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2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4

X

In the Matter of

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5

SMITH SUBDIVISION

6

7 Project No. 17-1017  
8 First Street, Milton  
9 Section 103.1; Block 4; Lot 47.130

X

10

FINAL - SUBDIVISION

11

Date: May 20, 2019

12

Time: 7:30 p.m.

13

Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

14

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

19

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

21

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

22

23

----- X  
MICHELLE L. CONERO

24

PMB #276

25

56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

2 CHAIRMAN BRAND: I'd like to call  
3 the meeting to order with the Pledge of  
4 Allegiance to the flag of our country.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, May 20, 2019.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 4/15. Smith  
10 Subdivision, final; Bayside, extension. Next  
11 deadline: Friday, May 24th. Next scheduled  
12 meeting: Monday, June 3rd.

13 CHAIRMAN BRAND: I would like to have a  
14 motion to approve the stenographic minutes for  
15 April 15th.

16 MR. LOFARO: I'll make that motion.

17 CHAIRMAN BRAND: Is there a second?

18 MR. CAUCHI: I'll second it.

19 CHAIRMAN BRAND: Any discussion?  
20 (No response.)

21 CHAIRMAN BRAND: All those in favor?

22 MR. CLARKE: Aye.

23 MR. TRAPANI: Aye.

24 MS. LANZETTA: Aye.

25 MR. TRUNCALI: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: So carried.

8 Before we start, for the record I'd  
9 like to recognize that both Board Members Cindy  
10 Lanzetta and Ben Trapani completed the Orange  
11 County Municipal Planning Federation land use and  
12 planning course on May 14, 2019 and both were  
13 awarded certificates of completion for two hours  
14 of training each.

15 Jen, I'll give that to you.

16 First up, Smith Subdivision.

17 How are you tonight?

18 MR. WINGLOVITZ: Good. How are you?

19 CHAIRMAN BRAND: Good. The Board has  
20 before you the SEQRA negative declaration and  
21 notice of determination of non-significance.

22 I would just like to add that the phone  
23 number is wrong -- we will go ahead and make that  
24 correction on there -- for my extension.

25 Other than that; Jen, would you poll

2 the Board.

3 MR. CLARKE: I had a question.

4 CHAIRMAN BRAND: I'm sorry.

5 MR. CLARKE: I paid a visit to the  
6 site. On your map you had Second Street, Third  
7 Street, First Street. As I went up Sherman Drive  
8 there was a First Street down at the bottom of  
9 the hill. Are they the same?

10 MR. SMITH: Yes.

11 MR. HINES: They're supposed to  
12 connect.

13 MR. SMITH: It connects back to Sherman  
14 Drive.

15 MR. CLARKE: I just wondered how you  
16 went from Second to Third to First.

17 CHAIRMAN BRAND: Common core math.

18 MR. HINES: The only other thing I had,  
19 and it's not in the resolution, is that we need  
20 to get the improvements within the Town roadway.

21 CHAIRMAN BRAND: We're going to add  
22 that to the resolution portion.

23 Jen, would you poll the Board for the  
24 SEQRA negative declaration and notice of  
25 determination of non-significance.

2 MS. FLYNN: Chairman Brand?

3 CHAIRMAN BRAND: Yes.

4 MS. FLYNN: Member Truncali?

5 MR. TRUNCALI: Yes.

6 MS. FLYNN: Member Trapani?

7 MR. TRAPANI: Yes.

8 MS. FLYNN: Member Lanzetta?

9 MS. LANZETTA: Yes.

10 MS. FLYNN: Member Lofaro?

11 MR. LOFARO: Yes.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 MS. FLYNN: Member Clarke?

15 MR. CLARKE: Yes.

16 CHAIRMAN BRAND: Then we also have a  
17 resolution of approval by the Town Planning  
18 Board. As Pat was just about to indicate, we are  
19 going to add in a letter H which will include the  
20 posting of a satisfactory performance bond and  
21 escrow for roadway and access.22 MR. WINGLOVITZ: We could construct the  
23 improvements before the map is filed?24 MR. HINES: Yes. We just need to make  
25 sure because if the lots are transferred without

2 that note, then --

3 MR. WINGLOVITZ: No problem.

4 CHAIRMAN BRAND: Jen, would you poll  
5 the Board.

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Lanzetta?

9 MS. LANZETTA: Yes.

10 MS. FLYNN: Member Truncali?

11 MR. TRUNCALI: Yes.

12 MS. FLYNN: Member Trapani?

13 MR. TRAPANI: Yes.

14 MS. FLYNN: Member Lofaro?

15 MR. LOFARO: Yes.

16 MS. FLYNN: Member Clarke?

17 MR. CLARKE: Yes.

18 MS. FLYNN: Member Cauchi?

19 MR. CAUCHI: Yes.

20 CHAIRMAN BRAND: So carried. Thank you  
21 very much.

22 MR. WINGLOVITZ: Thank you.

23 MS. FLYNN: We have the rec fees.

24 CHAIRMAN BRAND: The resolution for the  
25 recreation fees. Thank you.

2 MR. TRUNCALI: Recreation fee findings,  
3 Town of Marlborough Planning Board. Whereas the  
4 Planning Board has reviewed a subdivision  
5 application known as Smith Subdivision with  
6 respect to real property located at First Street  
7 in the Town of Milton, Member Brand offered the  
8 following resolution which was seconded by Member  
9 Truncali: It is hereby resolved the Planning  
10 Board makes the following findings pursuant to  
11 Section 277-4 of the Town Law. Based on the  
12 present and anticipated future needs for park and  
13 recreation opportunities in the Town of  
14 Marlborough and to which the future population of  
15 the subdivision will contribute, parkland should  
16 be created as a condition of approval for the  
17 subdivision. However, a suitable park of  
18 adequate size to meet the above requirement can  
19 not properly be located within the proposed  
20 project site. Accordingly, it is appropriate  
21 that in lieu of providing parkland, the project  
22 sponsors render to the Town payment of a  
23 recreation fee to be determined in accordance  
24 with a prevailing schedule established for the  
25 Town of Marlborough. This approved subdivision

2 known as Smith Subdivision resulted in four lots  
3 for a total of \$8,000 in recreation fees, parent  
4 parcel excluded.

5 CHAIRMAN BRAND: Jen, would you poll  
6 the Board.

7 MS. FLYNN: Chairman Brand?

8 CHAIRMAN BRAND: Yes.

9 MS. FLYNN: Member Cauchi?

10 MR. CAUCHI: Yes.

11 MS. FLYNN: Member Clarke?

12 MR. CLARKE: Yes.

13 MS. FLYNN: Member Trapani?

14 MR. TRAPANI: Yes.

15 MS. FLYNN: Member Lanzetta?

16 MS. LANZETTA: Yes.

17 MS. FLYNN: Member Lofaro?

18 MR. LOFARO: Yes.

19 MS. FLYNN: Member Truncali?

20 MR. TRUNCALI: Yes.

21 CHAIRMAN BRAND: Thank you.

22 MR. WINGLOVITZ: Thank you very much.

23

24 (Time noted: 7:35 p.m.)

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## 4 C E R T I F I C A T I O N

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7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

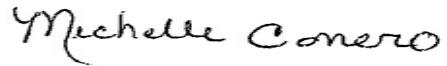
10 That hereinbefore set forth is a  
11 true record of the proceedings.

12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
14 blood or by marriage and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 10th day of June 2019.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

In the Matter of

## BAYSIDE MIXED USE

Project No. 17-1024  
18 Birdsall Avenue, Marlboro  
Section 109.1; Block 4; Lot 29

## EXTENSION

11 Date: May 20, 2019  
12 Time: 7:35 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:     CHRIS BRAND, Chairman  
16                             JOEL TRUNCALI  
17                             BEN TRAPANI  
18                             CINDY LANZETTA  
19                             JOSEPH LOFARO  
20                             MANNY CAUCHI  
21                             STEVE CLARKE

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
20 VIRGINIA FLYNN

APPENDIX: REPRESENTATIVE INVESTMENT RATES

MICHELLE L. CONERO

PMB #276

56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

2 CHAIRMAN BRAND: Next up on the agenda,  
3 Bayside, extension.

4 How are you tonight?

5 MR. DATES: Good evening. How are you?

6 CHAIRMAN BRAND: So why is it that  
7 you're requesting the extension? I know you did  
8 send an e-mail. Maybe you want to explain that a  
9 little bit to the Board.

10 MR. DATES: I think everyone has a copy  
11 of my letter which was requesting an extension of  
12 site plan and subdivision approval for the  
13 project.

14 In light of the discussion I had with  
15 the Board's Counsel today in an e-mail that he  
16 forwarded over to me, I need to amend that  
17 request essentially.

18 So what we're looking for is an  
19 extension, a one-year extension on the site plan  
20 approval, and then in light of the information we  
21 would request a reinstatement of the approval for  
22 the subdivision because the two -- it was  
23 misinterpreted of running together or  
24 simultaneously. They do not. They have two  
25 separate timeframes of approval. So that's the

2 modified request that I'm here for before you  
3 tonight.

4 CHAIRMAN BRAND: In discussing it with  
5 our attorney as well, he did indicate that you  
6 would have to submit a new application, go  
7 through the public hearing process as well again  
8 for the subdivision.

9 MR. DATES: We did not get into that  
10 piece of it. I don't know if the Board would  
11 consider reinstatement or re-issuance of the  
12 approval because there are no changes to the  
13 project, the code sections have not changed, the  
14 permit sections have not been revised that would  
15 apply to the project. If you would consider  
16 that, I think the applicant would appreciate that  
17 just based on the time that's been put into this  
18 project.

19 CHAIRMAN BRAND: Sure. I don't know if  
20 we're legally able to do that. That's a question  
21 for the attorney.

22 MR. BATTISTONI: I don't know what the  
23 past practice of the Board may have been. I'm  
24 new here. I would suggest that you're better off  
25 getting a renewal application where there's a

2 formal statement that nothing has changed in  
3 terms of the project and what was approved  
4 previously, that way you have something on the  
5 record. If you held a public hearing, it would  
6 be one meeting. It wouldn't be too much of an  
7 imposition on the property owner.

8 MR. HINES: We've had them where they  
9 asked within the timeframe and we've given them a  
10 week or so. I think we're at five months now.

11 CHAIRMAN BRAND: I never remember doing  
12 one so far out of date.

13 Okay. So with that in mind, we have  
14 the resolution granting extension of approval for  
15 the site plan approval May 20, 2019. This  
16 extension would run through May 6, 2020, and then  
17 as per the discussion earlier you have one  
18 additional year extension before you would have  
19 to start over again.

20 MR. BATTISTONI: Right. Under the Town  
21 Code you can grant two one-year extensions.  
22 You're granting one here. You could grant  
23 another.

24 MR. HINES: The building permit stops  
25 that and kicks in the building permit timeframe.

2 MR. DATES: I thought the code said  
3 construction. So it's building permit?

4 MR. HINES: That's it.

5 CHAIRMAN BRAND: Jen, would you poll  
6 the Board.

7 MS. FLYNN: Chairman Brand?

8 CHAIRMAN BRAND: No.

9 MS. FLYNN: Member Truncali?

10 MR. TRUNCALI: Yes.

11 MS. FLYNN: Member Trapani?

12 MR. TRAPANI: No.

13 MS. FLYNN: Member Lanzetta?

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Lofaro?

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 MS. FLYNN: Member Cauchi?

20 MR. CAUCHI: Yes.

21 CHAIRMAN BRAND: The motion carries.

22 Thank you.

23 MR. DATES: So just to clarify, for the  
24 subdivision you're looking for a reinstatement or  
25 re-approval application? What's the process that

2 the Board is looking to achieve that?

3 MR. HINES: I think you reapply for  
4 approval for that. It could be a streamlined  
5 process through the Board. The SEQRA  
6 determination would most likely remain. They  
7 would recertify their SEQRA findings, so that  
8 would save that timeframe. I think you have a  
9 DOT permit out there that's not issued yet. Some  
10 information regarding that would be helpful, to  
11 update that status.

12 MR. DATES: I can give you -- we just  
13 last week --

14 MR. HINES: You don't have to do it  
15 now.

16 MR. DATES: All right.

17 MR. HINES: I think I'll defer to Jeff,  
18 but Town Law requires a public hearing on the  
19 subdivision. Jeff was ducking the question.

20 MR. TRUNCALI: So this reapplication is  
21 because they didn't get their extension in time?

22 MR. BATTISTONI: Right. A conditional  
23 final approval for a subdivision is valid for six  
24 months under New York State Law. You can apply  
25 for ninety-day extensions. So the six-month

2 expired. We're almost at another six months.

3 That seems to me to be too long to try to

4 retroact and say yes, we can approve this.

5 CHAIRMAN BRAND: Anything else?

6 (No response.)

7 CHAIRMAN BRAND: You're all set.

8 MR. DATES: Thank you.

9

10 (Time noted: 7:40 p.m.)

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## 4 C E R T I F I C A T I O N

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7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

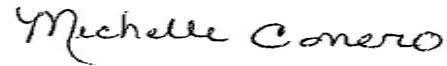
10 That hereinbefore set forth is a  
11 true record of the proceedings.

12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
14 blood or by marriage and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 10th day of June 2019.

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MICHELLE CONERO

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2                   STATE OF NEW YORK : COUNTY OF ULSTER  
3                    TOWN OF MARLBOROUGH PLANNING BOARD  
4                   ----- X  
5                   In the Matter of  
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7                   - FIRE DEPARTMENT INPUT  
8                   - WATER DISTRICT EXPANSIONS  
9                   - PRODUCTION OF A SURVEY PRIOR TO ISSUANCE  
10                   OF THE CERTIFICATE OF OCCUPANCY  
11                   ----- X

12                   BOARD BUSINESS

13                   Date: May 20, 2019  
14                   Time: 7:40 p.m.  
15                   Place: Town of Marlborough  
16                    Town Hall  
17                    21 Milton Turnpike  
18                    Milton, NY 12547  
19

20                   BOARD MEMBERS:    CHRIS BRAND, Chairman  
21                                    JOEL TRUNCALI  
22                                    BEN TRAPANI  
23                                    CINDY LANZETTA  
24                                    JOSEPH LOFARO  
25                                    MANNY CAUCHI  
                                  STEVE CLARKE

26                   ALSO PRESENT:    JEFFREY S. BATTISTONI, ESQ.  
27                                    PATRICK HINES  
28                                    VIRGINIA FLYNN  
29

30                   ----- X  
31                   MICHELLE L. CONERO  
32                                    PMB #276  
33                   56 North Plank Road, Suite 1  
34                                    Newburgh, New York 12550  
35                                    (845)541-4163

2 CHAIRMAN BRAND: Anything else from the  
3 Board?

4 MS. LANZETTA: I would like to bring up  
5 something that was concerning me, because I know  
6 I dropped the ball on this.

7 I think our fire departments, both the  
8 Milton and the Marlboro Fire Departments, have  
9 been very good about giving us their take on site  
10 plans and subdivisions, raising their concerns.  
11 I know, especially now after attending a number  
12 of these educational programs, that our primary  
13 concern is the health, safety and welfare of  
14 people that are coming in to our community. I  
15 feel like we have to be -- I know I have to be  
16 more -- I have to focus more on what the fire  
17 departments are telling us and take that more  
18 seriously perhaps than I had in the past. I know  
19 when I was looking at things I was like weighing  
20 the cost to the applicant. I now feel that the  
21 safety of our community outweighs the cost to the  
22 applicants on some of these situations where  
23 we've -- I know I've been looking at it on a  
24 weighing basis. I don't want our fire  
25 departments to feel like they're not being heard.

2 I'm sorry that Chief Kneeter left  
3 because I really value the input that they're  
4 giving us. I know going forward I'm going to  
5 take that input even more seriously than I have  
6 in the past. I wanted to get that out there.

7 CHAIRMAN BRAND: Thank you.

8 Just so that the Board is aware too, I  
9 did send an e-mail out to the -- I believe I sent  
10 it to all of you but I also cc'd Supervisor  
11 Lanzetta regarding site plans and developments  
12 that are being proposed, for the Board to  
13 possibly consider some type of legislation that  
14 would encourage them that if you build something  
15 within a certain distance or a part of the  
16 project is within the water district, that you  
17 would expand the water district at the cost or  
18 maybe some shared cost with the Town in order for  
19 us to increase the health and safety of the  
20 residents of those proposed areas.

21 I know Al did get back to me on that.  
22 We'll see where that goes.

23 MR. HINES: The supervisor called me  
24 too. Representatives of both departments were  
25 there, both districts.

2 CHAIRMAN BRAND: Great.

3 MR. CAUCHI: I understand what you're  
4 saying, this is a good thing. Again, are we in a  
5 position to do a shared cost? You can't really  
6 let the developer carry the brunt of that. I  
7 mean that's already -- I mean if the Town is  
8 ready to share the cost, by all means I'm with  
9 you, let's do it. If we're going to insist and  
10 hold the feet to the fire of the developer to do  
11 that additional, then we're going to start seeing  
12 people are going to turn around and say hey,  
13 don't develop here in Marlborough, it's too  
14 costly.

15 MR. CLARKE: That depends on what other  
16 towns are doing. If other communities require it,  
17 it's not different if we require it. I don't  
18 know what other communities require but I know  
19 I've heard in other places where you want to put  
20 in a development, you pay for the extension of  
21 the water line. I don't think that would be a  
22 unique situation. I don't think we would be at a  
23 disadvantage to other towns.

24 CHAIRMAN BRAND: Pat, what is your  
25 surrounding town knowledge?

2 MR. HINES: It varies. If you want to  
3 put a development in with wells and septic, your  
4 zoning is set up for that.

5 This was a unique case because a little  
6 less than a third of the site was in the water  
7 district, so it was very close.

8 This Board doesn't have the ability to  
9 do any cost sharing. That's beyond this Board.  
10 You could suggest it, recommend it. You're an  
11 administrative review board, you check the boxes  
12 to make sure it meets your code. Your lot size  
13 changes substantially if you run water.

14 MR. CLARKE: It does.

15 MR. HINES: If I was the developer  
16 running the water I would say I want to go to the  
17 R-1 zone versus the RAG zone because that's the  
18 reason you have those various lot sizes. So it  
19 doesn't make sense to a developer to run the  
20 water in an RAG when he has minimum one acre, two  
21 acre lot sizes because of the separation  
22 distances. If he can get some benefit to it the  
23 cost wouldn't have as great an impact, you would  
24 get more lots. That's a way to balance the  
25 improvements.

2 MR. CAUCHI: The economics have to work  
3 for the developer. I just don't like to -- I  
4 guess we have to see each situation as it comes.

5 MR. HINES: A lot of towns have  
6 regulations that if you are in water district you  
7 are connected. That's clear in a lot of town  
8 codes. There's no exceptions. They don't want  
9 wells in their water district.

10 MS. LANZETTA: We already require that  
11 if you're in the sewer district you have to hook  
12 up. This would just be consistency.

13 MR. HINES: It might be an easy change  
14 for the code. The problem is that these people  
15 that are buying these lots that are in the water  
16 district, they're going to pay a fee. They won't  
17 pay the operation and maintenance but --

18 MR. TRUNCALI: It's a minimal fee.

19 MR. HINES: In some places it's not, in  
20 some municipalities where they have extensive  
21 water improvements.

22 MR. TRUNCALI: Also on this particular  
23 subdivision, it seems like the infrastructure  
24 that was on the Town's property already was  
25 inadequate. It should have been done by the Town

2 before. It's like you really can't hold this  
3 applicant hostage to pay for that. It should  
4 have been done by the Town before.

5 MR. HINES: Certainly that existing  
6 Town road does not meet your existing Town road  
7 specs.

8 To trigger that review, this Board can  
9 trigger it with your traffic impacts, your water  
10 impacts. That's where you have some control over  
11 developers. Early on you would review that and  
12 say not the public safety issue but the actual  
13 traffic issues. It doesn't seem like that's the  
14 case here. In other counties you can fold it in  
15 to your environmental review as a pool to get the  
16 developers to do some of those type of  
17 improvements, otherwise they wait until the town  
18 gets the wherewithal to do it themselves.

19 MS. LANZETTA: Do you want to just  
20 briefly talk about -- I know it's after the fact  
21 -- the clause about before they get the COs, that  
22 they have to have the --

23 MR. HINES: As-built survey.

24 MS. LANZETTA: Can you explain that to  
25 the rest of the Board?

2 MR. HINES: The condition on the Smith  
3 Subdivision as an example was that the driveways  
4 have to be built to a maximum 14 percent slope.  
5 It's not currently in the code. If it was a site  
6 plan then my office typically gets involved in  
7 the review of the construction activity. On a  
8 subdivision where there's not public improvements  
9 we don't. If there's a road or water we do. On  
10 a subdivision that fronts on a town road, there's  
11 not a method to check that. The building  
12 inspector is keying in on the house and building  
13 code issues. The highway superintendent is  
14 looking at the driveway intersection. There's  
15 kind of a gap in between.

16 What we put in this resolution was that  
17 they have to -- maybe because of the condition  
18 they have to provide us a survey prior to the CO  
19 and that survey will show the roadway.

20 MR. CLARKE: That goes back to the fire  
21 department issue. They requested that, too.

22 MR. HINES: It gives the applicant or  
23 the next person that it will be in the approval  
24 resolution, a note on the map saying you have to  
25 do that. It shouldn't be a surprise if they have

2 a decent title company involved when they do a  
3 title search. Ulster County is different. I do  
4 a lot of work in Orange County. They require it  
5 for septic systems as well.

6 CHAIRMAN BRAND: Anything else?

7 (No response.)

8 CHAIRMAN BRAND: Motion to adjourn?

9 MR. CAUCHI: I'll make that motion.

10 MR. TRUNCALI: Second.

11 CHAIRMAN BRAND: All those in favor?

12 MR. CLARKE: Aye.

13 MR. TRAPANI: Aye.

14 MS. LANZETTA: Aye.

15 MR. TRUNCALI: Aye.

16 MR. CAUCHI: Aye.

17 MR. LOFARO: Aye.

18 CHAIRMAN BRAND: Aye.

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20 (Time noted: 7:50 p.m.)

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

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7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

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That hereinbefore set forth is a  
the proceedings.

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Michelle Conero

MICHELLE CONERO