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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

DEPAULA MAZDA
947 TROY SCHENECTADY ROAD
SKETCH PLAN REVIEW

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter Commencing
on November 13, 2018 at 7:19 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER
SUSAN MILSTEIN
KATHY DALTON

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Plannin
Board
Joseph LaCivita, Director, Planning and Economic
Development Department
Joseph Grasso, RLA, CHA
Frank Palombo, CT Male Associates
Ed Greeson
Michael Donovan
Sheila Marshall
Gloria Jevins

1 CHAIRMAN STUTO: We're going to call up the next
2 item. DePaula Mazda, 947 Troy Schenectady Road, sketch plan
3 review, 17,000 square foot new automobile sales and service
4 location.

5 This is a non-voting item and our typical protocol
6 is not to take public comment. We will leave it up to the
7 Board. I know some people are probably anxious to talk about
8 it. We will leave it up to the Board and if so, we will asked
9 the public to keep it short.

10 Do you have any preliminary comments, Joe?

11 MR. LACIVITA: No. You said everything you needed
12 to.

13 We will turn it over to the applicant.

14 MR. PALUMBO: Thank you, Mr. Chairman and Members
15 of the Board. My name is Frank Palombo with CT Male
16 Associates representing DePaula Mazda.

17 This is an update. When the plan was last here, it
18 was for a Maserati dealership, but that has changed. It is
19 now a Mazda dealership. The previous building extended this
20 way more (Indicating). One of the things that they are
21 planning to do was to convert a building in the back here and
22 do their service bays separate, so the building would be
23 slightly separated. Before, it was all one building.

24 It still has about the same amount of parking and
25 about the same amount of total square feet, but it will now

1 be a Mazda dealership. There will be some parking in front of
2 the building and some display area parking. There will be
3 storage of the cars that are for sale.

4 Overall, there is still 56% green space on the
5 site.

6 Just to give the context: This is Route 7 here
7 (Indicating). This is Mill Road. The Peter Harris Plaza is
8 across the street here (Indicating).

9 The building - to give you an idea of what the
10 architecture is going to be - this corner which I will refer
11 to as the jewel box - - I think you'll see a lot of auto
12 dealerships that are doing this now where they are putting
13 their product in as high a prominent place as they can. This
14 would be the view that you would have from the intersection
15 of Peter Harris Plaza. So, there is not a lot at this point
16 for us to go through.

17 We have had the DCC meeting to update, based on
18 this new plan. We intend to hear comments from the Board and
19 move forward with concept and addressing all those comments.

20 The water and sewer and storm water - - you will
21 see on the plan here that the storm water plan had been done
22 by Dan Hershberg's office when this project was done
23 previously. We are looking to capitalize on the SWPPP that
24 was done at that time and see if we can modify our plan to
25 fit with what was already designed. That's why we left the

1 infiltration plan on there. That is all work that we still
2 need to do before we submit for concept - or when we submit
3 for concept.

4 CHAIRMAN STUTO: All set?

5 MR. PALUMBO: All set.

6 CHAIRMAN STUTO: This is under review by our other
7 Town Designated Engineer, CHA, Joe Grasso.

8 I know that you do not have a formal review, but
9 we have seen the site a number of the times and I'm sure that
10 you have some important input.

11 MR. GRASSO: Some of the concerns that the Board
12 expressed with the last plan - obviously, it translated into
13 this plan too.

14 One of the things that I think is important for
15 the Board to consider is that we are still looking at a car
16 dealership. When the Maserati use was proposed a lot of the
17 context was about how minimal that site would generate
18 traffic and activity. Obviously, we are still looking at a
19 car dealership but obviously it is a Mazda so it's a little
20 bit more mainstream of a car. So, we would expect to have
21 higher numbers of trips to and from the site, car carrier
22 access and things like that. We will have a lot of data to
23 look at when the project goes through in terms of trip
24 generation and traffic impacts.

25 So, when the project was last before the Board,

1 there was a lot of concern regarding the access on Mill Road
2 and the likelihood or the ability of cars to use Mill Road
3 for test driving vehicles or for a car carrier and how the
4 additional traffic on Mill Road would impact the existing
5 operation on Mill Road which primarily serves residential
6 developments to the north. Obviously, Mill Road has an
7 S-curve as it comes off of Route 7. There are areas of limited
8 site distance, so there is a lot of concern that was
9 expressed by the Board and by our office when the project was
10 last before us. The current plan is still to propose access
11 onto Mill Road. I think the plan restricts lefts-out of the
12 site. They are still proposing rights-out, full access in and
13 rights-in.

14 MR. PALUMBO: I think what we were planning on
15 doing was some further analysis on traffic generation and
16 making a formal proposal with the concept plan in terms of
17 how that would be done.

18 One of the things that had come up in DCC, as I
19 understand, was about site distance in that direction and
20 whether or not it could be safely done. So, we were going to
21 do some further investigation into that.

22 MR. GRASSO: Obviously, it is proposing full
23 access onto Route 7. There is going to be a concern regarding
24 that access location because of its proximity to the signal
25 at Route 7 Mill Road. That full access curb cut is expected

1 to be impacted by the queues that occur on Route 7 for
2 eastbound vehicles on Route 7. Obviously, DOT is going to
3 weigh in on the proposed access arrangement.

4 So, there are a couple of things to keep in mind
5 in terms of the access on Mill Road. In order to minimize the
6 impact on the residential properties as much as possible, it
7 would be ideal to just eliminate the access all together on
8 Mill Road. That is one option. Whether or not that affects
9 DOT's ability to be agreeable to the access on Route 7, we
10 don't know. If the Board was open to some level of access on
11 Mill Road, you may consider a right-out only which would
12 restrict the lefts-out so the chance for cars to use Mill
13 Road for test drives would be very difficult and be
14 minimized, I think. What a right-out would allow - you could
15 take a right out onto Mill Road and then when you come up to
16 Route 7, you can take a left on Route 7 by taking advantage
17 of the signal. Therefore, you could eliminate the lefts-out
18 at the full access curb cut onto Route 7 which makes that
19 access, I think, more palatable in the eyes of a traffic
20 engineer or DOT because those cars are looking to pull into
21 that left hand turn lane which obviously is going to get
22 queued up during peak hours.

23 Our recommendation is that when the project comes
24 back for concept review, the applicant takes a close look at
25 what they are looking to support from an access arrangement

1 and also get some level of concurrence what DOT is willing to
2 allow in terms of access arrangements because I think that
3 what DOT is looking for may be in contradiction to what the
4 Town Planning Board is looking for in terms of protecting the
5 residents on Mill Road and restricting the use of Mill Road.
6 Obviously, in DOT's eyes in a perfect world they're going to
7 want only full access on Mill Road and no access on Route 7
8 at all. They want the traffic to take advantage of the
9 signal. I think that's in direct contradiction to the
10 concerns expressed by the Planning Board.

11 MR. PALUMBO: If I may, Joe? I believe - Joe,
12 correct me if I'm wrong - when we met with the DCC, we had
13 not received any new comments from DOT at that time. We will
14 follow up on that.

15 MR. GRASSO: We would like something in writing
16 when it comes back to the Planning Board - from DOT, going
17 through their consents and not only just with this plan, but
18 based on feedback that we hear from the Planning Board
19 regarding - I assume there's going to be some concern
20 expressed to this curb cut arrangement on Mill Road, as
21 proposed. Obviously, pushing the curb cut on Route 7 away
22 from the signal makes it less likely to impact the traffic
23 operations around that signal. So, I'm not sure what the uses
24 are of the adjoining property to the west, but that is
25 something that you may want to take a look at.

1 Just a couple of notes from Planning - they
2 identified a bunch of waivers that would be required;
3 exceeding the 25 foot major road maximum front yard setback,
4 parking lot pavement within 10 feet of the side yard and
5 adequate lanes interior landscaped islands in the parking
6 waiver to allow 25% more spaces than the number permitted
7 because that's what happens when you have a car sales
8 facility meeting that waiver. If the project moves forward as
9 proposed, we would want justification in the narrative to try
10 to support those waivers.

11 It is in the Airport Area GIS study area so
12 mitigation fees would apply. It is an unlisted action
13 pursuant to SEQR.

14 The Planning Department also raised concern over -
15 to make sure that the trees over a certain size - say, 6
16 inches in diameter - are shown on the concept plans with your
17 clearing limit so we can understand the level of tree
18 removal. I know that was a concern about the buffer being
19 protected up against the residential properties to the north.

20 Those of the highlights.

21 CHAIRMAN STUTO: Could you say what waivers are
22 required again?

23 MR. GRASSO: So, there are four listed. The first
24 is the building exceeds the 25 foot major road maximum front
25 yard setback from Route 7 which I think is a supportable

1 waiver.

2 The second is parking lot pavement within 10 feet
3 of the side property lines. I think that is because of the
4 property to the west.

5 The third is an adequate interior landscaped
6 islands. It may actually meet it, but we just want to see the
7 calculations to ensure that it does.

8 The last one being the parking and the allowance
9 over 25% above the minimum number of parking spaces to
10 support the use. That is a typical one because we have so
11 many spaces designated towards inventory spaces. Based on the
12 Code, the building on both sides has need for so many parking
13 spaces. Those are the four.

14 CHAIRMAN STUTO: Does anybody have any preliminary
15 comments before we turn this over?

16 MR. HEIDER: I just want to put on the record
17 again the concerns with the tractor-trailers. They all pull
18 the tractor-trailers up in the middle of the road and unload.
19 Very few actually drive into the lot. We are still seeing
20 them on Route 9. We are seeing them on Central Avenue. If
21 they ever did here, it would absolutely be suicide.

22 As far as the right-out only - and I concur that
23 would keep that traffic off of Mill, there is still the
24 problem with Buhrmaster Road down the road for a number of
25 the dealerships further west where they use River Road for

1 test drives and for the mechanics. So, you're right-out would
2 keep them away from Mill Road going left, but they all have
3 to come back that way. Mark my words, they will go to
4 Buhrmaster - - now the poor people from Buhrmaster are going
5 to get it from both directions. They use Burmaster to River
6 and up Forts Ferry and over Mill and back. That's the best
7 test drive that they can offer. It's just a concern that I
8 know the neighbors have.

9 A major concern at the last meeting was: Do you
10 really need 205 parking spots? There is no way they have that
11 inventory down in Albany now.

12 MR. PALUMBO: We will go over that further with
13 the Paula to give us the operation side of things. We will
14 bring that information or make that information DePaula as to
15 why the justification for that which I think was Joe's point
16 as well. We make the justifications for why we need that. It
17 really does transcend into the operational aspect of when
18 they need the vehicles there and the type of vehicles that
19 they are selling. I know in just a brief conversation, it was
20 really about the model that is going more towards having cars
21 available so that somebody come on the lot and go. So, that
22 is one of the reasons. Compared to even the Maserati where we
23 had fewer there - that would probably be a better argument
24 and saying most people that are coming in for the Maserati
25 might be in that position of ordering certain dynamics and

1 everything else. The Mazda's are going to be - they are more
2 stock vehicles on-site and that's why the number. I will get
3 more detailed information on that from the Paula.

4 MR. HEIDER: The major concern is the traffic.

5 MR. MION: I agree with what you said, Chief. My
6 biggest problem with this is again, Mill Road. At least with
7 the Maserati, they only have four or five people coming in a
8 week. They probably didn't want to drive through the
9 neighborhood anyways to get onto Route 7. You now have Mazda
10 and that's different. You have more people coming in now.
11 It's going to be a traffic jam in itself.

12 The curb cut on 7 is right next to your adjoining
13 property. They have a curb cut right there. I think it's too
14 close. It's going to cause more of an issue. I think the
15 suggestion that Joe made was possibly taking a look and see
16 if you can acquire that property, too. That might help and
17 they could move that curb cut down a little. I think that's a
18 problem there.

19 CHAIRMAN STUTO: Kathy?

20 MS. DALTON: This is an area that is closest to my
21 own home so I'm very familiar with it. It is a traffic
22 nightmare.

23 Beyond that, given my experience, I would actually
24 rather see having the Mill Road cut. Coming out to that light
25 and being able to make a left makes ever so much more sense

1 than trying to have all the traffic over from the Route 7
2 cut. It wouldn't happen because you wouldn't be able to get
3 across there. So, I think the Mill Road cut with the right
4 only makes a lot more sense.

5 MR. PALUMBO: Thank you and I think we're going to
6 try to do our best to evaluate the concerns of what will
7 happen with test drives versus the concerns of general safety
8 and also what DOT may be telling us that they want to see
9 with that entrance on Route 7. We know that we have some
10 thresholds to meet.

11 MS. DALTON: My other concern is the alternative.
12 What else could go on that lot? I would much rather see all
13 of those cars parked there in perpetuity until somebody
14 bought them then all those cars coming and going to office
15 buildings there. So, when I think about what else you could
16 use that lot for, I would rather see a car dealership than
17 some of the other more commercial and office uses that you
18 could have. I just think that it would just generate overall
19 less traffic than some of the other options.

20 CHAIRMAN STUTO: My comments are: I thought this
21 is a challenging project with the Maserati. With the Mazda,
22 it's even more challenging because the volume is going to be
23 higher and the number of cars that you're going to need and
24 want to keep on the lot is going to be higher.

25 The traffic issue - the ingress and egress is also

1 an imperfect - tricky problem with imperfect solutions.

2 No disrespect to Kathy and I do understand why she
3 said it, I think it will be interesting to see what the
4 traffic engineer say. The conflicts that will be caused with
5 the curb cut on Mill Road - I don't know if it is acceptable
6 or not. So, those are my comments for now.

7 I think were going to let people speak and we will
8 ask that they speak briefly and we will call out their name
9 in the order which they signed in.

10 Ed Greeson. We would ask that you would be brief.

11 MR. GREESON: I will. I tried to condense it.

12 I live at 11 Beechwood Drive.

13 This is like the movie Groundhog Day. Here we are
14 here all over again, repeating the same thing. We are here
15 again with a new engineer and a new brand, but the same
16 problems. Why does this keep getting shoved at us? I want the
17 Board once and for all to designate this as an inappropriate
18 aspect for this lot. An office building, possibly, but not
19 that many tractor-trailers full of cars.

20 These people came here the first meeting and swore
21 they have special tractor-trailers that they can maneuver
22 anywhere. Two days later they are taking vehicles in the
23 middle Central Avenue. I have pictures here.

24 This is not an appropriate situation. It is
25 detrimental to the neighborhood. It is a traffic hazard.

1 Who have you spoken to a DOT?

2 CHAIRMAN STUTO: Can you address the Board, sir?

3 MR. GREESON: I'm sorry. In two other meetings
4 they mentioned DOT, but there is nothing that has been done
5 with DOT to my knowledge. Do we want Route 7 to be Central
6 Avenue and Everett Road? I am all in favor of these types of
7 projects, but not this location. I would be glad to see it at
8 another location.

9 The curb cut is going to come out in the waiting
10 lane for Mill Road going eastbound. How can that be done?

11 Again, the test drives. It is a public safety
12 issue. Mazda is going to do more than 30 or 40 cars. What
13 about used cars, wholesalers and trucks? This is just not it.
14 This is a public safety hazard. We need to vote it down once
15 and for all and designate this lot unfit for an auto
16 dealership. Thank you, very much.

17 CHAIRMAN STUTO: Michael Donovan.

18 MR. DONOVAN: Good evening everybody. Basically
19 the Groundhog's Day statement, I think, is accurate. To
20 remind everybody, this is the industry that I work in. I'm
21 one of the principal founders and owners of a national
22 company that works with automotive dealerships. I am
23 pro-dealership. That's how I earn my livelihood. This
24 specific location is entirely inappropriate.

25 Mrs. Dalton, you would rather see a dealership

1 then an office building. Guess what? A dealership is an
2 office as well. You have mechanics, you have staff, you have
3 clerical, you have salespeople coming and going every day to
4 operate that facility. I can tell you that since inception,
5 DePaula is selling on average 60 new Mazdas per month and
6 approximately 40 pre-owned vehicles. That's 1,200 vehicles on
7 the road. In order to achieve that the national average of
8 1,200 vehicles per year out of 25% closing rate, you're going
9 to have 5,000 plus test drives. They are going to take a
10 right. They're going to go to Buhrmaster. They're going to
11 loop around. They're going to fly by my kids. They're going
12 to rush to get to work. They're going to be flying by my kids
13 at the bus stop. It is an appropriate. All of the issues that
14 we spoke about last time with movement - - my children go to
15 school at Forts Ferry. If there was an emergency at that
16 school, God forbid a fire or something worse - it would be a
17 horrible situation to compound that with a vehicle transport
18 blocking Mill Road and impeding the ability of movement from
19 the Fire Department that is right there. For example: elderly
20 homes and residents on Mill Road and the adjoining
21 residential neighborhoods - I brought it up last time. If
22 there were a heart attack where emergency first responders
23 couldn't get there, what would normally be a small dose of
24 aspirin could turn into a loss of life. What would maybe be a
25 kitchen fire could be a loss of an entire home and all of the

1 contents and memories that family will accrue. It really
2 concerns me deeply.

3 Again, to remind everybody, this is the business
4 that has allowed me to succeed and to do very well. I am
5 employed by several people right down the road. My office is
6 in your Town. My home is in your Town. I am relying on you -
7 and trusting that this Board will do the right thing. This is
8 an appropriate - and inappropriate use of this property. It
9 will only cause headaches and possibly worse issues than that
10 in the future.

11 Thank you for the time. I appreciate it. I hope
12 that I don't have to come back to talk more about this.

13 CHAIRMAN STUTO: Sheila Marshall.

14 MS. MARSHALL: Thank you. I am Sheila Marshall and
15 I live on Vandenberg Lane. I am also impacted by the traffic
16 on Mill Road trying to get out, coming off of Mill Road or
17 off of Route 7. They are coming up and then they are heading
18 down into the ravine or heading towards Route 7. They are
19 coming out of the ravine. I am in a SUV because it gives me
20 just a little bit more height and a little bit more distance
21 line. Sometimes there just isn't enough. No one is doing the
22 30 mile per hour speed limit. We don't have radar traps set
23 up on Mill Road that we used to have when Chief Heider was
24 in. When you called, you would get someone one day for a
25 little while.

1 The access in the morning - when I go out and come
2 back in at 8:30 in the morning to turn around to Mill Road,
3 the traffic can be 10 or 12 cars in line - your children, the
4 school buses are at the end. If there were anything larger or
5 back-up in traffic to turn in off of Mill Road into that site
6 - I have been on Route 7 before where people aren't paying
7 attention when it was Daigles and their trucks would be going
8 in. There would be a backup and you would have to stop.
9 Someone would come flying, clipped a Daigle truck and wound
10 up airborne. You're talking about taking these people out to
11 a left-hand turn onto Route 7 and maybe they're going to go
12 that way and turn right. At that light, you have to wait
13 several seconds because that is one of the most run drag
14 lights I think I have witnessed in the Town.
15 Tractor-trailers, pickup trucks and cars just go flying
16 through it. I think that the incident rate for accidents is a
17 potential.

18 Keeler goes around and they go up Buhrmaster Road,
19 but they also go down River Road and come up Mill Road. The
20 service people come up Mill Road. They go out and turn and go
21 back out again. Again, we are going to have more incidents of
22 the testing and I think a lot of that - Rosendale,
23 Burhmaster, Mill for the hills and that nice little push you
24 can get to see how the car accelerates and how it handles.
25 My son lives off of River Road on Northview Drive. They have

1 come home at times and they have to toot the horn because the
2 Keeler people are on that hill - that roadway, test driving a
3 car. They can't get in their driveway. There's just a lot
4 that is going on with the site that I think it is not
5 appropriate.

6 There's an issue with the car carriers. As the
7 Chief said, I have seen them near Toyota, parked in the
8 middle and at Keeler parked in the middle up on Route 9 near
9 Goldstein and Fucillo's parked in the middle or off on the
10 emergency lanes. They're not going in and out of the sites
11 anymore.

12 So, I think, as I have heard at other meetings
13 before, Mr. Daigle has the right to sell his property and
14 make a profit. The developer has a right to take that
15 property, development, turn it over and make a profit. We and
16 those that are impacted by the decisions that you make have
17 to live with these things. All we can do is our best to make
18 sure that you're making the right decisions and that it
19 impacts us as little as possible. Thank you.

20 CHAIRMAN STUTO: Thank you.

21 Gloria Jevins.

22 MS. JEVINS: Good evening. It's good to see
23 everybody. My husband, Gordon and I own the property at 2A
24 Mill Road, which would be the northern and western boundaries
25 of the proposed site. Our concerns about the project is

1 again, a lot of parking spots there.

2 As a business of the golf course, we are thinking
3 that there is going to be a ton of run-off. You have a lot of
4 paved area. You're going to have a lot of cars and a lot of
5 motor oil. Even though I am sure that they've got drainage,
6 you get a heavy rain like we have had and were going to get
7 all kinds of wash off coming down into the golf course.
8 Again, pollution is big for us.

9 Even though they going to have buildings with
10 doors, most car dealerships you hear a lot of people around.
11 There are intercoms and there is outside noise in your
12 hearing pneumatic tools. There are going to be a lot of cars
13 starting and horns beeping. Again, that's going to be kind of
14 a noise detriment I think for our area.

15 Also there is going to have to be lights on for
16 both security at night and Mill Road - after 9:00 there is a
17 much activity going on. I'm sure they're going to have to
18 have lights on all night long for security purposes. We would
19 hate to have that impact our neighbors as well as the golf
20 course.

21 The Daigles have a property here and are entitled
22 to sell their properties. It's been sitting vacant for a long
23 time that we think the car dealership is maybe not the best
24 use for that lot. Some residential housing or maybe some
25 senior housing or someplace where it's easily accessible to

1 Route 7. I would think an office building where you would
2 have people from 9 to 5 - - that's a lot of traffic too, but
3 looking at 200 parking spots, we think is just too much
4 traffic for people coming out Mill Road.

5 Thank you for your time.

6 CHAIRMAN STUTO: Joe Grasso, can you sum up with
7 the major issues are here and then we will see if the Board
8 wants to talk about it?

9 MR. GRASSO: I think that the traffic and the
10 access - if the project moves forward, having an access
11 arrangement that is acceptable to both the Planning Board and
12 DOT is, I think, the biggest hurdle. Obviously, if the access
13 arrangement turns out to be agreeable, obviously a traffic
14 study can evaluate how traffic operations are going to handle
15 the roads and impacts. That's going to be important. The car
16 carriers are something that you have to address and the test
17 drives.

18 I think the big concern is the level of use of the
19 site that is now being proposed is obviously more than it was
20 before. That is something that I would strongly recommend
21 talking to the applicant about and working on ways to
22 mitigate that, if there are options. That's what I would
23 focus on.

24 By the time that it comes back for concept, I
25 think that there has to be a different access arrangement and

1 I think it would be wasting the Planning Board's time if we
2 don't have input from DOT. I really think that's important to
3 both agencies that are commenting on the same plan and
4 indicating its support or concerns, whichever plan moves
5 forward. Obviously, I don't think the plan in front of you
6 tonight is worthy of moving through the Town process.

7 CHAIRMAN STUTO: Anyone else like to add anything?

8 (There was no response.)

9 Okay, we have some serious issues and some serious
10 questions.

11 MR. PALUMBO: Absolutely and while I was taking
12 all those notes and hearing what everyone was saying, in my
13 mind, my message to my client was what Joe basically just
14 said. We won't come back with our concept submission until we
15 have those items ironed out at least to where we can answer
16 some of these questions. We may not reach everyone's
17 satisfaction, but at least we'll have some of the questions
18 answered. So, that's going to be priority number one. Whether
19 that starts with meetings, with DOT counts and assessments or
20 whatever needs to be done, that's what we're going to be
21 promoting with our client. We heard many of the comments
22 tonight and we know where focus should be.

23 CHAIRMAN STUTO: Okay, thank you.

24 (Whereas the above entitled proceeding was
25 concluded at 8:06 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

