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2

STATE OF NEW YORK : COUNTY OF ULSTER

3

TOWN OF MARLBOROUGH ZONING BOARD

-----X

4

In the Matter of

5

MICHAEL DIVIESTI - WORKSHOP SUBDIVISION

6

6-8 Diviesti Road

7

Marlboro, New York 12542

SBL #108.4-7-14

8

-----X

9

DATE: April 11, 2024

10

TIME: 6:00 P.M.

11

PLACE: Town of Marlborough

12

Town Hall

21 Milton Turnpike

13

Milton, New York 12547

14

BOARD MEMBERS:

15

LENNY CONN, CHAIRMAN

JEFF MEKEEL

16

GEORGE SALINOVICH, absent

ANDREW NIKOLA, absent

17

LARRY BARTOLOTTI

18

ALSO PRESENT:

19

JEN FLYNN, Zoning Board

Secretary

20

JONATHAN MILLEN, Surveyor

21

MICHAEL DIVIESTI, Applicant

22

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23

LISA MARIE ROSSO

140 Mahoney Road

24 Milton, New York 12547
25 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

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1 MICHAEL DIVIESTI - WORKSHOP

2 CHAIRMAN CONN: Please stand for
3 the pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: Welcome,
6 everybody, to the April 11th, 2024,
7 Zoning Board of Appeals meeting.
8 Approve the minutes? Everybody have a
9 chance to look at the minutes?

10 MR. MEKEEL: Yes.

11 MR. BARTOLOTTI: Yes.

12 CHAIRMAN CONN: Any discussion,
13 problems?

14 MR. MEKEEL: No.

15 MR. BARTOLOTTI: No.

16 CHAIRMAN CONN: No. Somebody make
17 a motion to approve the minutes?

18 MR. BARTOLOTTI: I would like to
19 make a motion to approve the minutes
20 for the March 14th meeting.

21 MR. MEKEEL: I will second that
22 motion.

23 CHAIRMAN CONN: All in favor?

24 MR. MEKEEL: Aye.

25 MR. BARTOLOTTI: Aye.

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1 MICHAEL DIVIESTI - WORKSHOP

2 CHAIRMAN CONN: Aye. So moved.

3 Now, the first applicant we have up,
4 continuing workshop is for Michael
5 Diviesti for a subdivision.

6 MR. MILLEN: At our last meeting
7 we had some issues with the variances
8 we were seeking. Particularly, the
9 setbacks on the front and side yard,
10 and since that time, we have removed
11 the pool.

12 MR. MEKEEL: Oh, you have?

13 MR. MILLEN: Yes, it's removed. I
14 have pictures. We removed the pool,
15 and we removed the connection that
16 connected the pool to the deck so the
17 deck is no longer attached. So, the

18 deck -- there is no issues at all as
19 far as anything that's pertaining to
20 the one setback.

21 MR. MEKEEL: Okay.

22 MR. MILLEN: So, we're just
23 dealing with the existing setback
24 issues and the variances for
25 preexisting condition.

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1 MICHAEL DIVIESTI - WORKSHOP

2 MR. BARTOLOTTI: There is a
3 10-foot-9 side yard issue still
4 existing.

5 MR. MILLEN: Pardon me?

6 MR. BARTOLOTTI: We have 10-foot,
7 9-inches from that deck to the property
8 line. Was that cut back?

9 MR. MILLEN: Well, the deck is not
10 connected to the house any longer so it
11 wouldn't apply to the setback.

12 MR. BARTOLOTTI: All right.

13 MR. MILLEN: It's disconnected
14 from the house, so there is no setback

15 for the deck.

16 MR. MEKEEL: So, you're still
17 requiring a side yard variance;
18 correct?

19 MR. MILLEN: No. The only
20 variance we're looking for is the front
21 yard.

22 CHAIRMAN CONN: You're talking
23 parcel A or B?

24 MR. MILLEN: On parcel A. Which
25 parcel are we speaking of?

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1 MICHAEL DIVIESTI - WORKSHOP

2 CHAIRMAN CONN: We're looking at
3 parcel A where the pool used to be off
4 the deck as it says 10-feet, 9-inches.

5 MR. MILLEN: Yeah, so as I
6 mentioned, the pool is gone. There is
7 no pool any longer as indicated in the
8 photos in here. And the deck is not
9 connected to the house any longer. So,
10 the deck would not be subject to the
11 side yard setback so the 10.9 is no

12 longer an issue.

13 CHAIRMAN CONN: All right. I
14 understand what you're saying now.

15 MR. MEKEEL: So, you're looking
16 for a front yard variance of --

17 MR. MILLEN: We're looking for an
18 existing condition, preexisting for the
19 house, the 21.6.

20 MR. MEKEEL: Which would be a
21 front yard variance of --

22 MR. MILLEN: Yes, that's correct.

23 MR. MEKEEL: 35 feet required,
24 21.6. So what do we have there?

25 CHAIRMAN CONN: By our

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1 MICHAEL DIVIESTI - WORKSHOP
2 calculations, we need 13.4 feet
3 variance in the front yard.

4 MR. MILLEN: Pardon me?

5 CHAIRMAN CONN: We need 13.4 feet
6 variance on the front yard.

7 MR. MILLEN: Right.

8 CHAIRMAN CONN: Just making sure.

9 MR. MILLEN: Yes, that is true.

10 CHAIRMAN CONN: Okay. And in
11 parcel B.

12 MR. MILLEN: Parcel B, there are
13 no variances required.

14 MR. BARTOLOTTI: So, on parcel B

15 --

16 MR. MILLEN: Correct.

17 MR. BARTOLOTTI: -- you're looking
18 for a variance on the minimum lot
19 width; correct?

20 MR. MILLEN: Yes.

21 MR. BARTOLOTTI: So, you had

22 143 --

23 MR. MEKEEL: 6.3 feet.

24 MR. MILLEN: 143. It's supposed
25 to be 150.

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1 MICHAEL DIVIESTI - WORKSHOP

2 MR. BARTOLOTTI: 6.3 feet;
3 correct?

4 MR. MILLEN: Yes.

5 MR. BARTOLOTTI: Originally, it

6 was a side setback of 34 -- did you
7 guys adjust that?

8 MR. MILLEN: Yes.

9 MR. BARTOLOTTI: So, that was
10 adjusted as well?

11 MR. MILLEN: Yes. You don't
12 have -- do you have the latest map?

13 CHAIRMAN CONN: We have the new
14 map. But, yeah, we didn't get it
15 updated from Pat Hines.

16 MR. MILLEN: It's the biggest one
17 of the new.

18 CHAIRMAN CONN: I think it's the
19 same one.

20 MR. MILLEN: This would have been
21 revision from 3/28.

22 MR. MEKEEL: That is revision
23 3/28, that drawing?

24 MS. FLYNN: That's what you have.
25 You have the 3/28 map.

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1 MICHAEL DIVIESTI - WORKSHOP

2 MR. MEKEEL: Okay, received 3/28.

3 MR. MILLEN: If you need a bigger
4 one, you can look at this one.

5 MR. BARTOLOTTI: So that is
6 corrected?

7 MR. MILLEN: Yes, sir.

8 MR. BARTOLOTTI: I make a motion
9 to move the DiViesti matter, 2-lot
10 subdivision, to a public hearing.

11 CHAIRMAN CONN: Aye.

12 MR. MEKEEL: Aye.

13 MR. BARTOLOTTI: Section 108.4,
14 Block 7, Lot 14, 6-8 DiViesti Road,
15 parcel A, as described, they need a
16 variance for a front yard setback 13.4.
17 The above ground pool has been removed
18 and the deck attached from the house is
19 no longer an issue. And in parcel B,
20 we need a variance for a minimum lot
21 width of 6.3 feet.

22 CHAIRMAN CONN: For the record,
23 Jen, the next public hearing --

24 MS. FLYNN: May 9th.

25 CHAIRMAN CONN: Okay. So put that

1 MICHAEL DIVIESTI - WORKSHOP

2 down, May 9th, 2024.

3 MR. MILLEN: Okay.

4 CHAIRMAN CONN: We will see you

5 then. Thank you.

6 MR. MILLEN: Thank you for your

7 time.

8 (Whereupon, at 6:20 P.M., the

9 Hearing was concluded.)

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1 MICHAEL DIVIESTI - WORKSHOP

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF ULSTER)

7

8 I, LISA M. ROSSO, a Notary Public for
9 and within the State of New York, do hereby
10 certify:

11 That I was authorized to and did
12 stenographically report the foregoing
13 proceedings, and that the transcript is a
14 true record.

15 I further certify that I am not related
16 to any of the parties to this action by
17 blood or by marriage and that I am in no way
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 16th day of April 2024.

21

22 LISA M. ROSSO

23

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1

2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

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CHRIS BARGER - Workshop 2-Car Garage

6

3 Jake Henry Drive

7

Marlboro, New York 12542

SBL #108.2-9-16.112

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DATE: April 11, 2024

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14 BOARD MEMBERS:

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LENNY CONN, CHAIRMAN

JEFF MEKEEL

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GEORGE SALINOVICH, absent

ANDREW NIKOLA, absent

17

LARRY BARTOLOTTI

18

ALSO PRESENT:

19 CHRIS BARGER

20

21 JEN FLYNN, Zoning Board
22 Secretary

22

23 -----X

24 LISA MARIE ROSSO
140 Mahoney Road
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2

1 CHRIS BARGER - WORKSHOP

2 CHAIRMAN CONN: We have a new
3 applicant to review, Chris Barger, 3
4 Jake Henry Drive, Marlboro, 2-car
5 garage. Do you want to give a little
6 description on why you're here?

7 MR. BARGER: Well, I'm here
8 because I purchased a 2-car garage, not
9 thinking the placement of it was going
10 to be any issue. I believe it was
11 going on the side of my house when I
12 applied for the permit. The side of my
13 house is the front of my house. So
14 they're saying I had to do an appeal in
15 order to see if I could get the

16 placement of the garage there. They
17 said they were going to write a letter
18 that there is no other practical place
19 to put it on my property.

20 MR. MEKEEL: So you purchased a
21 2-car garage?

22 MR. BARGER: Yes, I purchased it.
23 It's not on-site obviously. I already
24 purchased it from Brad's Barns in
25 Kingston thinking that the placement on

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1 CHRIS BARGER - WORKSHOP
2 the side of my property, which I
3 thought was the side, because it's
4 actually the side of my house, since my
5 private road runs up the side of my
6 house, between the private road and the
7 side of my house is considered my front
8 yard. So, they denied it because they
9 said you're not allowed to put the
10 placement in the front of your
11 property.

12 MR. BARTOLOTTI: Where the gravel

13 driveway is going up to your house,
14 wasn't that originally established as
15 the front of your house?

16 MR. BARGER: Not that I was aware
17 of. I always thought it was the side
18 of my house. But now I am aware of it.

19 MR. BARTOLOTTI: According to the
20 building department, is that the front?

21 MR. BARGER: Yes, that's where
22 they're telling me. Since my private
23 road runs up the side of my house
24 between the private road and the side
25 of my house, it's considered my front

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1 CHRIS BARGER - WORKSHOP
2 yard.

3 MR. BARTOLOTTI: And the wooded
4 area behind your house --

5 MR. BARGER: Yes. Well, it's the
6 side of my house, yes, this is back.

7 MR. MEKEEL: So, what main road do
8 you come off of?

9 MR. BARGER: Reservoir Road.

10 MR. MEKEEL: Off Reservoir Road?

11 MR. BARGER: Yes.

12 MR. MEKEEL: So, where is
13 Reservoir on the map?

14 MR. BARGER: Reservoir would be
15 all the way down.

16 MR. MEKEEL: Yes, I see it.

17 MR. BARGER: My house faces
18 Reservoir, but they're saying I was
19 denied because Jake Henry, in and
20 between my house, is considered front
21 yard, which my pool is, I guess in the
22 eyes of the town, it's the side of my
23 property.

24 MR. MEKEEL: So, Jake Henry has a
25 50-foot easement to Reservoir Road,

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1 CHRIS BARGER - WORKSHOP

2 okay.

3 MR. BARTOLOTTI: What's the issue
4 with putting the garage in the wooded
5 area?

6 MR. BARGER: On the other side, I

7 mean, it would be impractical to --
8 MR. BARTOLOTTI: I'm sorry?
9 CHAIRMAN CONN: Impractical.
10 MR. BARGER: It would be
11 impractical to get my car, because I
12 would have to put a road in either
13 along the backside of my house, which I
14 couldn't because of my septic system,
15 or the front of my house, it just
16 wouldn't be practical because of the
17 wooded area. My driveway comes up and
18 runs on the side of the house. I would
19 have to put the road in front of my
20 house, all the way around to the
21 backside of my house. Oh, and it's
22 also very hilly, I mean, besides
23 tearing down the trees and stuff, it's
24 all hills and wooded area. And by the
25 wooded area, you're talking about where

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1 CHRIS BARGER - WORKSHOP
2 I wrote "woods"; correct?
3 MR. BARTOLOTTI: Excuse me?

4 MR. BARGER: You're talking where
5 I wrote "woods" in the survey; correct?

6 MR. BARTOLOTTI: Yes.

7 MR. BARGER: Okay.

8 CHAIRMAN CONN: Do you have the
9 garage in place now?

10 MR. BARGER: Excuse me?

11 CHAIRMAN CONN: Is the garage in
12 place now?

13 MR. BARGER: No, it's not on my
14 property.

15 CHAIRMAN CONN: It's not on the
16 property?

17 MR. BARGER: No.

18 MR. MEKEEL: So, the garage is
19 going to be 33 feet from Jake Henry
20 Drive?

21 MR. BARGER: Yes.

22 MR. MEKEEL: So, 12 feet from the
23 house. So, this is a drawing, this
24 your pool over here (indicating)?

25 MR. BARGER: Yes.

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1 CHRIS BARGER - WORKSHOP

2 MR. MEKEEL: And your driveway is
3 coming in 33 feet to this side of the
4 house. If I am looking at that -- this
5 the right way; is that correct?

6 MR. BARGER: Yes.

7 MR. MEKEEL: Okay. So, to this
8 side of the house, it's not practical
9 because of the --

10 MR. BARGER: Oh, yeah, I mean,
11 it's all hill, it's sloped. In the
12 front of my house, there is a lot of
13 wetland. So even to put a road into
14 there, I wouldn't even attempt to do
15 it.

16 MR. MEKEEL: Okay.

17 MR. BARGER: I actually was
18 thinking about putting a basketball
19 court down there for my son, and the
20 guy told me don't do it because it's
21 all wetlands in the front.

22 MR. MEKEEL: Okay.

23 CHAIRMAN CONN: I know you measure
24 the road in here on this map.

25 MR. MILLEN: Yes.

1 CHRIS BARGER - WORKSHOP

2 CHAIRMAN CONN: According to the
3 survey map from Surensky and Barger and
4 you have 51.8 feet from the property
5 line to the corner of the house.

6 MR. BARGER: Yes.

7 CHAIRMAN CONN: But you have 33
8 feet from the property line to the
9 garage, and then the garage is going to
10 be 26 feet, which makes 59 feet. How
11 do we go from 51.8 to the property line
12 to the house --

13 MR. BARGER: I was assuming that,
14 because I just walked it off the house.
15 I went 12, and then I did the
16 measurements to the garage and ran my
17 wheel to the edge of the road. And the
18 only thing that made sense, on the
19 survey, it looks like the property
20 tilts back, and the survey says it's
21 from the front of my house, this one is
22 built in a little bit.

23 CHAIRMAN CONN: We will keep the
24 workshop meeting open for next month.

25 MR. BARGER: Okay.

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1 CHRIS BARGER - WORKSHOP

2 CHAIRMAN CONN: And give us a
3 chance to do a site visit and actually
4 visualize what you already know is the
5 case.

6 MR. BARGER: Sure.

7 CHAIRMAN CONN: And see where can
8 go from there.

9 MR. BARGER: Okay. When do you
10 guys want to do the site visit?

11 MR. MEKEEL: Are there any dogs or
12 any --

13 MR. BARGER: I have a puppy lab.

14 MR. MEKEEL: Okay. We might do
15 individual site visits.

16 CHAIRMAN CONN: You don't have to
17 be present.

18 MR. BARGER: Okay.

19 MR. BARTOLOTTI: We want to look

20 at the terrain.

21 MR. MEKEEL: What we do need
22 though is an actual measurment from the
23 house itself to the edge of the
24 easement.

25 MR. BARGER: Okay.

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1 CHRIS BARGER - WORKSHOP

2 MR. MEKEEL: So, if we could get
3 an actual measurement, and then we will
4 need to know exactly how far away you
5 want to put the garage from the house,
6 actually, and added with the garage.

7 MR. BARGER: So, you want a
8 measurement from the house to the
9 easement?

10 MR. MEKEEL: Basically, give us
11 one from the house to the easement.
12 And then give us one from the house to
13 the edge of the proposed garage. And
14 then the width of the garage also.

15 MR. BARGER: Okay.

16 MR. MEKEEL: We need the actual

17 numbers. So, if we agree on the
18 variance, we need to know exactly all
19 the property numbers so we can put them
20 in there.

21 MR. BARGER: Sure. And I just
22 bring that into the zoning?

23 MR. MEKEEL: You can update -- who
24 are you using, Carmen Messina?

25 MR. BARGER: That is who I had

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1 CHRIS BARGER - WORKSHOP
2 originally do the survey. So, you guys
3 want a new survey?

4 MR. MEKEEL: No, I don't want a
5 new survey, just actual numbers because
6 we have to work off of something.

7 MR. BARGER: Okay. So, is that
8 something that I can do, or is that
9 something that you're asking me --

10 MR. BARTOLOTTI: I think that is a
11 good question for Tommy.

12 MR. MEKEEL: Yeah, I think that is
13 a good question for Tommy.

14 MR. BARTOLOTTI: For the building
15 inspector.

16 MR. MEKEEL: I don't know if
17 you're going to need to get Carmen up
18 there to do the measurements and then
19 he can actually add them to your
20 survey.

21 MR. BARGER: Okay, sounds good.
22 Thank you, guys.

23 MR. BARTOLOTTI: You might have
24 to -- are you getting a set of plans?

25 MR. BARGER: I have a set of

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1 CHRIS BARGER - WORKSHOP
2 plans, yes.

3 MR. BARTOLOTTI: Okay. Did you
4 talk to the building inspector about
5 this?

6 MR. BARGER: Yeah, he came out to
7 the site visit and told me he was going
8 to write -- give me a letter saying
9 that that is the only place to put it
10 on my property.

11 CHAIRMAN CONN: So, before the
12 next meeting, if we can have the exact
13 dimensions of the garage.

14 MR. BARGER: Okay.

15 CHAIRMAN CONN: And where you
16 ultimately want to place it with the
17 distance from the front, the side of
18 the house.

19 MR. BARGER: Okay. And I should
20 contact the building inspector to see
21 what's the best way of going about
22 getting the measurements?

23 MR. MEKEEL: Off the record.

24 (Whereupon, an off-the-record
25 discussion was held.)

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1 CHRIS BARGER - WORKSHOP

2 CHAIRMAN CONN: Not leaning one
3 way or the other, but to me the most
4 important distance and the most that we
5 can get even to meet code is distance
6 from the house.

7 MR. BARGER: Okay. Closer to the

8 road, further from the house.

9 CHAIRMAN CONN: Me, personally,
10 yeah, especially when it's a structure
11 that can literally go anywhere, I would
12 like it to meet code, if possible, in
13 distance from the house.

14 MR. BARGER: Okay.

15 MR. MEKEEL: Carmen should know
16 all of that.

17 MR. BARGER: I have some play
18 where I could slide it one way or the
19 other. I have plenty of room.

20 CHAIRMAN CONN: Either way, you're
21 going to need what you're now saying is
22 a front yard variance.

23 MR. BARGER: Yes.

24 CHAIRMAN CONN: So, if we could
25 show that we got it as far away from

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1 CHRIS BARGER - WORKSHOP
2 the house or met code, in that
3 instance.

4 MR. BARGER: I understand. And I

5 need to have this done before the next
6 hearing, which would be?

7 MR. MEKEEL: If you want to get it
8 into the next meeting, you would have
9 to have that done, Jen, do you know?

10 MS. FLYNN: The last Thursday of
11 the month.

12 MR. MEKEEL: So, you have to have
13 everything in by the last Thursday of
14 the month.

15 MR. BARGER: If that wasn't
16 possible, then it would be the
17 following month?

18 MR. MEKEEL: Yes.

19 MR. BARGER: Okay. Thank you guys
20 for your time. Is that all?

21 CHAIRMAN CONN: That's all we
22 have.

23 MR. BARGER: Thank you, guys.
24 Thank you very much.

25 CHAIRMAN CONN: Anything else?

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2 MR. BARTOLOTTI: No.

3 MR. MEKEEL: No.

4 MR. MEKEEL: I'll make a motion

5 that we close the meeting.

6 CHAIRMAN CONN: Second?

7 MR. BARTOLOTTI: Second.

8 CHAIRMAN CONN: All in favor?

9 MR. BARTOLOTTI: Aye.

10 MR. MEKEEL: Aye.

11 CHAIRMAN CONN: Aye.

12 (Whereupon, at 6:35 P.M., the

13 Hearing was concluded.)

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CHRIS BARGER - WORKSHOP

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

I, LISA M. ROSSO, a Notary Public for
and within the State of New York, do hereby
certify:

That I was authorized to and did
stenographically report the foregoing
proceedings, and that the transcript is a
true record.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of April 2024.

LISA M. ROSSO

24

25

LISA MARIE ROSSO - (845) 674-3937

