

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY, 10567
March 28, 2022
7:00 p.m. - 7:20 p.m.

March 28, 2022

MEMBERS PRESENT:

David S. Douglas, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Andrian C. Hunte, Member

Benito Martinez, Member

Tom Walsh, Member

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2 (The board meeting commenced at 7:00 p.m.)

3 MR. DAVID S. DOUGLAS: Planning Board of
4 Appeals meeting, we begin with the pledge of
5 allegiance.

6 MULTIPLE: I pledge allegiance to the
7 flag of the United States of America and to the
8 Republic for which it stands, one nation under
9 God, indivisible, with liberty and justice for
10 all.

11 MR. DOUGLAS: Mr. Kehoe, can you call
12 the roll?

13 MR. CHRIS KEHOE: Mr. Beloff?

14 MR. CHRIS BELOFF: Here.

15 MR. KEHOE: Mr. Martinez?

16 MR. BENITO MARTINEZ: Here.

17 MR. KEHOE: Mr. Franco?

18 MR. FRANK FRANCO: Here.

19 MR. KEHOE: Mr. Chin?

20 MR. CHIN: Here.

21 MR. KEHOE: Chairman Douglas?

22 MR. DOUGLAS: Here.

23 MR. KEHOE: Ms. Hunte.

24 MS. ADRIAN C. HUNTE: Here.

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2 MR. KEHOE: Mr. Walsh?

3 MR. TOM WALSH: Here.

4 MR. DOUGLAS: Okay. Before we go to the
5 first item on the agenda, I want to say I'm glad
6 to be back after a five month medical sabbatical
7 and I want to specifically, I did it at the joint
8 board meeting, I want to thank Mr. Chin for
9 stepping in and everybody else for, you know,
10 ensure I wasn't needed, but for carrying on in my
11 absence.

12 MR. CHIN: Actually Adrian stepped in
13 for one board meeting too.

14 MR. DOUGLAS: Oh, did you? Okay. Well,
15 thank you, Adrian.

16 MS. HUNTE: I think that was, yeah, but
17 I don't think that was during your sabbatical, it
18 was August.

19 MR. DOUGLAS: Okay. So the first item on
20 the agenda is the adoption of the minutes for the
21 January meeting. Do I have a motion?

22 MR. BELOFF: So moved.

23 MS. HUNTE: Second.

24 MR. DOUGLAS: All in favor?

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2 MULTIPLE: Aye.

3 MR. DOUGLAS: Any opposed? Okay, the
4 minutes for January are adopted. We've got two
5 new public hearings. The first one is case number
6 2022-2, application of Cristian Garcia for an
7 area variance for a side yard setback for an
8 existing covered patio, located at 34 Montrose
9 Station Road. Mr. Garcia?

10 MR. HUNTE: Yes, Mr. Garcia, would you
11 step up to the lectern, please.

12 MR. DOUGLAS: Yeah, this is -- and this
13 is Ms. Hunte's case. I'll turn it over to her.

14 MS. HUNTE: Yes. This is my case.

15 MR. CRISTIAN GARCIA: Hi, how you doing?

16 MS. HUNTE: Good evening, Mr. Garcia,
17 Adrian Hunte. This is a request for an area
18 variance, side yard setback from 30 feet to 25
19 feet for a patio covered by a roof that was built
20 without a permit. So would you please explain to
21 us what's happened? I understand the property,
22 you purchased the property and the roof had
23 already been constructed.

24 MR. GARCIA: Yes, that's the case. My

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2 wife and I purchased the property. We were
3 unaware that the previous owner had built a roof
4 on the patio and it turns out about six months
5 ago, we find out that the roof was not up to code
6 because of the fact they never request a permit
7 for it. So we looking to get everything up to par
8 and get it to code.

9 MS. HUNTE: Okay. And have you had any
10 input from any of the neighbors?

11 MR. GARCIA: No.

12 MS. HUNTE: And Chris, we haven't
13 received any --

14 MR. KEHOE: Right. We sent out the
15 required notices and put the add in the paper.

16 MS. HUNTE: Okay. And we usually look at
17 the five factors as to whether there's some
18 adverse impact. I don't see any here. Even though
19 it is self-created, not by you, but was here
20 before, in terms of the five factors, I don't see
21 any adverse impact on the neighbors, neighborhood
22 or the neighbors, environmentally. And with that,
23 I would say I don't have an issue with the
24 granting of this.

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2 MR. GARCIA: Thank you.

3 MS. HUNTE: Any other members?

4 MR. DOUGLAS: Anybody else have any
5 comments?

6 MR. MARCO: No.

7 MR. BELOFF: No.

8 MS. HUNTE: Okay. Hearing none, on case
9 number 2022-2, applicant Cristian Garcia for an
10 area variance 34 Montrose Station Road, I make a
11 motion that we close the public hearing.

12 MR. MARCO: Second.

13 MR. DOUGLAS: All in favor?

14 MULTIPLE: Aye.

15 MR. DOUGLAS: Any opposed? Okay. The
16 variance is granted.

17 MS. HUNTE: Well, we --

18 MR. MARCO: Hang on, hang on.

19 [CROSSTALK]

20 [LAUGHTER]

21 MS. HUNTE: We need to vote on it. On
22 case number 2022-2 --

23 MR. DOUGLAS: I'm rusty, I'm rusty. The
24 public hearing is closed.

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2 MS. HUNTE: Yeah, the public hearing is
3 closed.

4 MR. BELOFF: Yeah.

5 MR. CHIN: [unintelligible] [00:03:46]

6 MS. HUNTE: And case number 2022-2, for
7 the area variance, a required 30 feet proposed 25
8 feet, a variance of five feet and Chris is this
9 math correct?

10 MR. KEHOE: I think it is.

11 MS. HUNTE: 15.67 percent.

12 MR. KEHOE: No one has corrected me.

13 MS. HUNTE: This is a SEQR Type II, no
14 further compliance required, the variance is
15 granted.

16 MR. MARCO: Second.

17 MR. DOUGLAS: All in favor?

18 MULTIPLE: Aye.

19 MR. DOUGLAS: Any opposed? Okay, now the
20 variance is granted.

21 MR. KEHOE: So I have to draft up
22 something called the decision and order. I'll
23 provide you a copy and I'll provide Martin Rogers
24 in the Building Department a copy.

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2 MR. GARCIA: Okay.

3 MR. KEHOE: And then you move forward
4 with whatever you're doing with Martin.

5 MR. GARCIA: Thank you so much, I
6 appreciate it.

7 MR. DOUGLAS: The second new public
8 hearing we have is case number 2022-3,
9 application of Angel Vasquez for an area variance
10 for a rear yard setback for an existing gazebo
11 pavilion located at 20 Trolley Road. And Mr.
12 Walsh, this is your case?

13 MR. WALSH: Yes. Mr. O'Riley, why don't
14 you just state your name, your address and --

15 MR. PAT O'RILEY: My name is Pat
16 O'Riley. I'm here with Angel Vasquez, the owner
17 of the property 20 Trolley Road, Montrose, New
18 York, 10548. And we're here to ask for a variance
19 of a 1.5 inches due to a --

20 MR. WALSH: No.

21 MR. O'RILEY: Excuse me?

22 MR. WALSH: One foot, seven.

23 MR. O'RILEY: One foot, seven inches.

24 That's it, sorry, 1'7" variance on a gazebo that

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2 we built in the back yard of the property that,
3 you know, 20 Trolley Road.

4 MR. WALSH: Okay. And the --

5 MR. BELOFF: Wait, when you say 1.7
6 inches, what --

7 MR. O'RILEY: Yeah, 1.7, I think.

8 MR. HUNTE: No.

9 MR. KEHOE: One foot, seven inches.

10 MR. WALSH: One foot, seven inches.

11 MR. O'RILEY: Yeah.

12 MR. KEHOE: Yeah, one foot, seven
13 inches.

14 MR. O'RILEY: Yeah, one foot, seven
15 inches.

16 MR. WALSH: Could you explain just the
17 situation on why the gazebo was built where it
18 was.

19 MR. O'RILEY: Okay. well, it's the, it
20 the most convenience place without getting
21 involved with any, you know, utilities, septic
22 or anything. It's in the back yard, up against
23 the back of the property between a cottage and a
24 garage. And it was built in that particular place

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2 because originally from when he moved there from
3 the old owner, there was a picnic bench that was
4 there, that was a cement picnic bench that was
5 there for 1,000 years. And what he did was is he
6 built a barbeque, and like, you know, a barbeque
7 like area out of stone and everything, and then,
8 you know, because of the weather all the time and
9 everything, he built a gazebo over the top of it.
10 And during the course of building it, he was, he
11 misjudged, obviously he misjudged you know, the
12 actual dimensions that were going on. And the
13 posts are, you know, four or five inches too
14 close and the overhead is considerably, you know,
15 I think it's almost 17, you know, 1.7 inches off.

16 MR. CHIN: No, 1'7"?

17 MR. O'RILEY: So, we built it back
18 there, because it's the most convenience place,
19 it's not, you know, it's, because there's a front
20 driveway and the house is pretty big and there's
21 a garage off to it and then there's a gravel
22 driveway, so basically, it was only like the only
23 real area that we could put it, that didn't have
24 septic or a drive area on it or getting involved

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2 with the back house or having utilities involved.

3 MR. WALSH: I know we talked about
4 during the work session, about could this
5 possibly be moved, the location, I know we didn't
6 talk about it, but just as we're going through
7 the five factors that we go through, could there
8 be some other reasonable or feasible method or to
9 relocate this?

10 MR. O'RILEY: Well, we talked about it,
11 but we would have to move it almost two feet up.
12 I mean basically then it wouldn't be covering the
13 actual barbeque type area, the barbeque would be
14 exposed at that particular time. It's close to
15 where it's hanging over. If we took the overhang
16 off, there wouldn't be a problem. But if we had
17 to move it back another, you know, besides the
18 rocks, you know, there are rocks there, even
19 though you can't see them, you dig down a foot
20 and it's solid rock. So it would be quite a, you
21 know, feat.

22 MR. WALSH: These are all poured
23 footings on this?

24 MR. O'RILEY: Yeah. This is poured

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2 footings and everything.

3 MR. WALSH: And has the gazebo been
4 granted a permit? Or they have to apply for a
5 permit?

6 MR. KEHOE: This would finalize the
7 permit if the variance would be granted. He, he'd
8 have to go -- the architectural drawings have
9 been prepared, signed and sealed. Both of the
10 site plan and then also specifically --

11 MR. O'RILEY: Yeah, we have, we did
12 everything you need. We have, we did a new
13 survey, we had an architect, we did the drainage
14 square footage, the coverage, we did all of that.
15 And we have all the drawing submitted by an
16 architect as far as the dimensions and all that,
17 the cross beams and all the, whatever they do.

18 MR. WALSH: And we spoke during the work
19 session that the owner would install a fence
20 along the back property line.

21 MR. O'RILEY: Yes. It'll be the PVC
22 fence. It's the white PVC fence. It'll be five
23 foot, and what it does, you know, at the top,
24 it's got that little fancy, like the rest of the

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2 property has. So I mean I think we got, you know,
3 I figure it's like 11 and change, you know, it
4 doesn't matter what it costs, but I'll put it
5 out. And it would be going from the corner,
6 behind the cottage, to the garage.

7 MR. WALSH: Okay. So it would be
8 property line to property line, then the --

9 MR. O'RILEY: Well, not all the way to
10 the property line. We don't want to be able --
11 the only reason we don't want to do that is
12 because it's so close, we don't want to cut off
13 going around the back, so it's going to be like
14 halfway to the, you know, like halfway to the
15 garage.

16 MR. WALSH: Okay.

17 MR. O'RILEY: So we can walk around the
18 garage and go to the back if we have to for any
19 particular reasons.

20 MR. WALSH: But it would cover --

21 MR. O'RILEY: It's going to cover
22 everything that Mr. Serento can see.

23 MR. WALSH: Okay. And the neighbor, the
24 adjacent neighbor had no issue with it, to

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2 correct, he's submitted a letter to that.

3 MR. DOUGLAS: Okay. I have no other,
4 anybody else from the board have any questions?

5 MR. MARTINEZ: The only concern I have
6 too, did anybody in the neighborhood ever say
7 anything that they were against it?

8 MR. O'RILEY: No. I mean, no, I mean,
9 he's been there for August will be four years, we
10 never had an issue, never had the police,
11 nothing. Nothing at all. Nobody's, I mean, you
12 know, one of the reasons, you know, I mean Mr.
13 Serento, I didn't go around asking everybody. The
14 one next door neighbor that's adjacent to us,
15 that put the fence up, they wrote a letter. He's
16 a Perriwink or Perriworker, it's a weird name.
17 And I spoke to Mr. Serento, we went there
18 yesterday. He had no problem with it. You know,
19 you know, he'll be happy, you know, with the
20 contingency of the fence, he did like the idea of
21 the fence. We were going to do it anyway. Well
22 he, Angel was going to ask permission to put the
23 fence up, not permission, but tell him he was
24 going to do it, you know.

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2 MR. MARTINEZ: Okay. So, you know,
3 basically everything he's done on the property,
4 even the fence on the left hand side, I don't
5 remember their last name, I think it's --

6 MR. VASQUEZ: Rita?

7 MR. WALSH: Rita and what's his name?

8 MS. HUNTE: Leland?

9 MR. O'RILEY: The one neighbor, yeah,
10 they even helped us put the, put the fence on
11 the, Mr. Walsh, you were there, and Mr. Beloff,
12 on the, as you're coming in the gravel driveway.

13 MR. WALSH: Yeah.

14 MR. O'RILEY: It only went, you know, a
15 little bit, it was like four sections from his
16 garage, and we put that, he put, Angel put that
17 in with the neighbor help, you know. So nobody
18 said anything, we don't have any -- you know,
19 it's a barbeque area basically.

20 MR. WALSH: So I'm going through our
21 five factors. I don't believe it's an undesirable
22 change, benefit sought by the applicant achieved
23 by some other method, you know, because it is
24 built, the footings have been poured, to move it

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2 now would be substantial cost and where it could
3 be relocated, you know, it's, you know, to move
4 it two feet, you know, I don't believe it would
5 be an issue where it is right now. It is not an
6 area that is substantial, I don't think the 39
7 percent, we're talking about the 1'7" variance is
8 substantial, especially if, as we're going to
9 vote on this, to install a fence as a requirement
10 of granting this variance, for the rear adjacent
11 property owner is not going to be seeing this at
12 least the bottom portion of it. They will see the
13 roof, but --

14 MR. O'RILEY: Right.

15 MR. WALSH: -- but it'll be blocking
16 some portion of this.

17 MR. O'RILEY: But you want to see, you
18 want to kind of see over the fence too, you know,
19 as your adjacent neighbor a little bit, you know
20 what I'm saying?

21 MR. WALSH: It's going to yeah.

22 MR. O'RILEY: Yeah.

23 MR. WALSH: It's providing some, some
24 sort of [unintelligible] [00:12:24] and then it

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2 doesn't have an adverse effect of physical
3 environment conditions, and number five, yes, it
4 is self-created, but they all are self-created.
5 So, I have no issue. Mr. Beloff has a question.

6 MR. BELOFF: Yeah, I've just got a
7 question about the footings that are supporting.
8 On one side, it's saying a 12-inch concrete post,
9 on the other side, it's saying a 13-inch by 13. I
10 assume that's a 12-inch sonotube? And then I
11 don't see any sections that shows how deep, you
12 see that you had rock there.

13 MR. O'RILEY: Right down --

14 MR. BELOFF: Did you pen it to any rock?

15 MR. O'RILEY: Yeah. What we did was is
16 when we got to the rock, it went --

17 MR. DOUGLAS: You have to speak into the
18 microphone.

19 MR. O'RILEY: Oh, sorry.

20 MR. DOUGLAS: We're getting yelled at by
21 --

22 MR. O'RILEY: Oh. Is that who's yelling?

23 MR. DOUGLAS: -- the voice from the
24 back, yes.

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2 MR. O'RILEY: What it was was when we
3 went down, we went down about a foot and a half
4 and there was rock. So they chipped away at the
5 rock, and what they did is they drilled into the
6 rock, put rebar and then poured, so actually the
7 footing is probably three-and-a-half foot down,
8 to, to the rock where they chipped. And then they
9 put rebar, drilled into the rock, put like six or
10 seven pieces of rebar in it and then they did it
11 on both sides, you know, on the other side too,
12 even though the rock was they said really low,
13 and they still drilled the holes and everything.
14 So the footing is probably about three-and-a-half
15 to four foot deep.

16 MR. BELOFF: So all footings are
17 actually pinned to the existing rock that was
18 there with 12-inch sonotubes?

19 MR. O'RILEY: Right.

20 MR. BELOFF: Okay.

21 MR. DOUGLAS: I just have one question,
22 I'm not sure you had put it on the record,
23 approximately how far back is Mr. Serento's house
24 from the property line?

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2 MR. O'RILEY: Oh, Jesus, I don't know.

3 MR. WALSH: It's quite a distance.

4 MR. O'RILEY: Two hundred feet?

5 MR. DOUGLAS: Yeah. Okay. That's all.

6 MR. O'RILEY: It's got to be at least
7 200 feet.

8 MR. DOUGLAS: Right, I just wanted to
9 make sure that we had it on the record.

10 MR. O'RILEY: It's got to be at least,
11 wouldn't you say, Mr. Walsh?

12 MR. WALSH: Yeah, I was going to, that's
13 the first thing I said, it's about 200 feet,
14 yeah.

15 MR. O'RILEY: It's got to be at least a
16 good 200 feet. It's a big piece of property, you
17 guys.

18 MR. WALSH: And with the fence being
19 installed, other than the roofline, you know,
20 it's going to be almost non-visible. You're going
21 to have the top part visible.

22 MR. O'RILEY: Yeah, right now, there's
23 just, he basically uses it as a dump. He brings
24 his leaves and his, and his, you know, his tree

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2 branches back there. You know, his property, so,
3 you know, but you can see the pictures that
4 basically that's what that is back there.

5 MR. WALSH: I just have one other -- I
6 want to get clarification on Martin, because I
7 had a question with the existing sheds, if we
8 look at the map, the plan up here on the left
9 hand side. That is actually considered the side
10 yard where I thought it was going to be
11 considered the front yard. But Martin clarified
12 it's the closest point to the road and then a
13 straight line across the property is that area
14 right there is considered the front yard from
15 that closest point. So that was a question I had
16 because I would have, initially I thought that
17 those sheds were in the front yard, which would
18 be another issue that we would have. But they're
19 not. They're actually considered the side yard.

20 MR. O'RILEY: Yeah, Mr. Rogers, when I
21 spoke to him, he actually pointed something out
22 about that.

23 MR. WALSH: Yeah.

24 MR. O'RILEY: Because right there, if

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2 you look, it's pretty crazy with that particular
3 property line right there, because I don't know
4 if it shows it on there, but if you look at the
5 property line in the drawings, on the actual
6 survey, I mean we've got a garage that's almost
7 on Angel's property and you know, it's weird,
8 that one line, you know. But it's just a strange
9 -- and he said it's been there so long.

10 MR. WALSH: Yeah.

11 MR. O'RILEY: You know, I mean, the last
12 survey, the survey that he had that he closed on
13 was 1990 and it was on that, you know.

14 MR. DOUGLAS: Alright. Anybody else have
15 any questions?

16 MS. HUNTE: No.

17 MR. DOUGLAS: Anybody from the public?

18 MR. WALSH: Alright. I make a motion in
19 case number 2022-3 for Angel Vasquez at 20
20 Trolley Road to close the public hearing.

21 MS. HUNTE: Second.

22 MR. DOUGLAS: All in favor?

23 MULTIPLE: Aye.

24 MR. DOUGLAS: Any opposed? Okay. The

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2 motion to close the public hearing is granted.

3 MR. WALSH: Alright. Case number 2022-3,
4 for Angel Vasquez for 20 Trolley Road, an area
5 variance for rear yard setback and accessory
6 structure from four feet down to 2'3", which is a
7 1.7" variance, which is 39 percent. This is a
8 SEQR type II, no further compliance required. And
9 also as part of the decision order, to add fence
10 as required to be installed as at.

11 MS. HUNTE: Second.

12 MR. DOUGLAS: Wait, I guess this is a
13 SECR Type II?

14 MR. WALSH: Yeah.

15 MS. HUNTE: He said.

16 MR. MARCO: One thing, this is a math
17 thing, Chris. Am I wrong that the different
18 between two feet, three inches to four is not
19 1.7?

20 MR. KEHOE: Alright, 1.9.

21 MR. MARCO: It's 1.9.

22 MS. HUNTE: 1.9.

23 MR. DOUGLAS: Great point, you really
24 didn't check your math.

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2 MR. WALSH: Sorry, Chris.

3 MR. KEHOE: You could have said that at
4 the work session.

5 MR. MARCO: I only realized it right
6 now.

7 MR. DOUGLAS: Anyway, all in favor?

8 MULTIPLE: Aye.

9 MR. DOUGLAS: Any opposed? Okay. The
10 variance is granted. And one thing, with the
11 condition of the fence.

12 MR. WALSH: The fence, yes.

13 MR. DOUGLAS: Okay, I just want to make
14 sure.

15 MR. O'RILEY: Now, what do we --

16 MR. KEHOE: Yeah, so I'm going to write
17 up a formal document called a decision and order,
18 and I'll provide you a copy of that and Mr.
19 Vasquez, and then also to Martin Rogers in the
20 building department. And then he'll have that as
21 a record. He'll flag it in his system and he'll
22 confirm that the fence is up within 90 days.

23 MR. O'RILEY: Okay, now if we happen to
24 run into problems with any kind of, you know, all

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2 this stuff sitting out in the ocean or anything?

3 MR. KEHOE: Yeah, keep in touch with Mr.
4 Rogers about that.

5 MR. O'RILEY: There shouldn't be any
6 problems. We'll get it up. But I'm just saying.

7 MR. WALSH: It will be part of his C of
8 O at the end, or he wouldn't issue the C of O
9 until you got the fence installed.

10 MR. O'RILEY: Right. it's just supply
11 chain issues, because we waited like, for the
12 first time, we waited almost like four months to
13 get the fence for the first one.

14 MS. HUNTE: Okay. Thank you.

15 MR. O'RILEY: Alright. Thanks so much.

16 [CROSSTALK]

17 MR. O'RILEY: Thank you very much. Mr.
18 Kehoe, thanks for all the help, Mr. Walsh, thank
19 you so much.

20 MR. WALSH: Thank you.

21 MR. VASQUEZ: Thanks again.

22 MR. DOUGLAS: You're welcome, have a
23 nice night.

24 MR. VASQUEZ: Good night.

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2 MR. DOUGLAS: Okay. Anybody want to make
3 a motion.

4 MS. HUNTE: Mr. Weeber do you have a
5 case before us?

6 MR. DOUGLAS: Okay.

7 MS. HUNTE: How are you?

8 MR. WEEBER: Lonely back here.

9 MR. DOUGLAS: It's good to see the one
10 member of the public that's still here.

11 MR. MARTINEZ: Wait, we have a seat over
12 there.

13 MS. HUNTE: David, do we need to close
14 the meeting? Are we closed?

15 MR. DOUGLAS: Do you want to make a
16 motion to adjourn?

17 MS. HUNTE: Second.

18 MR. MARCO: Well, we have to say a day,
19 right, make a motion to close this meeting and --

20 MR. BELOFF: No, just to adjourn this
21 meeting.

22 MR. DOUGLAS: Close this meeting.

23 MR. MARCO: Okay. I make a motion to
24 adjourn this meeting.

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MR. BELOFF: Second.

MS. HUNTE: Second.

MR. DOUGLAS: All in favor?

MULTIPLE: Aye.

MR. DOUGLAS: Any opposed? Okay, the meeting is adjourned. See everybody on April 25th.

(The public board meeting concluded at 7:20 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on March 28, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: April 18, 2022

GENEVAWORLDWIDE, INC

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