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

In the Matter of

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5 BUTTERMILK SPA EXPANSION

10 PUBLIC HEARING - SITE PLAN

11 Date: July 15, 2019
12 Time: 7:30 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
20 KATHI NATLAND

21 APPLICANT'S REPRESENTATIVE: THOMAS KENTOP
22 C.J. HARTWELL-KELLY

MICHELLE L. CONERO

PMB #276

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 our country.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, July 15, 2019.
8 Regular meeting 7:30 p.m. Buttermilk Falls Spa
9 Expansion, public hearing, site plan; Brooklyn
10 Bottling, public hearing, site plan;
11 Cosman-Troncillito, lot line revision, sketch;
12 Bayside Mixed Use, sketch, subdivision/site plan.
13 Next deadline: Friday, July 19th. Next scheduled
14 meeting: Monday, August 5th.

15 CHAIRMAN BRAND: First up, Buttermilk
16 Falls Expansion, public hearing, site plan.

17 MR. TRUNCALI: Legal notice, amended
18 special use permit and site plan approval.
19 Please take notice a public hearing will be held
20 by the Marlborough Planning Board pursuant to the
21 Town of Marlborough Town Codes 155-31 and 155-32
22 on Monday, July 15, 2019 for the following
23 application: Buttermilk Falls Spa Expansion, at
24 the Town Hall, 21 Milton Turnpike, Milton,
25 New York at 7:30 p.m. or as soon thereafter as

2 may be heard. The applicant is asking for a
3 commercial site plan approval and amended special
4 use permit for the expansion of an existing spa
5 on lands located at 220 North Road, Milton,
6 New York, Section 103.1; Block 2; Lot 13. Any
7 interested parties either for or against this
8 proposal will have an opportunity to be heard at
9 this time. Chris Brand, Chairman, Town of
10 Marlborough Planning Board.

11 CHAIRMAN BRAND: Do you have the
12 mailings that went out for the secretary?

13 MR. KENTOP: Yes, and it's sitting
14 exactly where she put it. I do have it. It's
15 not in this folder.

16 CHAIRMAN BRAND: Do you know how many
17 went out and how many came back? Do you have
18 that information?

19 MR. KENTOP: I'm going to say there was
20 probably a dozen or so. It was about 500 feet.

21 CHAIRMAN BRAND: We're going to need
22 those. When you get those --

23 MR. KENTOP: I can bring them here in
24 the morning.

25 CHAIRMAN BRAND: Thank you.

2 MR. KENTOP: Yes.

3 CHAIRMAN BRAND: Would you like to give
4 us an overview of exactly what's being planned
5 here?6 MR. KENTOP: Good evening. My name is
7 Thomas Kentop, I'm with Medenbach & Eggers.8 The overview is this was an approved
9 site plan and the --10 MS. LANZETTA: Thomas, could I ask you
11 to kind of put that on the side so that as you
12 speak -- we have maps up here. This way the
13 people here for the public hearing will be able
14 to better understand what you're proposing to do?
15 Thank you.16 MR. KENTOP: The proposal is to renew
17 the approved application. At the time the
18 parking area and the lighting was installed and
19 the expansion of the spa was not done. There's
20 been a slight revision to the spa building, and
21 that's what this revision is for. The original
22 application expired and so now this is what the
23 request is.

24 CHAIRMAN BRAND: Thank you.

25 Pat, did you want to run through your

2 comments?

3 MR. HINES: Sure. My first comment was
4 the status of the Ulster County Planning review.
5 We did receive that this afternoon, so the Board
6 does have that.7 Last time there was a question on the
8 short environmental assessment form being
9 provided. A revised short environmental
10 assessment form has been submitted.11 There's an outstanding Ulster County
12 Health Department approval for modifications to
13 the sanitary sewer disposal system. There are
14 some changes to the piping and the relocation of
15 the septic proposed.16 We do not have a sign-off letter from
17 the jurisdictional fire department, being Milton,
18 although I think they were here last time and did
19 say that they were going to give us a comment
20 letter for tonight's meeting.21 There's the need to show parking on the
22 site. I know the parking has been constructed, I
23 just don't know -- nowhere on the plan does it
24 show that there's accessible parking on the site.

25 MR. KENTOP: I apologize for that

2 anomaly. There is an accessible spot right in
3 the corner.

4 MR. HINES: Just revise the plan
5 between now and when it's finally stamped.

6 MR. KENTOP: I'll bring additional
7 plans with the mailings in the morning.

8 CHAIRMAN BRAND: The Ulster County
9 Planning Department, Pat brought up and also
10 pointed out that this proposed expansion is
11 located in a coastal zone, so a consistency
12 review of the project will need to be completed
13 and a comparison of the goals of the Town local
14 revitalization plan.

15 Also they wanted visual impacts from
16 the water to see if there would be any visual
17 impact across the river in addition to keeping
18 the existing vegetation.

19 They also commented on the
20 jurisdictional fire department seeking their
21 opinions on that proposal.

22 This is a public hearing -- did you
23 have something to add?

24 MR. KENTOP: This is an aerial of the
25 site. This is the location of the existing spa,

2 and just below it is the area for the expansion.

3 There are some shrubs and a few trees

4 that will be displaced for that new structure.

5 There's no impact. You don't see it.

6 MR. HINES: The new structure is in

7 addition to the existing building. It's not a

8 freestanding new building.

9 MR. KENTOP: Actually it's below it.

10 The land -- the grade slopes down. There's

11 approximately 5 foot difference in elevation from

12 the existing building to the new building.

13 MS. HARTWELL-KELLY: There won't be any
14 changes to the tree line from the view of the
15 Hudson. I think there's just a few trees that
16 are close, adjacent to where the land is already
17 kind of cleared to make room for the expansion.

18 MR. HINES: I did take the time to
19 review the Town's local development plan. A lot
20 of that plan does speak to affording economic
21 development and reutilizing, reconstructing --
22 redeveloping of the hamlet areas. I think that's
23 an important part of this project. The Town
24 spent a lot of effort down on the waterfront
25 lately and this is a good catalyst to get people

2 down there to utilize that.

3 I think the visual impacts are being
4 addressed, but the plan also revitalizes the
5 hamlet areas which I think is a step forward.

6 MS. LANZETTA: But it would be helpful
7 to make a note that other than the vegetation
8 that has to be removed for the new building, that
9 the existing vegetation would remain in place.
10 If we could have that noted on the maps, that
11 would be good.

12 I just want to say one more thing. I
13 agree with Pat. Having worked on the local
14 waterfront revitalization plan, I don't see where
15 this would be in conflict with that at all.
16 I think it's important that Ulster County
17 Planning pointed it out and that we take it into
18 account. In this case this is the kind of
19 development that goes in accordance with what it
20 is the Town has decided.

21 MS. HARTWELL-KELLY: Great.

22 MR. CLARKE: I think a lot of the
23 vegetation that's being taken out, they were
24 trees that were actually planted there by Mr.
25 Pollack after. It's not the existing trees. It

2 will have probably zero impact on the --

3 MS. HARTWELL-KELLY: That's right.

4 MR. HINES: It would be appropriate to
5 show a limit of disturbance and then a note
6 stating existing vegetation outside of that shall
7 not be disturbed.

8 CHAIRMAN BRAND: We're questioning
9 whether or not there was a grading plan included
10 for this project?

11 MR. HINES: Yes.

12 CHAIRMAN BRAND: There was one?

13 MR. HINES: Yes.

14 CHAIRMAN BRAND: This is a public
15 hearing. Anyone here to speak for or against or
16 question the project, you'll have an opportunity
17 to do so at this time. I ask you to please state
18 your name for the Stenographer. Is there anyone
19 that would like to speak? Mr. Garofalo.

20 MR. GAROFALO: James Garofalo. With
21 respect to the accessible parking, I would ask
22 that you count the total number of spaces and
23 make sure that where you place your accessible
24 parking, that it is paved and signed and you give
25 them a detail on the signing. You have quite a

2 number of buildings, so where you place
3 accessible parking is important.

4 Also, it's not clear to me in looking
5 at the plan whether all of these buildings are
6 actually accessible, whether just some of them
7 are or some parts of them are. I know you have an
8 elevator which goes from -- it looks like it goes
9 from the new section up to the roof. Correct me
10 if I'm wrong but I want to make sure that people
11 have access to the building as much as possible.

12 Also with regard to the spaces, even
13 though they're existing spaces I think the Board
14 should always ask that the size of the spaces be
15 indicated on the plan. At least a typical size
16 for the parking spaces. Showing the number of
17 spaces is important because that will indicate
18 how many accessible spaces that you would need.

19 I didn't see any replacement of any
20 vegetation on here. I know you have a lot of
21 vegetation already on the site. Maybe you might
22 want to take a look at that.

23 I'm not against the project. I do hope
24 that you will take my comments into consideration
25 as will the Board.

2 I'd like to thank Member Lanzetta for
3 asking for the plan to be repositioned.

4 Thank you.

5 MR. KENTOP: Thank you.

6 CHAIRMAN BRAND: Any other comments?

7 MS. HARTWELL-KELLY: Am I able to make
8 a comment?

9 CHAIRMAN BRAND: Sure. It's a public
10 hearing.

11 MS. HARTWELL-KELLY: I'm C.J.
12 Hartwell-Kelly, general manager at Buttermilk
13 Falls. I speak on behalf of I think myself, my
14 team, all my employees and many of our local
15 community that visit the spa. We are in dire
16 need of this. Our women's locker room is grossly
17 undersized. That's really the catalyst for this
18 expansion.

19 We added a few additional treatment
20 rooms to make it monetarily reasonable for us to
21 do.

22 I appreciate everyone supporting us in
23 this. I think as you come and visit and enjoy
24 you'll reap the benefits of it. Thank you.

25 CHAIRMAN BRAND: Thank you.

2 If there's nothing else from the
3 public, I'd like a motion to close the public
4 hearing.

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

6 CHAIRMAN BRAND: Is there a second?

7 MS. LANZETTA: I'll second it.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: All those in favor?

11 MR. CLARKE: Aye.

12 MR. TRAPANI: Aye.

13 MS. LANZETTA: Aye.

14 MR. TRUNCALI: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN BRAND: Aye.

18 It looks as though you have a couple of
19 things to take care of on the plans and then we
20 will see you again when they're completed.

21 MR. KENTOP: Would it be possible to
22 get a conditional approval and then we'll just
23 submit those items that you were looking for?

24 CHAIRMAN BRAND: We generally don't do
25 that. All the resolutions are done through the

2 attorneys. We could try to have that prepared,
3 as long as everything else is in order, for the
4 next meeting.

5 MR. KENTOP: Okay. Thank you all very
6 much.

7 MS. LANZETTA: I think it's critical to
8 get the fire company's input on this. That's
9 going to be very important.

10 CHAIRMAN BRAND: And Ulster County.
11 Thank you.

12 MS. HARTWELL-KELLY: Thank you.

13 MR. KENTOP: Thank you very much.

14

15 (Time noted: 7:43 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:

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 25th day of July 2019.

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Michelle Conero

MICHELLE CONERO

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

In the Matter of

5 BROOKLYN BOTTLING

10 PUBLIC HEARING - SITE PLAN

11 Date: July 15, 2019
12 Time: 7:44 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
20 KATHI NATLAND

21 APPLICANT'S REPRESENTATIVE: RICHARD BROOKS
22 ANDREW WILLINGHAM

2 CHAIRMAN BRAND: Next up, Brooklyn
3 Bottling, public hearing, site plan.

4 MR. TRUNCALI: Legal notice, commercial
5 site plan application. Please take notice a
6 public hearing will be held by the Marlborough
7 Planning Board pursuant to the Town of
8 Marlborough Town Code 155.31 on Monday, July 15,
9 2019 for the following application: Brooklyn
10 Bottling, at the Town Hall, 21 Milton Turnpike,
11 Milton, New York at 7:30 p.m. or as soon
12 thereafter as may be heard. The applicant is
13 asking for a commercial site plan application on
14 lands located at 9 Riverview Drive, Section
15 109.1; Block 2; Lot 5.111. Any interested
16 parties either for or against this proposal will
17 have an opportunity to be heard at this time.

18 Chris Brand, Chairman, Town of Marlborough
19 Planning Board.

20 Do you have the mailings?

21 MR. BROOKS: I do. We sent out sixteen
22 and we received fourteen back. Two letters were
23 undeliverable.

24 CHAIRMAN BRAND: Would you like to just
25 give us a brief overview of what's going on for

2 the public?

3 MR. BROOKS: I apologize. You get the
4 fourth string quarterback.5 The owner/applicant, Brooklyn Bottling
6 Company, proposes construction of an
7 approximately 52,000 square foot building for
8 warehousing to be attached to the existing
9 118,000 foot storage/warehouse building.10 This site, formerly the modular home
11 manufacturing facility, has been utilized for
12 warehousing/storage of both empty and full
13 beverage containers in the form of cans and
14 bottles for approximately six years. Additional
15 storage is now required to meet contractual
16 requirements for an extended period of time.17 It is anticipated that up to 20
18 employees will be on site during any workday.19 The site has frontage on Route 9W but
20 is not visible from the roadway due to site
21 topography and vegetative cover.

22 Access will remain on Riverview Drive.

23 All site lighting is wall pack
24 luminaires attached to the building and not
25 visible from any roadway. The lighting

2 specification sheet for the fully cutoff fixture
3 is included in this submission package.

4 CHAIRMAN BRAND: Thank you.

5 Pat, did you want to run through your
6 comments?

7 MR. HINES: We're still awaiting
8 receipt of the fire protection engineering report
9 on the water supply system testing that was
10 performed by an outside third-party company.

11 The status of the Ulster County Health
12 Department review is outstanding. We have not
13 received that, although I believe Cindy was at
14 the meeting.

15 The jurisdictional fire department
16 review is outstanding. They have some concerns
17 and we're awaiting a final letter and sign off
18 from them.

19 We did note that the cutoff sheet for
20 the lighting hadn't been provided and was
21 submitted to the County. I believe the County is
22 looking for the isolines to be added to the plan.

23 MR. BROOKS: Our third-party design of
24 the sprinkler system, water supply system is
25 Albany Fire. We received additional information

2 from them at 4:18 tonight. I'll just give you
3 some of the highlights. They are working on a
4 plan per Pat's review. There are two proposed
5 fire department connections and the location will
6 be coordinated with Marlboro Fire Department, put
7 them where they want them. Interior fire
8 protection of the addition will be off of two
9 separate dry systems. The fire pump will be
10 placed somewhere in the building and sufficient
11 in size based upon the flow test performed. Flow
12 tests were subsequently, before this, performed
13 on hydrant 1 and hydrant 2 and they now have a
14 flow curve figured out, calculated.

15 They also need to know whether or not
16 the fire department has specific concerns. They
17 asked us to reach out to the fire department.

18 So Chief --

19 MR. TRONCILLITO: I will address all of
20 them tonight. We can not reply until we get
21 information. Simple.

22 MR. BROOKS: I have one for Kathi.
23 I'll just read it to you if you'd like.
24 Town of Marlborough Fire Department, the
25 applicant is working with Albany Fire Protection,

2 Inc. and their engineers to address the concerns
3 the Town of Marlborough Fire Department may have
4 with regard to fire management protection of
5 Brooklyn Bottling Company's existing and proposed
6 building located on Riverview Drive. They have
7 requested that we obtain a letter from the fire
8 department outlining the issues to be addressed
9 so they may properly respond to all concerns.

10 Thank you in advance, blah, blah, blah.

11 CHAIRMAN BRAND: I know the last time
12 there was some discussion as to whether or not it
13 was going to be a loop or how that was going to
14 happen. Was that clarified?

15 MR. BROOKS: That would be clarified in
16 the report. They want to talk to the fire
17 department, communication from the fire
18 department to find out what their specific
19 concern is, loop versus no loop.

20 CHAIRMAN BRAND: This is a public
21 hearing. If there are any interested parties
22 that would like to speak, please.

23 MR. TRONCILLITO: Bobby Troncillito, I
24 represent the Marlboro Fire chief and the
25 Marlboro Fire District. Our biggest concern,

2 which has been brought to numerous people, is the
3 way the water system comes in. We were
4 requesting that the water main be extended and
5 looped around to the east -- the northeast
6 hydrant. Now, the letter I got from Patti, this
7 was awhile ago, this kind of contradicted. First
8 it says here -- I don't know where -- I forgot
9 who she said. It's not saying here who she got
10 it from. It says there's a 12-inch line that
11 comes in off 9W. We had requested that they loop
12 it. What is stated here is that well they can't
13 because there's not a 10-inch line that supplies
14 the 8s. Well that's wrong. I sent her back an
15 answer. The 12-inch line, it does have a 10-inch
16 main that comes off of it, goes to the 8s, okay.

17 Now if you go back to the beginning of
18 this, basically what they're saying here is that
19 if there was a 10-inch line then they wouldn't be
20 able to loop it and you would pick up an
21 additional flow. We're not concerned about the
22 pressure, we're concerned about the volume.

23 Fighting fires on dead-end streets, which I had
24 when I was chief, a dead-end street you're really
25 handicapped.

4 MR. HINES: You can be based on flow
5 and pressure.

6 MR. TRONCILLITO: Thank you. That was
7 our biggest concern. All this other stuff, we
8 don't have anything so he can't comment back on
9 it. We don't know. We don't have nothing on the
10 building.

11 You're telling me this is going to be a
12 dry or wet system?

13 MR. BROOKS: Dry system.

14 MR. TRONCILLITO: This is the first I'm
15 hearing this. You have a combination wet and dry
16 in the existing building. We need that
17 information so he can make a comment back. If
18 the chief don't have it he can't comment back to
19 you.

20 MR. WILLINGHAM: One of my questions is
21 what are we trying to achieve?

22 MR. TRONCILLITO: We're trying to
23 achieve the best fire protection for that
24 building as possible. That's all we're looking
25 at. That's all we're looking for. For us, if

2 you look here, the last -- on the west side the
3 last hydrant is up in here. It's not even close
4 to the building. It's off to the side. Then
5 you're going to build this extension and there
6 isn't a fire hydrant down this whole side.
7 You've got one back over here in this corner and
8 you've got one up here. You've got the sprinkler
9 connection on this side and another sprinkler
10 connection on that side. You're saying you're
11 going to add another sprinkler connection.
12 Whereabouts are you going to put that?

13 MR. BROOKS: That's going to be
14 determined by you.

15 MR. TRONCILLITO: We have to know that.
16 This is the first I'm hearing this is tonight.

17 MR. BROOKS: 4/18 is the first we heard
18 it. I'm just conveying to you the information.

19 MR. TRONCILLITO: Okay.

20 MR. BROOKS: If you put all of these
21 concerns in a letter and e-mail it to Patti, she
22 can send it up there.

23 MR. TRONCILLITO: Okay.

24 CHAIRMAN BRAND: You can collaborate on
25 getting a system everybody is happy with?

2 MR. TRONCILLITO: Yeah. We just need
3 the information.

4 CHAIRMAN BRAND: That's what you gave
5 him tonight? You gave him --

6 MR. BROOKS: I gave him a request for
7 specific concerns they have other than the
8 volume. That's already known. The site visit
9 out there with the water department revealed that
10 it was a 12-inch.

11 MR. TRONCILLITO: It's a 12 to a 10.

12 MR. BROOKS: We know that.

13 MR. TRONCILLITO: There's no reason why
14 that can not be brought around.

15 MR. HINES: The resolution of where the
16 fire department connections are going to depends
17 on that. You need a hydrant within 50 feet of a
18 fire department connection. That's going to
19 dictate some of the design.

20 MR. TRONCILLITO: Here's the question.
21 Were they looking to put them on each side where
22 it's a pain in the tail for us? We tie up two
23 engines just on sprinkler systems. They should
24 both be on either/or. Simple. That would be my
25 recommendation. That will come from the chief.

2 MR. BROOKS: Which side do you want
3 them on?

4 MR. HINES: It might be better to bring
5 your designers down to meet in the field rather
6 than this back and forth. Just a suggestion.

7 MR. BROOKS: We could do that.

8 MR. TRONCILLITO: I don't disagree with
9 you. You just tell me when and we'll be there.

10 CHAIRMAN BRAND: The fire department
11 will be happy --

12 MR. BROOKS: We want them happy. I
13 know what Bobby Troncillito is like when he's
14 pissed.

15 CHAIRMAN BRAND: Any other comments
16 from the public? Just state your name.

17 MS. McCORMACK-WALKER: Tammy
18 McCormack-Walker. This is the first we heard
19 about the extension of this building. We live
20 directly across the street.

21 We have some concerns with regard to
22 the lighting and how -- there was a memo that was
23 submitted on July 5th that says you're going to
24 keep with the dark sky recommendation. If the
25 dark sky recommendation is what you currently

2 have, I can tell you when the leaves go off the
3 trees I have Yankee Stadium in my house. You may
4 not all see it from where you're driving on 9W.
5 We're on the hill right above where the Brooklyn
6 Bottling Company is being installed. Everything
7 from that location is going directly up into our
8 house. Our neighbor is not affected because he
9 has a larger hill in front of him. Right now
10 it's okay because we have leaves on the trees.

11 Come winter up until April we have Yankee
12 Stadium. That's one consideration.

13 It's saying you're going to install LED
14 wall pack zero uplight in accordance with the
15 dark sky recommendations. We want to make sure
16 that they are going to be pointed downward, not
17 upward like they currently are.

18 MR. BROOKS: Okay.

19 MS. McCORMACK-WALKER: Also there's
20 going to be a metal roof that's placed on there.
21 Because we are directly across and because the
22 sunlight hits our home, we do get a little bit of
23 glare from the approved polar white that you're
24 going to maintain on the building. We get that
25 there also in the winter. We were looking to see

2 what color you're actually going to do the roof.
3 Is it going to be white, black? What kind of
4 metal, what kind of material? That will also
5 affect us. It's basically a quality of life
6 issue for us.

7 And then finally I know you have the
8 tree preservation protection. Are they going to
9 maintain all the mature trees along that border
10 on 9W? Is there any landscaping bond that's put
11 into place if those trees happen to die? What
12 would be replaced? If you're replacing a 20-foot
13 tree with a 10-foot tree, again that makes a
14 quality of life issue. You'll be able to see it
15 from the road.

16 These are our major considerations that
17 we're asking the Board to reevaluate. I've read
18 through the minutes, went through all the
19 paperwork. These are the main points. I
20 understand -- not to stop the project, but these
21 are the main points that we're looking to take
22 more into consideration.

23 I did read that you said it's not
24 visible from the road. It is visible from our
25 home.

2 CHAIRMAN BRAND: Okay. Do you know the
3 type of roofing that's going to be installed?

4 MR. WILLINGHAM: Did you guys decide on
5 the color of the roof? I know that was a
6 discussion.

7 MR. BONFORTE: There was in the
8 previous meeting -- Mike Bonforte, Brooklyn
9 Bottling. Eric Kohler is an engineer we have
10 hired to work with us on this project.

11 We're going to use the same coloring
12 which is considered a nonreflective sheet metal
13 coating. They don't even call it paint. I take
14 your comments for what they are, that it does
15 reflect. There was talk about changing that. I
16 don't know what the final disposition was. We're
17 open to changing it. What I recall is someone on
18 the Board said maybe we shouldn't change it
19 because we'll have two different colors, the new
20 section would be one color and the old another.
21 That's what I recall.

22 CHAIRMAN BRAND: That was the exterior?

23 MR. HINES: That wasn't the roof, that
24 was the walls.

25 MR. BONFORTE: So I'd like to think

2 about it, and also take into account -- Tammy, I
3 apologize, your last name?

4 MS. McCORMACK-WALKER: McCormack.

5 MR. BONFORTE: -- your concerns because
6 it's important to us that we do the right thing
7 for the community, period. So I'll have to
8 consult with my engineer and some others, with
9 our planners. We do have a selection on paints.
10 Some of them do cost more money than others.

11 MS. McCORMACK-WALKER: The lighting?

12 MR. BONFORTE: The lighting I wasn't
13 aware of. That's another point that I'll take
14 into my meetings tomorrow.

15 And then the trees also. We don't plan
16 on cutting down any trees or vegetation. What we
17 normally do is if a mature tree fell over or
18 died, it depends, we replace it. That's probably
19 not an immediate plan of ours. It would all
20 depend on where it is on the property.

21 MS. McCORMACK-WALKER: Do you have a
22 landscaping maintenance plan in place or
23 landscaping --

24 MR. BONFORTE: We just have a normal
25 around the building landscaping. There is no

2 vegetation on the building, just on the
3 perimeter. No, we don't have an active plan.
4 Just more for the blacktop or the pervious
5 surfaces, to keep that clear and free of debris.

6 MS. McCORMACK-WALKER: I can't see the
7 parking lot.

8 MR. BONFORTE: Are you across 9W?

9 MS. McCORMACK-WALKER: Yes.

10 MR. BONFORTE: You're across up on the
11 hill?

12 MR. BROOKS: Could you come up and show
13 me where your house is, please, on the map?

14 MS. McCORMACK-WALKER: I'm sorry?

15 MR. BROOKS: Could you come up and show
16 me which property is yours?

17 MS. McCORMACK-WALKER: We're right
18 across. We're right on the corner.

19 MR. HINES: You're on the same side of
20 9W as the project?

21 MS. McCORMACK-WALKER: We're on the
22 opposite side. You have the little farmhouse
23 that's on the same side of the project. You have
24 that white little farmhouse thing. We're
25 directly across from there. The old Tops TV,

2 that gray building.

3 MR. HINES: You've got the driveway
4 that goes way up?

5 MS. McCORMACK-WALKER: Way up.

6 MR. BONFORTE: Where is 9W? I didn't
7 know there were lights. That's something we
8 could change.

9 (Inaudible discussion.)

10 MR. HINES: It sounds like the
11 applicant may be looking towards updating some of
12 the existing lighting. That may address that
13 along the west side of the building.

14 MS. LANZETTA: I attended the County
15 Planning Board meeting. We don't have the
16 official response from the County yet but I was
17 there when it was discussed, when the project was
18 discussed, and there were really only two items
19 that they had concerns about. One was they were
20 appreciative of the information you gave them on
21 the cut-off lighting, and that certainly is
22 something that's important. We would like to see
23 that represented throughout the existing building
24 as well. They do want a little bit more
25 information on the lighting levels.

2

MR. BROOKS: Sure.

3

MS. LANZETTA: And then the other thing
4 was they would like to see something on the site
5 plan saying that you will be maintaining the
6 existing landscaping, that there won't be any
7 removal of any of the vegetation. I can tell you
8 that those things will be part of the comments.

9

MR. BROOKS: Thank you, Cindy.

10

CHAIRMAN BRAND: Mr. Garofalo.

11

MR. GAROFALO: James Garofalo. On the
12 west side of the building there's a gate that
13 says -- a sign that says do not enter. On the
14 east side of the building there is a vehicle
15 gate, I believe there's a guardhouse there also,
16 so vehicles can enter and exit.

17

What I am concerned about here is that
18 the accessible parking is way on the west side of
19 the building. If a person needed that parking,
20 they would have to enter the gate on the east
21 side, go all the way around the building to the
22 accessible parking, and then going out he would
23 go out, I don't know if those gates are automatic
24 gates or how those gates operate. I would
25 certainly think it would be not the best place to

2 put the accessible parking. I don't know where
3 the other entrances to the building are. I don't
4 know if there's an entrance -- I would imagine
5 there's an entrance on the south side. It would
6 be better if they were outside the gate.

7 Also, I don't know how the interior of
8 the building is laid out to know as if they could
9 actually have accessible parking on the south
10 side of the building and a person be able to
11 access the other parts of the building that they
12 may need to be in in order to work, or for
13 whatever reason they need to be there. I think
14 the location of that accessible parking on the
15 west side of the building is probably the wrong
16 place to put it. I hope that either they will
17 fix the gate, move the accessible parking, look
18 at where they have entrances and how accessible
19 the building is throughout the entire building as
20 compared to where they are.

21 The parking area has an ocean of
22 pavement. Normally if you were at a mall,
23 everything is lined with stripes, you know where
24 to be, where not to be. This can be confusing
25 for people. There's not going to be a lot of

2 people driving there so I wouldn't be too
3 concerned about it other than there's probably a
4 lot more pavement than they need to really
5 maintain.

6 On the east side of the building
7 there's a dumpster which is I guess now at the
8 end of the paved area and is now going to be on
9 the south side where the loading is. I'm not
10 sure if you really want that dumpster in the
11 middle or whether you're planning on moving it
12 since the vehicles will be loading and unloading
13 to the north of that.

14 There's a barrier to the south of the
15 dumpster. I'm not sure what the barrier is made
16 out of. It's in the middle of the area.
17 Hopefully it's clearly marked so the trucks don't
18 hit it and the plows don't hit it. I'm not sure
19 exactly what type of barrier it is. I think that
20 you should be aware and take a little closer look
21 at what that barrier is, why it's there. Maybe
22 it's to separate the north and the southbound
23 traffic since I would imagine that -- I'm not
24 sure if the trucks are both entering and exiting
25 where the gatehouse is or they're going all the

2 way around and exiting on the west side of the
3 gate. I'm not sure how you're operating there. I
4 think some clarification to the Board would be
5 helpful. Clearly you have piles of room to put
6 parking.

7 Again I think there should be a typical
8 note there of what the size of the parking spaces
9 are. Clearly they have enough room to make these
10 parking spaces big enough, and they have clearly
11 enough room to have enough parking. As a matter
12 of standard procedure, I think you should call
13 out for the parking space size to be indicated,
14 both regular parking and for the truck parking.

15 I'm not against this project at all.
16 I'd like to thank you for giving me an
17 opportunity to comment on it. Thank you.

18 CHAIRMAN BRAND: Thank you. Any other
19 comments?

20 MR. BONFORTE: I'd like to respond.

21 CHAIRMAN BRAND: Sure.

22 MR. BONFORTE: Basically the building
23 on the south portion of the site, which was
24 previously office space, is currently dormant.
25 We don't have any current plans to use that

2 and/or put parking spaces in front of that,
3 meaning on the south side sort of looking out the
4 driveway towards CVS. So we have no plans to use
5 that right now.

6 On the west side we're looking for
7 lined spaces in the plan including an accessible
8 space.

9 The east side it's dedicated to truck
10 traffic and loading and unloading, as you said.

11 The barriers on the east side, the
12 river side, we recently moved -- we have a number
13 of forklifts that use propane tanks. We store the
14 propane outside. We recently just moved it away
15 from the building to inside those cement
16 barriers. The cement barriers are different
17 sizes. I'm going to take another look at that
18 because that was a recent move, like two, three
19 weeks ago. To be clear, there's a rack and there
20 are these propane tanks maybe about the size of a
21 small keg of beer type of shape and size.
22 They're silvery. So those are behind those
23 concrete barriers. They are enclosed in those
24 barriers that used to be closer to the building.

25 I think I covered almost everything.

2 CHAIRMAN BRAND: The dumpster.

3 MR. BONFORTE: The dumpster on the east
4 side, we can move that. Yes. I mean I'll leave
5 that to the planners, the Board or anybody that
6 has a suggestion.

7 MR. GAROFALO: I don't think there's
8 anything wrong with it being on the east side. I
9 think it's not necessarily the best place to put
10 it in the middle of where all your truck traffic
11 is going by.

12 The barrier that's shown is just a
13 linear barrier. Maybe you should show on the
14 plan -- if you're squaring that off, that would
15 be a good thing to show.

16 Also, if there are propane tanks I
17 would be very concerned to make sure that it is
18 very clear when they plow the area that you don't
19 have a plow hitting the barrier or hitting the
20 propane tanks. Clearly if they are sectioned off
21 -- this barrier is probably larger than is shown
22 on the plan because it's only shown being
23 vertical on the plan.

24 MR. BONFORTE: I will tell you I know
25 the barrier. It's quite thick in some places.

2 It's cement blocks. It's like what you see --
3 kind of a triangle but I don't know what you call
4 it. Pyramid shape.

5 MR. GAROFALO: Jersey barrier type?

6 MR. BONFORTE: Yeah, a Jersey barrier
7 that is quite heavy like you see on the highway.
8 I'll revisit that tomorrow. I'll take a look and
9 make sure that it has conditions that should be
10 there safety wise and spacing, et cetera. I know
11 exactly what you're getting at.

12 MR. GAROFALO: And for the Board's
13 sake, if you could put it on the plan, I think
14 that would be good. Thank you.

15 MR. BONFORTE: Sure.

16 MR. GAROFALO: I appreciate your
17 response.

18 CHAIRMAN BRAND: Any other comments?
19 (No response.)

20 CHAIRMAN BRAND: All right. I'd like a
21 motion to close the public hearing.

22 MR. LOFARO: I'll make that motion to
23 close the public hearing.

24 CHAIRMAN BRAND: Is there a second?

25 MR. TRUNCALI: I'll second it.

2 CHAIRMAN BRAND: Any discussion?

3 (No discussion.)

4 CHAIRMAN BRAND: All those in favor?

5 MR. CLARKE: Aye.

6 MR. TRAPANI: Aye.

7 MS. LANZETTA: Aye.

8 MR. TRUNCALI: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 The public hearing is closed. So you
13 have some work to do with the fire department and
14 the lighting I believe. We will see you again
15 once that's all taken care of.

16 MR. BROOKS: Thank you.

17

18 (Time noted: 8:11 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:

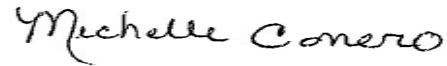
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 25th day of July 2019.

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MICHELLE CONERO

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

In the Matter of

5 COSMAN-TRONCILLITO

7 Project No. 19-3010
8 263 Lattintown Road, Marlboro
Section 108.3; Block 2; Lots 38.1 & 39

SKETCH - LOT LINE

11 Date: July 15, 2019
12 Time: 8:12 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
20 PATRICK HINES
21 KATHI NATLAND

21 APPLICANT'S REPRESENTATIVE: RICHARD BROOKS

2 CHAIRMAN BRAND: Next up, Cosman-
3 Troncillito, lot line change.

4 MR. HINES: This is a proposal for
5 transfer of .04 acres of property from tax lot
6 38.1 to tax lot 39.

7 The purpose of the lot line is to
8 eliminate an existing encroachment. There had
9 been a driveway constructed at some point in the
10 past which is causing an encroachment. This
11 small lot line change will eliminate that
12 encroachment for the single-family residential
13 house.

14 There's no new construction.

15 This project qualifies for your
16 streamlined lot line review.

17 I know Jeff has prepared some
18 resolutions for you.

19 Again, no new construction. We don't
20 have anything further.

21 CHAIRMAN BRAND: On that note, Jeff has
22 prepared for us and was sent to you a resolution
23 for approval by the Town of Marlborough Planning
24 Board for the lot line revision application for
25 Antoinette Cosman and Gary Troncillito.

2 MS. LANZETTA: Let me ask one question.

3 CHAIRMAN BRAND: Of course. I'm sorry.

4 MS. LANZETTA: I just have a question
5 about this. I don't see where the existing
6 septic is on lot 2. I was wondering if you had
7 any idea where it is?

8 MR. BROOKS: I do not. It's not noted.

9 Are we municipal water?

10 We're on Lattintown Road, just -- I
11 don't see any hydrants here.

12 MS. LANZETTA: The only concern I would
13 have is you're not encroaching on their septic
14 field. Usually it's good to have that noted on
15 the map.

16 MR. BROOKS: You're right.

17 CHAIRMAN BRAND: Do we have anything,
18 Pat?

19 MR. HINES: It's not shown. The house
20 is well away from this area. That could be a
21 condition of your approval, to determine the
22 location of the septic system.

23 CHAIRMAN BRAND: We'll add that
24 condition, to include the septic placement and
25 ensure it meets the requirements.

4 (No response.)

5 CHAIRMAN BRAND: With that addition,
6 I'll poll the Board. Member Lanzetta?

7 MS. LANZETTA: Yes.

8 CHAIRMAN BRAND: Member Truncali?

9 MR. TRUNCALI: Yes.

10 CHAIRMAN BRAND: Member Trapani?

11 MR. TRAPANI: Yes.

12 CHAIRMAN BRAND: Member Lofaro?

13 MR. LOFARO: Yes.

14 CHAIRMAN BRAND: Member Clarke?

15 MR. CLARKE: Yes.

16 CHAIRMAN BRAND: Member Cauchi?

17 MR. CAUCHI: Yes.

18 CHAIRMAN BRAND: I'm a yes as well.

19 Thank you.

20

21 (Time noted: 8:15 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
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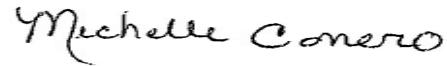
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MICHELLE CONERO

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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. 19-3011
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

SKETCH - SITE PLAN/SUBDIVISION

11 Date: July 15, 2019
12 Time: 8:15 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
20 PATRICK HINES
21 KATHI NATLAND

21 APPENDIX: REPRESENTATIVES - EUSTEN RATES

2 CHAIRMAN BRAND: Finally, Bayside Mixed
3 Use, subdivision/site plan.

4 Do you want to give us a quick update,
5 Justin, when you're ready?

6 MR. DATES: Justin Dates from Maser
7 Consulting. At our last meeting on May 20th we
8 were before the Board for an extension for the
9 site plan approval for the Bayside project. At
10 that time the three-lot subdivision approval from
11 the Board had expired. Based on the Board's
12 request, it required that we provide the new
13 application for the three-lot subdivision. We
14 provided that material. We provided the same
15 material because the project hadn't changed. We
16 reissued the subdivision plat as well as the
17 additional application materials that were
18 required.

19 We also provided a copy, which you have
20 of course, of the prior subdivision approval
21 resolution. What I did is summarized where we
22 are at with each of those items at this time for
23 your reference. We are substantially complete
24 with those resolution items. There are a couple
25 -- one pertaining to the fees and the bond, which

2 we've put together a memo that was provided to
3 the Board and consultants. We're looking for
4 feedback on that to make sure we're aligned with
5 what the Town is requiring for such things as
6 recreation fees, bonding for stormwater,
7 landscaping, the proposed Town road section as
8 well as the other site improvements, water, sewer
9 and things of that nature, pavement. So we are
10 looking for feedback on that if it's available.

11 Also as stated in Mr. Hines' memo, we
12 need a public hearing for this new application.
13 I would just request that the Board consider
14 scheduling that for the next available meeting.

15 CHAIRMAN BRAND: Pat, did you want to
16 go over your comments?

17 MR. HINES: It's pretty much what
18 Justin said. This is kind of a procedural
19 matter. It's the same project that this Board
20 reviewed over many years actually. The approval
21 did lapse so it needs a re-approval, a new
22 approval.

23 A public hearing will be required.

24 The applicant did submit an update as
25 to where they are with some of the outstanding

2 issues. They have some DOT issues they're
3 working out, the payment of fees and bonding.
4 Those are probably the two significant ones.

5 The original SEQRA resolution would
6 still be valid. We would suggest you could
7 review that and possibly issue a SEQRA
8 consistency notice similar to the previous as the
9 conditions are the same on the site.

10 I'm not sure if it needs County
11 Planning again. It probably does, it's a new
12 application for the subdivision.

13 CHAIRMAN BRAND: I don't think it
14 would. It's on 9W. It's got frontage on 9W.

15 MS. LANZETTA: It doesn't hurt to send
16 it up.

17 MR. HINES: We could send that to
18 County Planning at this time.

19 I don't have any issue with the
20 scheduling of a public hearing if the Board so
21 desires.

22 CHAIRMAN BRAND: Your question about
23 the bonding, was that all not spelled out in the
24 last approval?

25 MR. HINES: It was. What Justin has

2 done is they've put together their cost estimates
3 for the various improvements, stormwater,
4 roadways, and then there's some fees, recreation
5 fees and various fees. My office has a letter,
6 it's a little dated right now, for the last
7 project. We were kind of waiting for the other
8 outside agency approvals to come in before we
9 weighed in on that. It looks like DOT was the
10 longest hurdle. They're moving along and it
11 looks like they're ready to accept the donation
12 of the property required for the 9W right-of-way.

13 MR. DATES: Correct. If I could, we
14 got this letter from DOT and it was transmitting
15 the closing papers for the .046 acres right along
16 9W that's being donated to the DOT right-of-way.
17 I could share a copy of that with you.

18 CHAIRMAN BRAND: Do you want to give
19 that to the secretary?

20 MR. DATES: Sure. And along with the
21 DOT package, Lee Zimmer had issued an e-mail to
22 our traffic engineer, Phil Greeley, that it's
23 ready for a permit, just completing the
24 right-of-way donation you'd call it. So we're
25 right at the end of that process as well.

2 CHAIRMAN BRAND: I know that Board
3 Member Cauchi and I will not be here for the
4 August 5th meeting. I think what we'll do is
5 we'll try to schedule the public hearing for the
6 19th. August 19th. That should be good for
7 everybody.

8 MR. DATES: The Ulster County Planning
9 Board, they'll have a meeting the first week?

10 MS. LANZETTA: The first Wednesday.

11 CHAIRMAN BRAND: That's the 7th.
12 That's two full weeks almost.

13 MR. HINES: Justin, have the water
14 rates issue with the adjoining property been
15 resolved or are we going to hear that on the
16 19th?

17 MR. DATES: That was part of the
18 Findings Statement. It's a private matter and it
19 hadn't gone any further.

20 MR. HINES: Standby for that.

21 CHAIRMAN BRAND: Yes. I'm sure they'll
22 be here.

23 MR. HINES: If you'll recall, there was
24 a claim from an adjoining property owner that
25 they have some water rights or something.

2 CHAIRMAN BRAND: They have deeded water
3 rights to the well. I know that.

4 Okay. We'll go ahead and schedule that
5 for the 19th, --

6 MR. DATES: Great.

7 CHAIRMAN BRAND: -- the public hearing,
8 as long as everything else is in.

9 MR. DATES: Thank you.

10 MS. LANZETTA: Pat, I have a question.
11 Seeing the deeds and what not that the DOT is
12 requiring of them for their easements for the
13 sidewalks, is that because they're actually going
14 to put in sidewalks as opposed to the people that
15 we've asked to put on their site plans an
16 easement?

17 MR. HINES: Yes. I believe the
18 sidewalks are going in, and there are some
19 modifications to the traffic signal that are
20 occurring in that area.

21 MR. DATES: It really has to do with
22 the sidewalk that's in this area. The DOT
23 requires to move the right-of-way or the shared
24 property line to the west so that the sidewalk is
25 within the DOT right-of-way.

2 MR. HINES: Which is a substantial
3 change from their previous policy that said we
4 don't want any sidewalks.

5 CHAIRMAN BRAND: We've seen that.

6 MR. HINES: Because they're proposing
7 those sidewalks now, I think that's why DOT wants
8 the property.

9 MR. DATES: Correct. That's the only
10 piece. We brought it all the way down to just
11 south of that 9W access commercial piece. That's
12 exactly where the proposed sidewalk was outside
13 of the right-of-way. So the request is to have
14 all that in the right-of-way. The taking here
15 happened many years ago when the light went in
16 and that other work happened.

17 MS. LANZETTA: Thank you.

18 CHAIRMAN BRAND: Anything else from the
19 Board?

20 (No response.)

21 CHAIRMAN BRAND: Just quickly before we
22 close, we were sent from the office of the town
23 clerk resolution number 60 from the Town of
24 Newburgh which would essentially change the
25 zoning for the Dockside parcel from R1 to C1. Is

2 there any objection from this Board?

3 MR. HINES: I think Brooklyn Bottling?

4 CHAIRMAN BRAND: 34 Dock Road. I'm
5 sorry, it says Dock Road.

6 MR. LOFARO: South Road is it?

7 CHAIRMAN BRAND: That's why I assumed
8 it was for Dockside.

9 MS. LANZETTA: Do you know why, Al, it
10 says Dock Road?

11 MR. LANZETTA: I don't know why it says
12 Dock Road. It's South Road.

13 CHAIRMAN BRAND: That should say South
14 Road.

15 MR. CLARKE: It's down by the water
16 plant.

17 CHAIRMAN BRAND: Does anyone on the
18 Board have an objection to this local law?

19 MR. CLARKE: No.

20 MR. TRAPANI: No.

21 MS. LANZETTA: No.

22 MR. TRUNCALI: No.

23 MR. CAUCHI: No.

24 MR. LOFARO: No.

25 CHAIRMAN BRAND: We'll say that's good

2 to go.

3 I'd like to have a motion to adjourn
4 the meeting.

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

6 CHAIRMAN BRAND: Is there a second?

7 MR. TRUNCALI: I'll second.

8 CHAIRMAN BRAND: All in favor?

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. TRUNCALI: Aye.

13 MR. CAUCHI: Aye.

14 MR. LOFARO: Aye.

15 CHAIRMAN BRAND: Aye.

16

17 (Time noted: 8:24 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
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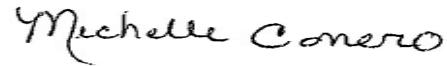
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16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of July 2019.

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MICHELLE CONERO

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