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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

POND VIEW

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

----- X

PUBLIC HEARING - LOT LINE

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

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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POND VIEW

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

First on the agenda is Pond View.
Oh, before we get started, I would like to
officially welcome Bob Troncillito as the
newest Member of the Marlborough Planning
Board this evening. Bob, welcome aboard

MR. TRONCILLITO: Thank you. I
appreciate it.

CHAIRMAN BRAND: First up on the agenda
is Pond View at 19 Sunrise Drive in Milton.

We did adjourn the public hearing from

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POND VIEW

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

MR. CLARKE: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed to opening the public hearing?

(No response.)

CHAIRMAN BRAND: Okay. The public hearing is open.

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

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

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

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

MS. FLYNN: Okay. Thank you.

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

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POND VIEW

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

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

(Interruption in the proceedings.)

CHAIRMAN BRAND: Pat.

MR. HINES: Where do I start after that?

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

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

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

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POND VIEW

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and is not on the plans.

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

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

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

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

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

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

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

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

MR. BATTISTONI: Thank you.

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

CHAIRMAN BRAND: Anything from the Board on this one?

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

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POND VIEW

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

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

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

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

MS. FLYNN: Okay.

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

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

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

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POND VIEW

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issue there I don't believe.

MR. GALLELA: Right.

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

MR. BATTISTONI: I'm recommending that. Your own Town code refers simply to a private agreement. It doesn't define what that agreement is or who has to be a party to it. It seems to me the safe thing to do is have each of the lot owners consent to this by signing.

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

MR. BATTISTONI: Good question.

CHAIRMAN BRAND: Okay.

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

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

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POND VIEW

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(No response.)

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

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

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

MR. GAROFALO: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any objections?

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

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

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

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POND VIEW

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CHAIRMAN BRAND: Right. I understood. Particularly in light of what happened this evening -- I'm not sure if you saw what happened. We had to bump --

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

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

Anything else?

(No response.)

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

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

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

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

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POND VIEW

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anything that you wanted to add.

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

CHAIRMAN BRAND: We did.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: You're welcome.

(Time noted: 7:46 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 transcription 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 25th day of October 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

HSC MILTON, LLC
DOLLAR GENERAL

Project No. 20-4013
Route 9W, Milton
Section 103.1; Block 2; Lot 74

----- X

SKETCH - SITE PLAN/LOT LINE

Date: October 5, 2020
Time: 7:45 p.m.

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

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

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

----- X

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HSC MILTON, LLC/DOLLAR GENERAL

14

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

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

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

MR. CAUCHI: Okay.

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

There's Cindy. Excellent.

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

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

MS. FLYNN: What about Neil Thomas?

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

MS. FLYNN: Okay. Thank you.

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

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

CHAIRMAN BRAND: We did.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: You're welcome.

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

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

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

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

Really we're here tonight to introduce the project, hopefully to get the SEQRA proceedings and review initiated, hear your initial thoughts and comments and, you know, hopefully move the project along.

With that I'm going to turn it over to Caryn, the project engineer, and hopefully we can share the screen -- or am I just on -- so we can present the map.

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

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

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

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

MS. FLYNN: What do you mean?

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

MS. FLYNN: Okay.

CHAIRMAN BRAND: It says Zoom meeting.

MS. FLYNN: Better?

CHAIRMAN BRAND: Yes.

Caryn, is that the --

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: -- exhibit you wanted?

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

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

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

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

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we believe is an allowed use with site plan review.

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

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

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

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

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

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

MS. FLYNN: I'm sorry.

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

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

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

MS. MLODZIANOWSKI: Correct.

CHAIRMAN BRAND: Okay. Anything else
from the applicant?

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

Really we're just anxious to hear any

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other comments the Board may have.

CHAIRMAN BRAND: Okay. Pat, since they received that, I don't know that you necessarily need to run through all of them. Anything in particular that you think needs to -- you want to draw our attention to?

Jen, I think you can stop sharing that as well.

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

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

MS. FLYNN: Yes.

MR. HINES: So my first comment is the application needs to include the lot line parcel and signatures. There's a lot of that lacking.

The EAF doesn't look like it was filled out on the DEC's website because the mapping page and the summary page weren't included.

I'm just hitting some of the higher points.

The bulk table needs to include the lot line change parcel as well.

We should have a complete survey map showing both parcels and how they comply with

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Zoning.

I didn't see anywhere on the map where potable water was addressed on the site.

I do see an area for septic. That septic system will need to go to County Planning.

DOT will be an integral part of the project review.

Landscaping and lighting plans will need to be provided consistent with the checklist and code.

We'll be looking for the stormwater pollution prevention plan. The stormwater pond is rather large. I don't know if the applicant -- if there's a reason for that. Maybe it's the flatness of the site that's dictating that. It's taking up that whole northern portion of the property. That should be sufficiently landscaped as well, consistent with the DEC guidelines that we don't see right now.

Just a comment on the drainage. There's a line that picks up the roof leaders that will shed water to the southern portion of the gable, but there's nothing that looks like it picks up the roof leaders on the other side

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similar to that.

One of our comments -- and I'm skipping around a little bit -- the Planning Board normally requires these sites to be curbed to control access and vehicle locations. It looks like there's not curbing proposed. I don't know if the applicant can weigh in on that. Typically these commercial sites are required to define curbing all around them, which may change your drainage design somewhat.

MS. MLODZIANOWSKI: We can look at that, yes. The curbing isn't there for drainage purposes at this point.

MR. HINES: I just noted that the architectural plans did have the peak roof. We need to address the drainage from that, curbing. The size of all future drainage piping should be -- one of the things I brought up and I don't see is the ultimate discharge location from the stormwater detention pond. It looks like it goes to a low depression along the State highway right-of-way. We're going to look for that ultimate discharge point. I don't know if there's a State highway culvert there or what.

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

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

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

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

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

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

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

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

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

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

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

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up the lot line change.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, did you have anything for this yet?

MR. BATTISTONI: Actually just a question for Pat. Do you think the application is complete enough so that the action could be classified tonight for SEQRA purposes?

MR. HINES: I think there's a flaw in the application in that we don't have the lot line change parcel and an applicant. We only have one of the two parcels involved. I think at a minimum that would need to get cleaned up before we circulate.

MR. BATTISTONI: Okay.

MS. MLODZIANOWSKI: It's our understanding that it's the same property owner, it's just listed as --

MR. HINES: It might be the same parties but -- I agree they might be the same people that own it, but one is in an LLC and one appears to be privately owned.

CHAIRMAN BRAND: Okay.

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

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Cappello on that.

MR. CAPPELLO: We'll clarify it.

CHAIRMAN BRAND: Yeah.

MR. HINES: Because right now the application only identifies one tax map parcel.

CHAIRMAN BRAND: Comments from the Board?

MR. TRONCILLITO: Yes. Bob Troncillito.

A question for you, Caryn. I sat down with the Milton fire chief and reviewed the basic plans. I mean it's a beautiful building. We're glad to have you in the community. A couple questions came up. You had mentioned earlier that you're 9,100 square feet give or take. Maybe you'd give a little bit, get the 10,000 so we can get the building sprinklered. Okay. That's something to think about. Even if it's under 10,000, it would be a great gesture to have the building sprinklered.

The other thing is to supply a lockbox for the local fire department. They will give you the proper paperwork.

That's all I have for now.

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CHAIRMAN BRAND: Thank you, Bob.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: Any other comments
from the Board?

MR. GAROFALO: Yes.

MR. LOFARO: Go ahead.

MR. GAROFALO: You can go ahead. I
have quite a few.

MR. LOFARO: Well, the map we just saw
shows just the entrance and egress on the north
side, or just one way in and one way out next to
each other. Is that correct?

MS. MLODZIANOWSKI: Correct.

MR. HINES: One access.

MR. LOFARO: One access point, and
that's on the north side. Is there a property
that's right to the north of that that could tie
into? I mean we're trying to not tie driveway
traffic up on 9W. Is there a way to connect to
the next northern parcel for their driveway?

MS. MLODZIANOWSKI: I'm not looking at
it right now.

MR. LOFARO: Do you know what I'm
saying?

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

MR. LOFARO: Okay.

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

MS. FLYNN: From this applicant?

MR. HINES: No.

MS. LANZETTA: It's on our Town Board

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

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

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

MS. FLYNN: Okay.

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

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

MS. LANZETTA: Is it coming up?

MS. FLYNN: The corridor management plan?

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

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

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

MS. LANZETTA: Appendix F.

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

CHAIRMAN BRAND: Check the e-mail that

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Cindy sent out.

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

MS. FLYNN: Can you see it or no?

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

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

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

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

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

MS. FLYNN: I can take it back.

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

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

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

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

MR. HINES: In that photo?

MS. LANZETTA: Yeah.

MR. HINES: 30.

MR. LOFARO: 30, 40 at the most.

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

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

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

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

MR. HINES: Yeah.

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

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

MS. LANZETTA: All right.

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

MS. LANZETTA: Okay. All right.

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

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

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

CHAIRMAN BRAND: Reference material, that one?

MS. LANZETTA: Yes.

MR. HINES: There it is on the bottom.

MS. FLYNN: This one?

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

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

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

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

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

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Good.

MR. HINES: Yup.

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

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

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not from 9W?

MS. LANZETTA: Yeah. Closing that off, and then in a sense the new access would be to this parcel, to the new parcel that is being formed.

CHAIRMAN BRAND: So you're trading one for the other.

MS. LANZETTA: Yes. We're not actually adding an additional access onto Route 9W.

CHAIRMAN BRAND: Okay. Other comments, questions?

MR. GAROFALO: Yes. In the way that those two parcels are set up, maybe that would be a good opportunity to extend the parking lot and basically connect the two properties so you could drive from one to the other. You can't do that in the north the way they've got it set up with the pond. It looks like it would be a fit to the south where they could just link into one another. I would like to at least see --

MR. CLARKE: Where is the parcel going to be that we're talking about? It's going to be on the north side of the property?

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

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currently a field.

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

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

MR. CAPPELLO: Pretty much at the treeline there.

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

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

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

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

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

MR. GAROFALO: They could connect the two parcels.

MS. LANZETTA: Yes.

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

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

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

MS. LANZETTA: Yes. Thank you.

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

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parking spaces. I think you mean accessible parking spaces.

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

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

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

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

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

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

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

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

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

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

CHAIRMAN BRAND: Yeah.

MR. GAROFALO: Thank you.

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

MR. LOFARO: I agree.

MS. LANZETTA: I agree.

CHAIRMAN BRAND: Sidewalks it is.

Anything else from the Board?

(No response.)

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

MS. LANZETTA: Thank you, Jen.

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

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

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

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

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

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

CHAIRMAN BRAND: Sure. Neither do I.

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

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

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

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

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

MR. LOFARO: Exactly.

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

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

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

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

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

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

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on.

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

CHAIRMAN BRAND: Okay.

MR. CLARKE: Have you considered putting your entrance on the side of the building rather than the front?

MS. MLODZIANOWSKI: I'm not sure I understand.

MR. CLARKE: On the north side of the building. The majority of your parking is on the northern side of the building. Have you considered putting your entrance on the north side of the building instead of the west side?

MS. MLODZIANOWSKI: I don't think that would feasibly work based on where we have the stormwater laid out and the connection to 9W that we have.

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

MR. CLARKE: I don't see the logic of that, but that's okay.

MR. GAROFALO: I'm not sure how that would change if you simply move the building

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

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

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

MS. MLODZIANOWSKI: I see.

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

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

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

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

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

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

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

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

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

MS. MLODZIANOWSKI: It's possible. We'd have to confirm that with the architect.

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

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

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

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

MR. HINES: Mm'hm'.

CHAIRMAN BRAND: Are the setbacks different in that?

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

CHAIRMAN BRAND: Okay.

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

CHAIRMAN BRAND: Anything else from the Board on this?

(No response.)

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

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

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

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

MR. BATTISTONI: I agree with Pat.

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

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

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

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

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

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MR. HINES: This Friday.

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

MR. HINES: That seems --

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

CHAIRMAN BRAND: Okay.

MR. CAPPELLO: Thanks, everyone.
Thanks for your time. Have a good night.

CHAIRMAN BRAND: Have a good night.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: For the rest of the

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

(No response.)

CHAIRMAN BRAND: No. All right.

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

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: All right. Thank you.

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

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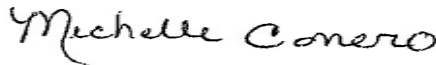
C E R T I F I C A T I O N

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 25th day of October 2020.



MICHELLE CONERO