure.

24 MS. CARPENTER: Okay, I make a
25 motion to approve case #1-1, the

1 ZBA - 1/13/22
2 application of Sandy Cortez, to erect a
3 fence in the front yard at 134 Williams
4 Street as proposed.

5 CHAIRMAN NOSTRAND: Any other
6 questions from the members?

7 MS. CARPENTER: Second?

8 MR. DEBELLIS: We need a second.

9 CHAIRMAN NOSTRAND: Second?

10 MR. MARO: Aye.

11 CHAIRMAN NOSTRAND: Aye.

12 Okay, motion carried.

13 MR. DEFONSECA: Thank you.

14 CHAIRMAN NOSTRAND: Oh.

15 MR. DEFONSECA: Thank you.

16 CHAIRMAN NOSTRAND: No, no, hold
17 on. We needed to make a motion, we got
18 that --

19 MR. MARO: I second it.

20 CHAIRMAN NOSTRAND: Seconded and --

21 MR. FELLMAN: All in favor.

22 MR. DEBELLIS: All in favor.

23 CHAIRMAN NOSTRAND: All in favor?

24 (WHEREUPON, there was a unanimous,
25 affirmative vote of the Board members

1 ZBA - 1/13/22

2 present.)

3 CHAIRMAN NOSTRAND: Motion carried.

4 MR. DEBELLIS: That was unanimous.

5 COURT REPORTER: I got that.

6 MR. FELLMAN: It was unanimous sort
7 of. In a sideways kind of way.

8 MR. DEBELLIS: Impression like
9 usual.

10 MR. FELLMAN: It was like a two
11 and-a-half vote.

12 MR. DEFONSECA: Thank you, very
13 much.

14 MR. DEBELLIS: You're welcome.
15 Good luck.

16 CHAIRMAN NOSTRAND: Good luck.
17 The house looks good, by the way.

18 MS. CARPENTER: Yes, it does.

19 MR. CORTEZ: Thank you.

20 MR. FELLMAN: And a non-denial,
21 so --

22 CHAIRMAN NOSTRAND: That's okay.

23 MR. DEBELLIS: You have the
24 decision.

25 CHAIRMAN NOSTRAND: I do. She

1 ZBA - 1/13/22

2 didn't fill it out quite right.

3 MR. DEBELLIS: Okay, and you'll
4 take care of that?

5 CHAIRMAN NOSTRAND: I can fix that.
6 You see, she only put one.

7 MR. DEBELLIS: Oh, only the last
8 one.

9 CHAIRMAN NOSTRAND: The one that
10 was just here.

11 MR. DEBELLIS: Okay.

12 CHAIRMAN NOSTRAND: I'll just sign
13 it.

14 * * * *

15 CHAIRMAN NOSTRAND: Okay, case #2,
16 application of Scott and Janice Nichol.

17 To maintain the side addition and
18 attic renovation and garage conversion, 26
19 Pinehurst Road, Residence A Zoning
20 District, requiring a variance from the
21 Village.

22 Who is here from that application?

23 Are you Mr. Nichol?

24 MR. NICHOL: I'm Mr. Scott Nichol,
25 yes.

1 ZBA - 1/13/22

2 CHAIRMAN NOSTRAND: Okay.

3 COURT REPORTER: Can I just get a
4 spelling of Nichol?

5 MR. NICHOL: N-I-C-H-O-L.

6 COURT REPORTER: Thank you.

7 CHAIRMAN NOSTRAND: Okay, so we
8 have --

9 MS. CARPENTER: I'm confused.

10 CHAIRMAN NOSTRAND: Did you
11 renovate the whole house just recently?

12 MR. NICHOL: The house was
13 purchased, in its existing form, and
14 there's been no renovations done for over
15 15 years.

16 CHAIRMAN NOSTRAND: Okay.

17 MR. NICHOL: However, we bought the
18 house without a C of O, and in order to
19 progress into the betterment of the home,
20 we will need to get building permits for
21 oil to gas conversion, for instance, and
22 we're now very aware that all of this has
23 to be a closed matter for the renovations
24 that existed before we purchased the home.

25 CHAIRMAN NOSTRAND: When was the

1 ZBA - 1/13/22

2 house renovated; 15 years ago?

3 MR. NICHOL: About 2007.

4 CHAIRMAN NOSTRAND: Okay, so it's
5 not --

6 MR. NICHOL: Finished in 2007
7 because that's when we --

8 CHAIRMAN NOSTRAND: Okay.

9 MR. NICHOL: (Continuing) -- owned
10 -- took ownership of the home.

11 CHAIRMAN NOSTRAND: And is the
12 porch there now?

13 MR. NICHOL: The porch has been
14 there, yes.

15 CHAIRMAN NOSTRAND: Okay, so this
16 is all existing.

17 MR. NICHOL: All existing.

18 CHAIRMAN NOSTRAND: So the only
19 variance you need is to go from the front
20 yard setback.

21 MR. NICHOL: Right, or that's what
22 I understand.

23 CHAIRMAN NOSTRAND: Yeah, okay.

24 (WHEREUPON, upon there was an
25 off-the-record conversation amongst the

1 ZBA - 1/13/22

2 Board members.)

3 CHAIRMAN NOSTRAND: All right.

4 Anybody in the audience have any questions
5 about this application?

6 (WHEREUPON, no response was heard.)

7 CHAIRMAN NOSTRAND: Okay.

8 MR. FELLMAN: Mr. Chairman, I'd
9 just say, in the past, you've put a
10 condition on that they don't enclose the
11 porch.

12 CHAIRMAN NOSTRAND: Mary's very
13 good at that.

14 MR. FELLMAN: Yeah.

15 MS. CARPENTER: No, it's not me.

16 CHAIRMAN NOSTRAND: We just require
17 that we don't -- you don't ever enclose
18 the porch.

19 MR. NICHOL: Right, I understand,
20 that would be --

21 MR. FELLMAN: We call it --

22 MR. NICHOL: (Continuing) -- not
23 suitable for us.

24 MR. FELLMAN: You enclose it, and
25 then you go, now I need a porch, you

1 ZBA - 1/13/22

2 know...

3 MR. NICHOL: Yeah, well...

4 CHAIRMAN NOSTRAND: The Village is
5 very pro front porches, and we do these
6 variances all the time because all the
7 houses were built right to the --

8 MR. NICHOL: Right.

9 CHAIRMAN NOSTRAND: (Continuing) --
10 required 30 feet, and the many porches
11 need variances, so -- yeah, steps. We do
12 this all the time but we just require
13 everybody not enclose them with the glass.

14 MR. NICHOL: Right.

15 CHAIRMAN NOSTRAND: Or anything
16 else.

17 MR. NICHOL: That wouldn't be
18 appealing to us.

19 CHAIRMAN NOSTRAND: Okay.

20 MS. CARPENTER: So when we approve
21 this, we're approving all of this, because
22 I was just a little confused because we
23 have this --

24 MR. NICHOL: Right.

25 MS. CARPENTER: (Continuing) -- as

1 ZBA - 1/13/22

2 well as just the front porch.

3 CHAIRMAN NOSTRAND: What is the
4 purpose of all these plans?

5 MS. CARPENTER: Yeah.

6 MR. NICHOL: When Mr. Fellman
7 visited the home, probably three years
8 ago, my error for letting it go this long,
9 he said that the finished attic would need
10 to be documented in the spatial drawings,
11 and he said to draw them myself, which I
12 kind of did. I used a program to do it,
13 indicating the dimensions of the rooms
14 that are upstairs, and they're just
15 utilitary office space, let's call it, and
16 closet space.

17 The big deal with the home was the
18 garage and breezeway closure -- let's call
19 it -- it's no longer a garage, it's
20 actually a larger living room as indicated
21 in the drawings. They're now finished
22 space.

23 CHAIRMAN NOSTRAND: Okay.

24 MR. NICHOL: He wanted all of these
25 details in the drawings.

1 ZBA - 1/13/22

2 MR. FELLMAN: That would be me, I'm
3 Mr. Fellman.

4 MR. NICHOL: I'm sorry, Mr.
5 Fellman.

6 MR. FELLMAN: That's okay.

7 MR. NICHOL: I didn't recognize you
8 with the mask.

9 MR. FELLMAN: We got to get the
10 variances first, and then we'll process
11 the building permits.

12 MS. CARPENTER: Okay, that answers
13 the question. Fine.

14 We just wondered why this was here,
15 as well. It was just, you know, a little
16 confusing.

17 MR. NICHOL: I just like to draw.

18 MS. CARPENTER: Yeah, I'm sure.

19 CHAIRMAN NOSTRAND: So I know kind
20 of where we're at.

21 MS. CARPENTER: Yeah, that's --

22 CHAIRMAN NOSTRAND: I just never
23 noticed this house, looking at the
24 picture.

25 MS. CARPENTER: Oh, let me see.

1 ZBA - 1/13/22

2 MR. NICHOL: Okay.

3 CHAIRMAN NOSTRAND: That's the
4 enclosed --

5 MS. CARPENTER: Oh, okay, sure.

6 CHAIRMAN NOSTRAND: That's the
7 porch.

8 Okay, all right.

9 MS. CARPENTER: Okay, now we get
10 it.

11 CHAIRMAN NOSTRAND: Now we get it,
12 okay.

13 MS. CARPENTER: Now I lost that
14 picture; did you take my picture?

15 CHAIRMAN NOSTRAND: Okay.

16 MS. CARPENTER: Did you?

17 CHAIRMAN NOSTRAND: Any questions?

18 (WHEREUPON, no response was heard.)

19 CHAIRMAN NOSTRAND: No?

20 MR. MARO: So it's not going to
21 breach the allotted distance from the
22 sidewalk to the front of the porch, the
23 amendment, which is 30 feet?

24 CHAIRMAN NOSTRAND: What -- hold on
25 -- what do you want?

1 ZBA - 1/13/22

2 MS. CARPENTER: I'm looking for the
3 variance.

4 CHAIRMAN NOSTRAND: Oh. I'm sorry,
5 Chris, what was your question?

6 MR. MARO: The question is, the
7 amendment -- there's an amendment to the
8 porch, it doesn't breach, it doesn't come
9 out any further to the sidewalk to the
10 front of the house.

11 CHAIRMAN NOSTRAND: Well, we'll
12 allow -- the variance that we grant --

13 MR. MARO: Right.

14 CHAIRMAN NOSTRAND: (Continuing) --
15 will allow to these numbers that are
16 applied for.

17 MR. MARO: Uh-huh.

18 CHAIRMAN NOSTRAND: So you couldn't
19 ever make it bigger because it's 21.4 feet
20 from the street.

21 MS. CARPENTER: Yeah, it's already
22 there, 26, 26.

23 MR. MARO: Right.

24 CHAIRMAN NOSTRAND: So you could
25 never make it less than that for --

1 ZBA - 1/13/22

2 MR. MARO: Right.

3 MR. NICHOL: I think the survey
4 depicts it as it exists now.

5 CHAIRMAN NOSTRAND: That's why we
6 always say, approve the application as
7 submitted.

8 MR. NICHOL: Right.

9 CHAIRMAN NOSTRAND: So it shows
10 21.4.

11 Okay, any more questions?

12 (WHEREUPON, no response was heard.)

13 MS. CARPENTER: Okay.

14 CHAIRMAN NOSTRAND: Make a motion
15 to approve the application as presented?

16 MS. CARPENTER: Okay, I'll do that.

17 I'll make a motion to approve case
18 1-2, the application of Scott and Janice
19 Nichol, to maintain the side addition,
20 attic renovation and garage conversion and
21 the front porch, and the front porch shall
22 never be enclosed. And that's it.

23 CHAIRMAN NOSTRAND: All in favor?

24 MR. FELLMAN: Is there a second?

25 MR. MARO: I second the motion.

1 ZBA - 1/13/22

2 CHAIRMAN NOSTRAND: Okay.

3 MR. FELLMAN: All in favor?

4 CHAIRMAN NOSTRAND: All in favor?

5 (WHEREUPON, there was a unanimous,
6 affirmative vote of the Board members
7 present.)

8 MR. DEBELLIS: Look at that -- live
9 video.

10 MR. FELLMAN: We all have to be
11 retrained on how to do this.

12 CHAIRMAN NOSTRAND: Steve will
13 follow up.

14 MR. NICHOL: Thank you.

15 MR. FELLMAN: You're welcome.

16 CHAIRMAN NOSTRAND: Okay, I make a
17 motion we close the meeting of
18 January 13th, 2022.

19 All in favor?

20 (WHEREUPON, there was a unanimous,
21 affirmative vote of the Board members
22 present.)

23 CHAIRMAN NOSTRAND: Second?

24 MS. CARPENTER: You don't have to
25 second.

1 ZBA - 1/13/22

2 CHAIRMAN NOSTRAND: I don't have to
3 second.

4 MR. DEBELLIS: Minor detail.

5 CHAIRMAN NOSTRAND: Motion carried.

6 (WHEREUPON, this meeting was
7 concluded at 8:20 p.m.)

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ZBA - 1/13/22

C E R T I F I C A T E

STATE OF NEW YORK)

SS:

COUNTY OF NASSAU)

I, DEBBIE BABINO, a Shorthand Reporter in the State of New York, do hereby certify:

That, the foregoing is a true and accurate transcript of my stenographic notes.

I further certify that I am not related to any of the parties to this matter by blood or by marriage and that I am in no way interested in the outcome of any of these matters.

IN WITNESS WHEREOF, I have set my hand on this 16th day of January, 2022

Debbie Babino

DEBBIE BABINO
Certified Reporter

#

#1 3:13
#1-1 6:25
#2 9:15

1

1/13/22 3:1 4:1 5:1 6:1 7:1 8:1 9:1
10:1 11:1 12:1 13:1 14:1 15:1
16:1
11754 4:10
13 3:21
134 3:18 7:3
13th 3:3
15 10:15 11:2
164 4:9

2

2 3:20
2007 11:3,6
2022 3:3
26 9:18

3

30 13:10 16:23
34 5:3

6

600 3:20

A

addition 9:17
affirmative 3:11 7:25
allotted 16:21
amendment 16:23
and-a-half 5:3 8:11
answers 15:12

appealing 13:18
application 6:8,20 7:2 9:16,22
12:5
approve 6:19,25 13:20
approving 13:21
Architects 4:9
Article 3:21
attic 9:18 14:9
audience 6:7 12:4
aware 10:22
Aye 7:10,11

B

back 5:3
basically 6:2
Beaver 4:9
betterment 10:19
big 14:17
block 5:4
Board 3:11 7:25 12:2
bought 10:17
breach 16:21
breezeway 14:18
building 10:20 15:11
built 13:7
busy 4:20

C

C-A-R-L-O-S 4:7
call 3:2 12:21 14:15,18
care 9:4
Carlos 4:7
CARPENTER 3:6 5:22 6:21,24
7:7 8:18 10:9 12:15 13:20,25 14:5
15:12,18,21,25 16:5,9,13,16
carried 3:12 7:12 8:3
cars 5:6

case 3:13 6:25 9:15
Chairman 3:2,9,12,16,24 4:13
5:17,20,23 6:6,10,14,18,23 7:5,9,
11,14,16,20,23 8:3,16,22,25 9:5,
9,12,15 10:2,7,10,16,25 11:4,8,
11,15,18,23 12:3,7,8,12,16 13:4,
9,15,19 14:3,23 15:19,22 16:3,6,
11,15,17,19,24
Chapter 3:20
children 5:14
client 4:16
closed 10:23
closet 14:16
closure 14:18
code 3:20
concerns 6:8
condition 6:5 12:10
confused 10:9 13:22
confusing 15:16
Continuing 11:9 12:22 13:9,25
conversation 11:25
conversion 9:18 10:21
corner 4:19
Cortez 3:13,17 4:17 7:2 8:19
couple 5:10
COURT 4:4,11 8:5 10:3,6

D

D-E-F-O-N-S-E-C-A 4:8
deal 14:17
DEBELLIS 7:8,22 8:4,8,14,23
9:3,7,11
decision 8:24
Defonseca 3:15,22 4:6,7,8,12,14
5:19,21,25 6:17 7:13,15 8:12
details 14:25
dimensions 14:13
distance 16:21
District 9:20

documented 14:10

dogs 5:10,11

draw 14:11 15:17

drawings 14:10,21,25

Drive 4:9

E

enclose 12:10,17,24 13:13

enclosed 16:4

erect 3:17 7:2

error 14:8

evening 3:23

existed 10:24

existing 10:13 11:16,17

F

Farmingdale 3:19

favor 3:9 7:21,22,23

feature 5:8

feet 5:3,19,20 13:10 16:23

Fellman 7:21 8:6,10,20 12:8,14,
21,24 14:6 15:2,3,5,6,9

fence 3:17 4:17,22,24 5:2,7,18,24
6:16 7:3

fences 3:21

fill 9:2

Fine 15:13

finished 11:6 14:9,21

fix 9:5

form 10:13

front 3:17 7:3 11:19 13:5 14:2
16:22

Fulton 4:19,20,24 6:3

G

garage 9:18 14:18,19

gas 10:21

glass 13:13

God 5:13

good 3:22 8:15,16,17 12:13

H

hear 3:14

heard 6:9,13 12:6 16:18

height 4:23 5:18 6:2

hold 7:16 16:24

home 10:19,24 11:10 14:7,17

house 5:8 8:17 10:11,12,18 11:2
15:23

houses 13:7

husband 4:16

I

important 5:7

Impression 8:8

indicating 14:13

instance 10:21

intersection 5:4

J

Janice 9:16

January 3:3

K

killed 5:12

kind 8:7 14:12 15:19

Kings 4:9

L

larger 14:20

letting 14:8

living 14:20

location 4:18

long 14:8

longer 14:19

lost 16:13

luck 8:15,16

M

maintain 9:17

make 3:6 6:19,24 7:17

MARO 7:10,19 16:20

Mary's 12:12

mask 15:8

matter 10:23

meeting 3:3,5,8

members 3:11 6:11 7:6,25 12:2

middle 5:11

minutes 3:5,7,8

month 5:9

motion 3:4,6,12 6:19,25 7:12,17
8:3

N

N-I-C-H-O-L 10:5

needed 7:17

Nichol 9:16,23,24 10:4,5,12,17
11:3,6,9,13,17,21 12:19,22 13:3,
8,14,17,24 14:6,24 15:4,7,17 16:2

non-denial 8:20

NOSTRAND 3:2,9,12,16,24 4:13
5:17,20,23 6:6,10,14,18,23 7:5,9,
11,14,16,20,23 8:3,16,22,25 9:5,
9,12,15 10:2,7,10,16,25 11:4,8,
11,15,18,23 12:3,7,12,16 13:4,9,
15,19 14:3,23 15:19,22 16:3,6,11,
15,17,19,24

noticed 15:23

O

off-the-record 11:25

office 14:15

oil 10:21
order 3:3 10:18
owned 11:9
ownership 11:10

P

Park 4:9
Part 3:20
past 12:9
permits 10:20 15:11
picture 15:24 16:14
Pinehurst 9:19
plans 14:4
porch 11:12,13 12:11,18,25 14:2
16:7,22
porches 13:5,10
present 8:2
privacy 5:15
pro 13:5
process 15:10
program 14:12
progress 10:19
properties 6:4
property 4:25
proposal 4:15
proposed 4:18 7:4
purchased 10:13,24
purpose 14:4
put 3:25 9:6 12:9

Q

question 15:13
questions 6:7,12 7:6 12:4 16:17

R

reading 3:4,7
receipts 3:23

recently 10:11
recognize 15:7
renovate 10:11
renovated 11:2
renovation 9:18
renovations 10:14,23
REPORTER 4:4,11 8:5 10:3,6
require 12:16 13:12
required 13:10
requiring 9:20
Residence 9:19
response 6:9,13 12:6 16:18
road 6:3 9:19
room 14:20
rooms 14:13

S

Sandy 3:13,16 7:2
Scott 9:16,24
Seconded 7:20
set 5:2
setback 11:20
side 9:17
sidewalk 16:22
sideways 8:7
sign 9:12
size 5:7
sort 8:6
space 14:15,16,22
spatial 14:10
spelling 4:5 10:4
steps 13:11
street 3:18 4:20 5:12 7:4
submitted 6:20
suitable 12:23

T

time 13:6,12
turning 5:5

U

unanimous 3:10 7:24 8:4,6
understand 6:15 11:22 12:19
upstairs 14:14
usual 8:9
utilitary 14:15

V

variance 3:19 9:20 11:19
variances 13:6,11 15:10
view 5:5
Village 3:18 9:21 13:4
visited 14:7
vote 3:11 7:25 8:11

W

waive 3:4,7
wanted 14:24
William 3:18
Williams 4:20 5:2 7:3
wondered 15:14

Y

yard 3:18 7:3 11:20
years 10:15 11:2 14:7
York 4:10

Z

ZBA 3:1 4:1 5:1 6:1 7:1 8:1 9:1
10:1 11:1 12:1 13:1 14:1 15:1
16:1
Zoning 3:21 9:19

