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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matters of

ALDRICH & TONSING (17-1007)
Milton Turnpike

JOHN & THERESA SHILLIETO (17-1009)
63 Milton Turnpike

HANS TAYLOR (17-1010)
65 Woodcrest Lane

----- X

Date: May 1, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

REPORTED BY: BARBARA ULBRICH

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 541-4163

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2 MR. BRAND: I'd like to call the
3 meeting to order with the Pledge of
4 Allegiance.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, May 1st, 2017,
8 regular meeting, 7:30 p.m. Approval of
9 stenographic minutes for 4/3.

10 Aldrich and Tonsing, public hearing,
11 subdivision. John and Theresa Shillieto,
12 Preliminary, lot line revision. Hans Taylor,
13 Preliminary, site plan.

14 Next deadline: Friday, May 5, 2017.

15 Next scheduled meeting: Monday, May
16 15th, which will be held at the TOMAC
17 building.

18 MR. BRAND: Excellent. You all
19 should have received the stenographic minutes
20 for April 3rd. If you feel comfortable and
21 had enough time to review them, I'd like to
22 add a motion to accept those minutes.

23 MR. TRAPANI: I'll make a motion to
24 accept the minutes.

25 UNIDENTIFIED SPEAKER: I'll second

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2 it.

3 MR. BRAND: All in favor say, aye.

4 MEMBERS: Aye.

5 MR. BRAND: All opposed?

6 MR. TRUNCALI: I wasn't at that
7 meeting, so.

8 MR. BRAND: We would just like to
9 make it be known that we did provide -- Jenn
10 provided the community -- (indiscernible) --
11 from the Ulster County Planning Board in your
12 packets, so check it out. There are some
13 good things.

14 First up, Aldrich and Tonsing public
15 hearing, subdivision.

16 MR. TRUNCALI: Please take notice, a
17 Public Hearing will be held by the
18 Marlborough Planning Board pursuant to the
19 State Environmental Quality Review Act in the
20 Town of Marlborough, Town Code 134-23 on
21 Monday, May 1st, 2017 for the following
22 application: Jeffrey Aldrich and Gregory
23 Tonsing at the Town Hall, 21 Milton Turnpike,
24 Marlborough, New York at 7:30 p.m. or soon
25 thereafter as may be heard. The applicant is

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2 seeking approval of the subdivision
3 application for lands located at Milton
4 Turnpike, Milton, New York 12547, Section
5 103.1, Lot 1, Lot 33.

6 Any interested parties either for or
7 against this proposal will have an
8 opportunity to be heard at this time. Chris
9 Brand, Town of Marlborough Planning Board.

10 MR. BRAND: Patty, do you want to
11 give us a review before we get started --

12 MS. BROOKS: Yes.

13 MR. BRAND: Public input.

14 MS. BROOKS: First of all, I'll give
15 these to Jenn, 20 mailings went out.
16 Fourteen were returned, and six that were not
17 returned, we did the search on.

18 I did prepare a new map for this
19 evening because we did receive comment from
20 the Ulster County Department of Public Works,
21 and they requested that we relocate the
22 driveway to Walnut Lane -- whenever there is
23 a work, state, county, town. So whoever has
24 the least traveled roadway is where the
25 driveway typically will need to be placed. I

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2 thought the existing driveway, we could just
3 leave it there. But they prefer the driveway
4 on Walnut Lane, so we haven't done so.

5 The application before the Board is
6 a two-lot subdivision to subdivide an
7 existing 88.7-acre parcel into two lots. It
8 will be divided on Milton Turnpike. The lot
9 on the northerly side of the road contains an
10 existing dwelling, and the property owner --
11 (indiscernible) -- other side of the road,
12 2.99-acre lot is currently vacant.

13 We have shown a proposed house and
14 well on the lot, and make a note on the lot
15 the Board of Health approval for septic
16 system is required prior to the issuance of a
17 building permit.

18 MR. BRAND: Pat, did you want to go
19 through your brief --

20 MR. HINES: Our previous --
21 (indiscernible) -- have been addressed. It
22 is a natural subdivision on the area of the
23 map where it says subdivision, so it does
24 need approval.

25 We had some conditions that Ron and

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2 I have worked on regarding access to the
3 county road. Apparently, that's no longer on
4 the table, so it will be a town highway
5 superintendent approval as well as the Health
6 Department for the septic system has
7 conditions. That's all we have.

8 There was a note pertaining to the
9 septic system, and there were also -- Ron is
10 updating the resolution to include the
11 highway superintendent sign off on the
12 driveway part of the building permit.

13 The lot exists as it does today with
14 no change other than it's being separated
15 from a parcel across the street.

16 MR. BRAND: This is a public
17 hearing, are there any interested members
18 from the community who choose to speak for or
19 against the project? Just stand up and state
20 your name for the stenographer, and do so at
21 this time.

22 Mr. Garofalo?

23 MR. GAROFALO: James Garofalo. I
24 just want to say two things. One is I hope
25 the Board will make sure that where the

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2 driveways are located, there will be adequate
3 site distance for those driveways or at least
4 there can be based on wherever they put them.

5 The second thing is, I would hope
6 that in the future the Board will instruct
7 applicants coming in to bring a board with
8 the site plan showing exactly what's going
9 on. You have a tripod in the back, so these
10 can be displayed, but I think the applicants
11 should be advised to do that so that people
12 can see exactly what's going on.

13 Thank you very much.

14 MR. BRAND: Thank you.

15 Anyone else?

16 MR. TRUNCALI: So Ron, there will be
17 no recreation fee being that this is not an
18 approved building lot or is there going to be
19 a recreation fee?

20 MR. BLASS: I think there is a
21 recreation fee when you're creating a lot --

22 UNIDENTIFIED SPEAKER: One fee.

23 MR. BLASS: -- just got the
24 condition prior to building --

25 UNIDENTIFIED SPEAKER: One lot, one

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2 fee.

3 MR. BRAND: Anyone else from the
4 public wish to choose -- I'm sorry, speak for
5 or against this project?

6 (No response.)

7 MR. BRAND: Anyone from the Board?

8 MR. CLARK: Just, you know, about
9 the building fee, you know, the baseball
10 field was by Bob Young, you know, I don't
11 know if that impacts this or not.

12 MS. BROOKS: That does provide
13 recreation for the entire community.

14 MR. CLARK: Yeah. That has been
15 done previously. I just wondered if this
16 would be considered in that.

17 MS. BROOKS: Yeah. And actually,
18 the ball field is still on their property,
19 and they pay taxes on it.

20 MR. CLARK: Okay. So --

21 MS. BROOKS: And they gift the
22 benefit to the community on a regular basis
23 even though they are still paying taxes on
24 that. So, yes, they definitely do provide
25 recreation facilities to the municipality.

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2 MS. LANZETTA: It's in our town code
3 and the fees are set by the Town Board. If
4 they need --

5 MR. CLARK: There's a provision in
6 there because, you know, if somebody provides
7 recreational, then they don't have to pay a
8 fee.

9 MS. LANZETTA: Only if part of the
10 subdivision includes a set aside for -- of
11 public lands.

12 MR. HINES: This parcel is not --
13 (indiscernible) -- than it was previously.

14 MR. BLASS: So there's also a
15 recreation fee finding that has to be done by
16 the Board as part of the approval. I haven't
17 done one of these in a while.

18 MR. BRAND: Any other comments from
19 the Board.

20 (No response.)

21 I'd like to have a motion to close
22 the public hearing.

23 MS. LANZETTA: I make a motion to
24 close the public hearing.

25 MR. BRAND: Is there a second?

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2 MR. TRUNCALI: I'll second.

3 MR. BRAND: All in favor?

4 MEMBERS: Aye.

5 MR. BRAND: We do have a resolution
6 on approval that was prepared by Ron.

7 MR. HINES: We would recommend a neg
8 dec also.

9 MR. BRAND: I'd like to add a motion
10 to have a negative declaration.

11 MR. TRUNCALI: I make a motion for a
12 negative declaration on this project.

13 MR. BRAND: Is there a second?

14 MR. LOFARO: Second.

15 MR. BRAND: All those in favor?

16 MEMBERS: Aye.

17 MR. BRAND: All opposed?

18 (No response.)

19 MR. BRAND: Negative declaration.

20 Ron, would you like to go through
21 the --

22 MR. BLASS: Yeah. I think we need
23 to change the conditions of this resolution.
24 One of the conditions I believe is approval
25 of -- (indiscernible) -- sewer for the

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2 2.99-acre parcel by the County Board of
3 Health, but Pat called my attention to the
4 fact that the applicant has requested to
5 defer that requirement until building
6 permit -- until the time of the building
7 permit to give the buyer notice of that
8 condition which follows the approval.

9 MR. BRAND: So basically omit
10 Section C.

11 MR. BLASS: I would say that we
12 should have a section here that says
13 Conditions B and C shall be satisfied prior
14 to issuance of the building permit. It would
15 apply to Condition B, which should be
16 modified to say Town Highway Superintendent
17 approval of any means of access from Walnut
18 Lane. I believe that was also something that
19 was to be deferred until building permit.

20 MR. HINES: Yeah. The conversation
21 previously was from Milton Turnpike going
22 down to county DPW, which said it's a town
23 road, which is typical.

24 MR. BLASS: So then the only
25 condition of subdivision approval finding of

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2 plat would be A, which is payment of
3 appropriate fees including rec fee and for
4 any of the town's consultants. I believe
5 that would be only condition of subdivision
6 approval. B and C would be conditions of the
7 building permit.

8 MS. LANZETTA: So strike B and C?

9 MR. BLASS: Well, I'm going to edit
10 this and make it clear that those are
11 conditions of the building permit, and also
12 put a clause in that says that the finding --
13 assigning of the plat is conditioned on the
14 Town being satisfied with the notes on the
15 map that if notice of the conditions B and C
16 being deferred until building permit. So
17 I'll rewrite this for the morning.

18 MS. LANZETTA: I'm just curious.
19 When they give a building permit for a house,
20 isn't part of getting a building permit to
21 have the permit from Ulster County Health?

22 MR. HINES: Yes.

23 MR. BLASS: Yes.

24 MR. HINES: It's a buyer be aware
25 that the work hasn't been done yet. It's

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2 notification for a potential buyer --

3 MS. LANZETTA: Okay.

4 MR. HINES: -- hey, this is
5 something -- typically if you buy in a
6 subdivision -- it's not one that the work has
7 been done already. So this is a note for any
8 potential buyer.

9 MS. LANZETTA: Okay.

10 MS. BROOKS: And it would have to be
11 done again by that potential buyer anyway
12 because the Board of Health permit has to be
13 in the name of the person obtaining the
14 building permit.

15 MR. BRAND: Any other questions
16 regarding the resolution?

17 (No response.)

18 MR. BRAND: Do I have a motion to
19 accept the resolution with the changes that
20 Ron just went through?

21 MR. CLARK: So move.

22 MR. BRAND: Is there a second?

23 MR. CAUCHI: I second.

24 MR. BRAND: Any discussion?

25 (No response.)

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2 MR. BRAND: All those in favor?

3 MEMBERS: Aye.

4 MR. BRAND: Any opposed?

5 (No response.)

6 MR. BRAND: The resolution has
7 passed.

8 MS. BROOKS: Just so that I can be
9 clear, we already added the note on the map
10 that the Board of Health approval is required
11 for septic system is required prior to the
12 issuance of a building permit. The board is
13 satisfied with that, and I also will be
14 adding the Note 11 saying that the town
15 highway superintendent approval for access to
16 Walnut Lane shall be granted prior to the
17 issuance of a building permit.

18 MR. BLASS: Yeah. And could you put
19 it over on the lot near --

20 MR. HINES: Walnut Lane.

21 MS. BROOKS: Put it near Walnut
22 Lane, okay.

23 MR. BRAND: Recreation fee?

24 MR. TRUNCALI: Recreation fee
25 findings, Town of Marlborough Planning Board.

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2 Whereas, the Planning Board has reviewed a
3 subdivision application known as Aldrich
4 Tonsing with respect to the real property
5 located at Milton Turnpike and Walnut Lane in
6 the Town of Marlborough.

7 It is hereby resolved that the
8 Planning Board makes the following points
9 pursuant to Section 277-4 of the Town Law:
10 Based on the present and anticipated future
11 need for park and recreational opportunities
12 in the Town of Marlborough, and to which the
13 future population of the this subdivision
14 will contribute, parklands should be created
15 as a condition of approval of this
16 subdivision.

17 However, a suitable park of adequate
18 size to meet the above requirement cannot be
19 properly located within the proposed project
20 site.

21 Accordingly, it is appropriate that,
22 in lieu of providing parkland, the project
23 sponsor render to the Town payment of a
24 recreational fee to be determined in
25 accordance with the prevailing schedule

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2 established for that purposed by the Town of
3 Marlborough.

4 This approved subdivision known as
5 Aldrich Tonsing resulted in one lot for a
6 total of \$1,500 in recreation fees, parent
7 parcel excluded.

8 MR. BRAND: Jenn, can you poll the
9 Board?

10 MS. FLYNN: Member Cauchi?

11 MR. CAUCHI: Yes.

12 MS. FLYNN: Member Clark?

13 MR. CLARK: Yes.

14 MS. FLYNN: Member Trapani?

15 MR. TRAPANI: No.

16 MS. FLYNN: Member Lanzetta?

17 MS. LANZETTA: Yes.

18 MS. FLYNN: Member Lofaro?

19 MR. LOFARO: Yes.

20 MS. FLYNN: Member Truncali?

21 MR. TRUNCALI: Yes.

22 MS. FLYNN: Chair Brand?

23 MR. BRAND: Yes.

24 Recreation fee findings passed.

25 I think that's all I need.

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2 MS. BROOKS: I would hope to get
3 final subdivision approval as well. I only
4 heard the resolution or did that include both
5 of them?

6 MR. BRAND: I believe the resolution
7 includes both.

8 MR. HINES: Yeah.

9 MR. HINES: Okay. I'm writing and
10 trying to listen at the same time.

11 MR. BRAND: Okay.

12 MS. BROOKS: So we got the rec fee
13 and the resolution. Thank you.

14 MR. HINES: You didn't poll the
15 Board on the resolution.

16 MR. BRAND: I didn't poll the Board.
17 We took a vote.

18 MR. HINES: Okay. I'm sorry that I
19 missed it. I apologize.

20 MR. BRAND: Okay. Thank you.

21 Next up, John and Theresa Shillieto.

22 Is that you again, Pat?

23 MR. HINES: It is.

24 MR. BRAND: Do you want to just fill
25 us in on what's going on again after you get

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2 yourself organized?

3 MR. HINES: Absolutely.

4 This is a proposed lot
5 consolidation, total area of 13.31 acres,
6 current tax map lot 50.1 acre in size -- and
7 it will be consolidated with tax map lot 51.1
8 of 12.31 acres besides the resulting 13.31
9 acres.

10 The only note that the Board had
11 requested was that we put a note saying that
12 the building on tax map lot 50.1 shall not be
13 used as a residence and the garage not to be
14 used as a garage.

15 MR. BRAND: Pat, do we have updated
16 plans for the site?

17 MR. HINES: We did not have updated
18 plans. That is the -- the previous
19 discussions have all been revolved around
20 some of the local emergency services agencies
21 utilizing those buildings for training and
22 they wish to continue to do that as long as
23 they are functional. It was discussed last
24 night and will provide a note that those
25 would not be utilized for any other use than

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2 that. The issue being that if it was a
3 residence, there'd be two residences on one
4 lot, and that's not permitted here. So as
5 long as the Board is okay with the quote,
6 unquote, fire-training issue continuing to
7 occur, that was the only outstanding issue.

8 MR. BRAND: Did the owners provide
9 an indication of how long this was going to
10 be used as a fire-training location?

11 MR. HINES: They make it available
12 to the fire department. I think that's more
13 of a fire department question than it is an
14 owner question. They will continue to make
15 it available for as long as the fire
16 department is interested in utilizing it. I
17 did not contact the fire department to find
18 out.

19 Again, there's always difficulties
20 finding training facilities, so when they are
21 available, certainly the local volunteers are
22 very happy to utilize them. Ulster County
23 right now is out to bid for new Ulster County
24 training facility up by the college, so
25 hopefully there will be a state of the art

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2 training facility for all of the departments
3 to be able to use in the near future, but
4 that's probably a few years down the road.

5 MR. BRAND: Anything else from the
6 Board? No questions from the Board?

7 MS. LANZETTA: Do you have to have a
8 new map for folders for both of them? Sorry.

9 MR. BRAND: Sure. Are we willing to
10 provide a negative declaration at this time?

11 UNIDENTIFIED SPEAKER: I'll make a
12 motion for a negative declaration.

13 MR. BRAND: Is there a second?

14 MR. LOFARO: I'll second it.

15 MR. BRAND: All in favor say, aye.

16 MEMBERS: Aye.

17 MR. BRAND: Opposed?

18 (No response.)

19 MR. BRAND: Excellent. I think next
20 would be -- this doesn't need a public
21 hearing, right?

22 MR. BLASS: No need for a public
23 hearing. I didn't know that we were going to
24 be ready to approve this tonight, but I think
25 you are ready to approve it tonight. So I

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2 would have to do a resolution for you
3 tomorrow.

4 MR. BRAND: Okay. Can we -- I
5 always get this wording wrong. Can we grant
6 permission and or preliminary approval based
7 on the -- or just wait until the resolution?

8 MR. BLASS: This is a lot
9 consolidation.

10 MS. BROOKS: Right.

11 MR. BLASS: So I think you want to
12 grant both preliminary and final together
13 without the need for public hearing.

14 MR. BRAND: Okay.

15 MR. BLASS: And I'll I back stop
16 your decision tonight with a resolution
17 tomorrow.

18 MR. BRAND: Do I have that motion
19 for a preliminary and final approval for
20 this?

21 MR. CLARK: I'll make a motion.

22 MR. CAUCHI: I'll second it.

23 MR. BRAND: All those in favor say,
24 aye.

25 MEMBERS: Aye.

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2 MR. BRAND: Any opposed?

3 (No response.)

4 MR. BLASS: I think that the
5 resolution of approval has conditions
6 attached. One of them is the appropriate
7 fees and consulting expenses. Another would
8 be that the structure used for fire fighting
9 practice has not been approved for or used
10 for residential purposes in the future, and
11 that the garage structure is not used as a
12 garage.

13 MS. BROOKS: And that note is on the
14 map.

15 MR. BRAND: Excellent. Thank you.
16 Moving right along.

17 Hans Taylor, preliminary site plan?
18 No Hans Taylor. Going once. Going
19 twice.

20 MR. TRUNCALI: Do we need him here?

21 MR. BLASS: I think that Pat is okay
22 with the application, and neither the storm
23 water aspect nor the grading aspect requires
24 a public hearing. So just like the prior one
25 which proceeded without a public hearing --

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2 truck traffic off of that so they don't
3 damage that septic system that serves the
4 residence, and with those plan changes, we
5 take no exception to approving this under the
6 storm water --

7 MR. BRAND: You have the maps that
8 show all these changes?

9 MR. HINES: Yes.

10 MR. BRAND: Okay. Do I have a
11 motion to make a negative declaration.

12 MR. CAUCHI: I make motion to make a
13 negative declaration?

14 MR. BRAND: Is there a second?

15 MS. LANZETTA: I'll second that.

16 MR. BRAND: All those in favor say,
17 aye.

18 MEMBERS: Aye.

19 MR. BRAND: Any opposed?

20 (No response.)

21 MR. BRAND: Negative declaration
22 later is issued. So for this, we can grant
23 them conditional approvals?

24 MR. BLASS: Conditional approval of
25 grading permit and conditional approval of

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2 storm water management.

3 MR. BRAND: So conditional for
4 grading and storm water facilities. Do I
5 have a motion?

6 MS. LANZETTA: I make that motion
7 that they stay under the one-acre disturbance
8 required.

9 MR. BRAND: Is there a second?

10 MR. CAUCHI: I'll second it.

11 MR. BRAND: All those in favor say,
12 aye.

13 MEMBERS: Aye.

14 MR. BRAND: Any opposed?

15 MR. BRAND: So just that I'm clear
16 with this, Ron, what does he have to do next,
17 Mr. Taylor? Anything?

18 MR. BLASS: Yeah. Permit for the
19 building inspector.

20 MR. BRAND: Anything else from the
21 Board?

22 (No response.)

23 MR. BRAND: Motion to close?

24 MR. CAUCHI: I make a motion to
25 close the meeting.

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2 MR. BRAND: Is there a second?

3 MS. LANZETTA: Second.

4 MR. BRAND: All those in favor say,
5 aye.

6 MEMBERS: Aye.

7 MR. BRAND: Any opposed?

8 (No response.)

9 MR. BRAND: Thank you.

10 (TIME NOTED: 7:55 p.m.)

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6 C E R T I F I C A T I O N
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9 I, BARBARA ULBRICH, Court Reporter and
10 Notary Public within and for the State of New
11 York, hereby certify that I recorded
12 stenographically the proceedings herein at
13 the time and place noted in the heading
14 hereof, and that the foregoing transcript is
15 true and accurate to the best of my ability,
16 knowledge and skill.

17
18
19 *Barbara Ulbrich*
20

21 BARBARA ULBRICH
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23
24
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	2:4,5	26:5,6	BROOKS (12)	coming (1)
\$	along (1)	B	4:12,14;8:12,17, 21;13:10;14:8,21; 17:2,12;21:10;22:13	7:7
\$1,500 (1)	22:16			comment (1)
16:6	always (2)			4:19
A	19:19;21:5	back (2)	building (20)	comments (2)
	anticipated (1)	7:9;21:15	2:17;5:17;6:12; 7:18,24;8:9;11:5,6, 14,19;12:7,11,16,19, 20;13:14;14:12,17; 18:12;25:19	9:18;23:3
	15:10	ball (1)		community (4)
	apologize (1)	8:18		3:10;6:18;8:13,22
	17:19	BARBARA (2)		concourse (3)
	Apparently (1)	27:9,21		23:8,16,16
	6:3	baseball (1)	buildings (1)	condition (6)
	applicant (2)	8:9	18:21	7:24;11:8,15,25; 12:5;15:15
	3:25;11:4	based (4)	buy (1)	conditional (4)
	applicants (2)	7:4;15:10;21:6; 23:10	13:5	24:23,24,25;25:3
	7:7,10	basically (1)	buyer (5)	conditioned (1)
ability (1)	application (5)	11:9	11:7;12:24;13:2,8, 11	12:13
27:15	3:22;4:3;5:5;15:3; 22:22	basis (1)	C	conditions (9)
able (1)	apply (1)	8:22		5:25;6:7;10:23,24; 11:13;12:6,11,15; 22:5
20:3	11:15	benefit (1)		considered (1)
above (1)	appropriate (3)	8:22	call (1)	8:16
15:18	12:3;15:21;22:6	besides (1)	2:2	consolidated (1)
Absolutely (1)	Approval (21)	18:8	called (1)	18:7
18:3	2:8;4:2;5:15,24; 6:5;9:16;10:6,24; 11:8,17,25;12:6; 14:10,15;15:15;17:3; 21:6,19;22:5;24:24, 25	best (1)	11:3	consolidation (2)
accept (3)		27:15	can (8)	18:5;21:9
2:22,24;13:19		bid (1)	7:4,10,12;14:8; 16:8;21:4,5;24:22	consultants (1)
access (3)		19:23	CAUCHI (7)	12:4
6:2;11:17;14:15		BLASS (17)	13:23;16:10,11; 21:22;24:12;25:10, 24	consulting (1)
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