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2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

4 In the Matter of

5 MICHAEL DIVIESTI - WORKSHOP SUBDIVISION

6 6-8 Diviesti Road  
7 Marlboro, New York 12542  
8 SBL #108.4-7-14

9 -----X

10 DATE: April 11, 2024

11 TIME: 6:00 P.M.

12 PLACE: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

14 BOARD MEMBERS:

15 LENNY CONN, CHAIRMAN  
16 JEFF MEKEEL  
17 GEORGE SALINOVICH, absent  
18 ANDREW NIKOLA, absent  
19 LARRY BARTOLOTTI20 -----  
21 ALSO PRESENT:22 JEN FLYNN, Zoning Board  
23 Secretary  
24 JONATHAN MILLEN, Surveyor  
25 MICHAEL DIVIESTI, Applicant

26 -----X

27 LISA MARIE ROSSO  
28 140 Mahoney Road

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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.

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.)

10

11                   ◦       ◦       ◦       ◦

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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                   COUNTY OF ULSTER                   ) : SS.:  
  )

6

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

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

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

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

20

21

22                   LISA M. ROSSO

23

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2                   STATE OF NEW YORK : COUNTY OF ULSTER

3                   TOWN OF MARLBOROUGH ZONING BOARD

-----X

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5                   In the Matter of

6

7                   CHRIS BARGER - Workshop 2-Car Garage

8

9                   3 Jake Henry Drive  
10                   Marlboro, New York 12542  
11                   SBL #108.2-9-16.112

12

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14                   DATE: April 11, 2024

15

16                   TIME: 6:20 P.M.

17

18                   PLACE: Town of Marlborough  
19                   Town Hall  
20                   21 Milton Turnpike  
21                   Milton, New York 12547

22                   BOARD MEMBERS:

23                   LENNY CONN, CHAIRMAN  
24                   JEFF MEKEEL  
25                   GEORGE SALINOVICH, absent  
26                   ANDREW NIKOLA, absent  
27                   LARRY BARTOLOTTI

28                   ALSO PRESENT:

19                           CHRIS BARGER  
20                           JEN FLYNN, Zoning Board  
21                           Secretary  
22  
23                           -----X  
24                           LISA MARIE ROSSO  
25                           140 Mahoney Road  
                             Milton, New York 12547  
                             (845) 674-3937

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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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▲ 3

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 measurement 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?

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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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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14

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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1                   CHRIS BARGER - WORKSHOP

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

3

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

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

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

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

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

20

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22                  \_\_\_\_\_  
23                  LISA M. ROSSO

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