

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, October 14, 2014, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz
BOARD MEMBERS: Richard Gentry, Jane Hollen, Charles Oyler, Ryan Staychock
SECRETARY: Kathy Gingerich
STAFF MEMBERS: Lance Brabant, MRB Group
Christian Nadler, Planning Board Attorney
Douglas Finch, Director of Development

Pledge of Allegiance
Introduction of Board Members and Staff
Overview of Emergency Evacuation Procedure
Attest to the Publishing of Legal Notices
Privilege of the Floor

SKETCH PLANS: *None at this time*

CONTINUED PUBLIC HEARINGS: *None at this time*

NEW PUBLIC HEARINGS: *None at this time*

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS:

CPN-061-14 Venezia Associates, representing Property Development of WNY Inc, owner of property on Middle Cheshire Road, TM#97.04-1-9.211, is requesting final subdivision approval for Phase I Fox Ridge Section 5B, a 10-lot subdivision in the R-1-20 zoning district.

CPN-076-14 DDS Engineers, representing Bero Contracting, owner of property at 4196 County Road 16, TM#126.00-1-59.100, is requesting final phased subdivision approval for a 5-lot subdivision (Lakeside Estates Section III Phase I) in the SCR-1 zoning district.

CONTINUED PRELIMINARY (PHASED) SITE PLANS: *None at this time*

NEW PRELIMINARY (PHASED) SITE PLANS: *None at this time*

CONTINUED FINAL (PHASED) / ONE-STAGE SITE PLANS: *None at this time*

NEW FINAL (PHASED) / ONE-STAGE SITE PLANS: *None at this time*

BOARD BUSINESS

- Approval of September 23, 2014 meeting minutes
- Referrals from Town Board: *None at this time*

- Recommendations to Zoning Board of Appeals:
 - HB Cornerstone for McClusker, owner of property at 3346 Fallbrook Park, TM#98.11-1-23.000, CPN-071-14, expansion of pre-existing non-conformity (single-family dwelling) in the RLD zoning district.
 - Recommendations to the Code Enforcement Officer: *None at this time*
 - Resubdivision / Annexations: *None at this time*
 - Letter of Credit/Bond Releases:
 - Comprehensive Plan – General Discussion
 - Other Business as Required:
 - Guidelines/Requirements for the approval of landscaping, tree removal and/or pruning within deed restricted areas
 - Code Updates / Revision to Comp Plan Implementation Plan
-

STAFF REPORTS:

- Town Consulting Engineer
- Planning Board Attorney
- Director of Development
- Board Member Reports
- Topics

UPCOMING APPLICATIONS

- October meetings: Five Star Bank – one stage site plan for ground and building signs; DVC, Inc for Schottland – one stage site plan for site improvements in the RLD; preliminary and final subdivision/site plan for Vision Nissan

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL – CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 Subdivision Plans dated August 1, 2014 containing 10 lots along Lakebreeze Way as described in the Final Subdivision Plans dated August 1, 2014 and all other relevant information submitted as of October 14, 2014 (the current application), and

WHEREAS, comment letters were submitted by the Town Engineer dated September 19, 2014 and by the Canandaigua Lake Watershed Council dated October 2, 2014 requesting additional information to be provided; and

WHEREAS, the requested information as referenced above has not been provided; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the application to their Tuesday, _____, 2014 Planning Board Meeting.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, October 14, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the October 14, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 Subdivision Plans dated August 1, 2014 containing 10 lots along Lakebreeze Way as described in the Final Subdivision Plans dated August 1, 2014 and all other relevant information submitted as of September 23, 2014 (the current application), and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board declared this to be a Type I Action and a determination of significance was previously adopted in June 1989; and

WHEREAS, the Planning Board has completed a review of the proposed Final Subdivision Plans and a comparison with the approved Amended Preliminary Overall Subdivision Plat Plan conditions of approval; and

WHEREAS, the Planning Board has determined that the proposed development is in substantial compliance with the Amended Preliminary Overall Subdivision Plat Plan conditions of approval for Phase 5B; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby Approves without Conditions; Approves with the following Conditions; or Denies the application for the following reasons:

1. The title on the cover sheet shall be revised to read “Final (Phased) Subdivision Plat, Fox Ridge, Phase 5B-1.”
2. The Final (Phased) Subdivision Plat Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
3. Once all conditions of Final (Phased) Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the Final (Phased) Subdivision Plat, the Planning Board Chairperson’s signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
4. One mylar of the Final (Phased) Subdivision Plat is to be provided for signing by the identified Town Officials and the Town Planning Board Chairperson. Once the mylar and all paper prints have been signed, the mylar and two sets of paper prints will be returned to the Applicant for filing the mylar in the office of the Ontario County Clerk.
5. Once the Final (Phased) Subdivision Plat has been signed by the Planning Board Chairperson, the applicant shall file in the office of the Ontario County Clerk such approved final plat within sixty-two (62) days from the date of final approval or such approval shall expire (NYS Town Law Section 276-11).
6. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement areas.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
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7. The realigned Conservation Easement boundary line should be removed from the final subdivision plans as modification to the conservation easement requires the approval of the Town of Canandaigua Town Board.
8. The Conservation Easement along lots 52-57 as depicted on the approved Final Subdivision Plans dated August 1, 2014 has been filed with the Ontario County Clerk's Office per Liber 1225 and Page 175. If the Applicant wishes to modify the existing Conservation Easement, the Applicant is required to apply to the Town Board for permission to modify the existing Conservation Easement prior to filing the approved Phase 5B-1 Final Subdivision Plat with the Ontario County Clerk's Office.
9. If the Conservation Easement is approved by the Town Board and modified, the Final Subdivision Plans are to be revised to depict the approved modified Conservation Easement alignment and resubmitted to the Town Development Office to obtain the Planning Board Chairman's signature.
10. If the Conservation Easement is approved by the Town Board and modified, the Conservation Easement shall be submitted to the Planning Board Attorney for approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Subdivision Plan. Said easements shall be filed at the Ontario County Clerk's Office at the same time as the approved Final Subdivision Plan. Copies of the filed easements are to be submitted to the Town Clerk within five (5) days of them being filed. Failure to file such easements at the time of filing the Final Subdivision Plan shall invalidate this approval.
11. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of Lakebreeze Way cul-de-sac.
12. The Planning Board determines that parkland is not a condition of Final Subdivision Plat approval for this application.
13. The Planning Board determines that a Park and Recreation Fee in the amount to be determined by the Town Board on an annual basis is to be paid at the time of application building permits.
14. A response letter to the Town Engineers comment letter dated September 19, 2014 is to be provided by the design engineer. An approval letter from the Town Engineer is to be provided to the Town Development Office prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
15. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
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CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

16. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.
17. An approval from the Canandaigua Lake County Sewer District (CLCSD) regarding their review of the sanitary sewer improvements is to be provided to the Development Office prior to the issuance of the Certificate of Occupancy.
- 18.
- 19.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, October 14, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the October 14, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

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TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

Preliminary

1. In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board during its review of the rezoning request for the original Fox Ridge Overall Subdivision in June of 1989, declared this action to be a Type I Action, completed a coordinated review of the prepared Environmental Impact Statement (EIS), made a determination of non-significance, and issued a Negative Declaration.
2. The Preliminary Overall (Phased) Subdivision Plat Plans were approved at the July 25, 1989 Planning Board meeting.
3. March 16, 2007 an application for Concept Subdivision revising the Preliminary Overall (Phased) Subdivision Plans for Fox Ridge Sections 5 & 6, creating Phase 5A and Phase 5B and removing Section 6.
4. Phase 5A was under construction at the time as it was previously approved as Section 5 of the Fox Ridge Subdivision. Section 6 was removed and now being called Phase 5B.
5. The proposed Concept Subdivision Plans for Phases 5A and 5B reduced the total number of lots from 52 to 48 and in lieu of the originally approved continuous link for Lake Breeze Way, created two cul-de-sacs (LaCrosse Circle and Lake Breeze Way) within Phase 5B.
6. The Concept Subdivision Plans titled Conceptual Subdivision Fox Ridge Subdivision Phase 5B were submitted to outside agencies for review/comment and were discussed at the April 10, 2007 Planning Board meeting.
7. In an email dated April 6, 2007, Marilyn Schafer of Ontario County Public Works stated that they have contacted the design engineer at the time (Professional Engineering Group) regarding a request to service the existing homes along Middle Cheshire Road that are adjacent to this project (west property line) with a sanitary sewer.
8. An application for Preliminary/ Final (Phased) Subdivision Plat Plan approval for Phase 5B of the Fox Ridge Subdivision depicting two cul-de-sacs, 28 lots, conservation easement area and utility improvements including a sanitary sewer extension for those homes along Middle Cheshire Road adjacent to Phase 5B was submitted Development Office and reviewed at the April 18, 2007 PRC meeting.
9. October 23, 2007, the revised Preliminary (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with fourteen (14) conditions.
10. October 23, 2007, the revised Final (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with ten (10) conditions.
11. The Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B were signed by all parties including the Planning Board Chairman.
12. The Preliminary (Phased) Subdivision Plat Plan approval for Phase 5B has not been revoked and remains in effect as per the Zoning Law Determination dated May 6, 2013.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
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CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

13. The applicant did not file the approved Final (Phased) Subdivision Plat Plans for 5B in the Office of the Ontario County Clerk.
14. NYS Town Law Section 276, part 11 states that approved final plats shall expire if not filed within 62 days of approval.
15. Venezia Associates submitted an amended Preliminary (Phased) Subdivision Plat Plan for Fox Ridge Phase 5B dated March 20, 2014 and a letter dated April 2, 2014 containing a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 new plan.
16. The Planning Board reviewed Amended Preliminary (Phased) Subdivision Plat Plans to determine if they were in substantial agreement with the approved 2007 Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B dated February 2007 and last revised September 25, 2008.
17. The amended (phased) subdivision plans titled Fox Ridge Subdivision, Phase 5B, dated March 20, 2014 propose a similar layout of 28 lots for single family dwellings, two (2) cul-de-sacs (LaCrosse Circle and Lake Breeze Way), a conservation area in the same area as previously approved, utility improvements including water, sanitary and storm sewers throughout Phase 5B and an easement to Canandaigua Lake County Sewer District (CLCSD) for the sanitary sewer extension to those homes along Middle Cheshire Road which were all part of the original 2007 Preliminary (Phased) Subdivision Plat Plan approval.
18. The Planning Board on April 22, 2014 completed a review of the matrix and a comparison of the proposed Amended Preliminary (Phased) Subdivision Plat Plans with the approved 2007 Preliminary (Phased) Subdivision Plat Plans and determined that the proposed Amended Fox Ridge 5B Preliminary (Phased) Subdivision Plat Plans dated March 20, 2014 were in substantial agreement with the previously approved 2007 Preliminary (Phased) Subdivision Plat Plans dated February 2007 and last revised September 25, 2008 (signed).
19. The Amended Preliminary (Phased) Subdivision Plat Plans were revised per the conditions of approval and the Amended Preliminary (Phased) Subdivision Plat Plans were signed by the Planning Board Chairman.

Final

20. Town of Canandaigua Planning Board is considering a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 Subdivision Plans dated August 1, 2014.
21. Proposed Phase 5B-1, is the first of 3 phases within Section 5B containing 10 of the approved 28 lots for single-family dwellings.
22. The 10 lots are proposed off of Lakebreeze Way, which will be extended and terminate with a cul-de-sac as described in the Final Subdivision Plans dated August 1, 2014 and all other relevant information submitted as of September 23, 2014.
23. The minimum approved lot size is 20,000 SQ. FT.

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FINAL SUBDIVISION (PHASED) PLAT APPROVAL

24. The minimum lot size proposed for Phase 5B-1 is 25,213 SQ. FT. with a maximum lot size of 105,690 SQ. FT. proposed.
25. Public water and sanitary sewer services will be extended to all lots within Phase 5B-1.
26. Existing stormwater management facilities sized to handle the water quality and quantity requirements for this portion of development was approved with earlier phases. Section 5B and Phase 5B-1 meet all NYSDEC General Permit and Town of Canandaigua requirements regarding stormwater.
27. This application was forwarded to the following outside agencies for review:
 - Jim Fletcher, Highway & Water Superintendent
 - MRB Group, Town Engineers
 - John Berry, Canandaigua Lake County Sewer District
 - Kevin Olvany, Canandaigua Lake Watershed
28. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
29. The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed subdivision plat because of the increase in population that will be created by the proposed new developments.
30. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
31. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
32. The proposed subdivision includes 28 new homes, many of which will be occupied by families with one or more children.
33. The proposed subdivision will increase the Town's population.
34. This increase in population will intensify the need for land to be used for parks and recreation.
35. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
36. The area of the proposed subdivision will be 28 +/- acres.
37. The area of the proposed subdivision will include residential lots and dedicated conservation areas. Adequate land for dedication of parkland is not available on the proposed subdivision plat.
38. There is not an existing park in the vicinity of the proposed subdivision.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

39. A fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.
40. The Planning Board discussed the need to delineate the conservation easement area in the field to better define the limits of this area on each lot.
41. Conservation easement monuments are to be provided along the lot lines and conservation easement boundary.
42. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement areas.
43. The Conservation Easement along lots 52-57 as depicted on the approved Final Subdivision Plans dated August 1, 2014 has been filed with the Ontario County Clerk's Office per Liber 1225 and Page 175.
44. If the Applicant wishes to modify the existing Conservation Easement, the Applicant is required to apply to the Town Board for permission to modify the existing Conservation Easement prior to filing the approved Phase 5B-1 Final Subdivision Plat with the Ontario County Clerk's Office.
45. If the Conservation Easement is approved by the Town Board and modified, the Final Subdivision Plans will be revised to depict the approved modified Conservation Easement alignment and resubmitted to the Town Development Office to obtain the Planning Board Chairman's signature.
46. If the Conservation Easement is approved by the Town Board and modified, the Conservation Easement will be submitted to the Planning Board Attorney for approval prior to the Planning Board Chairman's signature being affixed to the Final Subdivision Plan.
47. The Conservation Easements will be filed at the Ontario County Clerk's Office at the same time as the approved Final Subdivision Plan.
48. Copies of the filed easements are to be submitted to the Town Clerk within five (5) days of them being filed. Failure to file such easements at the time of filing the Final Subdivision Plan shall invalidate this approval.
49. All comments in the Town Engineers Letter dated September 19, 2014 are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
50. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
51. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
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52. The Canandaigua Lake County Sewer District (CLCSD) approval letter regarding their review of the sanitary sewer improvements is required to be provided to the Development Office prior to the issuance of Building Permits/ Certificate of Occupancy.
53. A comment letter from Kevin Olvany of the Canandaigua Lake Watershed Council dated October 2, 2104 was received by the Town Planning board.
54. The Planning Board has considered the comments identified in the Canandaigua Lake Watershed Council comment letter.

DRAFT

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

October 10, 2014

Mr. Graham Smith, Chairman
Zoning Board of Appeals
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

**RE: HB CORNERSTONE FOR MCCLUSKER – 3346 FALLBROOK PARK
AREA VARIANCE - EXPANSION OF A NON-CONFORMITY
CPN 071-14
TM # 98.11-1-23.000**

Dear Chairman Smith:

The Town of Canandaigua Planning Board has completed a review of the above referenced zoning application HB Cornerstone for McClusker at 3346 Fallbrook Park (CPN 071-14) referred by the Zoning Board of Appeals for recommendations and comments regarding potential impacts (Chapter 220 §220-107-G-2). The Planning Board offers the following:

- 1.
- 2.
- 3.
- 4.

_____ - The Planning Board has no additional comments to offer at this time regarding the submitted zoning application.

Sincerely,

Thomas Schwartz, Planning Board Chairman

C Planning Board Members

**TOWN OF CANANDAIGUA PLANNING BOARD
ACTION RESOLUTION – SURETY RELEASE**

**APPLICANT(S): SCOTT MORRELL - MORRELL BUILDERS
PROJECT NAME – LAKEWOOD MEADOWS, SECTION 8B
RELEASE – LETTER OF CREDIT RELEASE #7
CPN NO. 021-13**

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a completed and signed Town of Canandaigua Surety Release Form dated September 19, 2014 and a cover letter from the Town Engineer (MRB Group) dated October 8, 2014 describing the items involved with the subject release of the Surety for this project; and

WHEREAS, the Planning Board has considered the requested release and the amount of funds associated therewith; and

WHEREAS, the Planning Board is satisfied with the details described in the requested release documents referenced above herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the requested release of \$52,940.69 and for the items specified on said documents.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to sign and date the Surety Release Form and transmits said documents along with a copy of this resolution to the Town Supervisor for processing the release of the amount specified in said documents.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, October 14, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the October 14, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

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