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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

MONARCH WOODS SENIOR HOUSING
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
R Zone

----- X

MULTI-FAMILY SENIOR HOUSING
SITE PLAN

Date: June 2, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ &
JOHN CAPPELLO

----- X

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

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: The Town of
3 Newburgh Planning Board would like to
4 welcome you to their meeting of June 2,
5 2022. This evening we have three
6 agenda items.

7 At this time I'll turn the
8 meeting over to Frank Galli to begin
9 the roll call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. DOMINICK: Present.

15 MR. WARD: Present.

16 MS. LoCICERO: Meghan LoCicero
17 from the law firm of Drake, Loeb
18 filling in for Dominic Cordisco.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. HINES: Pat Hines with MHE
22 Engineering.

23 MR. CAMPBELL: Jim Campbell,
24 Town of Newburgh Code Compliance.

25 CHAIRMAN EWASUTYN: At this

1 MONARCH WOODS SENIOR HOUSING

2 point we'll turn the meeting over to
3 Dave Dominick.

4 MR. DOMINICK: Please stand for
5 the Pledge.

6 (Pledge of Allegiance.)

7 MR. DOMINICK: Please silence
8 your cellphones or put them on
9 vibrate.

10 CHAIRMAN EWASUTYN: Our first
11 item of business is Monarch Woods
12 Senior Housing. It's a multi-family
13 senior housing site plan located on
14 Monarch Drive in an R Zone. It's
15 being represented by Engineering &
16 Surveying Properties.

17 MR. WINGLOVITZ: Good evening.
18 Ross Winglovitz, Engineering &
19 Surveying Properties. I'm here with
20 John Cappello, counsel. Mike is
21 away. He won't be with us tonight.
22 The architect may be joining us. He
23 got stuck on his way here.

24 The Board had asked for a
25 couple of renderings. Lockwood

1 MONARCH WOODS SENIOR HOUSING

2 Architects put these together for the
3 applicant. Before, I guess, the end
4 of April there were questions about
5 the viewshed, what the building would
6 look like. We had provided some
7 architectural renditions as you were
8 looking for viewpoint renderings.
9 The architect provided these two.
10 The top one is basically Monarch
11 Drive, basically looking into the
12 site as you would pass it. This area
13 will be cleared for the ponds that
14 are going to be constructed as part
15 of the wetland mitigation. So you
16 will be able to see the building in
17 the distance with the proposed
18 landscaping along the boulevard
19 entrance.

20 There was the bank in here.
21 That's been removed as part of the
22 revised application to the Board a
23 few months ago. That will be green
24 space as well. The wetland
25 mitigation area and wooded wetlands

1 MONARCH WOODS SENIOR HOUSING

2 are to remain.

3 The other rendering is from the
4 intersection of 52. Monarch Drive is
5 that way, 52 that way. This is the
6 wooded wetland that exists at the
7 corner. That will remain. Behind
8 that there will be a wetland
9 mitigation area and ponds with the
10 buildings in the background.

11 I think that was it.

12 CHAIRMAN EWASUTYN: Questions?

13 MR. GALLI: Nothing. I don't
14 have any.

15 MR. MENNERICH: Ross, from
16 Monarch Drive up toward the
17 buildings, how many feet in elevation
18 is it? It looks very flat from this
19 view.

20 MR. WINGLOVITZ: The change in
21 elevation from the road to the
22 building is about 12 feet.

23 MR. MENNERICH: Okay.

24 MR. GALLI: It's pretty flat.

25 MR. WINGLOVITZ: And then the

1 MONARCH WOODS SENIOR HOUSING

2 buildings, I guess because of the
3 distance -- these are put into a 3D
4 model. They drive by and they do a
5 picture of them. This is 40 feet,
6 this is 12 feet.

7 MR. MENNERICH: Thanks.

8 MR. WINGLOVITZ: The trees are
9 60 feet or so in the background.

10 MR. MENNERICH: Of course the
11 ones by the road will be a little
12 shorter starting off.

13 MR. WINGLOVITZ: Yes. These
14 will. In that area specifically
15 there is a wetland. There is a
16 wetland area here that will be
17 preserved. It's actually wooded
18 wetland. We didn't think it was
19 wetland initially. So that will be
20 preserved and it will help provide
21 some buffer and screening.

22 CHAIRMAN EWASUTYN: No comment.

23 MR. DOMINICK: Ross, in these
24 two views that you provided us, and
25 thank you for doing that, the one

1 MONARCH WOODS SENIOR HOUSING

2 with the stop sign on the bottom,
3 that's 52 here on the left-hand side?

4 MR. WINGLOVITZ: Correct.

5 MR. DOMINICK: Okay.

6 MR. WINGLOVITZ: Yes, on the
7 left-hand side.

8 MR. DOMINICK: Okay. And then
9 what is the date of this rendering,
10 so to speak? Is this looking at five
11 years from construction? They look
12 like pretty mature trees.

13 MR. WINGLOVITZ: This
14 vegetation is the wetland that's in
15 front that will remain. It's not
16 proposed vegetation.

17 MR. DOMINICK: Like on the
18 first view, the original view as
19 you're going in with the blue car, is
20 that five years from now what it
21 would look like?

22 MR. WINGLOVITZ: The trees?

23 MR. DOMINICK: Yes.

24 MR. WINGLOVITZ: Probably ten
25 years.

1 MONARCH WOODS SENIOR HOUSING

2 MR. DOMINICK: So that's a
3 ten-year view?

4 MR. WINGLOVITZ: That would be
5 my guess. These are 6-inch trees.

6 MR. WARD: Where the stop sign
7 is with the wetland there, there's
8 trees there, too, right, in that
9 area?

10 MR. WINGLOVITZ: To the left?

11 MR. WARD: To the left, yeah.

12 MR. WINGLOVITZ: Yeah. There
13 will be trees on the left-hand side.
14 Part of that is wetland mitigation
15 area, part of that is existing
16 wetland.

17 MR. WARD: Right now you're
18 showing grass. That's why I'm
19 asking.

20 MR. WINGLOVITZ: There will be
21 some wetland mitigation area in here
22 that will be constructed. I think
23 that's why it's got grass.

24 MR. WARD: How many feet from
25 Monarch to the building?

1 MONARCH WOODS SENIOR HOUSING

2 MR. WINGLOVITZ: From Monarch
3 Road to the building?

4 MR. WARD: Yes.

5 MR. WINGLOVITZ: About 300
6 feet. Approximately 300 feet from
7 Monarch Road to the base of the
8 nearest building. Roughly a football
9 field from the road to the building.

10 MR. WARD: And behind it is how
11 many feet with trees for the property
12 owners?

13 MR. WINGLOVITZ: In the rear,
14 it's approximately 75 feet from the
15 building. That was the required
16 setback. There is going to be a
17 solid fence and about 50 feet of
18 vegetation.

19 MS. DeLUCA: How high is the
20 fence?

21 MR. WINGLOVITZ: The fence is
22 proposed -- I want to say it was 8
23 feet high.

24 MR. WARD: Thank you.

25 MR. WINGLOVITZ: Yup. Yup, an

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 8- foot tall fence.

3 MS. DeLUCA: Is it a solid
4 fence? What kind of fence? What
5 material is it going to be made out
6 of?

7 MR. WINGLOVITZ: We had it as
8 like a white vinyl fence, solid.

9 CHAIRMAN EWASUTYN: Jim
10 Campbell, any questions?

11 MR. CAMPBELL: No comments at
12 this time.

13 CHAIRMAN EWASUTYN: Pat Hines?

14 MR. HINES: Our first comment
15 had to do with the fact that the
16 Planning Board, under Section
17 185-48(b), has the authority to
18 establish the building heights for
19 this use in that zone.

20 We have an outstanding comment
21 regarding the Department of
22 Transportation for the emergency
23 vehicle access drive.

24 The highway superintendent's
25 comments on Monarch Drive.

1 MONARCH WOODS SENIOR HOUSING

2 The City of Newburgh flow
3 acceptance letter is required. Ross'
4 office did send me the proposed
5 hydraulic loading which we will
6 forward on to the City for that.

7 Some of our technical comments
8 from the April 21st meeting are
9 outstanding.

10 We circulated a notice of
11 intent for lead agency for the Type 1
12 action, it's greater than 100,000
13 square feet, on February 6th of 2020.
14 Awhile ago.

15 We circulated to County
16 Planning on March 30, 2022. The
17 County Planning time has lapsed and
18 this Board is lead agency.

19 The applicants did submit a
20 long form EAF for the project as a
21 Type 1 action, and they had also
22 provided a Part 2 which we have
23 reviewed and concur with the small to
24 no impact on the majority of the
25 bullets. If the Board would like, I

1 MONARCH WOODS SENIOR HOUSING

2 can quickly go through the Part 2 as
3 you're heading towards your SEQRA
4 determination for this Type 1 action.

5 CHAIRMAN EWASUTYN: Please.

6 MR. HINES: Item 1 is impact to
7 land. There is a yes, impact to
8 land. The proposed action may
9 involve construction of land where
10 water -- the depth to water table is
11 greater than 3 feet. That is
12 identified as a small to moderate
13 impact.

14 The proposed action may involve
15 construction on slopes greater than
16 15 percent. That is also a small to
17 moderate impact.

18 The proposed action may involve
19 construction on land where bedrock is
20 exposed or generally within 5 feet.
21 I don't believe we've done an
22 analysis of blasting, but I don't
23 believe blasting is proposed on the
24 site.

25 MR. WINGLOVITZ: No.

1 MONARCH WOODS SENIOR HOUSING

2 MR. HINES: So that would be a
3 small to moderate impact.

4 The proposed action may involve
5 excavation and removal of greater
6 than 1,000 tons of natural material.
7 I don't believe that's going to
8 occur. There's not going to be
9 greater than 1,000. That is a no.

10 The proposed action may involve
11 construction that will last more than
12 one year. I believe this is a single
13 phase project which will be
14 constructed within one year.

15 The proposed action may
16 increase erosion from physical
17 disturbance of vegetation. That is
18 identified as a small to moderate
19 impact. We note that a stormwater
20 pollution prevention plan has been
21 prepared for this and the proposed
22 action is not located in a coastal
23 zone.

24 Number 2 is impact to geologic
25 features. Based on the bullets

1 MONARCH WOODS SENIOR HOUSING

2 below, we're suggesting that be a no.

3 Impacts to surface water.

4 There are potential impacts to
5 surface water and the bulleted items
6 there.

7 The proposed action may involve
8 construction within or adjacent to
9 freshwater or tidal wetlands or
10 Federal banks. We're suggesting that
11 would be a minor impact. There are
12 Federal jurisdictional wetlands that
13 have been delineated by the
14 applicant's wetland biologist. The
15 impacts of those have been avoided to
16 the greatest extent that they can,
17 and a pre-construction notification
18 will be required for the Army Corp of
19 Engineers.

20 The proposed action may create
21 turbidity in the water body from
22 upland erosion or disturbing
23 sediments. Again, a stormwater
24 pollution prevention plan has been
25 developed to mitigate that.

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 The proposed action does not
3 involve an outfall. The proposed
4 action may cause soil erosion or
5 otherwise create a source of
6 stormwater that may lead to siltation
7 or degradation on the receiving body.
8 Again, the stormwater pollution
9 prevention plan addressed that.

10 The next item is impacts on
11 groundwater. This project will not
12 cause impacts to groundwater and will
13 be connecting to the Town of
14 Newburgh's municipal water system.

15 The next item is impact on
16 flooding. We're suggesting that that
17 be a no as a stormwater pollution
18 prevention plan has been provided.

19 Number 6 is impacts to air.
20 That is identified as a no. The
21 project does not meet any of the
22 bulleted thresholds below.

23 Impacts on animals. The
24 project does contain potential
25 habitat for threatened or endangered

1 MONARCH WOODS SENIOR HOUSING

2 bat species. The appropriate notes
3 regarding tree clearing activities
4 within the DEC and Fish and Wildlife
5 Service have been added to the plans.
6 Otherwise, there are no other
7 threatened or endangered specie
8 issues on the site.

9 The next action is impact on
10 agricultural resources. There are no
11 agriculturally significant soils on
12 the site. We're suggesting that be a
13 no.

14 The impacts to aesthetic
15 resources. There are no aesthetic
16 resources on the site that meet the
17 bulleted items in number 9.

18 Impacts on historic or
19 archeological resources. The project
20 has been circulated to -- let me
21 check that. The project is not
22 identified in an area that is
23 archeologically sensitive, so we're
24 suggesting that that be identified as
25 a no.

1 MONARCH WOODS SENIOR HOUSING

2 Impacts on open space. There
3 are no impacts associated with those
4 bulleted items.

5 Impacts on critical
6 environmental areas. The Town of
7 Newburgh does have a critical
8 environmental area. This project is
9 located outside the boundaries of
10 that area.

11 Impacts on transportation. We
12 have reviewed the project and Ken
13 Wersted has provided comments
14 identifying no significant impacts to
15 transportation.

16 Impacts on energy. The project
17 will meet the New York State Energy
18 Code as required by the Building
19 Code. We're suggesting that be a no.

20 Impact on noise, odor and light
21 is identified as a no.

22 The final option is impact on
23 human health. The project does not
24 exceed any of the bulleted items A
25 through M under that.

1 MONARCH WOODS SENIOR HOUSING

2 If the Board concurs with those
3 findings, we are recommending a
4 negative declaration.

5 CHAIRMAN EWASUTYN: Comments
6 from the applicant's attorney. John?

7 MR. CAPPELLO: We would request
8 that the Board act. We have no
9 comments or concerns regarding
10 Mr. Hines' comments and concur with
11 his analysis.

12 CHAIRMAN EWASUTYN: As we know,
13 the first question before the Board,
14 before we make a SEQRA determination,
15 is spelled out in Pat's first
16 comment. The Planning Board has the
17 discretion, which we received from
18 the ZBA, to approve the 46.5 foot
19 height for the project. At this
20 point we're going to poll the Board
21 Members to see if they are in
22 agreement to grant that height.

23 Frank Galli?

24 MR. GALLI: Yes.

25 CHAIRMAN EWASUTYN: Stephanie

1 MONARCH WOODS SENIOR HOUSING

2 DeLuca?

3 MS. DeLUCA: No.

4 CHAIRMAN EWASUTYN: Ken Mennerich?

5 MR. MENNERICH: Yes.

6 CHAIRMAN EWASUTYN: Myself yes.

7 MR. DOMINICK: Yes.

8 MR. WARD: Yes.

9 CHAIRMAN EWASUTYN: Okay. Let
10 the record show that the Planning
11 Board agreed to a building height of
12 46.5 feet.

13 Ms. LoCicero, having heard from
14 Pat Hines as he went through Part 2
15 of the EAF, do you have anything to
16 add to that?

17 MS. LoCICERO: I have no
18 comments.

19 CHAIRMAN EWASUTYN: Thank you.

20 Having heard from Pat Hines as
21 far as the completeness of SEQRA,
22 would someone please move for a
23 motion to declare a negative
24 declaration for the Monarch Woods
25 Senior Housing project?

1 MONARCH WOODS SENIOR HOUSING

2 MR. GALLI: So moved.

3 MR. DOMINICK: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by Frank Galli. I have a
6 second by Dave Dominick. May I
7 please have a roll call vote.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. DOMINICK: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Pat, can
15 you give us the appropriate date for
16 scheduling a public hearing?

17 MR. HINES: It would be July
18 7th.

19 CHAIRMAN EWASUTYN: Are you
20 going to be in Town?

21 MR. WINGLOVITZ: I'll be in
22 Town.

23 MR. CAPPELLO: I will be in
24 Town, but I will be at the Town of
25 Montgomery at a public hearing.

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: Would
3 someone make a motion to set Monarch
4 Woods Senior Housing for a public
5 hearing on the 7th of July?

6 MR. DOMINICK: I'll make a motion.

7 MR. WARD: Second.

8 CHAIRMAN EWASUTYN: I have a
9 motion by Dave Dominick and a second
10 by John Ward. Can I please have a
11 roll call vote.

12 MR. GALLI: Aye.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. DOMINICK: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: Ross,
19 you'll work with Pat Hines' office?

20 MR. WINGLOVITZ: Yes, to get
21 the mailings out and the notice.

22 MR. CAPPELLO: Thank you all
23 very much. Have a good evening.

24 (Time noted: 7:12 p.m.)

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MONARCH WOODS SENIOR HOUSING

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 13th day of June 2022.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

HUDSON ASSET
(2022-10)

Union Avenue
Section 34; Block 1; Lot 25.15
R-2 Zone

----- X

TWO-LOT SUBDIVISION
TWO-FAMILY/ARB

Date: June 2, 2022
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ &
JOHN CAPPELLO

----- X

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

1 HUDSON ASSET

2 CHAIRMAN EWASUTYN: Our second
3 item of business this evening is
4 Hudson Asset. It's a two-lot
5 subdivision and two-family being
6 proposed. Eventually we'll need to
7 do an ARB. The subject property is
8 located on Union Avenue in an R-2
9 Zoning District. It's being
10 represented by Engineering &
11 Surveying Properties.

12 MR. WINGLOVITZ: Good evening.
13 Again for the record, Ross
14 Winglovitz, Engineering & Surveying
15 Properties. I'm here on behalf of
16 Hudson Asset regarding a proposed
17 two-lot subdivision.

18 We were before you last month.
19 Pat had a number of comments that
20 we've done our best to address.

21 Primarily one of the main
22 comments was relocating the driveway
23 to avoid any wetland impacts. That's
24 been accomplished through an old farm
25 crossing that exists between the two

1 HUDSON ASSET

2 wetland areas.

3 We've also provided an updated
4 full EAF along with a figure showing
5 potential future development. That
6 was one of the comments of the Board.
7 The figure shows basically a similar
8 concept that was proposed here could
9 be done here with a common driveway
10 and two lots. Those are not proposed
11 at this time. We just wanted to
12 include that in the SEQRA so that the
13 Board knew that that was a potential
14 in the future. We're currently not
15 proposing to do that.

16 I know Mike has actually met on
17 both this project and on Monarch with
18 the highway superintendent. I think
19 he was expecting a letter from him
20 today to be delivered to the Planning
21 Board. I don't know if you received
22 it or not. He was expecting that to
23 happen. That meeting has taken
24 place. I think that the highway
25 superintendent, to my understanding,

1 HUDSON ASSET

2 found the location to be acceptable.

3 CHAIRMAN EWASUTYN: Did you
4 receive anything, Pat?

5 MR. HINES: I did not.

6 CHAIRMAN EWASUTYN: We weren't
7 in the office today. I can't speak
8 for that.

9 MR. HINES: I was with him
10 today at 3:00 and he didn't mention
11 anything. I dragged him out in the
12 pouring rain around then.

13 MR. WINGLOVITZ: Mike had met
14 with him. That's all I can relay.

15 We'd be glad to answer any
16 comments the Board may have regarding
17 the application.

18 CHAIRMAN EWASUTYN: Frank
19 Galli?

20 MR. GALLI: Do you have any
21 renderings?

22 MR. WINGLOVITZ: Not at this
23 point. I've asked Mike, based on
24 Pat's comments, to come up with some.
25 As far as the level of detail, if he

1 HUDSON ASSET

2 has pictures or renderings or
3 something similar that he's looking
4 to build, is that level of detail
5 specific enough or does he need a
6 specific rendering of these
7 buildings?

8 CHAIRMAN EWASUTYN: I'll turn
9 it over to Jim Campbell because
10 eventually that falls in the hands of
11 the Building Department for what we
12 --

13 MR. CAMPBELL: Well, it's going
14 to go through an ARB as a duplex.

15 CHAIRMAN EWASUTYN: So you're
16 saying that they may not be as
17 detailed as what eventually you'll
18 look to be building?

19 MR. WINGLOVITZ: Correct. Yes.
20 We'll have elevations from the
21 product that he wants to build, but
22 he won't have -- it may be something
23 out of a website or something that he
24 -- you know, what he wants to build.
25 It's not going to be an architect's

1 HUDSON ASSET

2 detailed rendering of the building.
3 I just want to make sure that's okay.

4 MR. CAMPBELL: It depends on
5 what you guys approve.

6 MR. HINES: There is an ARB
7 form that the actual colors and
8 materials do have to be identified
9 on. That is typically submitted with
10 that ARB review. The Town Code for
11 duplexes has some specific
12 requirements for them. They have to
13 have one single front door and look
14 like a single-family home from the
15 street. You can either have a door
16 on the side, a door on the front or a
17 center hallway that accesses both.
18 There are sections of the code that
19 need to be met as well.

20 MR. WINGLOVITZ: We'll go
21 through that and fill that out. I
22 think that will probably define it
23 for us.

24 MR. MENNERICH: I think for the
25 public hearing it's a good idea to

1 HUDSON ASSET

2 have it here.

3 MR. WINGLOVITZ: Agreed. I
4 agree.

5 CHAIRMAN EWASUTYN: Any
6 additional questions or comments?

7 (No response.)

8 CHAIRMAN EWASUTYN: Pat Hines,
9 do you want to go through your review
10 one more time?

11 MR. HINES: Sure. The survey
12 plan needs to be stamped by a
13 surveyor. Right now it has your
14 stamp on there, Ross. We'll need
15 that cleaned up.

16 There are many of the lot lines
17 which don't have the metes and bounds
18 labeled on there. The front lots and
19 the lots around the recently
20 constructed residence also don't have
21 the metes and bounds. That will need
22 to be updated.

23 My second comment notes that
24 the driveways have been relocated to
25 the previous farm road and the lot

1 HUDSON ASSET

2 lines have been adjusted to be the
3 center line of that common driveway.
4 The ultimate development plan has
5 been provided with the EAF depicting
6 additional residences which could be
7 constructed on the site. The long
8 form EAF has been revised accordingly
9 for the four potential duplexes, only
10 two of which are proposed now.

11 The EAF does not identify any
12 significant environmental constraints
13 on the property. It does not contain
14 the threatened or endangered bat
15 habitat and there were no
16 archeological sites identified which
17 are the typical ones we would see in
18 that part of Town.

19 The plan must go to Orange
20 County Planning as it's located
21 adjacent to the New York State
22 Thruway.

23 I talked with the water
24 superintendent based on our previous
25 comment, Ross, and they're just

1 HUDSON ASSET

2 looking for some information on the
3 pressure and sizing of those lines.

4 MR. WINGLOVITZ: Do they have
5 existing pressures?

6 MR. HINES: I'm sure they can
7 give you that.

8 MR. WINGLOVITZ: All right.

9 MR. HINES: Jim Osborne can
10 come up with them off the top of his
11 head. If you want to check with Jeff
12 Guido there, he can give you that
13 information.

14 MR. WINGLOVITZ: I'll reach out
15 to him.

16 MR. HINES: Architectural
17 review is required which we just
18 discussed.

19 The septic plans need to have a
20 note that an as-built plan and
21 certification by a New York State
22 design professional must be submitted
23 prior to a certificate of occupancy.

24 We did not send the adjoiners
25 notices last time knowing that the

1 HUDSON ASSET

2 plans were changing and we were going
3 to get the conceptual ultimate
4 development plan. We will do that
5 now.

6 A driveway access and
7 maintenance agreement is required as
8 well as the highway superintendent's
9 signoff.

10 We need to do the adjoiners
11 notice.

12 The Board may wish to authorize
13 the plan be sent to County Planning
14 at this time as well.

15 CHAIRMAN EWASUTYN: Questions
16 or comments?

17 (No response.)

18 CHAIRMAN EWASUTYN: So then the
19 action before us tonight is to
20 circulate the notice to the adjoining
21 property owners and refer it to the
22 Orange County Planning Department?

23 MR. HINES: Yes.

24 CHAIRMAN EWASUTYN: Is the
25 Board in agreement with that?

1 HUDSON ASSET

2 MR. GALLI: Yes.

3 MS. DeLUCA: Yes.

4 MR. MENNERICH: Yes.

5 CHAIRMAN EWASUTYN: Yes.

6 MR. DOMINICK: Yes.

7 MR. WARD: Yes.

8 CHAIRMAN EWASUTYN: You'll work
9 with Pat Hines as far as the notice?

10 MR. WINGLOVITZ: The adjoiners
11 notice. Yup.

12 CHAIRMAN EWASUTYN: And then
13 the materials for the Orange County
14 Planning Department. All right.

15 MR. WINGLOVITZ: Our follow-up
16 submission will have the
17 architecturalals and I'll fill out and
18 complete the information for the
19 architectural review. Thank you.

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21 (Time noted: 7:20 p.m.)

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HUDSON ASSET

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 13th day of June 2022.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

O'DONNELL SITE PLAN
(2022-03)

NYS Route 52
Section 47; Block 1; Lot 48
B Zone

----- X

SITE PLAN

Date: June 2, 2022
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA &
JOSEPH POMARICO

----- X

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

1 O ' D O N N E L L S I T E P L A N

2 CHAIRMAN EWASUTYN: The
3 Planning Board's third and final
4 Board business this evening is the
5 O'Donnell site plan. It's located on
6 New York State Route 52 in a B Zone.
7 I believe it's being represented by
8 Jonathan Cella.

9 MR. CELLA: Good evening. I'm
10 Jonathan Cella. I'm representing the
11 owner and applicant for the project,
12 Mr. Michael O'Donnell.

13 We're proposing a 40 by 130
14 foot building on the subject property
15 which is in the B Zoning District.

16 It's serviced by public water
17 and sewer.

18 The building will be located on
19 the west side of the property which
20 is a majority occupied by freshwater
21 wetland MB-22. We received an
22 approval from the DEC for a modified
23 buffer so that the property can be
24 developed. We're not going to
25 propose any disturbance in that area.

1 O ' D O N N E L L S I T E P L A N

2 The owner, he obtained permits
3 and connected to the existing water
4 and sewer lines in New York State 52.
5 They are stubbed out onto the
6 property right now so there will be
7 no required road openings.

8 The proposed curb cut has
9 received the conceptual approval from
10 the DOT. We'll obviously provide the
11 permitting and a letter if you
12 haven't already received it.

13 MR. O'DONNELL: Can I just
14 interject here?

15 CHAIRMAN EWASUTYN: For the
16 record, can you identify yourself?

17 MR. O'DONNELL: I'm Michael
18 O'Donnell, owner of the property.
19 The DOT cut, the entrance has already
20 been installed and permitted. Copies
21 I think are on file with the permit
22 number for all your review.

23 MR. CELLA: Sorry about that.

24 The installed water service was
25 6 inches, so that should be adequate

1 O'DONNELL SITE PLAN

2 for any -- for the water and fire
3 protection needs.

4 We started preparing renderings
5 of the building. This would be the
6 front along New York State Route 52.
7 It will be a mixed use building, a
8 proposed retail and office space with
9 most likely an accessory -- possible
10 accessory use which would conform to
11 the accessory uses in the B Zone.

12 We produced a landscaping plan
13 and the renderings. We understand we
14 got them in late. We'll continue
15 developing the plans for future
16 submissions. If you'd like, we have
17 some we can pass around, unless you
18 already got them.

19 MR. POMARICO: Joe Pomarico.
20 We have some updated -- I appreciate
21 you allowing us to submit. We're in
22 the transition period after the
23 passing of Charlie. We were just
24 able to reactivate this job in the
25 last two weeks. We're still getting

1 O'DONNELL SITE PLAN

2 familiar with a lot of these jobs
3 that were undertaken, with Mr.
4 O'Donnell's authorization.

5 We do have updated landscaping
6 and lighting plans which we can
7 provide for you since the -- we
8 submitted them.

9 CHAIRMAN EWASUTYN: Other than
10 what you just provided?

11 MR. POMARICO: Yes.

12 CHAIRMAN EWASUTYN: It might be
13 best just to resubmit than talk
14 through them now.

15 Do you want to see them now?

16 Do you mean there's something
17 other than what we received from Mr.
18 O'Donnell that you want to present or
19 is that the change?

20 MR. POMARICO: Part of the
21 comments were with regards to
22 screening on 52. We did indicate
23 that.

24 CHAIRMAN EWASUTYN: Then why
25 don't you go through it.

1 O ' D O N N E L L S I T E P L A N

2 MR. POMARICO: Sure. So we did
3 add additional maples along 52 which
4 are reflected on an updated site plan
5 showing the landscaping.

6 We also have been working with
7 Devitt's, just updating the actual
8 plantation that's going to be
9 installed. We're receiving a quote
10 for our client.

11 The lighting plan has also been
12 updated since the submission as well.

13 MR. MENNERICH: Is the update
14 different than this one as far as the
15 landscaping?

16 MR. POMARICO: It is, yes.
17 There are more appropriate plants
18 that have been specified. A lot of
19 times when you do landscaping -- you
20 know, we are not a landscaping
21 architect per --

22 MR. DOMINICK: So you're going
23 to take the orchids out?

24 MR. POMARICO: Absolutely.

25 MR. DOMINICK: Perfect.

1 O'DONNELL SITE PLAN

2 MR. POMARICO: I tried to talk
3 Mike out of it, but yes. We have
4 updated ones which -- once again,
5 typically we provide the ideas that
6 we want and then we work hand in hand
7 with Devitt's and they provide us a
8 similar style. We were gracious
9 enough that they worked with us in
10 the last two weeks just trying to
11 move the process along now that we
12 reached out to them.

13 CHAIRMAN EWASUTYN: The
14 lighting plan shows the fixtures on
15 the building and some poles or just
16 --

17 MR. POMARICO: We will include
18 them on the rendering. Right now we
19 just have the specifications on the
20 site plan.

21 CHAIRMAN EWASUTYN: And the
22 height of those poles will be?

23 MR. CELLA: We'll have that all
24 on the plans. They didn't provide us
25 with the pole height, but we'll get

1 O'DONNELL SITE PLAN

2 that -- here. I'm sorry. 17-foot
3 pole with a 20-foot fixture height.
4 Those are on the parking -- those are
5 on the parking lot lights. They
6 didn't provide us with the height of
7 the building mounted lights.

8 MR. O'DONNELL: I think it
9 states 13 feet on the building.

10 MR. POMARICO: We'll be sure to
11 provide you with that information at
12 the next meeting.

13 CHAIRMAN EWASUTYN: All right.
14 Discussion with Board Members. Frank
15 Galli?

16 MR. GALLI: The AC units and
17 all, those units are going to be
18 inside, outside?

19 MR. POMARICO: I believe
20 they're going to be roof mounted.

21 MR. GALLI: Okay. And they're
22 going to be screened or can you see
23 them from 52?

24 MR. POMARICO: You should not
25 be able to see them based on the

1 O'DONNELL SITE PLAN

2 height of the building.

3 MR. GALLI: How high is the
4 building?

5 MR. POMARICO: 16 feet.

6 MR. GALLI: And is there a
7 parapet in the front?

8 MR. POMARICO: There is not.

9 MR. GALLI: So it's a flat
10 roof?

11 MR. POMARICO: Correct.

12 MR. GALLI: They're going to be
13 roof mounted.

14 Is the business on South Plank
15 Road moving down to this?

16 MR. O'DONNELL: Our business is
17 currently at 444 South Plank Road.

18 MR. GALLI: Is it moving down
19 to here?

20 MR. O'DONNELL: Yes.

21 MR. GALLI: Construction
22 equipment and all? You have
23 construction equipment.

24 MR. O'DONNELL: Right. The
25 excavation part. We have it on the

1 O'DONNELL SITE PLAN

2 site to park the equipment itself.

3 MR. GALLI: Okay. Because I
4 see the rear doors are really big.

5 MR. O'DONNELL: We have some
6 bigger trucks, especially that truck
7 that needs to be winterized or
8 indoors during the winter because of
9 freezing. So we have two tanker
10 trucks that really need to be
11 indoors. Where we are now, it's just
12 a little undersized. This would be
13 perfect actually.

14 MR. GALLI: I think that's all
15 I have, John, on that.

16 CHAIRMAN EWASUTYN: Stephanie?

17 MS. DeLUCA: No. No further
18 questions.

19 CHAIRMAN EWASUTYN: Ken?

20 MR. MENNERICH: On the lights,
21 the 20-foot high lights, if it's
22 possible I would think it would be
23 better to be shorter if you can get
24 your lighting levels that you need
25 for your parking. It would be more

1 O ' D O N N E L L S I T E P L A N

2 -- it's more the height of the
3 building type of thing.

4 MR. O'DONNELL: We're not
5 opposed.

6 CHAIRMAN EWASUTYN: We
7 generally discuss that as being
8 pedestrian friendly. The height of
9 approximately 15 feet is a general
10 rule.

11 MR. CELLA: Okay.

12 CHAIRMAN EWASUTYN: You are
13 sort of contiguous to residential
14 homes to the east.

15 MR. DOMINICK: I think you have
16 a great rendering here. It's a very
17 professional looking building.

18 Mike, other than your business
19 relocating, do you have any other
20 tenants in mind at this point?

21 MR. O'DONNELL: Well, it is a
22 four unit. We're hoping to have
23 something come that way. As far as
24 tenants, we have no idea who it could
25 be. We're trying to give us options.

1 O ' D O N N E L L S I T E P L A N

2 You know, flex space kind of.

3 MS. O'DONNELL: Of course we'll
4 make sure they are quality tenants
5 because they'll be in my building.

6 MR. O'DONNELL: That's why we
7 didn't want a hundred percent retail.
8 It seems that there's a lot of retail
9 that's unoccupied. I think --

10 MS. O'DONNELL: Kind of like a
11 professional plaza.

12 CHAIRMAN EWASUTYN: Just for
13 the record, your name, please?

14 MS. O'DONNELL: Sherry
15 O'Donnell.

16 MR. DOMINICK: Thank you.

17 MR. WARD: In reference to the
18 parking out front, it's the State
19 highway there, 52. What we've been
20 doing is putting like a stonewall in
21 the front. Like a 24-inch wall going
22 across.

23 MR. O'DONNELL: So on the
24 rendering we do have a stone base for
25 the sign itself. I don't recall any

1 O'DONNELL SITE PLAN

2 other buildings in that area that
3 have a stonewall up in front of it.
4 We're not opposed to it. That's why,
5 you know, we did have the -- we
6 wanted some kind of character with
7 the stone even on the first -- on the
8 building itself, the first couple
9 feet.

10 MS. O'DONNELL: The sign, the
11 building.

12 MR. O'DONNELL: Right.

13 CHAIRMAN EWASUTYN: The only
14 thing that had been recently almost
15 approved along Route 52, and now
16 you'll be representing the new owner,
17 I believe that called out for a
18 stonewall.

19 MR. CELLA: You asked for a
20 stonewall.

21 CHAIRMAN EWASUTYN: Can you
22 elaborate on that so we'll all know
23 what we're talking about, the site
24 and everything?

25 MR. CELLA: Yes. This is

1 O ' D O N N E L L S I T E P L A N

2 Massapone's property where Hollywood
3 Sound is at now. You requested a
4 stonewall. I believe that was -- was
5 that approximately two years ago now?

6 CHAIRMAN EWASUTYN: At least.

7 MR. CELLA: Yeah. By the way,
8 the new owner will be more aggressive
9 on that.

10 MR. HINES: The request for the
11 stonewall is a mitigation for the
12 design guidelines. The Town of
13 Newburgh has design guidelines which
14 recommend that parking not be
15 provided in the front of the
16 buildings. The Board has, on
17 occasion, issued a waiver for that
18 with some mitigation measures, either
19 landscaping, landscape berms,
20 stonewalls. Something that as cars
21 are driving by the site, they're not
22 looking at a bunch of parked car
23 headlights kind of thing. So it's
24 not just a suggestion, it's in
25 deference to the design guidelines.

1 O ' D O N N E L L S I T E P L A N

2 MR. O'DONNELL: So 18 inch
3 high?

4 MR. WARD: 18, 24 inch. You
5 can look around Town. You'll see on
6 300 over by Buffalo Wild Wings and
7 things like that.

8 MS. O'DONNELL: And where would
9 that be? Set back by the parking? I
10 do have concerns about visibility
11 coming in and out.

12 MR. O'DONNELL: It's only --

13 MS. O'DONNELL: Still, that's
14 -- I think that's definitely a
15 concern. So it would be set back to
16 the parking lot?

17 MR. HINES: The idea is to
18 screen the parking, not necessarily
19 screen your building.

20 MR. WARD: Thank you.

21 MS. O'DONNELL: Another option
22 for that, you said, could be
23 landscaping?

24 MR. HINES: The Board has
25 entertained landscape berms in the

1 O'DONNELL SITE PLAN

2 past. You would be seeking a waiver
3 for the parking in the front.

4 MR. GALLI: The only problem
5 with the landscape is in the
6 wintertime you have the snowplows and
7 it pushes the snow back with the salt
8 and things like that. The stonewall
9 has a better chance of surviving.

10 MR. O'DONNELL: Build a wall.

11 MR. GALLI: If somebody doesn't
12 plow it down or something.

13 CHAIRMAN EWASUTYN: Jim
14 Campbell, Code Compliance?

15 MR. CAMPBELL: The last time
16 when Charlie was here I did make a
17 mention that there are possibly flood
18 zones, that they should be
19 delineated on the plans.

20 Also, as far as the use of the
21 building, I think you need to lock
22 that down a little bit further. We
23 don't have the term flex space.

24 MR. O'DONNELL: I understand
25 that. I'm trying to, you know -- I

1 O'DONNELL SITE PLAN

2 don't know how really to categorize
3 it, whether retail and/or office
4 space. It's not a warehouse. Would
5 it be -- like a retail, it would have
6 storage in the back. I know there's
7 garage doors, but, you know, as far
8 as our business, that's needed and I
9 want it.

10 MR. CAMPBELL: Do you have any
11 sample floor plans or anything?

12 MR. POMARICO: We can provide
13 them at the next meeting.

14 MR. CELLA: So the comment
15 where you requested that the
16 narrative be elaborated, we'll also
17 provide that, and we'll include a
18 little bit more of the proposed use
19 in that.

20 MR. GALLI: Jim, wouldn't the
21 parking be affected by what it is,
22 like retail, office?

23 MR. CAMPBELL: Yes. As far as
24 garages and stuff.

25 CHAIRMAN EWASUTYN: The

1 O'DONNELL SITE PLAN

2 difference as far as what? I didn't
3 hear you.

4 MR. CAMPBELL: As far as
5 garages and stuff. You know, is it a
6 business or is it retail versus a
7 contractor's garage. What is it.
8 What's the primary use.

9 CHAIRMAN EWASUTYN: You're
10 talking about --

11 MR. GALLI: Jim was saying he
12 had to nail it down. I was just
13 curious. I'm sure Jonathan knew and
14 stuff, but the parking, I don't know
15 how many parking spaces are out
16 front.

17 MR. CELLA: We had
18 approximately, I think it was 39.

19 CHAIRMAN EWASUTYN: That sounds
20 like a lot.

21 MR. GALLI: So you have enough
22 for retail or office.

23 MR. CELLA: Yes. The parking
24 calculation that Charlie prepared was
25 relatively conservative.

1 O ' D O N N E L L S I T E P L A N

2 MR. GALLI: Okay. They would
3 have enough for that.

4 CHAIRMAN EWASUTYN: Will the
5 building need to be sprinklered?

6 MR. HINES: It's more than
7 2,500.

8 MR. CAMPBELL: That I do not
9 know.

10 CHAIRMAN EWASUTYN: Pat?

11 MR. HINES: I think it will be.
12 I think the Newburgh Code says over
13 2,500 square feet. It's more
14 stringent than the New York State
15 Building and Fire Code. I did have
16 that as a comment. It sounds like
17 you've already stubbed in a 6-inch
18 main.

19 MR. CELLA: Yeah, a 6-inch
20 main.

21 MR. HINES: Just depict that on
22 the plan. I think it just shows a
23 water line right now.

24 MR. CELLA: We'll include the
25 sizes and the location.

1 O ' D O N N E L L S I T E P L A N

2 CHAIRMAN EWASUTYN: Pat, do you
3 want to take us further along on your
4 review?

5 MR. HINES: Going back to the
6 question of the parking and the use,
7 right now there's no outdoor storage
8 depicted on the plan. I just want to
9 make sure it's not your intention --
10 it's not shown right now.

11 MR. O'DONNELL: No.

12 MR. HINES: I'm hearing -- the
13 look of the building kind of looks
14 like it would be a plumbing
15 contractor, an electrical contractor
16 where you will have an office and a
17 small warehouse in the back.

18 MS. O'DONNELL: That's what I
19 had in mind.

20 MR. HINES: Just because of the
21 nature of those large garage doors in
22 the back, it doesn't look like retail
23 and office to me. It looks like
24 that. As you're developing that
25 narrative, make sure those uses are

1 O'DONNELL SITE PLAN

2 permitted. If there is the need for
3 some outdoor storage, let's depict it
4 now. It's well screened. As you're
5 developing those uses.

6 We had comments back on the
7 28th for the February 3rd meeting.
8 Some of those have been addressed,
9 some of them are not. If you could,
10 take a look at those.

11 I do need to confirm that the
12 adjoiners notices were sent out. I
13 did send the copy to Charlie's
14 office, but it was -- I don't know if
15 those were sent. We need to follow
16 up on that. I can provide those to
17 you, Jonathan.

18 We did circulate a notice of
19 intent for lead agency on February
20 8th. The Office of Parks,
21 Recreation, Historic Preservation
22 responded back with no adverse
23 impact. It was identified as a
24 potential archeologically sensitive
25 area, so that box has been checked.

1 O'DONNELL SITE PLAN

2 We didn't hear back from any of the
3 other agencies.

4 We talked about the renderings.
5 That we just had.

6 The landscaping schematic. As
7 you're changing your landscaping
8 plans, I don't know if the Board
9 wants to send this to Karen or if
10 they just want to review it. It's
11 all on a smaller scale. The Board
12 has flexibility to utilize their
13 services or we can do it just before
14 the Board.

15 CHAIRMAN EWASUTYN: What would
16 the Board like to do? Frank Galli?

17 MR. GALLI: I don't think we
18 should send it to Karen. I think
19 it's small enough.

20 MS. DeLUCA: Agreed.

21 MR. MENNERICH: Yes.

22 MR. DOMINICK: They're going to
23 use Devitt's. I think that's fine.

24 MR. WARD: Agreed.

25 CHAIRMAN EWASUTYN: Let the

1 O ' D O N N E L L S I T E P L A N

2 record show that the Planning Board
3 at this particular time won't be
4 working with their landscape
5 architect for the O'Donnell site
6 plan.

7 So the action before us this
8 evening is?

9 MR. HINES: So I think the
10 action is we need to confirm the
11 adjoiners notices and/or send them
12 out. It can be referred to County
13 Planning at this point. It needs to
14 go as it's on the State highway. I
15 think as they develop their plans in
16 more detail, we can head towards a
17 public hearing and a SEQRA review
18 after the revised plans are
19 submitted. So a 239 review and the
20 adjoiners notices confirmation.

21 CHAIRMAN EWASUTYN: Having
22 heard from Pat Hines as far as the
23 two actions before us this evening,
24 would someone move for that motion?

25 MR. WARD: So moved.

1 O ' D O N N E L L S I T E P L A N

2 MR. DOMINICK: Second.

3 CHAIRMAN EWASUTYN: I have a
4 motion by John Ward, was that?

5 MR. WARD: Yes.

6 CHAIRMAN EWASUTYN: I have a
7 second by Dave Dominick. May I
8 please have a roll call vote.

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. DOMINICK: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: Motion
16 carried.

17 MR. CELLA: Thank you very
18 much.

19 CHAIRMAN EWASUTYN: Would
20 someone move for a motion to close
21 the Planning Board meeting of the 2nd
22 of June 2022?

23 MR. GALLI: So moved.

24 MS. DeLUCA: Second.

25 CHAIRMAN EWASUTYN: I have a

1 O'DONNELL SITE PLAN

2 motion by Frank Galli. I have a
3 second by Stephanie DeLuca. May I
4 please have a roll call vote.

5 MR. GALLI: Aye.

6 MS. DeLUCA: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. DOMINICK: Aye.

10 MR. WARD: Aye.

11

12 (Time noted: 7:42 p.m.)

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O ' D O N N E L L S I T E P L A N

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 13th day of June 2022.

Michelle Conero

MICHELLE CONERO