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MEETING HELD REMOTELY VIA ZOOM

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

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In the Matter of

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POND VIEW

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Project No. 20-4009
19 Sunrise Drive, Milton
Section 102.4; Block 2; Lots 32.813 & 30.4

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PUBLIC HEARING - LOT LINE

12

Date: October 5, 2020
Time: 7:30 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

20

21

APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

22

23

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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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2 CHAIRMAN BRAND: -- Town of
3 Marlborough Planning Board for October 5,
4 2020. Regular meeting, 7:30. On the agenda
5 this evening we have Pond View, a public
6 hearing for their lot line revision at 19
7 Sunrise Drive in Milton. We have HSC Milton,
8 LLC/Dollar General for a site plan/lot line
9 on Route 9W in Milton. Perhaps later this
10 evening we will have a discussion without the
11 lawyer, engineer, stenographer about the
12 review of the site plan checklist. The next
13 deadline is Friday, October 9th. The next
14 scheduled meeting is Monday, October 19,
15 2020.

16 First on the agenda is Pond View.
17 Oh, before we get started, I would like to
18 officially welcome Bob Troncillito as the
19 newest Member of the Marlborough Planning
20 Board this evening. Bob, welcome aboard
21 MR. TRONCILLITO: Thank you. I
22 appreciate it.

23 CHAIRMAN BRAND: First up on the agenda
24 is Pond View at 19 Sunrise Drive in Milton.
25 We did adjourn the public hearing from

2 the last meeting, so I guess I would take a
3 motion to open the public hearing.

4 MR. CLARKE: I'll make that motion.

5 CHAIRMAN BRAND: Is there a second?

6 MR. CAUCHI: I'll second it.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any opposed to opening
10 the public hearing?

11 (No response.)

12 CHAIRMAN BRAND: Okay. The public
13 hearing is open.

14 Pat, why don't you run through your
15 comments first.

16 MS. FLYNN: Before we get started, can
17 he tell me how many went out and how many came
18 back?

19 CHAIRMAN BRAND: Oh, yes. We should
20 have done that last time. I'm sorry.

21 MR. GALLELA: Jen, 22 went out, 15 came
22 back, and 2 were undeliverable.

23 MS. FLYNN: Okay. Thank you.

24 MR. HINES: Our first comment has to do
25 with the discussion last time, getting everyone

2 that's currently involved in the private road
3 access and maintenance agreement to sign on to a
4 new one. We did receive a form that just had
5 people's signatures. I know that Jeff will speak
6 to that later. So I think that's still an open
7 issue.

8 We received the checklist that we had
9 requested, and I had some comments on that. Item
10 25 states that a road maintenance agreement is to
11 be filed with the County Clerk's office. That's
12 currently checked as not applicable. We believe
13 that that note should be added to the lot line
14 change.

15 (Interruption in the proceedings.)

16 CHAIRMAN BRAND: Pat.

17 MR. HINES: Where do I start after
18 that?

19 CHAIRMAN BRAND: Because our musical
20 interlude, I believe you were going through your
21 comments. You got through comment number 2.

22 MR. HINES: I was on comment 2
23 suggesting that that note be added to the plans.

24 Number 26, an applicable note regarding
25 the owner's review and concurrence is required

2 and is not on the plans.

3 Number 38 identifies a 4x2 approval
4 block that should be there.

5 Item 40 identifies sight distance at
6 all intersections and driveways. Those are not
7 depicted, although they are an existing
8 condition.

9 I just have another comment that this
10 is a lot line change which is a Type 2 action in
11 accordance with Part 617.5c(16). There's no
12 SEQRA requirements to do here.

13 I think the main issue here, other than
14 those kind of couple of notes and things that
15 need to be added to the map, is the access
16 driveway issues with filing of a new agreement.
17 I'll let Jeff answer or discuss those.

18 CHAIRMAN BRAND: Go right ahead, Jeff.
19 I'm not a lawyer but it seems relatively sparse
20 on information.

21 MR. BATTISTONI: Right. I received a
22 one-page submission initially which was not
23 anywhere near sufficient. On Friday I received a
24 second submission that's entitled private road
25 maintenance and right-of-way declaration. It's

2 based upon a declaration that was prepared for
3 the four-lot subdivision years ago, and at that
4 time I'll bet Mr. Gallela or a company of his
5 owned all the lots so it could simply be a
6 declaration by one person. This needs to be an
7 agreement between all the lot owners. There
8 needs to be a substantial revision of what was
9 submitted to me on Friday. If Mr. Gallela has an
10 attorney, I'd like him to have that attorney
11 contact me so I can tell him what I'm looking
12 for.

13 MR. GALLELA: I'll have him do that. I
14 think the revisions sent -- the original one was
15 to be revised. That's the second there. That's
16 a Word document, to have that revised. I'll have
17 him contact you, Jeff.

18 MR. BATTISTONI: Thank you.

19 MR. GALLELA: I'll just have my
20 surveyor update the comments on the map. There's
21 one from the previous one also.

22 CHAIRMAN BRAND: Anything from the
23 Board on this one?

24 MR. GAROFALO: I just have one comment,
25 and that is I would be not so concerned about the

2 sight distance from the other existing lots but I
3 would be concerned about approving a lot that
4 doesn't have a driveway location that would have
5 sufficient sight distance. That could create a
6 problem down the road where somebody buys that
7 lot and they can't put a driveway in that doesn't
8 have sufficient sight distance. So that would be
9 my main concern.

10 CHAIRMAN BRAND: Jen, I'm sorry to
11 interrupt. Apparently Ms. Lanzetta got bumped in
12 the process of removing everyone. Is she waiting
13 in the cue as well?

14 MS. FLYNN: No, she's not. I don't see
15 her name.

16 CHAIRMAN BRAND: Okay. Just keep an
17 eye out for that.

18 MS. FLYNN: Okay.

19 CHAIRMAN BRAND: Mr. Gallela, did you
20 have a response to Mr. Garofalo?

21 MR. GALLELA: I just wanted to state
22 that that driveway was depicted on the
23 subdivision map. It's not --

24 MR. HINES: They're both entering the
25 end of the cul-de-sac, too. There's no traffic

2 issue there I don't believe.

3 MR. GALLELA: Right.

4 CHAIRMAN BRAND: Okay. And just for my
5 own personal knowledge, the private road
6 agreement -- Jeff, I ask this question probably
7 for you. The private road agreement needs to be
8 signed off by all the pre-existing landowners
9 right now?

10 MR. BATTISTONI: I'm recommending that.

11 Your own Town code refers simply to a private
12 agreement. It doesn't define what that agreement
13 is or who has to be a party to it. It seems to
14 me the safe thing to do is have each of the lot
15 owners consent to this by signing.

16 CHAIRMAN BRAND: What happens if one of
17 them does not?

18 MR. BATTISTONI: Good question.

19 CHAIRMAN BRAND: Okay.

20 MR. BATTISTONI: I think it's going to
21 be up to Mr. Gallela to try to get everybody to
22 sign. I think he indicated at the last meeting
23 he thought they would be willing to do so.

24 CHAIRMAN BRAND: Okay. Anything else
25 from the Board on this?

2 (No response.)

3 CHAIRMAN BRAND: Okay. So I guess at
4 this point we will adjourn the public hearing
5 until Monday, October 19th. Do I have a motion
6 to do so?

7 MR. LOFARO: I'll make a motion to
8 adjourn to the 17th.

9 CHAIRMAN BRAND: 19th. So moved. Is
10 there a second?

11 MR. GAROFALO: I'll second that.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objections?

15 MR. GALLELA: Chris, why are we
16 adjourning it? Why are we not closing it?

17 CHAIRMAN BRAND: Well I think what we
18 want to have is the opportunity for the public to
19 participate on a fully submitted proposal, which
20 we still don't have, including the private road
21 agreement. I, for one, would like to hear maybe
22 from those people and give them an opportunity to
23 be here. Obviously we had some technical issues.

24 MR. GALLELA: They all were sent the
25 notices in the mail.

2 CHAIRMAN BRAND: Right. I understood.

3 Particularly in light of what happened this
4 evening -- I'm not sure if you saw what happened.

5 We had to bump --

6 MR. GALLELA: Yeah, I did. That's the
7 second meeting and -- I mean I'll submit -- I'm
8 going to have the attorney draw up the road
9 agreement. When they sign it, which I believe
10 they will, negates any other permit from anybody
11 that lives on the road. The other one is a
12 technical map review.

13 CHAIRMAN BRAND: Well Mr. Gallela, we
14 just voted and that's the way it went. We chose
15 to adjourn the public hearing. That's where we
16 are right now.

17 Anything else?

18 (No response.)

19 CHAIRMAN BRAND: No. All right. We
20 will see you on the 19th then, Mr. Gallela.

21 (Time noted: 7:45 p.m.)

22 (Time resumed: 7:46 p.m.)

23 CHAIRMAN BRAND: So Cindy, just as an
24 update, we adjourned the public hearing for Pond
25 View until the 19th. I'm not sure if you had

2 anything that you wanted to add.

3 MS. LANZETTA: Sorry. I assume you
4 talked to him about doing a better job on that
5 agreement for the private road?

6 CHAIRMAN BRAND: We did.

7 MS. LANZETTA: Thank you.

8 CHAIRMAN BRAND: You're welcome.

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10 (Time noted: 7:46 p.m.)

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

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

9 That hereinbefore set forth is a
10 true transcription of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 25th day of October 2020.

17

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Michele Conero

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

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In the Matter of

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HSC MILTON, LLC
DOLLAR GENERAL

7

Project No. 20-4013

8

Route 9W, Milton

9

Section 103.1; Block 2; Lot 74

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X

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SKETCH - SITE PLAN/LOT LINE

12

Date: October 5, 2020

13

Time: 7:45 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

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APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO,
CARYN MLODZIANOWSKI
KEN FIORETTI

23

24

25

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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

2 CHAIRMAN BRAND: Next on the agenda we
3 have HSC Milton, LLC/Dollar General, sketch of a
4 site plan/lot line.

5 MR. CAUCHI: Mr. Chairman, I want to
6 recuse myself from the Board. I have a vested
7 interest in this applicant.

8 CHAIRMAN BRAND: Okay. So moved -- so
9 done -- so carried out. You are recused. Just
10 as a reminder, that does not allow you to comment
11 either. Okay. So you're more than welcome to
12 listen. If you just want to mute yourself, that
13 way you're not even tempted to jump in.

14 MR. CAUCHI: Okay.

15 CHAIRMAN BRAND: Caryn, I believe you
16 said you were the representative.

17 There's Cindy. Excellent.

18 MS. FLYNN: Caryn, is it HSC Milton,
19 LLC?

20 MS. MLODZIANOWSKI: Yeah. He's trying
21 to get back in under Milton.

22 MS. FLYNN: What about Neil Thomas?

23 MS. MLODZIANOWSKI: I don't know that
24 person.

25 MS. FLYNN: Okay. Thank you.

2 CHAIRMAN BRAND: So Cindy, just as an
3 update, we adjourned the public hearing for Pond
4 View until the 19. I'm not sure if you had
5 anything that you wanted to add.

6 MS. LANZETTA: Sorry. I assume you
7 talked to him about doing a better job on that
8 agreement for the private road.

9 CHAIRMAN BRAND: We did.

10 MS. LANZETTA: Thank you.

11 CHAIRMAN BRAND: You're welcome.

12 So Caryn, or whomever HSC Milton, LLC
13 is, if you'd like to give us a brief overview of
14 what it is you have planned.

15 MR. CAPPELLO: Actually, I will start.
16 I'm John Cappello, I'm an attorney with
17 Jacobowitz & Gubits. I'm here on behalf of HSC
18 Milton. I have Caryn Mlodzianowski, who will do
19 the bulk of the presentation, and Ken Fioretti I
20 believe is on -- there he is -- from HSC Milton,
21 LLC.

22 What we're here tonight is to introduce
23 to you a project that proposes to build a 9,100
24 square foot Dollar General store on a parcel
25 that, at the end of the day, we will be

2 subdividing off a sliver. The resulting parcel
3 will be 2.07 acres. The minimum lot requirement
4 in the HD Zoning District is 2 acres, so that
5 would accompany the store. I believe there's
6 about .6 acres that will be then attached to the
7 adjoining parcel that is an existing facility.

17 MS. MLODZIANOWSKI: May I have
18 permission to share an exhibit?

19 CHAIRMAN BRAND: Jen, are you sharing
20 the map or are you going to allow Caryn?

21 MS. FLYNN: I'm sharing the map. I
22 don't know how to allow.

23 CHAIRMAN BRAND: Okay. Right now we
24 see your Zoom meeting screen.

25 MS. FLYNN: What do you mean?

2 CHAIRMAN BRAND: There's no map that's
3 being displayed right now.

4 MS. FLYNN: Okay.

5 CHAIRMAN BRAND: It says Zoom meeting.

6 MS. FLYNN: Better?

7 CHAIRMAN BRAND: Yes.

8 Caryn, is that the --

9 MS. MLODZIANOWSKI: Thank you.

10 CHAIRMAN BRAND: -- exhibit you wanted?

11 MS. MLODZIANOWSKI: Yes. I have a
12 rendered version as well, but I'll work with this
13 plan here. This is what we submitted with our
14 application.

15 Again, Caryn Mlodzianowski from Bohler
16 Engineering. I represent HSC Milton, LLC as
17 well.

18 This site here is on New York State
19 Route 9W, as John just reviewed the location. It
20 is currently a vacant parcel, probably the last
21 vacant parcel in the area surrounding other
22 commercial uses that are there.

23 We are proposing a 9,100 plus or minus
24 square foot Dollar General retail store, which is
25 in the Highway Development Zoning District, which

2 we believe is an allowed use with site plan
3 review.

4 The other component of the project that
5 we're here to review concurrently with this site
6 plan review is a lot line adjustment. We are
7 taking the southernmost lot line on the right
8 side of your screen here and shifting it over to
9 give more land to the adjacent business that's
10 there, and leave a 2.07 acre lot for our project,
11 as John mentioned.

12 We've put a lot of thought into this
13 site layout and design here. We attended an
14 initial gateway meeting with the Town, the
15 County, the Health Department, DOT and other
16 agencies that will be involved as part of this
17 process. When we first brought the plan in front
18 of them, initially we had a sort of similar
19 layout. However, we had another additional row
20 of parking along the street frontage. That is
21 the typical layout that works for them. It
22 allows for ease of convenience of people parking,
23 shoppers closer to the door. After receiving
24 that initial feedback and kind of balancing the
25 Town's Zoning Code along with the design

2 guidelines that are in place for 9W for the whole
3 corridor, we took that row of parking along the
4 front and swung it over to the side of the site,
5 on the northern end along our stormwater basin
6 that's shown on this exhibit. We believe this is
7 a good site layout and balance of both the Zoning
8 Code and the design guidelines as we are up
9 against a 75-foot front yard setback for the
10 building. This layout here holds the building up
11 at that minimum. It's 76 feet setback to be
12 safe, and still allows us for ample landscaping
13 out front as well.

14 We're proposing four street trees with
15 other low-lying landscaping to help break up that
16 site frontage.

17 As part of this we're proposing 31
18 parking spaces to meet Code, which is adequate
19 for the tenant. We've also made a revision to
20 the parking lot to allow for adequate truck
21 parking so that if they are there during
22 deliveries, they're not blocking any of the
23 parking, minus one spot which is the furthest
24 from the entrance. It might be used for shoppers
25 that are there.

2 CHAIRMAN BRAND: Jen, we're seeing
3 your --

4 MS. FLYNN: I'm sorry.

5 MS. MLODZIANOWSKI: Lastly, and this
6 isn't related to the site plan that's there, I'll
7 just review that we did submit the architecture
8 as you've seen. Typically the stores have a flat
9 roof. We wanted to go above and beyond here and
10 enhance that, so we've proposed a gable roof
11 building, which is what was submitted in your
12 application package as well.

13 We're excited to get this process
14 started here with the Town this evening.

15 CHAIRMAN BRAND: Okay. And just for
16 clarification, the gable point would be facing
17 the road; correct?

18 MS. MLODZIANOWSKI: Correct.

19 CHAIRMAN BRAND: Okay. Anything else
20 from the applicant?

21 MR. CAPPELLO: No, other than to say
22 that we did receive Mr. Hines' comments and, you
23 know, we are more than prepared to make the
24 clarifications and submit.

25 Really we're just anxious to hear any

2 other comments the Board may have.

3 CHAIRMAN BRAND: Okay. Pat, since they
4 received that, I don't know that you necessarily
5 need to run through all of them. Anything in
6 particular that you think needs to -- you want to
7 draw our attention to?8 Jen, I think you can stop sharing that
9 as well.

10 MS. FLYNN: Okay. Pat, you're on mute.

11 MR. HINES: I think I'm back. I had
12 bad things happen there just now. Am I back?

13 MS. FLYNN: Yes.

14 MR. HINES: So my first comment is the
15 application needs to include the lot line parcel
16 and signatures. There's a lot of that lacking.17 The EAF doesn't look like it was filled
18 out on the DEC's website because the mapping page
19 and the summary page weren't included.20 I'm just hitting some of the higher
21 points.22 The bulk table needs to include the lot
23 line change parcel as well.24 We should have a complete survey map
25 showing both parcels and how they comply with

2 Zoning.

3 I didn't see anywhere on the map where
4 potable water was addressed on the site.5 I do see an area for septic. That
6 septic system will need to go to County Planning.7 DOT will be an integral part of the
8 project review.9 Landscaping and lighting plans will
10 need to be provided consistent with the checklist
11 and code.12 We'll be looking for the stormwater
13 pollution prevention plan. The stormwater pond
14 is rather large. I don't know if the applicant
15 -- if there's a reason for that. Maybe it's the
16 flatness of the site that's dictating that. It's
17 taking up that whole northern portion of the
18 property. That should be sufficiently landscaped
19 as well, consistent with the DEC guidelines that
20 we don't see right now.21 Just a comment on the drainage.
22 There's a line that picks up the roof leaders
23 that will shed water to the southern portion of
24 the gable, but there's nothing that looks like it
25 picks up the roof leaders on the other side

2 similar to that.

3 One of our comments -- and I'm skipping
4 around a little bit -- the Planning Board
5 normally requires these sites to be curbed to
6 control access and vehicle locations. It looks
7 like there's not curbing proposed. I don't know
8 if the applicant can weigh in on that. Typically
9 these commercial sites are required to define
10 curbing all around them, which may change your
11 drainage design somewhat.12 MS. MLODZIANOWSKI: We can look at
13 that, yes. The curbing isn't there for drainage
14 purposes at this point.15 MR. HINES: I just noted that the
16 architectural plans did have the peak roof. We
17 need to address the drainage from that, curbing.
18 The size of all future drainage piping should be
19 -- one of the things I brought up and I don't see
20 is the ultimate discharge location from the
21 stormwater detention pond. It looks like it goes
22 to a low depression along the State highway
23 right-of-way. We're going to look for that
24 ultimate discharge point. I don't know if
25 there's a State highway culvert there or what.

2 It's just going to a low point there. I don't
3 know if you could clarify that.

4 MS. MLODZIANOWSKI: Yes. There's an
5 existing drainage ditch along that side of the
6 road.

7 MR. HINES: The grading just shows the
8 contours close to each other there. It looks
9 like it's just a depression. If we can see where
10 that ultimately discharges, that would clarify
11 that.

12 The Planning Board may wish to discuss
13 pedestrian sidewalks along the frontage. We have
14 done that in other portions. This one is a
15 little further away from the hamlet than most,
16 but there are no provisions for pedestrian
17 access. The design guidelines do discuss that.
18 I'll leave that to the Board to discuss.

19 We're looking for a larger plan for the
20 truck turning radius. That 60 scale plan that's
21 an inset there is difficult to read. It actually
22 looks like the trucks may be tracking along the
23 edge of the curbs there. If you can blow that up
24 in a future submission so we can identify that.
25 I did note that you used the large tractor

2 trailer truck, which may be consistent with
3 delivery vehicles on the site, I don't know. It
4 is a rather large truck you used for that
5 template. That is probably the worst case.

6 We need some additional site
7 development details, paving, sidewalk, curbing.
8 Those type of details. We'll review that in the
9 future.

10 Conceptually the plan meets your zoning
11 bulk tables. I think there's some work on the
12 design guidelines regarding pedestrian access.

13 The Board should discuss the
14 landscaping along the frontage. I note that
15 you're keeping the existing DOT islands and not
16 connecting them. They are kind of intermixed
17 with the deciduous tree plantings.

18 Then the details of the accessible
19 route. There were some bollards shown on the
20 plan along the accessible access. I want to make
21 sure that those are not affecting the accessible
22 access there. If that can be addressed as well.

23 That's our comment on the preliminary
24 submission. A lot of the beginning of them was
25 technical to clean up the application and clean

2 up the lot line change.

3 CHAIRMAN BRAND: Thank you, Pat.

4 Jeff, did you have anything for this
5 yet?6 MR. BATTISTONI: Actually just a
7 question for Pat. Do you think the application
8 is complete enough so that the action could be
9 classified tonight for SEQRA purposes?10 MR. HINES: I think there's a flaw in
11 the application in that we don't have the lot
12 line change parcel and an applicant. We only
13 have one of the two parcels involved. I think at
14 a minimum that would need to get cleaned up
15 before we circulate.

16 MR. BATTISTONI: Okay.

17 MS. MLODZIANOWSKI: It's our
18 understanding that it's the same property owner,
19 it's just listed as --20 MR. HINES: It might be the same
21 parties but -- I agree they might be the same
22 people that own it, but one is in an LLC and one
23 appears to be privately owned.

24 CHAIRMAN BRAND: Okay.

25 MR. HINES: I'll defer to Jeff and John

2 Cappello on that.

3 MR. CAPPELLO: We'll clarify it.

4 CHAIRMAN BRAND: Yeah.

5 MR. HINES: Because right now the
6 application only identifies one tax map parcel.7 CHAIRMAN BRAND: Comments from the
8 Board?9 MR. TRONCILLITO: Yes. Bob
10 Troncillito.11 A question for you, Caryn. I sat down
12 with the Milton fire chief and reviewed the basic
13 plans. I mean it's a beautiful building. We're
14 glad to have you in the community. A couple
15 questions came up. You had mentioned earlier
16 that you're 9,100 square feet give or take.
17 Maybe you'd give a little bit, get the 10,000 so
18 we can get the building sprinklered. Okay.
19 That's something to think about. Even if it's
20 under 10,000, it would be a great gesture to have
21 the building sprinklered.22 The other thing is to supply a lockbox
23 for the local fire department. They will give
24 you the proper paperwork.

25 That's all I have for now.

2 CHAIRMAN BRAND: Thank you, Bob.

3 MS. MLODZIANOWSKI: Thank you.

4 CHAIRMAN BRAND: Any other comments
5 from the Board?

6 MR. GAROFALO: Yes.

7 MR. LOFARO: Go ahead.

8 MR. GAROFALO: You can go ahead. I
9 have quite a few.10 MR. LOFARO: Well, the map we just saw
11 shows just the entrance and egress on the north
12 side, or just one way in and one way out next to
13 each other. Is that correct?

14 MS. MLODZIANOWSKI: Correct.

15 MR. HINES: One access.

16 MR. LOFARO: One access point, and
17 that's on the north side. Is there a property
18 that's right to the north of that that could tie
19 into? I mean we're trying to not tie driveway
20 traffic up on 9W. Is there a way to connect to
21 the next northern parcel for their driveway?22 MS. MLODZIANOWSKI: I'm not looking at
23 it right now.24 MR. LOFARO: Do you know what I'm
25 saying?

2 MR. CAPPELLO: We did look and it's --
3 Caryn was going to present an aerial, a Google
4 Maps thing that you could see the type of traffic
5 on the north side is, you know, heavy trucks.
6 There's some trailer bodies there. It just
7 doesn't look like it would be a good fit to share
8 the access because the types of traffic that
9 would be coming in. It's much easier to show on
10 the map, but as we go through I think we can show
11 it doesn't really seem to be conducive mesh of
12 the two uses to have a shared driveway there.
13 You'll have trucks and trailers coming in on one
14 side and 99 percent consumers coming in on the
15 other one. It could make more of an issue than
16 the separate access.

17 MR. LOFARO: Okay.

18 MS. LANZETTA: Jen, I don't know if you
19 can pull up map 23 in the Route 9W corridor
20 management plan that we have on our Town website.
21 Is it possible that you might be able to find
22 that and pull that up?

23 MS. FLYNN: From this applicant?

24 MR. HINES: No.

25 MS. LANZETTA: It's on our Town Board

2 -- it's on our Town website. It has a very good
3 aerial of just what we're talking about.

4 MS. FLYNN: It's under the Town Board?

5 MS. LANZETTA: No. Just go to the Town
6 website.

7 MS. FLYNN: Okay.

8 MS. LANZETTA: In the search put "Route
9 9W corridor study."

10 MS. MLODZIANOWSKI: I also just
11 e-mailed over an aerial, if that helps.

12 MS. LANZETTA: Is it coming up?

13 MS. FLYNN: The corridor management
14 plan?

15 MS. LANZETTA: Yes. If you just hit on
16 that and go to appendix F.

17 If she pulls up this map, I'm going to
18 be referencing it as well, so it would be --

19 MS. FLYNN: I see E. I don't see F.

20 MS. LANZETTA: Appendix F.

21 MR. LOFARO: Cindy, is this what you
22 sent us earlier to review the 9W corridor? That
23 was very informative. Don't we have that on an
24 e-mail?

25 CHAIRMAN BRAND: Check the e-mail that

2 Cindy sent out.

3 MS. LANZETTA: I sent two. It was the
4 earlier one.

5 MS. FLYNN: Can you see it or no?

6 MS. LANZETTA: I can't see it yet.

7 MS. FLYNN: Let me go back here and
8 share. Is that it?

9 MS. LANZETTA: No, that's not it. This
10 is the one about the corridor. It was the next
11 earlier e-mail. I want to refer specifically to
12 our study that the Town Board adopted.

13 MS. FLYNN: I think it's going to be --
14 it's a picture in the e-mail, it's not -- let me
15 see.

16 MS. LANZETTA: No, that's not the
17 e-mail. That's a different e-mail. Leave it for
18 one second since you've got it up.

19 MS. FLYNN: I can take it back.

20 MS. LANZETTA: I didn't mean to take up
21 Joe's time. Since it was up, I just wanted to
22 point out that this was -- I had attended the
23 gateway meeting that we had all attended, and we
24 talked about moving the building up closer to
25 Route 9W. I understand that you took out some

2 additional parking, but I think this is more --
3 this illustrates better the idea that we were
4 talking about, about bringing it up close to
5 Route 9W so that you'd basically have room for
6 landscaping and a sidewalk. In accordance with
7 the suggested design guidelines in the Town of
8 Marlborough and also with the management
9 guidelines, the parking would be to the side and
10 the rear of the building. That was something
11 that was discussed at the gateway meeting.

12 MR. HINES: That would require a
13 variance because of the front yard setbacks in
14 the HD Zone being 75 feet.

15 MS. LANZETTA: How many feet is there
16 do you say?

17 MR. HINES: In that photo?

18 MS. LANZETTA: Yeah.

19 MR. HINES: 30.

20 MR. LOFARO: 30, 40 at the most.

21 MR. HINES: Figure that sidewalk is 5
22 feet wide maybe. They've got the building
23 setback at the 75-foot setback right now.

24 MS. LANZETTA: So that even if that was
25 considered a side yard --

2 MR. HINES: That's a front yard,
3 though, by definition.

4 MS. LANZETTA: The front yard is not
5 where the entranceway is.

6 MR. HINES: Yeah.

7 MS. LANZETTA: In this case the
8 entranceway is on the side of the building.

9 MR. HINES: Yeah. Front yards are
10 always on the street that it has frontage on. I
11 don't know that there's another road accessing
12 this parcel.

13 MS. LANZETTA: All right.

14 MR. HINES: The one in question here
15 now. The only street frontage it has is Route
16 9W.

17 MS. LANZETTA: Okay. All right.

18 MR. HINES: It's kind of a conflict
19 with your design guidelines with that HD Zone
20 line. That's something the Town Board can take a
21 look at.

22 MS. LANZETTA: I'm glad you pointed
23 that out. That's something the Town has got to
24 take a look at then, if that's what they're
25 asking for.

2 Then the other thing I want to point
3 out, and if we could bring up that additional map
4 from -- that would have been on a different
5 e-mail. Not that one.

6 CHAIRMAN BRAND: Reference material,
7 that one?

8 MS. LANZETTA: Yes.

9 MR. HINES: There it is on the bottom.

10 MS. FLYNN: This one?

11 MS. LANZETTA: Yes. And then just
12 scroll -- you've got to scroll down quite a ways
13 because it's map 23. It's taking a while to
14 load.

15 MR. HINES: There's a lot of photos
16 there.

17 MS. LANZETTA: I think this will speak
18 to what Joe is talking about and something that
19 we really need to take a look at. It's coming.
20 Just go up a little bit. Where are we at?
21 You've got to go a ways yet.

22 MR. HINES: You're on map 3. You've
23 got to go to 23.

24 MS. LANZETTA: Right here. Just bring
25 it down a little bit more. Right there is good.

2 Good.

3 MR. HINES: Yup.

4 MS. LANZETTA: So now you can see on
5 Route 9W, on the eastern side there, it refers to
6 provide access from side street, rear street or
7 adjacent property. Now, one of the things that
8 we could talk about possibly, because we're
9 moving that lot line for the property on the very
10 corner there that does have additional access to
11 Mahoney Road, if we could talk about -- because
12 it's the same property owner, if we could talk
13 about closing the access to Route 9W on the lower
14 parcel, and that way, even though we're putting
15 an additional entranceway onto Route 9W, it would
16 be balanced by the fact that we would be closing
17 off the one on the lower portion because they can
18 access that lower property from Mahoney Road. I
19 think that's something that, you know, we should
20 investigate with the property owner, doing that,
21 thereby being in better compliance with the
22 access management recommendations for Route 9W.

23 CHAIRMAN BRAND: So you're saying have
24 the property there on Mahoney Road with the first
25 A from the bottom access just from Mahoney Road,

2 not from 9W?

3 MS. LANZETTA: Yeah. Closing that off,
4 and then in a sense the new access would be to
5 this parcel, to the new parcel that is being
6 formed.7 CHAIRMAN BRAND: So you're trading one
8 for the other.9 MS. LANZETTA: Yes. We're not actually
10 adding an additional access onto Route 9W.11 CHAIRMAN BRAND: Okay. Other comments,
12 questions?13 MR. GAROFALO: Yes. In the way that
14 those two parcels are set up, maybe that would be
15 a good opportunity to extend the parking lot and
16 basically connect the two properties so you could
17 drive from one to the other. You can't do that
18 in the north the way they've got it set up with
19 the pond. It looks like it would be a fit to the
20 south where they could just link into one
21 another. I would like to at least see --22 MR. CLARKE: Where is the parcel going
23 to be that we're talking about? It's going to be
24 on the north side of the property?

25 MR. HINES: Right in the center. It's

2 currently a field.

3 CHAIRMAN BRAND: Right where the arrow
4 is, pretty much.

5 MR. CLARKE: How much of the second lot
6 is going to be attached to the south parcel?

7 MR. CAPPELLO: Pretty much at the
8 treeline there.

9 MR. HINES: There's no scale. 77 feet.

10 MR. CAPPELLO: Those trees, it looks
11 like a pine or evergreen there, that would be
12 incorporated into the Dollar General parcel.
13 Everything on the other side of it would be
14 attached to the southern parcel.

15 MR. CLARKE: That's a pretty big gap
16 between two parcels.

17 MS. LANZETTA: Yeah. What you could do
18 is just have an easement. You wouldn't have to
19 have -- you could close off the entranceway on
20 the southern parcel because they can still --
21 they still have plenty of access off of Mahoney
22 Road, and then you could have an easement so any
23 time that they chose to connect to the northern
24 portion they could. They wouldn't have to do
25 that. But there would be a possibility in the

2 future of being able to -- if they did want to
3 access 9W, they could go through that.

4 MR. GAROFALO: They could connect the
5 two parcels.

6 MS. LANZETTA: Yes.

7 MR. GAROFALO: It looks like that would
8 be an efficient way to extend the parking and
9 make it more uniform so you can go from one
10 parcel to the other.

11 We also need to remember that just
12 because a parcel is being used in one manner now,
13 in the future that use may change. We have to
14 consider that. So the parcel to the north, they
15 may have trucks there now, but who knows what's
16 going to be there in the future. So that's one
17 thing that I think is important to remember, that
18 this is something that has to be worked out
19 between the landowners.

20 There are a couple of other comments
21 that I have if you're done, Cindy, that I'll go
22 over.

23 MS. LANZETTA: Yes. Thank you.

24 MR. GAROFALO: Some of these are pretty
25 small. On the zoning table you have access

2 parking spaces. I think you mean accessible
3 parking spaces.

4 The way the trash container is set up,
5 that truck, when it is parked there, is blocking
6 a parking space. Can that be moved further back
7 or over to the side so that if there's a truck
8 there, he's not blocking the parking space?

9 I'm concerned when I see a 5-foot
10 sidewalk because there's a tendency to put stuff
11 in the sidewalk and therefore squeeze it down to
12 the point where it's not really terribly usable.
13 I'm concerned that there be something put in that
14 specifically says you can't put any merchandise
15 or anything out there. Even a trash receptacle
16 would close it off too much. I'd like to see --
17 5 feet is fine, but you can't really have
18 anything out there when you have a 5-foot
19 walkway.

20 Along Route 9W I'm concerned about the
21 sight lines. Make sure that the trees and the
22 sign, et cetera are not blocking the sight
23 distance. I'd actually like to see the sight
24 lines and the area that's supposed to remain
25 clear. I think this is very important. You just

2 take a look at what Chestnut Petroleum is doing,
3 where they have signs on the sidewalk, signs all
4 over the place that are temporary that are
5 blocking sight distance. I think it's important
6 to make it clear that nothing can be in that area
7 that's going to block the sight lines of the
8 drivers coming out of the site.

9 I would imagine this type of store is
10 going to sell snacks and cold beverages. It's a
11 perfect type of place for bicyclists to stop and
12 get a snack or something cold. I'd like to see a
13 limited amount of bicycle parking, maybe on the
14 south end beyond their walkway. Someplace where
15 you can see it. Chestnut Petroleum is a perfect
16 example of what not to do in terms of the type of
17 bicycle parking. What you want is a two-point
18 connection ability for bicycles so you can lock
19 it at two points, either in like an upside down U
20 or similar type of situation. I'd like to see a
21 limited amount of bicycle parking. I'd be happy
22 to bring some information to the next meeting
23 about what should be done. Chestnut Petroleum is
24 certainly an example of what I would have you not
25 do. Because of them, I'd like to see a detail on

2 the plan so that we get what we say -- what is
3 said that we're going to get.

4 Okay. There's a light on the northern
5 end. It looks like it's pointed toward Route 9W.
6 I'm concerned that that may be a glare concern,
7 you know, depending on how it's set up. I want
8 to make sure that you're careful about the way
9 that light is set up in the northern end of the
10 parking lot because it is facing toward Route 9W.
11 I don't know if you're going to put any lighting
12 on the building itself or not, but it's not
13 shown.

14 With regard to the vegetation, I'd like
15 to see a note included in the landscaping of what
16 is native species and what is not native species.

17 The last thing that I'd like to talk
18 about is the sidewalk. We've done a number of
19 different things with sidewalks. I feel that
20 eventually we're going to need sidewalks up and
21 down Route 9W. In some cases we've required
22 them, in other cases we've required that space be
23 shown where a sidewalk could be put. I think
24 that's something that the Board needs to discuss
25 in this situation, what exactly do we want in

2 terms of a sidewalk along Route 9W or just a
3 place to put a sidewalk.

4 CHAIRMAN BRAND: Yeah.

5 MR. GAROFALO: Thank you.

6 CHAIRMAN BRAND: My personal opinion on
7 this one, new construction, new things, I would
8 definitely like to see a sidewalk on this one.

9 MR. LOFARO: I agree.

10 MS. LANZETTA: I agree.

11 CHAIRMAN BRAND: Sidewalks it is.

12 Anything else from the Board?

13 (No response.)

14 CHAIRMAN BRAND: Jen, I think you can
15 unshare your screen.

16 MS. LANZETTA: Thank you, Jen.

17 CHAIRMAN BRAND: We do need to figure
18 out how to let somebody else share their screen,
19 though. I'll Google it later.

20 From the applicant, anything else on
21 that discussion that you just entertained?

22 MR. CAPPELLO: We'll take it, you know,
23 under advisement. I think at one point it may be
24 helpful, it may be, to do a site walk of some
25 type. You know, with different Board Members.

2 Exactly see out on the site what the -- you know,
3 what we can accomplish to address your concerns
4 and what may or, you know, may not be feasible at
5 this point. I mean I don't want to make any
6 promises or non-promises. We understand where
7 your comments are coming from, it's just, you
8 know, the practicality of it may be a little
9 difficult. We want to work with you to see what
10 we can achieve and how the best way to achieve
11 it, or at least keep the options open in the
12 future, you know, as we design this.

13 CHAIRMAN BRAND: Great. Pat, just a
14 quick question. Pat and/or Jeff perhaps. As far
15 as the conflict with the 75-foot setback in the
16 front yard and the design guidelines, is that an
17 easy a fix as I think it may be where we just
18 have them -- if we want to follow the design
19 guidelines but the code is not up to par to match
20 them, we can just send them to the ZBA and get a
21 variance for that, or is it more complicated than
22 I'm making it seem?

23 MR. HINES: I don't have a crystal ball
24 on how the ZBA would rule on that.

25 CHAIRMAN BRAND: Sure. Neither do I.

2 MR. HINES: The zoning has that 75-foot
3 front yard setback for a reason. If it's
4 something that the Town Board wishes to address,
5 you know, they have the design guideline that
6 says parking in the rear but then you have the 75
7 foot massive area. I think the initial intent
8 was to keep the buildings off 9W because
9 consistently your buildings in the past were
10 pushed off. A lot of these national chains want
11 their parking in the front. I see them all the
12 time where they want the exposure and they want
13 the parking where you can walk in and out. I
14 think the easier way would be if the Town Board
15 -- I would hate to send everyone to the ZBA for a
16 conflict between your zoning and your design
17 guidelines. I think the zoning should catch up
18 to the design guidelines.

19 CHAIRMAN BRAND: I'll make a note of
20 that in my report this month.

21 MR. CAPPELLO: I'd like to get the
22 DOT's input. Part of that reason is if in the
23 future there needs to be an expansion of 9W or
24 another lane, you know, put in there, I know it
25 may not seem likely at this time but as, you

2 know, you get more traffic and more people coming
3 in on 9W going through Marlborough, it could be,
4 you know, something in the future that you may
5 not want to preclude.

6 CHAIRMAN BRAND: I agree. I also know
7 that the businesses to the north and to the south
8 are in no way, shape or form 75 feet off the
9 highway.

10 MR. LOFARO: Exactly.

11 CHAIRMAN BRAND: I think if you want to
12 keep consistency through the corridor, which is
13 kind of the goal of the guidelines, we might want
14 to look at that so that there's some continuity
15 while driving through.

16 MS. MLODZIANOWSKI: If I may. As far
17 as the layout goes, because I think it's
18 important to get that solidified here tonight
19 with the site plan, first and foremost we want to
20 follow the law, which is the zoning code, which
21 is at 75 feet. Since the gateway meeting we've
22 pulled the building forward to balance those two
23 things as best we can. We have a compliant plan
24 here. We're not asking for any variances. We
25 meet the code. So as far as the layout goes,

2 this is really what we're proud of and what we'd
3 like to stick with.

4 A couple of other things to consider.

5 If you put the building up at the road, aside
6 from having to get a variance, which may or may
7 not be granted by the Zoning Board, the truck
8 circulation won't work properly on the site. And
9 you're going to add pavement to the rear of the
10 site where there, I believe, is a residence
11 that's back there. We're doing a good job of
12 maintaining that existing tree buffer and green
13 space that's in the back today. To kind of
14 balance the two, I think we found the happy
15 medium that meets both the code and we can
16 balance items from the intent of the design
17 guidelines here with that.

18 MR. GAROFALO: I'm not sure you could
19 make the truck movements work if you put this
20 strictly in the back. I'm not sure how they
21 could possibly turn around. I think that would
22 be a problem.

23 CHAIRMAN BRAND: Are the trucks using
24 the front of the property as a turnaround? The
25 way I'm looking at it, it looks like it's a dead

2 on.

3 MR. HINES: They're doing a K turn to
4 get into the site. They pull into the front and
5 back into the rear.

6 CHAIRMAN BRAND: Okay.

7 MR. CLARKE: Have you considered
8 putting your entrance on the side of the building
9 rather than the front?10 MS. MLODZIANOWSKI: I'm not sure I
11 understand.12 MR. CLARKE: On the north side of the
13 building. The majority of your parking is on the
14 northern side of the building. Have you
15 considered putting your entrance on the north
16 side of the building instead of the west side?17 MS. MLODZIANOWSKI: I don't think that
18 would feasibly work based on where we have the
19 stormwater laid out and the connection to 9W that
20 we have.

21 CHAIRMAN BRAND: So that's a no, Steve.

22 MR. CLARKE: I don't see the logic of
23 that, but that's okay.24 MR. GAROFALO: I'm not sure how that
25 would change if you simply move the building

2 front to the north side, even if you had to move
3 it back a few feet. I don't know how that would
4 functionally change the stormwater if the
5 building is basically in the same place.

6 MS. MLODZIANOWSKI: Okay. Maybe I
7 didn't understand the question. Are you saying
8 to have the store entrance on the north side
9 rather?

10 MR. CLARKE: That's what I'm saying. I
11 don't see why the stormwater would have an affect
12 because --

13 MS. MLODZIANOWSKI: I see.

14 MR. CLARKE: -- your parking and
15 everything is exactly the same.

16 MR. GAROFALO: The only thing that
17 would be different is you'd have to move -- you'd
18 have to expand that sidewalk. You wouldn't want
19 to have it 5 feet. You'd want to have that
20 probably a little bit wider to accompany the
21 accessible parking spaces and the ramp. So you
22 would have to move the building a little bit to
23 the south to have a wider sidewalk there.

24 MR. CLARKE: But you're already 75 feet
25 off 9W. What's the issue there?

2 MR. GAROFALO: I'm not saying that
3 that's an issue because you're still going to be
4 75 feet off. You're just moving it a little bit
5 to the south to make that 5 foot sidewalk a
6 little wider in order to have the front door on
7 that side. But basically I don't see that's
8 going to change the store mortar very much other
9 than you're going to have a longer sidewalk
10 that's wider than 5 feet.

11 MS. MLODZIANOWSKI: Yes. We could look
12 at moving the store access entrance point for
13 customers to the side. The only problem becomes
14 then you have the back of the building facing
15 south on 9W. As everyone comes up 9W heading
16 north, you're staring at the back of a building
17 rather than a side.

18 MR. LOFARO: If you went to the side,
19 would that mean you'd change the gable to that
20 direction as well?

21 CHAIRMAN BRAND: Can you ask that
22 again, Joe? I'm sorry.

23 MR. LOFARO: If you change the entrance
24 to the north side, does that mean now the gable
25 is going to get turned as well and it's going to

2 look totally different from 9W, or would it stay
3 the same?

4 MS. MLODZIANOWSKI: It's possible.

5 We'd have to confirm that with the architect.

6 MR. CLARKE: I'm not talking about
7 turning the building 90 degrees. I'm just talking
8 about putting the entrance on the north side.

9 MR. GAROFALO: In other words, leave
10 the building almost exactly where it is except
11 you move it a few feet to the south so you have a
12 wider sidewalk. But you leave the gable, you
13 leave it's configuration the same. You now have
14 an entrance on the long side instead of on the
15 short side, and you have it near more of the
16 parking, which is on the north side.

17 CHAIRMAN BRAND: That may be something
18 to look at for the applicant.

19 Pat, just another quick question. The
20 Town has that floating business overlay, or I
21 believe it's called the business overlay
22 district.

23 MR. HINES: Mm hm'.

24 CHAIRMAN BRAND: Are the setbacks
25 different in that?

2 MR. HINES: Yes. The setbacks are
3 determined by the Town Board in that. That's for
4 changing existing sites, not for vacant land.
5 Yeah.

6 CHAIRMAN BRAND: Okay.

7 MS. LANZETTA: This wouldn't apply for
8 that.

9 CHAIRMAN BRAND: Anything else from the
10 Board on this?

11 (No response.)

12 CHAIRMAN BRAND: No. All right. So it
13 seems as though the applicant has some homework,
14 maybe a couple of different possible layouts. I
15 think that's it.

16 MS. MLODZIANOWSKI: As far as SEQRA
17 goes, the lot line adjustment doesn't trigger
18 that action I don't believe. Could we circulate
19 for SEQRA for site plan review at this point?

20 MR. HINES: A lot line in and among
21 itself under the code would not require that.
22 When it's mixed with the other uses, it's not --
23 we can't extract it out of that. If it was just
24 a lot line change we'd consider it a Type 2
25 action. When it's in conjunction with a site

2 plan Unlisted action -- I'll defer to Jeff on
3 that, but I don't think you can segment the parts
4 of the project.

5 MR. BATTISTONI: I agree with Pat.

6 MS. MLODZIANOWSKI: I think everything
7 is there and we're happy to update the
8 application to include the other lot line number
9 for the adjustments. The only problem is DOT
10 won't look at this any further, and we can't get
11 any feedback from them on the access, without the
12 intent to be lead agent circulated.

13 MR. BATTISTONI: I don't mean to hold
14 up the applicant but I don't think the
15 application is complete enough right now in order
16 for the Board to declare it to be an Unlisted
17 action and declare their intent to be lead agency
18 and authorize circulation. I think you have to
19 submit more information first.

20 MR. HINES: We do meet every two weeks,
21 too.

22 MR. CAPPELLO: When is the submission
23 for the 19th?

24 CHAIRMAN BRAND: The deadline is
25 Friday, the 9th, for the 19th.

2 MR. HINES: This Friday.

3 MR. CAPPELLO: So in order to get on
4 then, we would just address Pat's comments. We
5 understand that design wise, you know, we'll
6 still have to work on the access. I think
7 Caryn's point is we'd like to get it to the DOT
8 and not get too far along in discussions with you
9 and have the DOT say, you know, what, are you
10 kidding, we're not going to allow this. So if we
11 can maybe, as an interim step, just address those
12 comments, get the subdivision application, you
13 know, tidied up a little more and then do lead
14 agency on the 19th, and then we can continue the
15 discussion on the ultimate layout and the access
16 issues, if that's okay with the Board?

17 MR. HINES: That seems --

18 MR. BATTISTONI: Jeff Battistoni. That
19 seems fine to me.

20 CHAIRMAN BRAND: Okay.

21 MR. CAPPELLO: Thanks, everyone.

22 Thanks for your time. Have a good night.

23 CHAIRMAN BRAND: Have a good night.

24 MS. MLODZIANOWSKI: Thank you.

25 CHAIRMAN BRAND: For the rest of the

2 Board, we're leaving it floating on the agenda
3 but I do have a date this evening that I need to
4 attend to. I know Ms. Lanzetta does as well. We
5 may have to postpone that until another day. Are
6 there any objections to doing so?

7 (No response.)

8 CHAIRMAN BRAND: No. All right.

9 MR. LOFARO: I'll make a motion to
10 close the meeting.

11 CHAIRMAN BRAND: Is there a second?

12 MS. LANZETTA: I'll second it.

13 CHAIRMAN BRAND: Any opposed?

14 (No response.)

15 CHAIRMAN BRAND: All right. Thank you.

16

17 (Time noted: 8:00 p.m.)

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

5

6

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

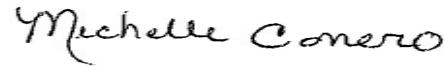
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 October 2020.

18

19



20

MICHELLE CONERO

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23

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