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

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In the Matter of

MILTON TURNPIKE SOLAR FARM

Project No. 18-2010  
132 Milton Turnpike, Milton  
Section 103.1; Block 1; Lot 33.1

----- X

OPEN PUBLIC HEARING - SITE PLAN

Date: January 22, 2019  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: MICHAEL CUCCHIARA  
NICHOLAS VAMVAS

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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MILTON TURNPIKE SOLAR FARM

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

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, January 22, 2019. Regular meeting 7:30 p.m. Approval of stenographic minutes for 12/17. Milton Turnpike Solar Farm, public hearing continuation, site plan; Smith Subdivision, preliminary, subdivision; Dina, sketch, lot line. Discussion without lawyer, engineer and stenographer: Mike Garone, 17 Bailey's Gap Road; Dockside 9W, Dock Road. Next deadline: Friday, January 25th. Next scheduled meeting, Monday, February 4th.

CHAIRMAN BRAND: First up, Milton Turnpike Solar Farm. We adjourned the public hearing from last time. I'll reopen it.

I'll take a motion to reopen the public hearing.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second

CHAIRMAN BRAND: Okay. Since we were

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last here we did have some questions.

Pat, do you want to run through your questions?

MR. HINES: A couple of procedural comments. The status of the approval from Ulster County DPW, you needed a driveway access permit from them.

MR. CUCCHIARA: We are still waiting to hear back. Approximately on January 11th or 12th I sent them the full package with all the signatures, updated insurance documents. They're in possession of our application fees. So we're just waiting to hear back from them.

MR. HINES: We requested the jurisdictional fire department take a look at the site. I don't know if we've heard back from them yet.

CHAIRMAN BRAND: Jen, we haven't received anything from the fire department regarding this project?

MS. FLYNN: No.

MR. HINES: The status of the PILOT agreement --

MR. VAMVAS: I'm sorry. Just to

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clarify, did the Board reach out directly to the fire department, because --

CHAIRMAN BRAND: We do not.

MR. VAMVAS: Okay. I just wanted to make sure. When I saw the comments I went ahead and reached out.

MR. HINES: Okay.

MR. VAMVAS: Just to be extra sure, this is the Milton Engine Number 1?

MR. HINES: Yes.

MR. VAMVAS: Perfect. Thank you.

MR. HINES: The status of the PILOT agreement, which would be with the Town Board.

MR. CUCCHIARA: Right. We have not began our meetings yet. The Town Board has been notified. We just need to find the time to sit down and negotiate.

MR. HINES: And then I know the photo simulations that were provided are probably the topic of tonight's discussion, the biggest topic. The original simulations you were showing the site is visible from Locust Grove. I think you propose to leave some trees? Was there a second simulation?

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MR. CUCCHIARA: No. Okay. Now I get where there might have been confusion. There were two images in the PDF that we sent, one was a sort of before and after. Is that maybe where the confusion was?

MR. HINES: We did get another submission. I thought it was showing you were going to be able to leave some of the trees on there, on your eastern property line.

MR. CUCCHIARA: I don't believe --

MR. HINES: We got two sets; right?

CHAIRMAN BRAND: The second set I requested them to show some type of --

MR. LOFARO: It came with the red line.

MR. CUCCHIARA: I'm sorry, we didn't print it out tonight. I thought we were going to be in the other room and we'd have the big screen TVs. We have that in our possession. We can clearly point it out here to the Members.

Do we want to get into this?

MR. HINES: Yes.

CHAIRMAN BRAND: Absolutely.

MR. HINES: That's the major SEQRA issue that we have outstanding are the visual

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impacts.

MR. CUCCHIARA: Sure. We had Saratoga Associates model this for us using the high resolution image shot in late December. So our before picture showed to the ridge line. Part of the array that will be visible is the western side. The actual layout of the project has sort of -- it is bisected in the middle. We're looking at about the western portion of the array that's up on the hill there which will be somewhat visible.

In speaking with them, also I think the darkness of some of those lines might have to do with shadows. They modeled this on the date that this picture was taken. If you look closely you can kind of see sort of thin rows and then there's sort of a darker shadow. They think that that will be less of an impact at other points of the year when the sun is not as low and the shadows are not as wide.

However, that being said, it can be visible. I think clearly what dominates that landscape is the Sports Dome. To me it looks like a row of some crops on the hillside there.

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That's what was requested so we're happy to discuss it.

For those looking over here, the image would be right there. I'm happy to move out of the way.

CHAIRMAN BRAND: I do have an extra if you're interested in seeing it.

Did we receive Ulster County Planning comments?

MR. HINES: We did have Ulster County Planning comments back from our initial lead agency circulation in July. Those have been received.

CHAIRMAN BRAND: Okay. Anything from the Board?

MS. LANZETTA: I'd like to hear from the public first.

CHAIRMAN BRAND: This is a public hearing. If you're here to speak either for or against this project, just stand, state your name for the stenographer and you can be heard at this time.

Yes, sir.

MR. ANZEVINO: My name is Jeff

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Anzevino, director of land use advocacy for Scenic Hudson. We're not really here to speak for or against but we want to provide our perspective about solar facilities in general, which we think are a good idea, and some ways that I think this can be sort of reconfigured to avoid that impact, that visual impact on Locust Grove.

First, like many others, we're deeply concerned that our reliance on fossil fuels responsible for a changing climate, warming planet, rising sea levels and more frequent outbreaks of severe weather. We believe that by shifting our energy portfolio from carbon based to renewables we can turn the tide of climate change. Solar energy development must be promoted and rapidly implemented in New York State if it is to meet our aggressive goal of increasing our renewable energy supply to 50 percent or as much as 75 percent by 2030.

We've developed this book that I'd like to pass out and give a copy to everyone. We probably have enough to go around the table here. Clean Energy Green Communities. We created this



1  
2 to help planning boards and developers find ways  
3 to site solar facilities that can achieve the  
4 energy goals without compromising the Hudson  
5 Valley's historic landscapes and agricultural  
6 resources. The guide takes a smart-from-the-  
7 start approach designed to reduce conflict and  
8 potential impact in order to streamline the  
9 review and approval process. We approach every  
10 solar siting review from the premise that  
11 approval would benefit our fight against climate  
12 change, and we view each proposal through the  
13 lens provided by green energy clean communities.

14 So just a little bit about this site  
15 from our perspective. As the Board knows, the  
16 applicant knows, it's 2.6 megawatts on 17 acres  
17 of an 88 acre parcel. It would provide the  
18 annual benefit of 3.3 million kilowatt hours of  
19 clean renewable energy annually, and that's  
20 enough to power 350 homes. That's a very good  
21 thing.

22 According to the E.A.F., the project  
23 would result in ground disturbance of 12.9 acres  
24 and tree clearing of 13.83 acres.

25 In addition, of the ground disturbance,

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20 percent would be on relatively level ground with less than 10 percent slopes, 60 percent on moderately sloped land of 10 to 15 percent, and 20 percent on steeper slopes of greater than 15 percent.

From the standpoint of siting a solar facility, the site proposes several challenges. It's aspect is to the east rather than the south, which would be ideal to the south. The panels would be constructed on a steep slope requiring clear cutting of a lot of trees. In addition, the site is within the viewshed of Locust Grove, which you know that's a national historic landmark, an important historic site.

In addition, the clearing of nearly 14 acres of trees in combination with the steep slopes create the potential for significant increase in stormwater runoff, erosion and sedimentation.

Finally, while the 2.6 megawatt project helps reduce our reliance on carbon based fossil fuels, this benefit will be diminished to some extent by the loss of some 14 acres of carbon sequestering woodlands.

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We reviewed the site plan and the simulations that we see here tonight. Our analysis has shown that the panels visible from Locust Grove could be located to a portion of the site a little bit to the south. There's about -- in fact, I want to pass this out. We did a visual analysis of the site which shows the portions of the site that are visible from Locust Grove. If there's a way to shift, it looks like about 10 to 15 percent of the panels -- I hope there's enough for everyone, and for the applicants as well. 10 or 15 percent of the panels are visible from Locust Grove. If they could be moved to the south, I believe that that impact, visual impact from Locust Grove would be avoided all together and may even be able to develop some panels on part of the site that's not quite as steep. It looks like the trees on that part of the site are not as high quality either. So there might be some actual benefit to the developer to take this approach as well. If this is not possible, it could be possible just to scale the project back slightly, not to include the panels that are visible from Locust

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Grove.

CHAIRMAN BRAND: Can I interrupt for one second?

MR. ANZEVINO: Sure.

CHAIRMAN BRAND: On this simulation that you have, this red area, the panels are what you're saying are visible?

MR. CUCCHIARA: Those are the ones that we're seeing in the simulation.

CHAIRMAN BRAND: Okay. And you're proposing to move them to the south?

MR. ANZEVINO: I'm suggesting perhaps the Planning Board and the applicant can look at putting them down in this area.

MS. LANZETTA: In this area?

MR. ANZEVINO: Yes. And that way -- if you would like me to show you, too. That sort of area.

It would avoid that impact all together. If the Planning Board and the applicant decide to leave them where they are, we would recommend that a glare and glint analysis be done so that we can ensure that under different lighting conditions and different sun

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angles, that the simulations that we're seeing are in fact going to be an accurate and worst-case scenario with respect to the visual impact from Locust Grove.

CHAIRMAN BRAND: And that was one of the concerns of a neighbor as well at the last public hearing.

MR. ANZEVINO: Due to the clear cutting required to develop the site, we also recommend that the Planning Board require an analysis comparing the loss of carbon sequestration capacity of the forest to be cleared to the carbon offsets provided by renewable energy generated over the life of the project. Such an analysis would provide the Planning Board a more complete understanding of the project's benefits with respect to addressing the impacts of climate change.

Finally, due to the extensive land clearing and construction, maintenance and decommissioning of the facility on these steep slopes, Scenic Hudson urges the Planning Board to require careful planning and implementation of the site plan. In particular, the stormwater

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2 pollution and prevention plan must take into  
3 account the loss of nearly 14 acres of trees and  
4 conversion of that portion of the site to  
5 impermeable solar panels. As it is now with the  
6 trees, when rain falls on the trees the tree  
7 canopy breaks the impact of the rain that falls.  
8 When it's developed in this manner, it's going to  
9 fall on the panels and then create more  
10 impervious surface to be dealt with.

11           So in summary, given the steep slopes,  
12 the eastern facing aspect and tree covered  
13 hillside, the site poses certain challenges for  
14 the responsible development of a solar facility.  
15 We urge the Planning Board and applicant to work  
16 together to relocate some of the panels at the  
17 northwest part of the site to the south. That  
18 would avoid the visual impact on Locust Grove.  
19 If it's not possible, a glint and glare analysis  
20 should be conducted to ensure the visual  
21 simulations provide an accurate and worst-case  
22 scenario of the view from Locust Grove.

23           Finally, we urge the Planning Board  
24 require a carbon sequestration analysis and take  
25 a careful look at the impacts related to

1  
2 stormwater runoff, erosion, sedimentation and  
3 development on steep slopes.

4 Scenic Hudson supports rapid deployment  
5 of solar facilities that are necessary in meeting  
6 New York State's aggressive renewable energy  
7 goals, and we hope that by making these  
8 adjustments to the site plan and taking these  
9 precautions, the parcel can be developed in a way  
10 that generates renewable energy without undue  
11 impacts on the environment and community.

12 We really hope that the project goes  
13 forward. We think this is important. We really  
14 prioritize the development of these types of  
15 sites.

16 Just in closing, one might wonder why  
17 should a town on one side of the river care about  
18 the view from the other side. I would just offer  
19 that we live in a region where we all rely on the  
20 tourist economy here and the quality of life for  
21 our residents. The people that come to places  
22 like Walkway Over the Hudson or Locust Grove, the  
23 FDR site probably also come to do things like  
24 visit apple orchards in places like Marlborough.  
25 If we can all maintain the important views,

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especially from a national historic landmark which is the highest quality -- highest category of historic places, I think it's better for us in general.

I'll pass out copies of my statement so that you all have that. If anyone has any questions, I'm happy to entertain that or work with the Planning Board and the developer as this moves forward.

CHAIRMAN BRAND: Thank you.

MR. ANZEVINO: Thank you.

CHAIRMAN BRAND: Just in response to his proposal, is there a reason for the placement where you have it now?

MR. CUCCHIARA: Sure. That was definitely a discussion between us and the landowner. I think any relocation, we would have to work together on that. I certainly think the impact to visibility or visual aesthetics from this project, moving that closer to Milton Turnpike, closer to residents that are along, and particularly the couple that joined us at the last meeting, their last names are escaping me, it would put us closer to them, also closer to



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our landowner's home.

MR. ALDRICH: Jeff Aldrich, landowner.

That would be closer to Borgerson's.

MR. CUCCHIARA: Thank you. Thanks for giving the name.

I mean I think those reasons were the reasons why we moved it to the back area. We actually went through several iterations. Other parts of the parcel have wetlands on them, others for other uses perhaps in the future that the landowner wants to do or look at. So to us, this was the best way to put it out of sight.

We do recognize that this view -- this project can be seen from a distance, however I mean I would still argue that I do not think it ruins the scenery or the quality of view from that location. That is up to the Planning Board's discretion.

That being said, I think -- this is the first -- I have not received that letter or had the chance to look through it. I know we have completed our SWPPP, so we have taken into account stormwater runoff. We have features that I'm sure Nick can discuss. We have taken that

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into consideration.

The panels, although impervious themselves, are going to drip down onto -- you know, the ground underneath is going to be essentially a meadow. We believe that that will also mitigate any major stormwater impacts.

I have seen in other areas -- EPA used to have a calculator which kind of outweighed solar production versus loss of trees and carbon sequestration from them. Typically we've seen almost three times the amount of carbon benefit I should say from producing clean energy as opposed to carbon sequestration from those trees. I can go out and see if we can find that calculator if that would be sufficient to answer those issues.

Those are my quick comments. I'm happy to answer anything.

I don't know, Nick, if you want to talk about anything else.

MR. VAMVAS: Did you also want to discuss generally glint and glare, how the Locust Grove site is north as compared to the proposed solar site? Glint and glare is really only an issue kind of east and west and maybe a little

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bit to the south of the solar site because you really only have the potential for glare when the site -- when the sun is low on the horizon, early morning or towards the evening. Since Locust Grove is north by, I don't know, a couple of, maybe not degrees but a couple of minutes as far as the latitude, it would be -- I mean I could say pretty certainly that there won't be any glare seen at Locust Grove. Since the site is located away from Milton Turnpike, glare to the residents is on the south side. We wouldn't be concerned with all the natural vegetation that's going to be left in place.

CHAIRMAN BRAND: Assuming the panels are oriented on a tilt towards the south?

MR. VAMVAS: They're fixed.

MR. CUCCHIARA: A fixed tilt. So they are stuck in the position of the tilt.

MR. CAUCHI: In other words, you're saying there won't be any glare is the position, blah, blah, blah. If there is any glare, what kind of provision do you have for that?

MR. VAMVAS: Well the panels -- I guess I shouldn't speak for the panels. That's your

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job. They should have an anti-reflective coating. Right?

MR. CUCCHIARA: Sure. I think any type of glare that would be noticed, like Nick was saying, really happens on extremely low angles of the sun, so early morning or late evening, particularly during the winter months, late winter when the sun is at it's lowest angle. Typically if we've seen extensive glare, an open farm field where there's not much vegetation, we would treat that with additional screening. We felt given the location, set back in the northwest, leaving existing screening really on all sides, that we wouldn't have any of those issues.

MR. CAUCHI: Okay. So you have a solution?

MR. CUCCHIARA: We think there's a natural solution.

MR. VAMVAS: We shouldn't take credit for the trees that are going to stay.

MR. CUCCHIARA: Right.

MR. VAMVAS: And yes -- just to jump back on the erosion and stormwater concerns.

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Yes, tree cover -- heavy tree cover is really great at mitigating stormwater runoff but changing from a heavy tree cover to what we're going to have under the panels, like Mike said, this meadow, a nice good stand of grass is going to remain throughout the project. In fact, that's something that we insist the developers maintain throughout the project. When looking at the modeling that we've prepared as part of the SWPPP, you'll see that the runoff rate isn't any higher in the post-construction condition. In addition to the good stand of grass that's going to remain, we also have swales to kind of mitigate the flow path, to kind of elongate the flow path, allow more time for the runoff to enter the ground. It used to be you'd just send everything downstream as much as possible. Now the State requires developers to really consider getting things to slow down, getting all the runoff to slow down so it has more time to infiltrate into the ground, even in slowly perking soils like we have on site.

CHAIRMAN BRAND: That came up last time as well as the maintenance of the meadow that

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you're referring to. That responsibility falls under the landowner, the corporation?

MR. VAMVAS: That would be us.

CHAIRMAN BRAND: If there were some type of washout --

MR. CUCCHIARA: We're happy to work with the Town on any maintenance or concerns that you might have. It's something we would be responsible for.

MR. HINES: We have reviewed the stormwater pollution prevention plan and concur with the analysis that was just given. The change of vegetative cover from woodlands to grass actually results in a net decrease in runoff because the grass has a lower runoff coefficient than the forested property. We have reviewed that plan and find it acceptable for the Town to issue a municipal authorization as a regulated MS-4.

In addition, during construction the applicants will have to have twice weekly inspections of the site during construction. My office through the Town also follows up and inspects those periodically, usually once every

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two weeks or so. We'll receive those twice weekly reports, we'll review them and pass them on to the code enforcement department. So there's a system in place to review that during construction.

CHAIRMAN BRAND: Any other questions or comments regarding that before I go to the public again?

MS. LANZETTA: I had asked for this very early on, and I'm sorry that it took us so long to get to this place where we're seeing the visual impact now. We've gotten pretty far into the process. But at the same time, in the past this Board has asked for alternate designs -- when we've seen that there's been a possibility of some negative environmental influences, that we ask for an alternate design that might be able to show us what would happen if we tried something different and if we could mitigate the situation. So I think this would be an opportunity to take a look at the suggestions from Scenic Hudson, perhaps run it by people in your offices that are familiar with visual impacts and see what kinds of things could be

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done to give us an alternate design that wouldn't have the negative impact on this national site that we're seeing right now.

MR. HINES: Just a suggestion. As we're looking at this and seeing that visual impact, if the road came up along the easterly side and these were able to be moved in a continuous row rather than having the road split them in the middle, you may be able to fit a significant number of panels where the road is now.

MR. CUCCHIARA: I mean I think that's outside the wetland, and that's the reason why we did split this and we're losing that area in the middle, for avoidance of that isolated wetland. I think we could take a look at it but I'm not sure -- I guess we could go back and look at how much of that array actually is there, is in that area that would be visible. There's not much we can do on screening. We can't get trees up higher and block that.

MR. HINES: That defeats the purpose.

MR. CUCCHIARA: Yeah. That's not possible. So I would have to take a look at it.



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I think we have wetlands on the east side, too.  
Right?

MR. VAMVAS: We haven't evaluated much beyond the proposed. There are a couple of things down this way. I don't know about this area specifically. There's definitely some streams and stuff through here we didn't map because they were out of our project area.

MR. CUCCHIARA: I don't think we want to be there anyway.

MR. HINES: You'd have to utilize your lay down area as a portion of that and get it more centered. I think there is some more room to jog them around a little bit based on the visual assessment that was provided.

MS. LANZETTA: For the Planning Board to do it's due diligence in the SEQRA process, we really need to see if there is an opportunity to mitigate this. If not, then you need to come back and explain to us all the specifics, why you feel like you can not do that. Hopefully we can find some kind of a compromise.

MR. CUCCHIARA: We could definitely do that. I definitely appreciate seeing the

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Planning Board trying to think hard and thoughtful on this. We can take a look and see what is possible both from our landowner's perspective and also economically too. I think reducing the number of panels likely puts this project at risk. Should we be able to compress rows or shift them, certainly we'll look at that and report back to the Board.

CHAIRMAN BRAND: Anything else from the public on this matter?

(No response.)

CHAIRMAN BRAND: So then Jeff, I guess the question becomes do we adjourn the public hearing again?

MR. BATTISTONI: You should.

CHAIRMAN BRAND: Until a date certain?

MR. BATTISTONI: Yes.

CHAIRMAN BRAND: How much time do you think you would require to complete those alternative evaluations?

MR. CUCCHIARA: I don't think we'd make the next Planning Board likely. Usually when we come here we're --

MR. HINES: We do have two meetings a

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month.

MR. CUCCHIARA: Right. We would likely shoot for --

MS. FLYNN: The 19th?

MR. HINES: The 18th is a holiday so it would be on a Tuesday.

MR. CUCCHIARA: Once again on Tuesday. We can shoot for that and do our best. I would say -- yeah, we will do our best. We're really approaching for us also with consideration for bat habitat as well, considering it being a sort of clearing deadline for us as well, as we've discussed in the past.

MR. HINES: Your E.A.F. did not identify this as a bat habitat area. Consider that as you move along.

MR. CUCCHIARA: I guess so. Sorry.

MR. HINES: There's not a lot of those. Your E.A.F. did not indicate that.

MR. CUCCHIARA: Great. So that means we have a little more time. I know it becomes a crunch with the tree clearing that needs to be done. We'll take a look and we'll get back to you.

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CHAIRMAN BRAND: Did you want to go for February 19th or did you want to go to the first one in March?

MR. CUCCHIARA: I mean I prefer February 19th. Nick?

MR. VAMVAS: We can do that.

MR. CUCCHIARA: If we're able to work together --

MS. FLYNN: If things change you can just give me a call.

MR. CUCCHIARA: I'll definitely let you know by the end of this week.

MR. HINES: We have to keep it on the agenda for the 19th because of the certain date.

CHAIRMAN BRAND: Any other questions or comments from the public or from the Board?

(No response.)

CHAIRMAN BRAND: No. All right. Can I have a motion to adjourn the public hearing until February 19th?

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: Any discussion?

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(No response.)

CHAIRMAN BRAND: All those in favor?

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried. We'll see  
you on February 19th.

MR. CUCCHIARA: Thank you.

CHAIRMAN BRAND: Thank you for your  
cooperation.

(Time noted: 8:05 p.m.)

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

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

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

I further certify that I am not  
related to any of the parties to this proceeding 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 8th day of February 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

SMITH SUBDIVISION

Project No. 17-1017  
First Street, Marlboro  
Section 103.1; Block 4; Lot 47.130

----- X

PRELIMINARY - SUBDIVISION

Date: January 22, 2019  
Time: 8:05 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN BRAND: Next up, the Smith Subdivision, preliminary.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties, here with Doug Smith, the owner and applicant.

The Smith Subdivision, as some of you know, this has got a long history. It was originally approved as a six-lot subdivision back in 2013. Doug took ownership of the property. We were here in the summer of 2017 for a couple months with concept plans. We met with the fire department, we met with the highway department, kind of finalized this layout and went off to the Department of Health regarding approval for the wells and septics. We had recently received that in December and are submitting back here. Hopefully we'll address your comments and get a public hearing set so we can move the project forward.

We do have Pat's comments. We can go through them and address them when we can.

CHAIRMAN BRAND: Excellent.

Pat, did you want to run through them?



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MR. HINES: There's a proposed T  
turnaround which does meet the fire code. It's  
just that -- I guess there's a dedication parcel  
around it. It seems extremely large relative to  
the required turnaround.

MR. SMITH: We were giving like enough  
room for whatever and then adding enough land to  
give them a 50 foot right-of-way down there. We  
were giving more land to the Town so they have a  
50 foot right-of-way through there. We're giving  
them the sliver of land.

MR. HINE: The sliver along the road.  
The actual T itself looks tremendously large.

MR. WINGLOVITZ: I think that had to do  
with the frontage on those lots. We could narrow  
it up.

MR. HINES: My concern is where does  
the Town snowplowing -- it looks like a lot of  
the driveways are in that Town right-of-way. I  
would rather see it more restricted to the T  
turnaround area.

MR. WINGLOVITZ: Okay.

MR. HINES: 50 foot wide is fine but I  
think it's much wider than that.

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MR. WINGLOVITZ: That's fine. Not a problem.

MR. HINES: The survey plan, we still need that. I know your office had to redo that.

MR. WINGLOVITZ: I said it would come before the meeting. If I didn't push my surveyor to get it done today -- I told him I needed it tonight -- it would be another month.

MR. HINES: One of the lots, lot 5, is substantially in the water district. A small portion of one of the other lots is. Lot 5 has the house and the majority of the lot is in the water district. There's a proposal to put a well in there. We're just looking -- I know it's been discussed but we're looking for the water superintendent to sign off on that.

MR. WINGLOVITZ: We did talk to Charlie. I e-mailed to everybody indicating he said as long as the lot is over 1 acre there's no requirement that it be in the water district. I asked him to deny it if it needs to be connected to the water district. He also did talk to the Health Department as part of the approval. I guess they called him regarding if that was okay

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for the district.

MR. HINES: I like to make the Town's file complete and have something from the water superintendent.

MR. WINGLOVITZ: I asked him to contact the Planning Board. I don't know what else I can do. Maybe I'll send him a letter.

MR. HINES: I can see a future owner saying why am I getting a tax bill in the water district.

MR. SMITH: Also I did not like the distance of the water line. It would be very long. It's much simpler for the homeowner.

MR. HINES: I'm trying to prevent that future buyer beware.

MR. WINGLOVITZ: I was thinking of a map note.

MR. HINES: That would be appropriate.

CHAIRMAN BRAND: Despite them not utilizing the water, they're still responsible for paying the taxes?

MR. WINGLOVITZ: They're still responsible. Absolutely.

MR. HINES: Just a clean-up item on the

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level of disturbance as labeled on one sheet and shown on the other.

MR. WINGLOVITZ: I'll move that over.

MR. HINES: The pull off area, I know Gael had asked for a little extra detail there. That just needs road widening in that area?

MR. WINGLOVITZ: That's what he wanted. He was concerned if the trucks got up there to turn around, snowplow, and they're coming back down and somebody is coming up the road, they want to give somebody room to get out of the way.

MR. HINES: I just need Gael's final -- I don't think Gael has seen this final --

MR. WINGLOVITZ: I don't think he has.

MR. HINES: He concurred with the turnaround.

The proposed areas of dedication, I'll take a look at that on the survey map. Those are going to change a little bit.

Also the public improvements are going to have to be bonded. I know you said before the CO. Lots can be sold --

MR. WINGLOVITZ: We figured we'd try before the CO. We just want to be clear we want

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the ability to bond or complete prior to filing.

MR. HINES: That's fine.

Drainage on the site. We talked about this under several different renditions. The site generally drains off to the northeast there and there's good soil there. I'm looking to see where the houses are. I think we're going to hear at the public hearing some concerns and I want to be able to address the potential concerns. There's a couple of new point discharges that although it does drain that way right now, you're putting in pipes and directing it that way. Prior to the public hearing we're going to want to see those houses to the north.

MR. WINGLOVITZ: We'll show those houses. What we've tried to do, and will try to do more of, is divert the water to the drainage area to the back. There is one house directly below lot 5, and then the next house over is actually behind the knoll, and then there's a large low area that is underneath the power lines.

MR. HINES: I just recall in a previous public hearing eight years ago or so there were

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some drainage concerns. We want to see that.

We did receive Ulster County's preliminary approval for the septic systems. They won't issue the final until this Board does.

We were looking for limits of disturbance to be calculated. I know you showed them. Just show us on each lot.

MR. WINGLOVITZ: The area per lot?

MR. HINES: Yeah, just showing that.

It will need a SWPPP for residential 1 to 5 acres disturbance. We need a written SWPPP. It's just an erosion and sediment control plan of how it's going to function.

The lot geometry requires a waiver from the Board because of the frontage versus the size of the lots. During previous renditions of this we suggested a no further subdivision note for any of the lots, which will have to be worked out with Jeff's office, the wording of that.

The Board does have to issue that waiver for the length and width. Because they don't have the frontage versus the width because of the existing lot geometry and the fact the road stops short of the majority of the balance

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parcel to the south. So that's a consideration for the Board.

We're suggesting that another chart be added to the plan showing length to width and what waivers specifically the Board will be granting for the lots.

MR. WINGLOVITZ: We don't have a problem with the no further subdivision note.

As I noted, there was a lot 6 which actually was the lot that was behind lots 1, 2 and 3 and it negated the need for that. We have no problem with the no further subdivision. We'll provide a chart.

CHAIRMAN BRAND: Any questions or comments from the Board?

MS. LANZETTA: Do you happen to know the code you're referring to?

MR. HINES: The section I don't know. I can e-mail it to you.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: For the lot geometry?

MS. LANZETTA: Mm'hm'.

MR. HINES: It's in your subdivision section.

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SMITH SUBDIVISION

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CHAIRMAN BRAND: Any other questions or comments from the Board?

(No response.)

CHAIRMAN BRAND: Jeff, do you have anything?

MR. HINES: It's the subdivision section, not the zoning.

MS. LANZETTA: I have subdivision but I'm not finding it.

MR. BATTISTONI: I don't have any comments.

CHAIRMAN BRAND: Did you have any comments on the fire end?

MR. KNEETER: We received some drawings directly. I came tonight to see. We're going to have some comments, yes. We'll put them in writing. Yes, we'll put them in writing for you.

CHAIRMAN BRAND: Excellent. Thank you.

I guess if there are no other questions or comments, we'll clear this up and schedule you back again. We'll schedule you -- will you be ready do you think for -- this does not have to go to County; correct? Would you be ready for the February meeting?



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MR. WINGLOVITZ: County Planning?

Milton Turnpike?

CHAIRMAN BRAND: Would you be ready for  
the February 4th meeting?

MS. FLYNN: The deadline is Friday.

MR. WINGLOVITZ: No.

MR. HINES: The next one would be --

CHAIRMAN BRAND: February 19th.

MR. WINGLOVITZ: Yes.

MR. HINES: I think you'll be able to  
schedule a public hearing.

CHAIRMAN BRAND: A public hearing for  
the 19th?

MR. HINES: Schedule that once we get  
the other comments in.

CHAIRMAN BRAND: Correct. Anything  
else?

(No response.)

MR. WINGLOVITZ: Thank you very much.

(Time noted: 8:13 p.m.)

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

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

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

I further certify that I am not  
related to any of the parties to this proceeding 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 8th day of February 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

DINA

Project No. 19-3001  
200 Mt. Zion Marlboro  
Section 102.3; Block 2; Lots 26 & 28

----- X

SKETCH - LOT LINE

Date: January 22, 2019  
Time: 8:13 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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DINA

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CHAIRMAN BRAND: Next up, Dina.

Patti, do you want to give us a  
rundown of what's happening?

MS. BROOKS: Yes. We have two adjacent  
tax parcels currently owned by Mathew and Melanie  
Dina. Tax map lot 26 is 0.46 acres; tax map lot  
28 is 3.48 acres. They're proposing to file a  
consolidation map so this can be considered just  
one buildable lot.

We put a note on the map that the  
purpose was to consolidate tax parcel 102.3-2-26  
and tax parcel 102.3-2-28 as conveyed in one deed  
and to confirm that neither lot should be  
considered a buildable lot.

MR. HINES: There is an existing house;  
right?

MS. BROOKS: Yes.

MR. HINES: You said buildable lot.  
There's a house there.

MS. BROOKS: One buildable lot.

MR. CAUCHI: That's lot 1; right?

MS. BROOKS: It doesn't even have a lot  
number on it.

MR. HINES: Lot 28.

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MS. BROOKS: Right now there's this little tax parcel and this tax parcel and we're consolidating it just into one lot.

CHAIRMAN BRAND: Pat, you had no comments on this one?

MR. HINES: I don't. It has an existing access issue by easement. This actually cleans it up because lot 26 has no access whatsoever. By combining this it will be one lot with that former easement.

They're not proposing any building permits right now. There is a house.

I don't have any comments.

MR. BROOKS: What started this in the first place is they wanted to get a building permit to put a garage up. Upon inspection the building inspector determined that part of the garage would be on tax map lot 26. So that's what sort of initiated the application for the lot revision, consolidation.

MR. HINES: This meets your streamlined lot consolidation lot line change.

CHAIRMAN BRAND: Any questions or comments from the Board?

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(No response.)

MS. BROOKS: I think one of the other things that had been recommended, that the applicant concurs with, is that there be a new deed filed with the county clerk with one metes and bounds description consolidating both parcels. Right now there are a couple of different documents. There's an existing right-of-way maintenance agreement that was filed in deed liber 4129252. There subsequently was a utility easement granted to Jeffrey and Karen Dina in deed liber 5742, page 170. I think the recommendation is that we have one consolidated deed referencing all of those documents so that it's clear for the record should anybody in the future do a title search.

MR. BATTISTONI: That's correct. We did put that condition in the resolution.

MS. BROOKS: Okay.

CHAIRMAN BRAND: If there are no other questions or comments from the Board -- yes? No?

(No response.)

CHAIRMAN BRAND: We have a SEQRA negative declaration, notice of determination of

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non-significance for the application of Matthew  
Dina and Melanie Dina.

Jen, could you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

You also have before you the resolution  
of approval by the Town of Marlborough Planning  
Board for the application of Mathew R. Dina and  
Melanie Dina.

Jen, would you poll the Board again?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

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DINA

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MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. BROOKS: I just have one question.

I don't see a copy of any of these resolutions prior to the Board voting on them so I don't have the benefit of knowing what conditions are included in those resolutions.

MR. HINES: It's by design.

MS. BROOKS: I think so. There has been an instance in the past where I've had to come back to the Board and ask that one of the provisions of the resolution be changed because it was not acceptable to the applicant. I'm just wondering if in the future I would be able to get



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a copy of those resolutions, much as I do Pat's comments. The day of the meeting is fine but just so that I'm prepared to make sure that everybody is in agreement.

CHAIRMAN BRAND: I have no problem with that.

MR. BATTISTONI: I don't have any problem with that.

CHAIRMAN BRAND: As soon as we receive them, I'll have Jen make sure they are forwarded.

MS. LANZETTA: Do we make our agendas available online?

MS. FLYNN: Yes.

MS. LANZETTA: The day of?

MS. FLYNN: They go up Tuesday before the meeting.

MS. BROOKS: Jen circulates them to everybody.

MS. LANZETTA: That's a little too soon.

MR. HINES: My comments could be done earlier but I hate -- Patti wouldn't be an issue. Some applicants get my comments and then come running in at the last second and say I have them

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all done, I got them at 3 o'clock and we changed all the maps. That's not the way it works.

MS. BROOKS: That's not the intent. I'm fine to get them the day of. Even the hour of. Just so I get the opportunity to read through them quickly and be prepared if I do have a question.

CHAIRMAN BRAND: We'll forward them to you as soon as we receive them --

MS. BROOKS: Okay.

CHAIRMAN BRAND: -- so there's no disagreement with them.

MS. BROOKS: I appreciate it. Thank you very much.

CHAIRMAN BRAND: Of course. You're all set. Thank you.

I did make an error and not ask for the approval of stenographic minutes for 12/17. Do I have a motion for that?

MS. LANZETTA: I'll make the motion to approve those minutes.

CHAIRMAN BRAND: Do I have a second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: Any discussion?

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(No response.)

CHAIRMAN BRAND: All those in favor?

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:18 p.m.)

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

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

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

I further certify that I am not  
related to any of the parties to this proceeding 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 8th day of February 2019.

*Michelle Conero*

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MICHELLE CONERO