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In Re:

TOWN OF HAVERSTRAW BOARD of ZONING APPEALS MEETING

-----x

October 12, 2022
7:00 p.m.

Board of Zoning Appeals Meeting held at
One Rosman Road, Garnerville, New York, before
a Notary Public of the State of New York.

DRAFT

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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1
2 APPEARANCES:
3 GREGG LAWLESS, CHAIRMAN
4 WILBUR ALDRIDGE
5 CARLOS BARRETT
6 PAUL CLEARY
7 CHRISTIE ADDONA, ESQ., ASSISTANT PLANNING BOARD ATTORNEY
8 GEORGE T. BEHN, JR., BUILDING INSPECTOR
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1 Proceedings
2 THE CHAIRMAN: Please stand for the
3 pledge.
4 (Whereupon, the Pledge of Allegiance was
5 recited.)
6 THE CHAIRMAN: Today is Wednesday,
7 October 12, 2022. This is the regularly-scheduled
8 meeting of the Town of Haverstraw Zoning Board of
9 Appeals. I will call the role.
10 Wilbur Aldridge?
11 MR. ALDRIDGE: Here.
12 THE CHAIRMAN: Mr. Barrett?
13 MR. BARRETT: Here.
14 THE CHAIRMAN: Mr. Cleary?
15 MR. CLEARY: Here.
16 THE CHAIRMAN: And Mr. Margiotta?
17 (No response.)
18 THE CHAIRMAN: The first item on the
19 agenda will be the adoption of the minutes of the
20 August 10, 2022 meeting.
21 MR. ALDRIDGE: So moved.
22 MR. BARRETT: Second.
23 THE CHAIRMAN: All in favor?
24 (Whereupon, all of the Board Members
25 responded "Aye.")

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1 Proceedings
2 THE CHAIRMAN: Motion carries.
3 The first item on the agenda -- anything
4 else, counsel?
5 MS. ADDONA: No. The September 14th
6 meeting was canceled because there were no items to
7 be heard. For anyone from the public who is here,
8 the second two items on the agenda, 81 West Ramapo
9 Road, LLC, 81 West Ramapo Road, and Efrain Castro,
10 69 N. Central Highway, have been adjourned to the
11 November 9th meeting.
12 So the first and only item on the Zoning
13 Board's agenda is Genesis Iciano, 9 Oakley
14 Boulevard, Garnerville, Section 26.10, Block 5, Lot
15 7.
16 A continuation of the public hearing:
17 Home occupation: Home office and
18 esthetic services.
19 Re: Facials, Body waxing, and makeup
20 applications.
21 For the recollection of this Board, this
22 application was open for a public hearing at its
23 July 2022 meeting and was adjourned for August and
24 September at the request of the applicant. We have
25 received comments back from the County Department

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1 Proceedings
2 of Planning, as well as the County Highway
3 Department, but we can let the applicant speak, if
4 so inclined, before we get into that.
5 For the record, speaking to the
6 applicant, would you rather we just go through the
7 comments? Okay. The applicant indicated yes.
8 As required under General Municipal
9 Council Law Sections 239-l and -m, the Zoning
10 Board, if the property is located within certain
11 boundaries of county or state property, then we
12 have to send this to them for review, and the
13 primary agency is the Rockland County Department of
14 Planning. We did receive comments back, it's in
15 the record that they were received I believe the
16 date of the July meeting, so unfortunately, we did
17 not have an opportunity to review those comments in
18 advance of the meeting.
19 Mike Kauker, who is the town planner,
20 could not be here this evening due to health
21 reasons, but I did speak with him, so if the Board
22 is so inclined, I will just run through the
23 comments and we can kind of talk about what the
24 outstanding issues are.
25 THE CHAIRMAN: Does anybody have any

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1 Proceedings

2 problem with that?

3 MR. ALDRIDGE: No.

4 MS. ADDONA: So the first comment just

5 defines the status of a special permit use and how

6 it compares to a standard use, that's just

7 something that's being noted.

8 There are a couple of comments that deal

9 with how the layout of the site will be, and so one

10 of the issues that the County had raised is that

11 there wasn't a plan that was provided as to how all

12 of this is going to be laid out to ensure that

13 there would be sufficient parking, as required by

14 the code, to accommodate the additional home

15 occupation use in addition to the single-family

16 dwelling use.

17 In comment two, one of the

18 recommendations that was made by the County was to

19 have specific striping. I did discuss this with

20 Mr. Kauker, and he suggested that the Board may

21 want to consider overriding that comment, because

22 part of the intent of having home occupation is to

23 have the property continue to appear to be a

24 single-family home. You don't want to have it

25 looking like a commercial property within a

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1 Proceedings

2 residential areas that are around it, and so

3 without really having some sort of plan or survey

4 or something of the property, it's difficult to say

5 what that landscaping could be or what even the

6 parameters are of the way the property is laid out.

7 Because I believe, George, correct me if I'm wrong,

8 that we haven't seen any sort of survey or plan.

9 MR. BEHN: No.

10 MS. ADDONA: So if I can just ask the

11 applicant, when you purchased the property, did you

12 get a survey? It's basically just a plan that lays

13 out what the property looks like. If you had

14 gotten title insurance, it might have been included

15 in that.

16 MR. BEHN: I could check the property

17 file. I'm somewhat culpable for that, because I

18 didn't see the need to have a site plan done

19 because of the low, in my opinion, the low impact

20 with regard to her idea.

21 MS. ADDONA: No, understood. And I guess

22 I should address, and perhaps I should have

23 prefaced this, and I apologize, the County's

24 comments aren't necessarily determinative, but if

25 the Board did not agree with them or decided not to

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1 Proceedings

2 residential district. So to the extent that the

3 County made that comment, it is something that the

4 Board may want to consider overriding, but I think

5 the bigger issue is the applicant demonstrating

6 that they can provide sufficient parking on the

7 site in order to accommodate the use, which,

8 according to the County, is four spaces -- two for

9 the single-family dwelling and two for the home

10 occupation -- and if that parking can't be

11 provided, it doesn't necessarily mean the use can't

12 go forward, it would just require, in addition to

13 the special permit you're already seeking, also

14 asking this Board to grant a variance from that

15 requirement. That's something that we would need

16 to know from you, as the applicant, whether you can

17 provide that parking. And if not, what types of

18 accommodations can be made to make sure that this

19 use is done safely.

20 There is also discussion in Item 4 about

21 the layout of the property and requiring a buffer,

22 a landscape buffer. Again, I think the intention

23 of this is to ensure that any sort of

24 commercial-type use that's associated with a home

25 occupation is buffered from the other likely

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1 Proceedings

2 follow them, and I did indicate this previously,

3 for the striping recommendation, it does have to be

4 overridden by a supermajority of the Board, which

5 is four members.

6 So just because these comments exist

7 doesn't necessarily mean they have to be followed,

8 but we certainly should take the opportunity to

9 look at them and determine among staff and

10 consultants, and we can come back to the Board with

11 to what extent we think it's appropriate to

12 potentially consider an override, which is

13 certainly permissible under the law.

14 MR. BEHN: I think another point is that

15 the conversation that I had with the applicant was

16 that it was going to be appointment only, there

17 wasn't going to be any walk-ins. So is it

18 appropriate to have that stated for the record?

19 MS. ADDONA: Absolutely. I guess another

20 question that I had discussed with the town

21 planner, are you planning to sell any products?

22 MS. ICIANO: No.

23 MS. ADDONA: No nail polish? No hair

24 supplies? Nothing like that? You're just

25 providing a service, people come in and people go?

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1 Proceedings

2 MS. ICIANO: Absolutely, yes.

3 MR. BARRETT: And it's by appointment

4 only, so there will be actually no walk-ins, right?

5 MS. ICIANO: No walk-ins, no.

6 MS. ADDONA: And that certainly goes to

7 the intensity of the use and whether it would be

8 appropriate for this Board, if you were so

9 inclined, to consider overriding some of these

10 recommendations.

11 So another thing that, George, generally,

12 we deal with, and it's raised in Comment 8, is

13 whether they need site plan approval, which

14 obviously would bring this into a different realm.

15 MR. BEHN: Right. In my opinion, it

16 would not need site plan approval, but of course

17 the ZBA is the body.

18 MS. ADDONA: So those are really the

19 substantive comments that we're dealing with.

20 There were some recommendations by the

21 County Planning Board to refer this to the Village

22 of West Haverstraw. From the records I've seen, I

23 can't confirm that that has happened, so we may

24 need to do that, but I think basically, if we can

25 look at the Building Department file and see if

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1 Proceedings

2 consider granting a variance for that, then there

3 would have to be a supplement to the application

4 made in order to request that relief, and that

5 would have to be noticed. But that is also an

6 available remedy that the applicant can pursue

7 concurrently with the special permit use that

8 they're already asking for from this Board.

9 Do you happen to know off the top of your

10 head, or if you can kind of estimate, we would

11 probably need more exact information, what is the

12 parking on this site like now? How many parking

13 spaces can you fit?

14 MS. ICIANO: Without using the garages,

15 four cars fit in my parking lot. So I do have

16 plenty of space for it. And he's a fireman, so

17 he's not always home, so it's usually just my car.

18 But either way, four cars fit without having to put

19 them in the garage.

20 MS. ADDONA: Okay.

21 MR. BARRETT: How many cars do you have

22 in the house already?

23 MS. ICIANO: We have two cars.

24 MR. BARRETT: So there should be a space

25 one in your garage for one of the clients.

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1 Proceedings

2 there's a plan, which it appears maybe --

3 MR. BEHN: Yes, Michelle is making copies

4 for the Board.

5 MS. ADDONA: Okay, so we just need to

6 make sure, with these comments, we just need to

7 make sure that we're doing everything within the

8 parameters of what we have to do. So I don't think

9 the Board is going to be able to make a decision

10 tonight, but we would run through the comments, if

11 any of the Board Members have any further questions

12 that you want to discuss from the applicant or from

13 the consultants to the extent we can adjust them,

14 otherwise we can try to have a final resolution for

15 this at the November meeting.

16 MR. BARRETT: What about the parking?

17 What is required for her for parking?

18 THE CHAIRMAN: In this situation, she

19 has, you know, street parking, so it's basically

20 the driveway or anywhere.

21 MR. BARRETT: Because it's by appointment

22 and one car at a time, even if it's three parking,

23 it should be okay.

24 MS. ADDONA: So that's something where,

25 if the Board feels comfortable, that they could

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1 Proceedings

2 MS. ICIANO: Absolutely, yeah, we have

3 plenty of space for that.

4 THE CHAIRMAN: So you have four spaces in

5 the driveway, along with the garage, which is two

6 spaces?

7 MS. ICIANO: Yes.

8 THE CHAIRMAN: I mean, ideally, it should

9 be okay.

10 MS. ADDONA: The applicant would have to

11 seek an area variance, and their argument for

12 getting to area variance, if they didn't have the

13 on-site parking, would be that parking is available

14 on the street to accommodate use.

15 MR. BARRETT: So all they have to say is

16 spots are available.

17 MS. ADDONA: If they need a variance.

18 But what we're hearing right now is they actually

19 do have the parking available on the site. And for

20 the record, we were just provided with a plot plan

21 that was in the Building Department file from

22 July 28, 1999, so this is something that the Board

23 can also take a look at and consider in deciding

24 how to address the County Planning Department's

25 comments. And again, this is from over two decades

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1 Proceedings

2 ago, so I'm not sure --

3 THE CHAIRMAN: How long have you owned

4 the house?

5 MS. ICIANO: One year. We're going to

6 have two years in January.

7 THE CHAIRMAN: We would need a probably

8 more current survey.

9 MS. ADDONA: That's what I was asking the

10 applicant earlier, if, when they purchased the

11 property, whether they had gotten a survey done, or

12 perhaps the survey was provided by their title

13 company or the seller of the property.

14 What I would ask --

15 MS. ICIANO: I have everything saved, so

16 I have all the documents.

17 MR. CLEARY: Is that how your driveway

18 looks right now?

19 MS. ICIANO: Yeah, that's our parking.

20 Exactly, yeah. I mean, that I know of, since we're

21 the second homeowners on the house, they said

22 they've never made any changes.

23 MS. ADDONA: I think the concern is less

24 about the footprint than about the parking

25 accessibility.

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1 Proceedings

2 thing, it has been determined that site plan

3 approval is not required. We have a comment from

4 County Planning suggesting it may be, so that's

5 before the Board in the context of County

6 Planning's comments, so you're within your right to

7 override it based upon the building inspector's

8 interpretation, but what we can do before the

9 November meeting is take a closer look and discuss

10 it further and let you know if we have any further

11 input on that.

12 MR. ALDRIDGE: One of the concerns I have

13 more than anything else is the ecological aspect of

14 it. In your statement, you said that there's no

15 toxic material. Are all the chemicals that you use

16 natural?

17 MS. ICIANO: I won't be using any

18 chemicals, I wouldn't be doing chemical peels. No,

19 I wouldn't do that.

20 MR. ALDRIDGE: When you do the waxing,

21 what happens with that? I'm not familiar with

22 waxing, but what actually happens with the material

23 that you use for waxing?

24 MS. ICIANO: So it's a hard wax, and I

25 remove it like -- it's like with like a thick mesh,

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1 Proceedings

2 MR. CLEARY: To me, they have a two-car

3 garage, they have two cars, they can get their cars

4 out of the way, it doesn't seem like a big problem

5 to me, personally. There's room over here for a

6 car, it looks like cars can get in and out of here

7 no problem.

8 MR. BEHN: I just did a tape off on the

9 square footage of the driveway, it's probably

10 around 1,200 square feet of driveway, that's a

11 pretty big driveway.

12 MR. CLEARY: That's a lot of ground.

13 MS. ADDONA: And it's a hammerhead,

14 right?

15 MR. BEHN: Right. Would the Board be

16 happy if I did a site inspection and verified the

17 condition on the site plan?

18 THE CHAIRMAN: That would be the biggest

19 thing, just walk it to see if it's the same. If

20 it's the same, I wouldn't be overly concerned.

21 Obviously, if something has changed since '99,

22 there's a concern.

23 MR. BEHN: I will verify that in the

24 field and go on the record.

25 MS. ADDONA: So I think the only other

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1 Proceedings

2 it sticks to it, and then I just peel it off. I

3 just have to make sure, before doing any waxing,

4 that, you know, the hair is long enough to make

5 sure it's going to rip out from the growth.

6 MR. ALDRIDGE: So nothing goes into the

7 sewer?

8 MS. ICIANO: No.

9 MR. ALDRIDGE: Okay, just garbage?

10 MS. ICIANO: Yes.

11 MR. ALDRIDGE: Okay, that answered my

12 question about the ecology aspect of it.

13 MS. ADDONA: The County Highway

14 Department also responded with a letter dated

15 July 8, 2022, that the proposed action would have

16 no significant affect on the county roads, we have

17 no further comments, and those are the only

18 responses we've received.

19 So I think, procedurally --

20 MR. BEHN: I have a question for the

21 applicant. Is there a way to determine how much

22 trash you're going to produce? Because my concern

23 is that you're going to have more trash, and should

24 they pay for commercial carting?

25 MS. ICIANO: Trash would only be if I

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1 Proceedings

2 have a lot of waxing. For facials, it would be a

3 lot of laundry because I would have to constantly

4 wash the linens. But waxing, I mean, I don't think

5 so. I have never filled a whole, like, you know

6 those small bins that you usually use in your

7 bathrooms, I've never really filled one up. It

8 would take like two days for it to fill up, so it's

9 really not much.

10 The strips that I use are like very

11 small. You know, you only do small portion at a

12 time, they're really tiny, and they roll up once

13 you finish, so they're really tiny.

14 MR. BEHN: Okay.

15 THE CHAIRMAN: How many waxings/facials

16 do you think you will do in a month's time?

17 MR. ICIANO: The goal or?

18 THE CHAIRMAN: Yes. Will there be more

19 people joining you, or is it just you doing

20 everything?

21 MS. ICIANO: No, just me. It would be my

22 first time. I don't have experience in business,

23 so I'm learning, as well. My goal is to have at

24 least four to five clients a day. It would be

25 during school hours, I can't have anybody after

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1 Proceedings

2 month. You know, you start getting to that

3 point --

4 MS. ICIANO: No, that would be later. I

5 hope I become big enough where I can take the

6 business out the home.

7 MS. ADDONA: One of the things, just for

8 the Board's information, that you could do, if you

9 wanted to, is you could ask the applicant to come

10 back in, say, two years or something and kind of

11 just see how it's going, and you know, make sure

12 that everything is working out as you anticipated.

13 Because this is a special permit and not a

14 variance, so you can put, I wouldn't say a time

15 limit, but even if you don't want the applicant to

16 have to come back to the Board, you could say in

17 two years maybe have the Building Inspector go out

18 there and do an inspection or have them annually

19 make, you know, a report to the Board regarding how

20 their operations are going so you can have a sense

21 of whether or not --

22 MR. ALDRIDGE: I like the annual report

23 idea, because it lets us keep track.

24 MS. ICIANO: I'm okay with that.

25 MS. ADDONA: I think that's the most

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1 Proceedings

2 3:00 because my son comes home at 4:00. So I'm

3 hoping to aim for four to five people a day, and

4 that would only be, like, Monday through Friday,

5 since my kids don't have school on Saturdays and

6 Sundays.

7 THE CHAIRMAN: No weekends?

8 MS. ICIANO: No.

9 MR. BEHN: Summer hours?

10 MS. ICIANO: It would have to depend if I

11 could get like a daycare for the kids, or summer

12 camp, depending on the hours, then I can work when

13 they're not home, because I don't have a babysitter

14 to help me at home. So it depends who I can I

15 find. If I find someone, it would be roughly the

16 same hours, so I don't have my clients bouncing

17 different times. I would want to have like a

18 steady schedule, but I'm not sure.

19 MR. BARRETT: We know it's a new

20 business, there's a lot of things she can't say at

21 this point how it's going to go. Obviously, if it

22 goes bigger, then you're probably going to have to

23 look at outside space.

24 THE CHAIRMAN: The concern is four to

25 five a day is 25 a week, which is 100 people a

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1 Proceedings

2 convenient for everyone involved, and it would have

3 an opportunity for the Town to maintain a file and

4 just kind of make sure there haven't been any

5 issues, that it's not exceeding the capacity or the

6 customers that are anticipated or approved by this

7 Board.

8 Hopefully it will be a minimal

9 administrative process, but that's something that,

10 if the Board is thinking about, that's a way to

11 allow the applicant to potentially move forward

12 while having some sort of continuing oversight.

13 THE CHAIRMAN: Anybody else have any

14 questions for the applicant? I think we have

15 enough information.

16 MS. ADDONA: So I do think this has been

17 a productive conversation. I think we are going to

18 have to carry this over to November just to make

19 sure we have all our ducks in a row, and if the

20 Board is so inclined, you can direct me to prepare

21 a resolution for the Board's consideration.

22 THE CHAIRMAN: I'm not opposed at all to

23 the striping.

24 MR. BARRETT: Me neither.

25 THE CHAIRMAN: That seems kind of a waste

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1 Proceedings

2 of time and energy for somebody's driveway. It's

3 going to make this house look --

4 MR. BARRETT: You can prepare a

5 resolution for the next meeting and make a

6 decision.

7 MR. ALDRIDGE: Does your preparation

8 require a vote?

9 MS. ADDONA: No, not to direct me to

10 prepare a resolution. Of course, if the resolution

11 is prepared for your consideration, you will have

12 to vote on it.

13 MR. BEHN: One thing that I would like to

14 add is that they will be subject to annual fire

15 inspections.

16 THE CHAIRMAN: Because it's a business,

17 it's a regular business, so extinguishers will be

18 done, all that stuff up to code, no blocking the

19 doors, stuff like that.

20 MS. ADDONA: Maybe we can line up the

21 timing of when they do the annual fire inspection

22 with when they make their submission so it's fresh

23 on our radar.

24 MR. BARRETT: Require them to have the

25 business, have a fire extinguishers, and things

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1 Proceedings

2 THE CHAIRMAN: Thank you very much. We

3 will see you in November.

4 (Whereupon, the meeting was adjourned.)

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1 Proceedings

2 like that.

3 MR. BEHN: Yes, basic fire inspection.

4 THE CHAIRMAN: Anybody else here from the

5 public who would like to be heard? Obviously not.

6 MS. ADDONA: I would recommend just

7 leaving the public hearing open until November.

8 THE CHAIRMAN: We will leave it open

9 until November's meeting.

10 MS. ADDONA: That does require a motion.

11 THE CHAIRMAN: Can I have a motion to

12 keep the public hearing open until November?

13 MR. ALDRIDGE: So moved.

14 MR. BARRETT: I second.

15 THE CHAIRMAN: All in favor?

16 (Whereupon, all of the Board Members

17 responded "Aye.")

18 THE CHAIRMAN: Motion carries. Can I

19 have a motion to adjourn the meeting until

20 November?

21 MR. ALDRIDGE: Absolutely. So moved.

22 MR. CLEARY: Second.

23 THE CHAIRMAN: All in favor?

24 (Whereupon, all of the Board Members

25 responded "Aye.")

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1 C E R T I F I C A T I O N

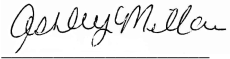
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3 Certified to be a true and accurate

4 transcript of the stenographic minutes taken

5 within.

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8 Ashley Millan,

9 Senior Court Reporter

10 Dated: October 18, 2022

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1 Errata Sheet
2
3 NAME OF CASE: In Re: TOWN OF HAVERSTRAW BOARD OF ZONING APPEALS MEETING
4 DATE OF DEPOSITION: 10/12/2022
5 NAME OF WITNESS:
6 Reason Codes:
7 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.
10 Page ____ Line ____ Reason ____
11 From _____ to _____
12 Page ____ Line ____ Reason ____
13 From _____ to _____
14 Page ____ Line ____ Reason ____
15 From _____ to _____
16 Page ____ Line ____ Reason ____
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-	8	21:9	anybody 5:25 18:25 21:13 23:4	13:13,16,19
-m 5:9	8 10:12 17:15	adoption 3:19	anyone 4:7	Aye 3:25 23:17,25
1	81 4:8,9	advance 5:18	anything 4:3 16:13	B
1,200 15:10	9	affect 17:16	anywhere 11:20	babysitter 19:13
10 3:20	9 4:13	after 18:25	apologize 8:23	back 4:25 5:14 9:10 20:10,16
100 19:25	99 15:21	again 7:22 13:25	Appeals 3:9	Barrett 3:12,13,22 10:3 11:16,21 12:21,24 13:15 19:19 21:24 22:4, 24 23:14
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1999 13:22	able 11:9	ago 14:2	applicant 4:24 5:3,6,7 7:5,16 8:11 9:15 11:12 12:6 13:10 14:10 17:21 20:9,15 21:11,14	basically 8:12 10:24 11:19
2	Absolutely 9:19 10:2 13:2 23:21	agree 8:25	application 4:22 12:3	bathrooms 18:7
2022 3:7,20 4:23 17:15	accessibility 14:25	aim 19:3	applications 4:20	because 4:6 6:21 8:7,17,19 9:6 11:21 17:22 18:3 19:2,13 20:13,23 22:16
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25 19:25	accommodation s 7:18	all 3:23,24 6:11 13:15 14:16 16:15 21:19,22 22:18 23:15,16,23,24	appropriate 9:11, 18 10:8	been 4:10 8:14 16:2 21:4,16
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