

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FUCCILLO NISSAN OF LATHAM  
5 976 LOUDON ROAD  
6 SKETCH PLAN REVIEW

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8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
10 Reporter, commencing on December 3, 2013 at 7:15  
11 p.m. at The Public Operations Center, 347 Old  
12 Niskayuna Road, Latham, New York

11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 LOU MION  
14 KATHY DALTON  
15 TIMOTHY LANE

14 ALSO PRESENT:  
15 Rebekah Nellis Kennedy, Esq., Counsel to the Planning Board  
16 Joe LaCivita, Director, Planning and Economic Development  
17 Victor Caponera, Esq.  
18 Brad Grant, Barton and Loguidice

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1           CHAIRMAN STUTO: Next on the agenda is Fuccillo  
2 Nissan of Latham, 976 Loudon Road. This is a sketch  
3 plan review. Raze existing buildings and replace with a  
4 new one-story 35,000 square foot auto dealership. This  
5 will be presented by Hershberg and Hershberg.

6           MR. CAPONERA: I am not Hershberg and Hershberg.  
7 However, I am representing the owner of this property,  
8 Fuccillo.

9           For everyone's knowledge, this is the piece  
10 that is directly north of the Nemith property.  
11 Nemith has sold the Nissan dealership to Fuccillo.  
12 This used to be Smith Pontiac many years ago. Then,  
13 it became Fuccillo's GMC Pontiac and when General  
14 Motors went bankrupt a few years ago during the  
15 recession, this was one ne of the stores that was  
16 closed.

17           There are currently three buildings on the  
18 property. It's shown on this site plan. There is  
19 the front sales building and there is a former  
20 repair facility and then on the L-shape that goes to  
21 the north there was a body shop. The proposal is to  
22 eliminate all three of these buildings. Right now  
23 we have COs for the front building for sales and the  
24 back building for repairs. This one is going to be  
25 torn down and the proposal is to construct one

1 35,000 square foot building that is shown on this  
2 site plan. It's depicted here. The existing  
3 buildings measure just about the same; 35,000 square  
4 feet. So, this is going to be the exact same square  
5 footage as it is now, just in one building.

6 The elevation is going to look pretty much like  
7 you would see here in the elevation shown  
8 (Indicating). It would be just exactly like what  
9 you have seen in other Nissan facilities that have  
10 been built by Lia.

11 We've already been to the DCC meeting. There  
12 are three waivers that we are going to be asking the  
13 Board to consider. I'd like the Board to kind of  
14 weigh in on that tonight before I go on my merry  
15 way.

16 As we all know, the minimum setback in a COR  
17 zone is 25 feet on a major street. This is a major  
18 street. We are not 25 feet. We are 77 feet. So  
19 that is one waiver. Why is that waiver asked for?  
20 If you look at what is there, you can clearly see  
21 that there are other automobile dealerships there.

22 As we all know in the COR zone it's recommended  
23 that you do not have parking in the front of the  
24 building.

25 The third and final waiver is that whenever you

1           have more than 20 parking spaces, there is a  
2           requirement that you have greenspace islands in  
3           certain locations so as to accommodate the parking  
4           layout. It's going to be for storage for vehicles,  
5           once it's all done. That's pretty much it. It's  
6           going to look the way that it's proposed. I'd be  
7           happy to answer any questions you might have.

8           CHAIRMAN STUTO: Okay, we do have a Town Designated  
9           Engineer, Barton and Loguidice, reviewing this on our  
10          behalf. I'm not sure if they'd done any review so far.  
11          I know that this is only the first time that we've seen  
12          it as sketch plan.

13          MR. GRANT: This is Chuck Voss' project. He  
14          attended the DCC meeting. There has been some brief  
15          discussions and preliminary concept level plans. We  
16          really haven't drilled all that deeply. We're kind of  
17          waiting for the next phase. I did drive through there  
18          and did find what Victor was talking about. I got the  
19          impression from Chuck Voss that the building was going  
20          to happen in phases.

21          MR. CAPONERA: The new building; correct.

22          I had a meeting with Mr. Cordell and the way  
23          that this is going to happen, if you can visualize  
24          this, is that the building is going to be built from  
25          the back forward. It's going to be an interesting

1           concept. The front building is going to stay as  
2           sales. The rear existing repair building is going  
3           to stay and they're going to take down this middle  
4           building back here and then start the construction  
5           this way, coming toward the front (Indicating).  
6           There is a firewall here and this meets all building  
7           code requirements. When this is done, the sales  
8           will then go back into here and then the repairs  
9           will still go there and rip this down and build out  
10          the front (Indicating). That's the way that it's  
11          going to happen.

12                 MR. GRANT: I don't know if Dan was thinking about  
13          porous pavement.

14                 MR. CAPONERA: Yes, we talked about porous  
15          pavement; absolutely.

16                 MR. GRANT: It may have the soils for it up there.  
17          I think that they did see some boring symbols on the  
18          plans. I didn't have time to look at them and see just  
19          how good or bad they are. The vehicle maintenance  
20          places are usually designated as hot spots as far as the  
21          stormwater management. There are separation  
22          requirements. Dan is familiar with all of them?

23                 MR. CAPONERA: Yes.

24                 MR. GRANT: That's all we have.

25                 CHAIRMAN STUTO: Okay, we'll open it up to the

1 Board. Are there any questions or comments?

2 MR. MION: If we approve the waiver for the  
3 greenspace and islands, are they going to keep the cars  
4 off the greenspace?

5 MR. CAPONERA: Absolutely. This is going to be  
6 huge.

7 I thought that we were coming in simultaneously  
8 with the Volkswagen plan on that sketch plan too,  
9 but somehow it happened this way. We're going to be  
10 coming in shortly on the sketch plan with that.  
11 There is going to be a whole new building there and  
12 the existing building is going to be taken down as  
13 well as the old Porsche building. It was originally  
14 put there by Mr. Langan.

15 The answer is no, there will be no parking on  
16 the grass.

17 MR. MION: The line of sight pulling out is major,  
18 especially there.

19 MR. CAPONERA: I understand. That certain is a  
20 good point.

21 CHAIRMAN STUTO: Any other comments or questions?

22 (There was no response.)

23 CHAIRMAN STUTO: I have a couple of brief ones.  
24 I'll give you feedback.

25 I have no problem with two of the waivers. I'm

1 not 100 percent convinced yet on the greenspace and  
2 the islands. I would like to hear from our TDE on  
3 that when the time comes. I don't know if there is  
4 another solution.

5 I think that we had an application for a  
6 different project on this --

7 MR. CAPONERA: Cap Com was going in here and they  
8 were going to acquire this piece and I think other  
9 adjacent pieces. Apparently there is an area down in  
10 here where this is going to remain green. It has some  
11 issues.

12 CHAIRMAN STUTO: Well, there is some environmental  
13 remediation and I don't know if you can educate us on  
14 that so that we are fresh on that.

15 MR. CAPONERA: Dan Hershberg, who was handling the  
16 other proposal is very familiar with this and he  
17 couldn't be here tonight and he'll definitely have all  
18 that information.

19 CHAIRMAN STUTO: Do you know, Brad? My  
20 recollection is that it was under some kind of DEC  
21 consent order, but everything was in compliance.

22 MR. CAPONERA: Yes, and it's back in this area  
23 right here (Indicating.)

24 CHAIRMAN STUTO: Any other questions?

25 (There was no response.)

1                   CHAIRMAN STUTO: Okay, thank you.

2                   MR. CAPONERA: Thank you.

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4                   (Whereas the proceeding was concluded at

5                   7:24 p.m.)

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## 1 CERTIFICATION

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I, NANCY STRANG-VANDEBOGART, Shorthand

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Reporter and Notary Public in and for the State of

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New York, hereby CERTIFY that the record taken by me

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at the time and place noted in the heading hereof is

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a true and accurate transcript of same, to the best

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of my ability and belief.

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NANCY STRANG-VANDEBOGART

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Dated December 31, 2013

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