

1 PLANNING BOARD COUNTY OF ALBANY
 2 TOWN OF COLONIE
 3 *****
 4 VALENTE OFFICE AND APARTMENTS
 5 175 TROY SCHENECTADY ROAD
 6 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
 7 matter by NANCY L. STRANG, a Shorthand Reporter,
 8 commencing on May 9, 2017 at 8:21 p.m. at The Public
 9 Operations Center, 347 Old Niskayuna Road, Latham,
 10 New York

10 BOARD MEMBERS:
 11 PETER STUTO, CHAIRMAN
 12 LOU MION
 13 KATHY DALTON
 14 CRAIG SHAMLIAN
 15 SUSAN MILSTEIN

14 ALSO PRESENT:
 15 Joseph LaCivita, Director, Planning and Economic
 16 Development
 17 Michael Tengeler, Planning and Economic Development
 18 Nick Costa, PE, Advanced Engineering & Surveying

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1 CHAIRMAN STUTO: Next on the agenda is Valente
2 Office and Apartments, 175 Troy Schenectady Road,
3 application for environmental SEQRA determination and
4 final review.

5 Joe LaCivita, do you have any introductory
6 remarks?

7 MR. LACIVITA: Yes. I think that if the Board and
8 those who you who may have been around at that time
9 remember this project - it was the former Gibby Plaza.
10 Through the course of that when they had final approval,
11 it was strictly an office building. This is more in
12 spirit with the COR standards, the
13 commercial/office/residential.

14 Mr. Valente came in with an office and
15 apartment complex. Although it is a minor component,
16 Nick is here tonight for a final approval with a
17 SEQRA determination.

18 Nicholas?

19 MR. COSTA: Thanks, Joe.

20 This is a 1.4 acre parcel on Route 2. It's
21 adjacent to the New Comer facility which was just
22 recently opened across from the cemetery. As Joe
23 mentioned this was previously approved as Gibby
24 Plaza and it was never constructed. It was sold to
25 Valente. He is here tonight requesting site plan

1 approval.

2 There were some changes made to the site.
3 Mostly the changes have to do with the addition of
4 the apartments and also with the elimination of a
5 drive-thru.

6 I'd just like to remind the Board that
7 originally there was a drive-in from Route 2 that
8 came in here and went around the building and out.
9 The last time that we were here, we are still
10 presenting that drive-in, but not the drive-thru.
11 The drive-in has been eliminated since the New Comer
12 facility has been built. It has a drive-in to access
13 the New Comer site. We have secured an easement to
14 use the same driveway and access the site from that
15 driveway.

16 That's really the main change from the last
17 time that you saw it.

18 Another minor change is that for future
19 interconnection we are providing that connection
20 point to the parcel to the east. In the future if
21 this gets redeveloped, it would have access as the
22 Planning Department and also the Planning Board has
23 been wanting to do with these sites.

24 So, those are the main changes.

25 There are utilities out on Route 2. The water

1 is located out here (Indicating) so we are going to
2 be connecting to that. The sewer is out in the back.
3 There is a trunk sewer back here. We're going to be
4 connecting the service lateral to that trunk sewer.
5 Stormwater will be taken to the back, as it was
6 originally designed. This project does have active
7 coverage under the notice of intent for New York
8 State DEC for the stormwater. It was done under
9 Gibby Plaza and it has been transferred during the
10 sale of the property. So, there is already an active
11 notice of intent for the stormwater discharge.

12 Again, the circulation - there will be an
13 in-lane from the access drive. There is parking on
14 both sides of that drive aisle and then to the rear
15 there will be two-way access from the second access
16 point from the newly constructed driveway. As you
17 can see there is plenty of landscaping that is being
18 proposed and there is also sidewalk that is being
19 built similar to the sidewalk that was built in
20 front of New Comer to continue that. We are
21 extending that all the way out to beyond the
22 property line to the former car wash. That building
23 has been abandoned for a few years now.

24 We are compliant to all the site statistics.
25 There is more than 35% greenspace. There is

1 actually almost 41% green on the site. There are
2 some features that are being constructed in the back
3 here for use of the apartments and even for the
4 office or retail folks that may utilize this area
5 for lunch. There is a pavilion that is being
6 installed and some picnic tables and a child
7 activity area.

8 As Joe mentioned, we are here for final
9 approval. We have worked with Chuck's office and the
10 rest of the departments to get to this point. This
11 is what we have come up with thus far.

12 CHAIRMAN STUTO: I will make a comment before we
13 turn it over to Chuck.

14 I think that the connectivity is very good and
15 quite an improvement and also the access through
16 that shared easement. I think that is excellent. I
17 think that architecturally it looks good. I know
18 what it's zoned for, but I have a reservation of
19 mixing the commercial with the apartments. I may
20 give more comment on that.

21 Chuck, can you go through your comments?

22 MR. VOSS: Sure. I'll be brief.

23 We issued a review letter - second preliminary
24 final review letter on April 3rd. If you notice,
25 it's very brief. That's really a complement to Nick

1 and his team for responding to not only our
2 technical comments for review but also all the
3 departments. So, as of today, he has basically
4 complied with all of our technical comments as well
5 as all the department comments.

6 Nick raised the one issue that I was just going
7 to remind the Board on which was the connectivity in
8 using that access easement off of Route 2. We think
9 that eliminating the curb cut directly on Route 2
10 that was in the original plan is certainly a much
11 better idea.

12 DOT, if you remember, did allow that curb cut
13 onto the property but I think that this is just a
14 better alternative for utilizing that shared
15 driveway, if you will.

16 CHAIRMAN STUTO: Do you want to put up the other
17 rendition for the public?

18 MR. VOSS: From a technical standpoint, Peter, we
19 don't have any additional items or concerns. We
20 certainly would recommend a final approval with
21 conditions to be satisfied.

22 CHAIRMAN STUTO: Craig, do you have any comments?

23 MR. SHAMLIAN: Can you tell me how many apartments
24 there are?

25 MR. COSTA: There is five; one on the bottom floor

1 - one apartment has to be ADA accessible. There will be
2 one apartment here and then four apartments on the
3 second floor.

4 CHAIRMAN STUTO: Was it six at one point?

5 MR. LACIVITA: Nick, we have it on the narrative as
6 six.

7 MR. COSTA: I'm sorry; it's one and five.

8 MR. SHAMLIAN: And the rendering is as if were
9 standing on Route 2.

10 MR. COSTA: That's correct.

11 MR. SHAMLIAN: It's a little distorted in that it
12 looks like the rendering show the old driveway.

13 MR. COSTA: That's correct. This hasn't been
14 updated since the original presentation. This is where
15 the original drive was going to be (Indicating). Now,
16 it's actually going to be a sidewalk in through here
17 (Indicating).

18 MR. SHAMLIAN: And the area that you are calling a
19 children's activity area - other than a swing set, what
20 is going in there?

21 MR. COSTA: A slide. It's shown on the full set of
22 detailed drawings. Actually, the components are right in
23 there. The same thing with the gazebo. I believe that
24 there is a specific model.

25 MR. SHAMLIAN: At concept I expressed my concern

1 with the project. I'm going to continue to really be
2 open-minded to hear the rest of the Board and any
3 comments from the public. I really am not a huge fan of
4 mixed-use in this particular spot. I'm not sure that
5 it's really meeting the spirit of what that was intended
6 to be.

7 CHAIRMAN STUTO: Susan?

8 MS. MILSTEIN: Do you know what businesses will be
9 going in there?

10 MR. COSTA: Valente will have their offices there
11 on the first floor.

12 CHAIRMAN STUTO: They're taking up all the office
13 space?

14 MR. COSTA: On the first floor; yes.

15 CHAIRMAN STUTO: Brian?

16 MR. AUSTIN: A couple of comments for you. I think
17 that the architecture is nice. I like the gables. It
18 reminds me of some of the architecture in Saratoga
19 Springs outside by Wilton Mall.

20 When I first saw it up there, I was not
21 enthusiastic. But, I think it works up there. I am
22 kind of with Craig on that, too. I'm not sure
23 whether this spot is appropriate.

24 The kids play area - it seems awfully close to
25 Route 2.

1 MR. COSTA: We can move that around. That can
2 easily be moved to the other end.

3 MR. AUSTIN: The other question I have was that it
4 looks like some of the materials are like a vinyl
5 siding. What materials are you using on the project?

6 MR. COSTA: There is some hardy board siding that's
7 culled out. There is also a stone veneer. There are
8 some shakes in this area (Indicating).

9 MR. AUSTIN: Is that the color scheme that you are
10 looking at using?

11 MR. COSTA: Yes. Those are the colors that are
12 culled out here also. There is a light maple colored
13 vinyl shake -- olive colored siding. I think they match
14 the colors that are representative on this rendering.

15 CHAIRMAN STUTO: Lou.

16 MR. MION: I kind of have mixed feelings on this. I
17 have been out there to the property and lengthwise I
18 don't think it will be a problem fitting it in. The
19 width of it is where I am concerned between Comer in the
20 deserted building there - the car wash. Right across the
21 street you have Hudson Preserve. That's a much better
22 place to raise kids.

23 What you have here looks good. The building
24 looks great. If you do get children in there, I have
25 a safety issue. There is not a whole lot out back.

1 There are wetlands and what have you out there. If
2 the kid gets loose, there you go. He's got two ways
3 to go; he has either Route 2 or he's got the wolves
4 out back.

5 I really can't say a whole lot about what
6 you've done other than the fact that it fits, but
7 I'm a little reserved about it.

8 MR. LACIVITA: Nick, can I ask a question? These
9 are one in two bedrooms?

10 MR. COSTA: They are mostly two bedrooms.

11 MR. LACIVITA: Does the market in this area --
12 could this be put into studio apartments so any concerns
13 of children might be reduced?

14 MR. COSTA: I think they wanted to go with the
15 larger units. They just felt that there was a need out
16 there for larger units. It doesn't mean that there are
17 going to be kids. If there is, there are provisions for
18 it.

19 MR. LACIVITA: Because in the conversations that we
20 have had before with the Board having -- again, when we
21 gave concept acceptance there was concern about the
22 potential for children at this location. I have been
23 talking with the applicant -- I am showing them an
24 aerial as to what is going on next to it. The former
25 car wash that is now abandoned, he is actually actively

1 looking at it. Although the price tag is pretty high,
2 some \$460,000 in back taxes and acquisition - he has
3 been looking at that.

4 He is also looking at the other one which is
5 the former Swatling Acres which was the condo.
6 There is actually a pad site here (Indicating) that
7 the applicant is not doing anything with. He is in
8 conversations with them as well to potentially
9 acquire that to make this a larger parcel and they
10 get better in case there were children.

11 CHAIRMAN STUTO: As a message to the applicant, I
12 would like to see more common area in the middle - if he
13 does do that - that could be shared by the apartments.

14 MR. MION: You have a fence that goes around the
15 whole property?

16 MR. COSTA: Yes. There is a decorative fence in the
17 front and then a fence on the sides.

18 MR. MION: Is there a possibility of putting some
19 kind of barrier around the stormwater management area
20 with the idea that if there are kids there, you don't
21 want them to go down into a creek.

22 MR. COSTA: The storm water management area - it's
23 one of these areas that does not have steep side slopes.
24 They are gentle slopes. Most of the time, there will not
25 be water in it.

1 MR. MION: There is water in it now.

2 MR. COSTA: That's not the one that's going to be
3 constructed. The one that is there now does not have an
4 outlet to it. It is trapped low area in the back.

5 MR. MION: It doesn't necessarily have to be a 6
6 foot high fence.

7 MR. COSTA: We have done that before and we can put
8 a rail impost with a plastic block fence all along it.
9 We have done that in several older projects. That is not
10 an issue.

11 MR. MION: That might ease up some of the
12 apprehension that I have.

13 MR. COSTA: We could certainly do that.

14 MS. DALTON: I was also concerned about the
15 children's activity area being so close to Route 2. I
16 don't think it is a big deal to take it from that corner
17 and put it in the back corner. So, you are flipping it
18 on the other side. Then, it seemed to me that if I'm out
19 there barbecuing and my kids are playing on the slide,
20 some kind of barrier or since to the private area that
21 you could close in -- it does beg the question which we
22 can't really tell -- how do you get in and out of your
23 apartments with this rendition? There are outdoor doors
24 for everything?

25 MR. COSTA: This is retail, retail and then this is

1 the entrance with the mailboxes would be.

2 MS. DALTON: Yes, I saw where the mailboxes are.
3 So, there is a main entrance and then individual
4 entrances to your apartment?

5 MR. COSTA: Yes. Then, there is an exit/entrance on
6 that end. There is a corridor door that it connects to.

7 MS. DALTON: So, there are essentially front doors
8 and back doors. I was going to suggest if you make a
9 back door entrance going into that shared outdoor area
10 -- do you have one that you're looking at with the floor
11 plan?

12 MR. COSTA: Yes.

13 MR. LACIVITA: Are you looking at this one, Nick?

14 MR. COSTA: That is the site plan, Joe. I was
15 looking at the floor plan.

16 CHAIRMAN STUTO: What number is that?

17 MR. COSTA: 101 and 102.

18 MR. LACIVITA: These are building construction and
19 we normally don't get those from a planning perspective.

20 MS. DALTON: That's what I thought, so that's why I
21 was asking you about the floor plans there and your
22 entrance and egress is into the apartment. You are
23 describing a shared entrance and I assume a front door
24 and a back door and then all the doors to the apartments
25 off the corridor in the center, correct?

1 MR. COSTA: Yes, that's correct. There are stairs
2 here (Indicated) and there are stairs here. Then,
3 there's a corridor down here on the second floor.

4 MS. DALTON: I am going to assume, maybe
5 improperly, given that this is an apartment, the Fire
6 Code would require some kind of doors in the front and
7 doors in the back.

8 MR. COSTA: Again, those will be drawn up through
9 building permits.

10 MS. DALTON: So, it is not set in stone then it's
11 even better. We have seen these mixed use proposals
12 repeatedly and I think I speak for most of us on the
13 Board - when we see these kinds mixed-use, we typically
14 are not very enthusiastic.

15 Most of the ones that I see that are successful
16 are on bigger spaces, they have cleaners and now
17 places and the maintenance door on the bottom and
18 then a bunch of apartments upstairs. The spirit of
19 this is that you are supposed to be able to keep
20 somebody from having to jump in their car every time
21 they need milk or bread.

22 When we see these things that have an office
23 space and then apartments, it doesn't warm my heart.
24 I don't think that's the point of this. It just
25 seems like you don't really think that you're going

1 to make enough money from office space, so you give
2 an excuse because it is allowed. That said, most of
3 the time because it is a mixed-use and it's on a
4 main road, you're building two bedroom apartments
5 the kind of invite somebody coming might have a
6 child or more children and they're just not good
7 places for us to be putting Colonie children.

8 So, having said that, I would really like to
9 take the children's activity area, put it in the
10 backyard the way that you would want your own kids
11 to play, close it in, make sure that there are ways
12 that kids that go out of the building can walk rate
13 into that enclosed area because you are right on
14 Route 2 and you don't want them to go into that
15 area. If we're really going to make this a real
16 residential living space, that I think we have to be
17 conscience of all of those things. I would like to
18 see back doors put in and enclosed area that can be
19 shared with tables and swing sets.

20 I think the building looks nice. It's just
21 that mixed-use thing that I'm never very comfortable
22 with.

23 MR. COSTA: Like Joe mentioned, we are hoping that
24 some of the adjacent areas when they get redeveloped -
25 they do provide some of those services and they are in

1 walking distances. That is one of the purposes of doing
2 these interconnections and sidewalks so that there would
3 be some connectivity to adjacent sites.

4 CHAIRMAN STUTO: Kathy, I agree with your
5 sentiments. What are you recommending to improve it?

6 MR. COSTA: Switching over the children's play area
7 to the other side, putting in some kind of a security
8 fencing around that and the gate so that they can go in
9 and out and also having that accessible and a closer
10 proximity inside the building.

11 MS. DALTON: If they are coming outside to go out
12 and play, they don't have to be outside of the
13 enclosure. They can walk right from the building door
14 into the play area.

15 MR. MION: Also a fence at the rear parking lot
16 separating the stormwater management area.

17 MR. COSTA: Yes, that's more like a post and rail
18 with a block fence. We have done that on several other
19 projects. That's not an issue.

20 CHAIRMAN STUTO: I will just follow up. You are
21 here for final in I am not opposed to granting final
22 with that caveat which we would like to review again.
23 You can still go forward to final.

24 MR. COSTA: I can either send Joe or come to a
25 meeting.

1 MS. DALTON: Can you come back so we can see it? I
2 would like that.

3 MR. COSTA: Sure, that's not a problem.

4 MR. LACIVITA: And just to be fair to the
5 applicant, he actually is a Town resident. He is
6 bringing his headquarters here. He is going to be an
7 owner occupying this. I note that you were saying he was
8 trying to get the most out of the rent and he really is
9 going to be occupying this place. He is doing another
10 project within the Town. So, he is looking at the Town
11 as expansion as well.

12 MR. COSTA: And he is actively pursuing the vacant
13 land that Joe mentioned. He would like to get an option
14 on those to put in some more apartments.

15 MS. DALTON: I would feel more comfortable
16 obviously with this entrance into a greater living area
17 so that the kids could hop on their bike and go
18 backwards.

19 MR. COSTA: That's a great suggestion and we can
20 change that.

21 CHAIRMAN STUTO: Any other comments?

22 MS. MILSTEIN: This is allowed in this area it is
23 COR. He developed his plans in accordance with that. It
24 is not up to us to decide whether we like it or we don't
25 like it or whether you want to live there on Route 2. It

1 is a rental decision. If you have a kid, it's Route 2 to
2 and you know it's there. You can see the stormwater.
3 People make decisions based on that. Some people may
4 want it or some people may not want it. I think it's a
5 good thing.

6 MR. COSTA: I think that some of the suggestions
7 tonight are good to implement. Thank you.

8 MR. SHAMLIAN: I'm just going to make one more
9 comment and it is not to sway the rest of the Board.

10 Obviously, the concerns about the potential
11 children - those issues have been raised. I was
12 remaining open-minded. It is a nice looking project.
13 I absolutely do not think that it is an appropriate
14 use for that site. Everywhere else where we have
15 done and approved a mixed-use, there have been other
16 residences around it. There might be one residence
17 within a couple thousand feet of this property. In
18 my opinion, it is not an appropriate use of the
19 site. It is not wear a mixed-use was intended to be.

20 CHAIRMAN STUTO: No members of the public have
21 signed up to speak, but are there members would like to
22 speak on this project?

23 (There was no response.)

24 Okay, can you walk us through the environmental
25 review, Chuck?

1 MR. VOSS: Certainly. In your packets you have a
2 short Environmental Assessment Form that was prepared.
3 Based on that, I did not see any additional items that
4 stood out as an environmental concern.

5 So, the Town Attorney's office went forward and
6 drafted a SEQR recommendation for the Board. That is
7 in your packet. The requested approval is an
8 unlisted SEQR action. The town attorney's office
9 recommends, based on the attached EAF, that the
10 board determine that the action will not have a
11 significant effect on the environment. It is signed
12 by Town Attorney Rebekah Kennedy.

13 Part two is there and if you like I can go
14 through those 11 questions, Peter.

15 CHAIRMAN STUTO: Yes.

16 MR. VOSS: Part two was the impact assessment. The
17 first question is: Will the proposed action create a
18 material conflict to and adopted land use plan or zoning
19 regulations. The answer is no.

20 Will the proposed action result in a change of
21 the intensity or use of the land? Again, the answer
22 is no.

23 Will the proposed action and compare the
24 quality or character of the existing community?
25 Again, the answer is no.

1 Will the proposed action have an impact on the
2 environmental characteristics that cause the
3 establishment of a critical environmental area?
4 There is no CEA in this area, so the answer is no.

5 Will the proposed action resolved in an adverse
6 change to the existing level of traffic or affect
7 existing infrastructure for mass transit, biking or
8 walkway? The answer is no.

9 Will the proposed action cause an increase in
10 use of energy and sales to incorporate reasonably
11 available energy conservation or renewable energy
12 opportunities? The answer is no.

13 Will the proposed action impact existing other
14 public/private water supplies or public/private
15 wastewater treatment facilities or utilities? The
16 answer is no to both.

17 Will the proposed action impair the character
18 and quality of important historic archaeological,
19 architectural or aesthetic resources? The answer is
20 no.

21 Will the proposed action result in an adverse
22 change to the natural resources - for example,
23 wetlands, water bodies, groundwater, air quality,
24 flora or fauna? The answer is no.

25 Will the proposed action result in an increase

1 to the potential for erosion, flooding or drainage
2 problems? The answer is no.

3 Finally, will the proposed action create a
4 hazard to environmental resources or human health?
5 The answer is no.

6 Therefore, based on the questions above, the
7 project is determined not to have any adverse
8 environmental impact on the Town.

9 CHAIRMAN STUTO: We also have a notice of
10 determination of no significant effect on the
11 environment negative declaration and are packets.

12 I will ask the stenographer to include that in
13 the record.

14 Do we have a motion on the negative declaration
15 as read by Chuck and also the negative declaration
16 that is in front of us?

17 MR. MION: I'll make that motion.

18 MR. AUSTIN: Second.

19 CHAIRMAN STUTO: All those in favor?

20 (Ayes were recited.)

21 All those opposed?

22 (There were none opposed.)

23 The ayes have it.

24 With respect to the main project and main
25 application for final review with the exception of

1 the recreational area for families and children
2 which will come back and all the other conditions by
3 the Town departments and the Town Designated
4 Engineer including and not limited to the fence
5 described around the stormwater - do we have a
6 motion?

7 MR. AUSTIN: I have a quick question. Regarding the
8 kids - how many kids would be expected to be potentially
9 living there?

10 MR. COSTA: There are six apartments. So, the
11 likelihood is - there could be six kids.

12 MR. AUSTIN: There could be more, though.

13 MR. COSTA: There could be more.

14 MR. AUSTIN: Do you know what school they would go
15 to - say the elementary school?

16 MR. COSTA: I think they would go to Blue Creek.

17 MR. AUSTIN: Which is already bursting at the
18 seams. Six more kids doesn't seem to be a lot and they
19 probably would not all of the elementary school aged
20 kids.

21 MR. COSTA: I said six kids because the average is
22 3.2.

23 MR. AUSTIN: I think the vote that is going to be
24 for the bond vote - if that does not pass, we don't get
25 these expansions in the schools will remain very

1 crowded. So, that is just a concern of mine.

2 MR. LACIVITA: The school does get the plans. They
3 get to review everything. We do meet with them once a
4 year to go over all the development as well.

5 CHAIRMAN STUTO: You brought it up, so I'm going to
6 have to follow up on it.

7 Joe, at the Comprehensive Plan Committee -
8 actually Paul Rosano brought it up -- the numbers of
9 the school district have actually gone down over the
10 last 10 years, on average?

11 MR. LACIVITA: I can't speak for Paul. He has those
12 numbers. Yes, the numbers did however go down.

13 CHAIRMAN STUTO: He submitted that at the last
14 Comprehensive Plan Committee. It seemed to me that they
15 were concluding or at least saying that a lot of that is
16 not due to the new housing but the turnovers and the
17 families. Older people are moving out and we are getting
18 a replenishment of new families.

19 MR. LACIVITA: Exactly. My home has three vacant
20 bedrooms. At some point, we are going to downsize and we
21 will do the same. The other three people along the side
22 of me are the same. That was one of the things that they
23 can't backfill is that when that house sells, what
24 number comes in front of it.

25 CHAIRMAN STUTO: So, there are a lot of variables.

1 MR. LACIVITA: Yes, very much so.

2 CHAIRMAN STUTO: After the question has been
3 answered, we had a motion that was proposed.

4 MR. MION: I will make that motion.

5 MR. AUSTIN: I will second it.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 All those in favor, say aye.

9 MR. MION: Aye.

10 MR. AUSTIN: Aye.

11 MS. DALTON: Aye.

12 MS. MILSTEIN: Aye.

13 CHAIRMAN STUTO: Aye.

14 All those opposed, say nay.

15 MR. SHAMLIAN: Nay.

16 CHAIRMAN STUTO: We have one nay recorded.

17 Thank you. We will see you again on the other
18 piece.

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20 (Whereas the above entitled proceeding was
21 concluded at 8:45 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York,
hereby CERTIFY that the record taken by me at the
time and place noted in the heading hereof is a true
and accurate transcript of same, to the best of my
ability and belief.

NANCY L. STRANG

Dated _____

