

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FUCCILLO VOLKSWAGEN
2240, 2242 & 2250 CENTRAL AVENUE
APPLICATION FOR CONCEPT ACCEPTANCE
5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on June 9, 2015 at 7:25 p.m. at
8 The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York.

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10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 BRIAN AUSTIN
14 TIMOTHY LANE
15 KATHY DALTON
16 CRAIG SHAMLIAN

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq. Counsel to the Planning Board
19 Joseph LaCivita, Director, Planning and Economic
Development
20 Michael Tengeler, Planning and Economic Development
21 Daniel Hershberg, PE, Hershberg and Hershberg
22 Victor Caponera, Esq.
23 Chuck Voss, PE, Barton & Loguidice
24 John Rzeszuto
25 Olivia Denny
Earle Wescott
Rick Hildenbrandt
Dick Vale
Michael Gabriel
John Rosell

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1 CHAIRMAN STUTO: Next item on the agenda is
2 Fuccillo Volkswagen, 2240, 2242 and 2250 Central Avenue.
3 This is an application for concept acceptance. This is
4 to raze existing buildings and construct a new 27,262
5 square foot auto dealership.

6 We've seen this before in sketch plan, right,
7 Joe?

8 MR. LACIVITA: We have seen this three times. Once
9 through the DCC on November 13, 2013 and then the sketch
10 plan came March 18, 2014.

11 Presenting tonight is a man just as huge as Mr.
12 Huge, Victor Caponera.

13 MR. CAPONERA: Mr. Chairman, Members of the Board,
14 I presume that you folks are interested in this correct?

15 CHAIRMAN STUTO: Members of the public if you want
16 to speak, please sign in on the sign-in sheet over on
17 the table. That's the order that I call the names.

18 MR. CAPONERA: So, usually what I do here for the
19 first 45 minutes is occupy you with the history of the
20 property. I'll try to do it in five minutes or less.

21 Most people know this property - at least most
22 of the folks on this Board with the exception of
23 this young lady to my right (Indicating). As
24 everyone knows, we are dealing with three properties
25 here; 2240 which is the piece over here (Indicating)

1 which is the piece that is furthest eastbound and
2 that's the piece that is currently has a building on
3 it. Most everyone knows it was formerly known as a
4 Porsche dealership.

5 MR. MION: Can I ask you something? When I went
6 out there I noticed something. The Fire Department has
7 2240 and your building has 2240.

8 MR. CAPONERA: According to the Assessor's office,
9 this is 2240.

10 MR. MION: Okay, I think that needs to be
11 clarified.

12 MR. CAPONERA: I think that everyone understands
13 and realizes that there is a building on this property -
14 that it was used for a Porsche dealership and then a VW
15 dealership with Mr. Langan. Based on the records that
16 I've gotten, this dates back to the 1950's.

17 Next to the property is 2242, which is
18 currently being used by a VW dealership. The
19 building is currently on the property. Previous to
20 this, it was also used by a VW dealership and I
21 bought my first Volkswagen Scirocco there back in
22 1977.

23 Next to the property and furthest to the west
24 and closest to Schenectady - the line is actually
25 right here (Indicating), is 2250 Central Avenue

1 which everyone knows that there is no building on it
2 and it's currently used for storage for automobiles.

3 In order for us to come before this Board
4 tonight, I had to go in front of another enlightened
5 Board just a few weeks ago known as the Zoning
6 Board.

7 In front of the Zoning Board I asked for and
8 got unanimous consent for two special use permits on
9 2240 and 2250. Why, you might ask? Because under
10 the former law, unless you had a building on the
11 property, you couldn't have parking. The Town
12 amended its law recently and allowed you to have
13 strictly parking without buildings if you got a
14 special use permit, otherwise known as an SUP. Back
15 in May - specifically on May 21st I came in and the
16 Board unanimously granted the SUP which gave me the
17 permission to come before this Board.

18 Just as Mr. Chairman indicated, what we propose
19 to do is take down this building which is the former
20 - I call it the Porsche building, but it's still
21 used in conjunction with Fuccillo right now - to
22 take down the existing building that is on 2242 and
23 to construct a new 25,415 square foot building which
24 will be proposed to look like this (Indicating).
25 It's a single story building and you might notice

1 the angles and the symmetry.

2 When we sat with Volkswagen, this is done to
3 the millimeter - every square and every rectangle is
4 perfect. That's the way that VW demands that their
5 product be presented. When we got into this thing
6 after the third or fourth hour of every specific
7 angle, square, mirror, you wouldn't believe that
8 intensity of them -- not the intensity, but the
9 specifics of them in terms of how this has to look.
10 So, anyway that is the proposal that would go on
11 this property.

12 Originally, we had proposed a 35,000 square
13 foot building, but we reconfigured it and certainly
14 we would have the Honorable Daniel Hershberg who is
15 with me tonight discuss that in detail.

16 Essentially, that is what we are looking for.
17 We are looking for concept tonight. I will note
18 that in the myriad of documents that were submitted
19 and pursuant to a previous appearance in front of
20 this Board for what we call a sketch plan, we talked
21 about some of the waivers that we are asking for
22 that the Board did not seem to have that many
23 problems with. One of them was the minimum frontage
24 build-out of 80% recommended. Our intent is to
25 create this continuous frontage to more clearly

1 define the pedestrian environment that Dan can get
2 into on the front.

3 The other one was that on a major road the
4 maximum setback has to be 25 feet. Our proposal
5 setback a little more than that. Specifically, it's
6 72.8 feet. The purpose of that is obviously to keep
7 this in keeping with the buildings that are adjacent
8 to the property. We feel that placing the building
9 to the 25 foot setback would eliminate the
10 connectivity between surrounding properties.

11 As everybody knows, we have been up and down
12 this road a million times, especially Mr. Mion. You
13 can tell by going up and down that there are many
14 car dealerships on this property. We want to make
15 it look similar to what is there in terms of the
16 street scape.

17 Off street parking occurs at the rear and the
18 sides of the buildings. We have heard this a
19 million times. Our proposal basically has a lot of
20 parking on the side.

21 As far as the building is concerned, there are
22 a few parking spaces in the front, but mostly it's
23 this drive-thru. One of the things is that we have
24 two other properties that we are dealing with; 2240
25 and 2242. Clearly there are going to be no

1 buildings there, so the parking is going to be 30
2 feet from the front property line and approximately
3 50 feet-ish from the curb cut.

4 Dan? Is that about right?

5 MR. HERSHBERG: Yes.

6 MR. CAPONERA: So, it's going to be substantially
7 set back. Obviously, the only thing that we have on
8 those two pieces, 2240 and 2250 are parking for vehicle
9 storage. Therefore, parking within the front yard is
10 unavoidable in those locations and as proposed here,
11 you're only talking about several spaces.

12 Lastly, we have all heard this. When you have
13 parking greater than 20 stalls, you have to have a
14 minimum of 20 square feet of landscape island. I
15 believe that our position is that most of this is
16 going to be for storage. The majority of the parking
17 is to the rear of the site and the intent of the
18 spots is for vehicle storage. Generally, it's not
19 visible to the public, so I think that the intent of
20 those greenspace areas is for visual aspects of it.

21 So, we are asking for those wavers and again,
22 this is the first time that we've talked about it.

23 I will note to the Board that these are three
24 separate parcels that cannot be merged. Why?
25 Because they are separated by roads. And on each

1 one of these parcels it could be a separate and
2 distinct automobile dealership. We are proposing
3 one dealership to utilize all three properties. Why
4 do I say that? Obviously, it's the intensity of the
5 use that we are talking about and I feel from what I
6 have seen there and what we are proposing -- by the
7 way, at the Zoning Board meeting one good gentleman
8 appeared, John Rzeszuto, and he had several very
9 good questions to ask the Board tonight. Some of
10 the concerns that he had along Nutwood was the fact
11 that cars currently park very close to the road and
12 we'll get into this. I'll have Dan get into this
13 shortly, but the proposal here shows way more
14 greenspace.

15 It shows the parking setback way further than
16 it currently is and is lot more greenspace in the
17 front than is currently there. So, it is our
18 feeling and our position is that it's a great
19 improvement to what is currently there and what will
20 be by way of the use of one dealership on three
21 properties with greater greenspace, greater setbacks
22 from all of the roads, namely the main road of
23 Central Avenue, Nutwood as well as Wilber.

24 That's our proposal and I'm sure that you're
25 surprised, but I'm done for now.

1 CHAIRMAN STUTO: Does Dan want to speak now?

2 MR. CAPONERA: Yes, please.

3 MR. HERSHBERG: Thank you, Victor. The name is
4 Daniel Hershberg from the firm of Hershberg and
5 Hershberg.

6 With me today is Bill Rafici from my office and
7 Jeff Campbell from BBL whom are nursemaiding the
8 project through the construction. They may answer
9 any questions that may come up which I don't have
10 the answer to.

11 As Vic mentioned, we do have significantly more
12 greenspace than is there now. The individual sites
13 have all 35% green or 37% or 38% in approximately
14 three different areas. Essentially, there is more
15 greenspace than there is now. The current
16 greenspace was 10.7%, 36.3% and 44%. So, if you add
17 all those up, we have more greenspace now than we
18 did in the past. Some of that greenspace is
19 organized in the front. This will give us an area
20 there where we can do some significant landscaping
21 to give us some continual frontage on there. We
22 will talk about putting in a landscaping treatment
23 along the side in there (Indicating). There are no
24 curb cuts at all out to Central Avenue along the
25 route. All the accesses are from the side streets.

1 Service entrances are here [Indicating]. They
2 enter into the building - they queue up inside the
3 building. After this building get demolished, this
4 will all be paved and landscaped (Indicating).

5 The Barton and Loguidice letter had an awful
6 lot about stormwater management which may be
7 expected on a site like this. There are a couple
8 issues with stormwater management.

9 First, some of the soil is quite porous and
10 will accept water into the ground. The groundwater
11 is quite high on a large portion of the site. The
12 other has to do with hotspots. Hotspots, according
13 to DEC Code are areas that are either currently
14 polluted or might be subjected to leaky vehicles,
15 etcetera. So, we do have to be careful with how we
16 treat the stormwater. Therefore, we are mixing the
17 stormwater methods and intend to use some porous
18 pavement on areas where the porous pavement will
19 take it. We will have to do some underdrain and
20 porous pavement and allow some overflow storage.

21 The same down here [Indicating]. We have a
22 sedimentation basin and a filter basin and an
23 overflow basin. We're talking about using a dry
24 swale to protect this adjoining property on Nutwood
25 Avenue. All those are methods that are approved

1 under GP 1502 and we think that a good mix and match
2 that we have there.

3 We just generically show landscaping.
4 Obviously, we'll come back with a full landscaping
5 plan. We are concerned about the landscaping around
6 the one home that is residentially occupied even
7 though it's right in the middle of a commercial
8 zone, as well as the adjoining properties, which are
9 commercially occupied.

10 There was one issue raised about unloading
11 vehicles. Mr. Fuccillo says essentially that he
12 will not unload any vehicles on either one of these
13 three sites, or on the streets adjoining them. They
14 will unload them at another site, which Mr. Fuccillo
15 owns and very proximate to the site and drive them a
16 short distance to store them on-site.

17 CHAIRMAN STUTO: Is that noted on the drawings?

18 MR. HERSHBERG: I don't know if there is a note on
19 the drawings, but that's something that I can verify
20 with both our client and his attorney and they are
21 willing to make a firm commitment to that as a condition
22 of site plan approval. No vehicle unloading will take
23 place on the site at all.

24 CHAIRMAN STUTO: Do you have any objection of
25 putting that on a future drawing?

1 MR. HERSHBERG: No, we'll certainly put a big black
2 note on it. We are aware of the concern. Every
3 dealership that we have dealt with - where the vehicles
4 are unloaded is always a concern. Some sites have a
5 better layout than others. This site is very tight.
6 All the storage is needed. The question is: Why do we
7 need all these cars and the answer is clearly that all
8 the dealerships are required to take huge shipments of
9 vehicles at a time and they have to find places for
10 them. This is really the minimum requirement for the
11 Fuccillo Volkswagen dealership. That's the case there.

12 There were some comments about the building
13 elevations made in the letter by either PEDD staff
14 or others. We are certainly willing to talk it
15 over. As Vic said, the dealerships have a standards
16 that we must comply with. We can certainly work
17 with staff to see whether or not we can accommodate
18 some of their concerns regarding materials and
19 construction, but I will point out that materials
20 and construction are primarily very similar to those
21 other dealerships that are built up and down Central
22 Avenue. The Lia Dealerships, etcetera, have all had
23 similar type of metal panels and glass.

24 We have one curb cut on Nutwood going in this
25 direction [Indicating]. There is nothing out to

1 Allendale. There are two curbcuts on Nutwood
2 (Indicating) . This allows the circulation pattern
3 in front and access to the rear and we have two curb
4 cuts on Wilber coming in; one with a rear lot and
5 one for the circulation in front and only a single
6 curb cut at Wilber. We really did try to minimize
7 the amount of curb cuts on the site. That will do
8 one thing in there. It will mean essentially that
9 the capability of having cars parked very close to
10 the pavement will be strictly limited.

11 All these areas will be landscaped from the
12 edge of the pavement down. We're all aware that
13 quite often dealers do tend to creep up on
14 greenspace. We will intend to have a well-defined
15 greenspace in here. It's very difficult to have
16 cars overhanging. Right now there is a very
17 ill-defined greenspace on the site, which is very
18 easy for cars to encroach.

19 I'm prepared to answer any questions that the
20 Board may have.

21 MS. DALTON: Can you talk about the stormwater
22 management?

23 MR. HERSHBERG: Sure. There are a couple of issues
24 with the stormwater management. First of all, there
25 actually is a piece of 100-year flood plane which comes

1 into here [Indicating] and goes right down Allendale
2 Street at this point here. The stormwater management
3 issues have to do with the fact that the soil here is
4 porous, but shallow to groundwater. So, here is porous
5 to groundwater (Indicating). Porous soil is not very
6 porous, but very deep to groundwater. We have a
7 conflicting interest there. What we are going to have
8 to do with these facilities are in order to prevent us
9 from discharging any untreated water into the sole
10 source aquifer -- this is right on the border between an
11 area within the sole source aquifer area, which connects
12 to the Niskayuna sole source aquifer. We have used one
13 map that is just out and then there is another that is
14 just in, but DEC's environmental navigator says that
15 it's in, so we are saying that it's in. It requires a
16 greater separation between us and groundwater. If we
17 can't provide that separation, we will have to line the
18 facility. So, we are prepared to use liners to prevent
19 any untreated stormwater from getting into that aquifer.
20 All the stormwater will have to be treated before it's
21 discharge into the groundwater.

22 MS. DALTON: How will you know and when will you
23 decide whether not it needs to be lined?

24 MR. HERSHBERG: Again, our feasibility study just
25 talked about the various methods. When we prepare our

1 SWPPP, our SWPPP has to be very specific on all the
2 methods that we intend to use. There is what is call a
3 green infrastructure work sheet that says how we go
4 forward and we meet the 1502 requirements, what we
5 intend to make up with dry swales and what we intend to
6 make up with porous pavement and what we intend to make
7 up with standard systems. On a site like this because
8 of the hot spots, if we cannot meet the 1502 requirement
9 of being able to recharge what is called the minimum RRV
10 amount - there is set in the New York State Stormwater
11 Management Design Manuel which says the minimum RRV --
12 that's the minimum recharge volume into the ground --
13 if we can't meet that, then we may very well have to go
14 back to DEC and say, we request a variance. The
15 principal reason is shallow groundwater and hotspots,
16 which means essentially that we won't be recharging that
17 water into the groundwater. It will be storing more
18 groundwater and releasing slowly after the storm. Right
19 now all the stormwater comes off of these sites totally
20 unretained. There is no stormwater detention along
21 these sites. This entire area will be detained. This
22 will be detained in a pocket of stone beneath the
23 pavement or with facilities down here [Indicating]. This
24 area here will be drained (Indicating).

25 We do have one strange situation here which we

1 normally don't do. We're going to need permission
2 from the Town to drain across Wilber Avenue with a
3 piece of pipe so that we cannot put it into a system
4 down here. We want to concentrate our main treatment
5 system down here (Indicating). The roof drainage
6 here and the hard pavement here and this pavement
7 here - we wanted to bring it down and bring it into
8 our sedimentation basin and our filter basin.

9 MS. DALTON: And that will retain the water from
10 the car wash?

11 MR. HERSHBERG: Yes. The car wash is another
12 issue. That was one comment raised in one of the review
13 letters. Most car washes now recycle water internal to
14 the building. We normally will not allow any car
15 washing to take place outside. All the car washes will
16 be in a designated car wash and most of those recycle
17 water. I think that essentially this system will be a
18 recycling system. If not, we're going to pay for a lot
19 more for Latham Water District water. What it does is
20 recycle a significant portion of water. It becomes a
21 gray water and then you add additional water to it on
22 each wash. You dump a certain portion that comes out of
23 the bottom of your system into the sewer.

24 MS. DALTON: So, it will still go through the
25 treatment?

1 MR. HERSHBERG: It won't impact the stormwater
2 treatment at all. It's separate. Everything from a car
3 wash has to be tributary to a sanitary sewer. It can't
4 be tributary to stormwater system. It has to be
5 separate.

6 The other thing that we'll need in here is we
7 do have repair space in here so we'll need oil and
8 re-separators for all of the drains in the floor and
9 that will all be discharged to a sanitary sewer.

10 MR. MION: You have that house right in the middle
11 there -- I see that you have a lot of shrubs around it.
12 Are you going to put a fence there?

13 MR. HERSHBERG: Yes, we would fence this line all
14 the way around (Indicating). We entirely intend to
15 fence that area. We'll talk about the fence in there.
16 It can be either vinyl or chain link or one of the other
17 more decorative fences, if that's what is preferred.

18 MR. MION: Have you talked to the landowner yet?

19 MR. HERSHBERG: I haven't, myself.

20 CHAIRMAN STUTO: I have a few questions, but I
21 think that we'll turn it over to the Town Designated
22 Engineer for their comments and that's Chuck Voss from
23 Barton and Loguidice.

24 MR. VOSS: Thank you, Peter.

25 The Board will have in their packet our June

1 4th letter. It's our concept review letter. As the
2 Board knows, at this level we do a preliminary
3 review of the concept plans that were submitted by
4 the applicant. Right now we have looked at the site
5 plan that was submitted, preliminary engineer
6 reports and preliminary stormwater analysis and some
7 other information that has been provided by the
8 applicant.

9 Let me just walk through a couple of points of
10 our letter just for clarification issues and just
11 for the Board's information. Certainly, the site is
12 going to require much more extensive engineering as
13 what has just been discussion with Dan. They are
14 looking at a preliminary layout right now,
15 conceptual stormwater, conceptual parking,
16 landscaping and as we know, those details will
17 certainly come in later. We're going to take a hard
18 look at that as well. Really, the main kind of
19 take-aways from our review comments at this point
20 were the basics. Stormwater was probably the
21 primary one that we were looking at. You have three
22 separate sites. The applicant is required to deal
23 with stormwater on all three sites. They are
24 required to retain the stormwater on all three
25 sites. From what we are seeing from preliminary

1 discussions with Dan and his analysis, we're
2 starting to see the beginnings of the plan to deal
3 with stormwater management. There is nothing that
4 we're looking initially that causes great concern in
5 terms of their design. Certainly the designs are
6 very preliminary and they've got to mature and we
7 really need to see how they are going to interact,
8 but we do have concerns that Dan mentioned over the
9 hotspot issue.

10 Anytime you have a site dealing with cars, or
11 more intensive use cars or gas stations, DEC looks
12 at those as a hotspot. They have the potential for
13 fluids dripping from cars or leaking or those kinds
14 of things. So, we treat those slightly differently
15 when we start looking at stormwater management
16 issues. We want to kind of focus in on that.
17 Certainly, as their stormwater management plans
18 evolve, we'll be paying particular attention to that
19 issue.

20 As Dan mentioned, the other issue that we have
21 on the site and certainly near the site is shallow
22 depth to ground water. That always causes some
23 concerns in trying to deal with surface water and
24 how you manage that either on the surface of the
25 site or underneath structures. In this case, as Dan

1 mentioned, we are probably going to be looking at
2 some underground storage of stormwater. We are
3 going to want to see how that happens and what that
4 really looks like. We'll take a closer look at that.

5 Given the nature of the southern end of the
6 site, we are also concerned with making sure that
7 none of the stormwater that is retained on-site
8 leaves the site and affects adjacent properties. As
9 we have seen in other areas of the Town, some
10 development on one site -- the stormwater is not
11 properly managed. You can have leakage off those
12 sites which affects the foundations, basements or
13 things like that on adjacent properties. So, we
14 will work with Dan to make sure that we don't have
15 any of that happening on the site.

16 As Victor mentioned, the site is in the COR
17 area. So, we are going to be looking at those
18 design standards. The applicants, I think, have
19 done a pretty good job initially at addressing
20 those. Again, we'll want to see more details as
21 they start looking through our letter. It kind of
22 outlines a few of those issues.

23 Vic did a great job talking about the waivers,
24 so I don't want to necessarily go through that. We
25 had that in our letter as well. That is something

1 that the Board will have to look at down the road.

2 From every other standpoint, water can
3 certainly be serviced to the site from existing
4 municipal systems. There is sewer available on all
5 three sites. That is not necessarily a concern.

6 It's in your packets and important to note that
7 the site is in the Albany Pine Bush Preserve study
8 area. There is sensitivity to rather intense uses.
9 You might not think that this in the preserve area
10 being in this part of Central Avenue, but it
11 actually is. In your packets was a letter from the
12 Pine Bush Preserve Commission asking for some
13 particular landscaping elements. We'll want to see
14 those, certainly as their plan evolves.

15 I think that there are some other pedestrian
16 accesses like sidewalks and different kinds of
17 things, but for the most part that's really what we
18 looked at from the concept standpoint. We don't see
19 any fatal flaws or issues at this point from
20 concept.

21 We are comfortable if the Board is looking to
22 move ahead.

23 MR. SHAMLIAN: Chuck, anything special about
24 piping stormwater from 2240 to 2242?

25 MR. VOSS: We will look at that. I know that we

1 had initial conversations with John Dzialo from the
2 stormwater management office here at the Town. It's one
3 of those kind of unique situations that you don't often
4 see. Because the sites are owned and controlled by the
5 same entity, initially, that makes sense. We'll want to
6 take a closer look and see how that physically works.
7 There will probably be easements necessary to allow that
8 pipe to move back and forth under Wilber. We'll let the
9 applicants evolve that design.

10 CHAIRMAN STUTO: Any other initial comments or
11 questions from the Board before we open it up?

12 MS. DALTON: I just wanted to know - the CDTA
13 letter requests the addition of pedestrian traffic
14 signals to the intersection of Central and Fullerton
15 similar to the intersection of Central and Reber Street
16 and the addition of park crosswalks, and obviously
17 particularly because people might be walking from the
18 dealership to some of the cars that are parking, the
19 crosswalks would be an important safety issue. If we
20 can just make sure that we get those addressed?

21 CHAIRMAN STUTO: Do you have any response to that
22 initially?

23 MR. HERSHBERG: We have no problem with the request
24 for sidewalks or crosswalks. We can do all that. That
25 says Fullerton. I don't know why Fullerton would be an

1 issue with regard to this site. It did seem like it was
2 appropriate for us to do something at Fullerton and
3 Central Avenue, but we are prepared to talk about
4 crosswalks across Wilber and Nutwood. They also talk
5 about bicycles and we will provide some bicycle
6 facilities on this here. We do show a main sidewalk
7 connection out to here (Indicating) but we can put
8 additional sidewalks and crosswalks to interconnect the
9 sites. I think that is a good suggestion by CDTA.

10 CHAIRMAN STUTO: What is the current pedestrian
11 situation out there on Central Avenue? It's a little
12 hard to tell from the aerial.

13 Chuck, are there sidewalks on Central Ave?

14 MR. VOSS: Yes.

15 MR. HERSHBERG: There are sidewalks all the way
16 down.

17 CHAIRMAN STUTO: Are you redoing those or just
18 leaving them?

19 MR. HERSHBERG: I think that they are in pretty
20 good shape. I don't know.

21 CHAIRMAN STUTO: Chuck, will you check on that?

22 MR. VOSS: Yes, we'll look and make sure.

23 CHAIRMAN STUTO: I guess my general questions
24 before we turn it over to the public and I'm very
25 interest in what they have to say, is that this is a

1 potential improvement to the site for the public - for
2 the neighbors in the area. That's my initial reaction.
3 I do want to hear what they have to say. My particular
4 concerns are the greenspace, which I can see the outline
5 there - whether the internal circulation works. Both of
6 those side streets are two-way streets, correct?

7 MR. HERSHBERG: Correct.

8 CHAIRMAN STUTO: I'm not a traffic engineer, so I
9 want to make sure that Chuck takes a close look at that.
10 Having been on the Board for a few years, this is one of
11 these perplexing problems that seem to repeat itself at
12 least in the way of complaints. I don't know the best
13 way to address it. That is, car dealers parking on
14 their grassy areas. I don't know if we curb it -- I
15 think that on some newer ones we blocked it out. I
16 think that it should be clearly defined as this is where
17 you park and this is where you can't. I kind of think
18 that there should be a physical barrier. I don't know
19 if anybody else -- I guess that I would ask for further
20 comment from the TDE.

21 MR. VOSS: I was going to say I think that the best
22 recent example is the Lia dealership just down the road.
23 If I remember correct, the Board actually had those
24 landscaped areas curbed. So, you can't physically put a
25 vehicle there. Now they can still move a four-wheel

1 drive vehicle up there for a sale or something like
2 that. I think that certain dealerships might do that.
3 If you condition your approval with that kind of
4 restriction, it becomes a Code Enforcement issue and
5 then they're going to be cited, if they see that. Some
6 sort of physical separation seems to work.

7 CHAIRMAN STUTO: Can you look at that with the
8 applicant?

9 MR. VOSS: Yes.

10 MR. MION: The Lia project -- Lia down the street --
11 they do have the ability to put the cars there and they
12 do. We have to figure something else out.

13 MR. AUSTIN: I'm looking at the floor plan and I'm
14 noticing that the one-story building has a parts
15 basement. It's implied that it's a two-story building
16 in some parts.

17 MR. HERSHBERG: Because of the grade difference, we
18 do have parts storage underneath on a small portion of
19 the site. It's not a large area.

20 MR. AUSTIN: In fact, it's on the south side of the
21 building.

22 MR. CAPONERA: Yes, it is in the back.

23 MR. AUSTIN: Is there a garage door or access and
24 all that stuff?

25 MR. HERSHBERG: Yes, I think that the access is

1 right here [Indicating].

2 MR. AUSTIN: Will that have to be excavated? Is
3 there any slope down there?

4 MR. HERSHBERG: We almost have enough space there
5 to make the full difference by grade now without doing
6 any grading.

7 CHAIRMAN STUTO: Okay, we're looking forward to
8 hearing from the residents and I'll read your name off
9 in the order that they are on here. We do ask that you
10 go up to the microphone because the stenographer wants
11 to get all the information down for the record and it's
12 easier for us to hear.

13 John Rzeszuto.

14 MR. RZESZUTO: Being from the last meeting that we
15 were in here, I have been educated to what has been
16 going on and I'm pretty pleased with it. One of the
17 things that just hit me tonight is the run-off of
18 stormwater. Even though this does and doesn't have
19 anything to do with the project - but being that he had
20 touched on the water run-off, my house - I have a creek
21 on the side. With the amount of all the dealerships
22 that everybody spoke about and then also the other
23 businesses alike, I've noticed that there are more
24 pollutants in the water and that's supposed to be fresh
25 water. It's the Lishakill Creek. There is a lot of

1 wildlife there. There are fish and turtles and ducks
2 that come in year after year. There are deer that drink
3 the water. That's something that you can think about
4 when you're talking about your sewage and how you retain
5 it and protect it.

6 Getting back to the project itself, a few of
7 the things that I am concerned about is the safety.
8 One is that during the winter, we are looking for
9 proper snow removal. The height of the snow
10 banks -- - being that you're right on Central Avenue
11 and Nutwood, the snowbanks could be pretty tall. It
12 could make it unsafe to pull out or pull in. As
13 you're driving in, you'd have to really inch your
14 way up half way out into the right lane to make it
15 safe to either pull out to a left or a right hand
16 turn.

17 CHAIRMAN STUTO: Show on the map where that is a
18 problem. Are you saying on Central Avenue?

19 MR. RZESZUTO: If this is Nutwood Avenue here
20 (Indicating), there would be snow bank on either side of
21 both sides. I'm looking to at least minimize that.

22 CHAIRMAN STUTO: Because the dealer is piling snow
23 there or whoever plows it -

24 MR. RZESZUTO: Both. Everybody shares
25 responsibility, for now. I'm not looking to single

1 anyone out. It just makes it unsafe for the residents
2 to pull in.

3 The other thing is that while this is here
4 (Indicating), it also encroaches on the road itself
5 for plowing where it also reduces it down to -- if
6 the street width itself is a bit dated where the
7 width of the road, you have narrow space going
8 between two cars. That would be either on or off
9 Nutwood. What happens is when you have your snow
10 here on both sides, you're down to a one and a half
11 lane width. We can keep that open and make it safe
12 for the people during the wintertime. That's one of
13 the things.

14 The other one is they have eloquently put the
15 landscaping here and again, touching on your
16 setbacks as far as working on the grass, that may
17 hinder your visibility pulling out. If it is at
18 least further down on either side, at least you
19 would be able to pull out and pull off of Nutwood.

20 Most of my concerns is on the corner of Nutwood
21 Avenue and what is happening here on Nutwood itself
22 because of the safety. I drive down that every day.
23 With that said, there are times in the past where -

24 CHAIRMAN STUTO: You're worried about the
25 landscaping blocking your view, too?

1 MR. RZESZUTO: No, not the landscaping; just the
2 traffic.

3 Then with the business from time to time, I
4 have come down off of Route 5 to make my right hand
5 turn and I've had people four or five abreast
6 conducting business and I have literally had to lock
7 it up, otherwise I was going to mow them over. If
8 you're going 40 or 45 miles an hour and making a
9 right hand turn, you cannot conduct your business
10 there let alone have any cars parked there because
11 when you do, you have city busses, you have tractor
12 trailer and cars that are doing well over 50 miles
13 an hour that as you're coming in here, you have no
14 time to react to any obstacles here with the traffic
15 coming up behind because you're going to get
16 rear-ended, or have an accident of some sort.
17 Again, with that said, the same thing applies to
18 coming off of Central whereas when you're coming in,
19 at least you'd be able to see part of that, but
20 still, this has to still somewhat stay clear so that
21 it's safe for everybody.

22 For the most part, Victor, has taken care of
23 the other part. We'll be able to see the landscaping
24 and the dimensions that are proposed for there. It
25 pretty much answered all my problems in that past.

1 I don't know if this has anything to do with
2 the construction that's going on.

3 Just recently Friday I had a driver on the
4 other side of Albany Street floor it. He was at the
5 top of the street before I was even able to turn
6 around. Lucky for him, he came back the same way and
7 I caught him. Even though it was a customer, I
8 still gave him a piece of my mind. A salesman came
9 out and wanted to interrupt as to what I was
10 confronting him about. I gave him a piece of my
11 mind, as well. He said, you don't realize that
12 we're trying to conduct business. Down here I have
13 a pocket park that is aimed for toddlers. Maybe you
14 can talk to someone in the parks department and have
15 a fence put up. There are kids there and they're
16 not going to look for cars. At the same time
17 they're not going to look for cars, but you also
18 have dog walkers and people who like to go out for
19 an evening stroll. You have kids who are in the
20 neighborhood. There are no sidewalks. Like I said,
21 there is a part where it is so narrow that it goes
22 down fast - even a pedestrian isn't going to stand a
23 chance on top of the fact if you're a resident,
24 trying to pull out of your own driveway and you look
25 twice, there is car up on you by the time you look.

1 There are so many issues and it's not so much that
2 it's Fuccillo, but it's also Nissan and Lia over
3 here on the other side. These are some of the
4 things that the residents are dealing with.

5 With the park itself, if we can get that to the
6 point where from Nutwood Avenue and Albany Street
7 where the gentleman had said before - we can start
8 implementing citations for all car lots to stay out
9 of the residential area and stay out on the
10 foreground whether it be Albany Street, Central
11 Avenue and out that way instead of running it into
12 the residential area. It's just an accident waiting
13 to happen.

14 CHAIRMAN STUTO: I think that I'll let the
15 applicant address those important safety issues.

16 MR. RZESZUTO: Those are just a few that I could
17 think of off the top of my head.

18 MR. HERSHBERG: Mr. Chairman, let me talk briefly
19 about the visibility here. This edge of the greenspace
20 is 15 feet back from the edge of the pavement
21 (Indicating). It's not like we're right on top of it.
22 We do have a lot of space in there. If we're talking
23 about clearance for snowbanks, we can certainly provide
24 you with a limit of our snow removal plan for our site,
25 so that snow removal from our site won't impact it.

1 CHAIRMAN STUTO: Where do you see it now for where
2 you're going to put most of your snow?

3 MR. HERSHBERG: Our snow would primarily be in
4 this strip here [Indicating] between here and our
5 landscape strip, down in here an around this building
6 here and abutting our treatment facilities and the same
7 situation here [Indicating]. Snow plowing, as you know,
8 when you get large lots like this, you sometimes have to
9 do one of two things; give up a portion of your car
10 storage and store it on the pavement or truck it off.
11 I guess it's a function of how critical that parking is
12 at the time of the year. I'm not certain whether Mr.
13 Fuccillo will truck it off of store it on the pavement.
14 We can certainly show a limitation for a snow storage
15 limitation so that our project won't be impacting those
16 banks.

17 The roadway is narrower than the current
18 standard. It's 28 feet and the standard is like 34.
19 So, it's a little narrower than your standard road.
20 I think that essentially our goal here would not to
21 encourage anybody coming to our facility to do any
22 parking on that area. It would be strictly two
23 drive lanes back and forth which it's certainly wide
24 enough for that.

25 What you're seeing there now is cars parked

1 right up to the edge of the pavement as opposed to
2 this line right here (Indicating) which is about 15
3 feet back from the edge of the pavement, which is
4 the grass area that we want to be put back into
5 maintaining. I think that essentially a lot of the
6 concerns about the width - if it's too narrow and
7 the Town wants to widen Nutwood, I guess we could
8 talk about participating in doing that as part of
9 our plan. We wouldn't be objecting to it.

10 MR. RZESZUTO: After this is all said and done,
11 what would be the way for the average person to walk
12 that side?

13 MR. HERSHBERG: One of the comments of CDTA was to
14 consider sidewalks down Nutwood and Wilber. That was
15 one of the comments from CDTA.

16 CHAIRMAN STUTO: I'm going to ask our engineer.
17 What's your comment on what we have just been
18 talking about?

19 MR. VOSS: It's up to the Town literally to decide
20 whether or not Nutwood itself needs to be widened and
21 improved. Certainly, if the applicant is willing to
22 help, it that were something that was of interest in the
23 Town Highway Department, then you could certainly pursue
24 that. I don't know if it's a consideration that you
25 could actually impose upon the applicant if the Town has

1 no interest in doing so.

2 Snow removal - as the gentleman was describing,
3 typically that is a Town issue - certainly along the
4 roadways. If the applicant is willing to maintain
5 their snow storage in appropriate areas such that it
6 doesn't impact sight lines, that is obviously the
7 preferable choice and we would certainly work with
8 them to make sure that happens.

9 CHAIRMAN STUTO: How do you put restrictions on it
10 so that it doesn't block it?

11 MR. VOSS: We would put locations on the map. We
12 would have very specific locations so that if snow
13 storage were put in different areas, the Town could
14 force my office to go out and actually pull the plans
15 out and say, you're in violation of that.

16 MR. CAPONERA: That would be after a complaint
17 first.

18 MR. VOSS: Correct, and it's the typical way.

19 MR. SHAMLIAN: As a practical matter, you have a
20 single drive in front of the property and then there is
21 not actually all that much snow that is going to be
22 moved in the front of 2242. That may not be true of
23 2250.

24 MR. VOSS: Correct. The other consideration that
25 we could certainly look at is changing Nutwood - a

1 one-way designation, or dead-ending Nutwood or an
2 abandoning of Nutwood at a certain location further in.
3 I don't know if those are ideas that are certainly worth
4 merit or practical.

5 CHAIRMAN STUTO: I think that we're studying it.

6 MR. VOSS: Yes, well, the consideration is that it
7 might alleviate that issue. Certainly if Nutwood were
8 changed to a one-way designation, it would cut down on
9 some of the through traffic. It might cut down on the
10 convenience factors for folks who live in there, as
11 well. If you were to put a cul-de-sac at the end of the
12 Fuccillo property, towards the back of 2250 right where
13 that intersection is, that might help keep people from
14 obviously coming through. It's something to look at. I
15 don't know if the Town is interested in abandoning the
16 street. It's another consideration to take a look at.

17 MR. RZESZUTO: They do have their fair share of
18 accidents.

19 CHAIRMAN STUTO: I think that we should study it.

20 MR. LACIVITA: It would quiet that neighborhood.
21 You wouldn't get the pass through traffic. In fact we
22 brought that up at the initial meeting when Billy Junior
23 was in the meeting and his attorney from Syracuse was
24 here to actually cul-de-sac that to make it better and
25 improve the quality of that neighborhood by not having

1 pass-thru traffic. They were receptive at that time.

2 CHAIRMAN STUTO: This is a pretty important issue,
3 I think, for the quality of life back there. If we got
4 through concept tonight, we could have an interim
5 meeting before final, if the applicant and everybody is
6 agreeing to that - to study these issues of pedestrian
7 access and safety and snow removal, to get specific on
8 what the best thing to do would be.

9 MR. LACIVITA: Peter, to that point, I think that
10 if that is the case, we would definitely poll the
11 neighborhood to see what their intent would be and go
12 through the process of talking to DPW and what their
13 thoughts were and look at that. It would definitely
14 improve, that's my belief.

15 CHAIRMAN STUTO: It's important enough of a site.
16 We will take a real close look at that.

17 MR. HERSHBERG: I'd just like to point out that
18 this doesn't look as grim as it is. Between the
19 property line and the edge of the pavement is going to
20 be green too. We didn't color it green. This site is
21 really going to be - if you figure from here to here and
22 here to here are green (Indicating), we have a
23 significantly greener looking site in there than you do
24 today.

25 CHAIRMAN STUTO: We're going to look at that real

1 close.

2 Olivia Denny.

3 MS. DENNY: Good evening. I have so many things.
4 I don't know where to begin. Actually when you were
5 talking about CDTA, I work for Verizon in downtown
6 Albany. I take four busses a day and every day I hold
7 my breath.

8 CHAIRMAN STUTO: Can you show us where you live?

9 MS. DENNY: I live at 10 Nutwood. I'm the house in
10 the middle of it all.

11 MR. CAPONERA: We have talked a few times on the
12 phone.

13 MS. DENNY: And Michael Tengeler has been a great
14 help this past year.

15 Fuccillo has been very good to me. I've had a
16 few minor issues with them in the past three years
17 and they have been fantastic.

18 CHAIRMAN STUTO: They didn't try to buy you out?

19 MS. DENNY: No, they didn't. I had heard rumors
20 and they did not. I guess some of you folks that have
21 driven by the home know that I meticulously keep my
22 property and my one concern was what I'm going to be
23 surrounded with.

24 I have fencing and I don't know if Victor, you
25 can see the one fence that I have.

1 MR. CAPONERA: I probably have, but I don't
2 physically remember it.

3 MS. DENNY: It's a nice fence. Backyard Fence put
4 it up. It's a wooden concave fence and I was wondering
5 if I could possibly have my property surrounded with
6 that type of fence.

7 MR. CAPONERA: Absolutely.

8 MS. DENNY: The one issue that bothers me - I have
9 been in the house for 14 years. The very back of my lot
10 is very, very wet and there is oil or some kind of
11 greasy -- there has always been some kind of greasy,
12 oily -- I don't know what you call it - liquid back
13 there. The lady that used to live in that house next to
14 me, Alice, she passed and she told me that years ago
15 there was some issues with oil on her property. The
16 very back of my lot is very wet and there is an oily
17 residue. I don't think that a wooden fence could hold
18 up back there because of the wetness.

19 CHAIRMAN STUTO: I'll ask the applicant to take a
20 close look at it.

21 MS. DENNY: It's very wet. Even the people who mow
22 my lawn have noticed it and sometimes they can't even
23 mow back there. If I did prefer a wooden fence I don't
24 think that a wooden fence would hold up back there.

25 CHAIRMAN STUTO: Maybe there is another solution.

1 Dan, do you have any comment?

2 MR. HERSHBERG: What we are showing back here is we
3 are actually going to be cutting some area back here to
4 reduce the grade back there which will accumulate some
5 of the drainage that is currently laying at the back of
6 her house -- it's going to drain out this direction.

7 This is your house and your back yard
8 [Indicating]. The material for fence -- there are
9 plenty of fences you could put there. Cedar fences
10 are notorious for being able to withstand embedment
11 in a high groundwater table. You could make a
12 wooden cedar fence. Or, we could meet with this
13 neighbor and say essentially we can do an equivalent
14 looking plastic -- one of the brown or tan plastic.
15 There are a whole number of designs that would work
16 there. When I said that we'd fence it, we weren't
17 just talking about a chain link fence. We're
18 talking about something decorative that would sort
19 of make it right for you. We can either manufacture
20 something to look like that, or we can work with
21 some of the existing fences and show you what are
22 available there. There are plenty of fences that
23 can stand the groundwater table.

24 MS. DENNY: My fence is six feet. I was told that
25 possibly it would have to be taller.

1 MR. HERSHBERG: No, six feet is the maximum fence
2 that we would go with. Quite honestly to keep a fence
3 looking more residential - you don't want to get fences
4 higher than six feet. It becomes very commercial. We
5 would stick with six feet and we would try to grade --
6 the key element with the back of your property is
7 probably -- we are proposing to cut the grade back here
8 (Indicating), which would make it lower behind there and
9 would intercept any water coming into your backyard. I
10 think that essentially that this will help. We
11 certainty would work with you.

12 MS. DENNY: I will tell you folks that I cannot
13 wait until that trailer gets out of there. That's been
14 an eyesore in the neighborhood since whenever.

15 MR. CAPONERA: There is a trailer right here
16 (Indicating) and when Mr. Langan owned this property, or
17 an entity owned by him, we acquired some properties and
18 this is one of them. One of the questions that was
19 asked by John at the Zoning Board meeting through you,
20 was whether or not that was going to be removed. The
21 answer is yes, in short order.

22 MS. DENNY: When the house is torn down, will there
23 be a barricade? The house is close to my house. Will
24 my house be protected because there could be some flying
25 debris.

1 MR. HERSHBERG: The construction situation - we are
2 dealing with a very competent contractor. You realize
3 that the end product here - we are moving -- the closest
4 edge of this pavement is 25 feet off the property line.
5 So, we are leaving a strip of property in here
6 (Indicating) that is going to be green in here and on
7 this side here. The pavement on both sides, you're
8 going to have a 25-foot buffer all the way around and
9 it's all going to be green. As I said, we'll work out a
10 fence situation to isolate your house the best we can.

11 CHAIRMAN STUTO: She's worrying about the house
12 next to her.

13 MR. HERSHBERG: First of all, that's far enough
14 away enough that we can certainly put a fence barricade
15 up. They normally put out a construction type fence for
16 flying debris. Demolishing a house like that is not --
17 you don't have to use very heavy equipment.

18 MS. DENNY: It's practically falling down now.

19 MR. HERSHBERG: That's why I say we won't have to
20 hit it very hard.

21 MS. DENNY: One thing that I am happy to hear about
22 because -- I've been in the middle of this for three
23 years - those trucks delivering cars. I get up at
24 quarter to four in the morning and they'll be parking on
25 Wilber and parking on my street by my house. I'm glad to

1 hear that there is a change there.

2 CHAIRMAN STUTO: I'm not sure if it was the police
3 of the Highway Safety Committee that recommended no
4 delivery of cars. They also said something about a
5 weight restriction.

6 MR. LANE: There is a weight restriction on the
7 street there.

8 MS. DENNY: Our street is so narrow. Trucks would
9 be coming down and it was dangerous. They could barely
10 sit on the road, they were so wide. The street was so
11 narrow. It was very dangerous.

12 CHAIRMAN STUTO: Chuck, is there anything that we
13 can put in our approval to address that as well?

14 MR. VOSS: You can make that a conditional approval
15 that they can't have any deliveries of vehicles on and
16 off the site.

17 CHAIRMAN STUTO: What about the weight part?

18 MR. VOSS: Again, it's a Town Enforcement issue.
19 You can state it in the condition of approval, but I
20 think that it's an enforcement issue.

21 CHAIRMAN STUTO: You're shaking your head no.

22 MR. RZESZUTO: They need to do a weight restriction
23 from their access driveway back. They're going to have
24 to have some delivery trucks that are over three tons go
25 onto the site. There is just no way around that. Three

1 tons is nothing.

2 MR. LANE: The weight restriction would be to
3 protect the infrastructure.

4 MR. VOSS: If you have continued use of heavy
5 vehicles over a weight restricted road, the road wasn't
6 really designed for heavy use vehicles. It's the
7 continuous use daily, daily, daily of those heavy
8 vehicles that tears the road apart. An occasional
9 vehicle like a delivery truck or a semi coming in and
10 parking and loading off and moving on doesn't
11 necessarily impact the road as much as that continuous
12 use. It's where you have the use where heavy
13 dump trucks were coming up and down the road all day
14 long. They eventually break the pavement.

15 MS. DENNY: I was saying that I work for Verizon
16 and I take four busses a day and I have to hold my
17 breath every day crossing over. It is very dangerous to
18 cross over there. When I come home at night, I have to
19 hold my breath. In the wintertime, if the guys don't
20 come and plow the sidewalk, I have to walk on Central
21 Avenue and hold my breath even more. That's really
22 dangerous. It all depends when they bring a machine up.
23 It's not good. I have to walk on Central Avenue and
24 hold my breath going back and forth. The sidewalks are
25 filled with snow.

1 MR. MION: One of the suggestions that could be
2 made - could they put a pedestrian switch on it to
3 cross? That could be done.

4 CHAIRMAN STUTO: We will ask our engineers to look
5 at that.

6 MR. MION: That's the same thing that they have
7 down at Midway by St. Clare's Church.

8 CHAIRMAN STUTO: Anything else, ma'am?

9 MS. DENNY: Nutwood - the street needs repaving
10 terribly. The street is in really, really bad shape. I
11 didn't know if you folks had plans once this is
12 completed. The thing has been piece-mealed for years
13 and it's in really bad shape.

14 CHAIRMAN STUTO: I don't know where it is on the
15 paving schedule. Maybe Joe can look. We're also going
16 to study that street, in terms of its overall condition.

17 MS. DENNY: Thank you. Other than that, I think
18 that I'm going to be well taken care of. I'm not the
19 least bit worried. I'm very happy with what I have
20 heard and Michael and Victor has been fantastic. I talk
21 to them periodically throughout the past year or two
22 and they have been very kind. I told him that he should
23 run for political office.

24 MR. LACIVITA: If you see me an email, I'll let you
25 know where it's on the paving schedule.

1 MS. DENNY: Okay, sure.

2 CHAIRMAN STUTO: Earl Wescott.

3 MR. WESCOTT: Right now I reside at 36 Nutwood,
4 right here in the bottom corner of this map right here
5 (Indicating). He used to park cars on the top of the
6 land all the time there. I called the Town a couple of
7 times over that.

8 I've got a well right here, privately owned.
9 If you put the water in this spot, it's going to
10 drain over into my land and ruin that well.

11 CHAIRMAN STUTO: Can you address your comments to
12 the Board? We'll make sure that they all get addressed.

13 MR. WESCOTT: The well is right off that property
14 line about six feet into my property. It's privately
15 owned for drinking. I worry about that because he's
16 putting a drainage basin in there.

17 CHAIRMAN STUTO: We will ask him to address that.
18 Do you still use it now?

19 MR. WESCOTT: Yes, we do.

20 CHAIRMAN STUTO: For drinking?

21 MR. WESCOTT: For drinking.

22 We also have a problem with the drivers up and
23 down the road speeding. My granddaughter almost got
24 hit not long ago out there. We have tractor trailer
25 up through there every day.

1 MR. LANE: Tractor trailers on a weight restricted
2 road?

3 MR. WESCOTT: Yes, I have confronted the drivers.
4 I have stopped them. They don't care. I've called
5 Fuccillo's plenty of times. They don't care.

6 MR. LANE: Which goes to her point about the road
7 being bad shape.

8 MR. WESCOTT: It is. I would prefer it being a
9 dead-end road. Cut it off by Fuccillo's.

10 CHAIRMAN STUTO: Ma'am, how do you feel about it
11 being dead-ended?

12 MS. DENNY: Yes, because it is a very main
13 thoroughfare.

14 CHAIRMAN STUTO: I'm not sure if that works. The
15 traffic engineers will study it and look at it.

16 MR. LANE: The tractor trailers certainly shouldn't
17 be there. The signs are up on both ends?

18 MS. DENNY: Yes, it shakes my house when they go
19 by.

20 MR. WESCOTT: Every day there are tractor trailers
21 going up and down that road two or three times.

22 CHAIRMAN STUTO: Okay, we're going to study that.

23 MR. WESCOTT: There are cars up and down the he
24 road, non-stop.

25 CHAIRMAN STUTO: Have we restricted the circulation

1 of demo cars before?

2 MR. LACIVITA: Yes.

3 CHAIRMAN STUTO: Put that on the list of things to
4 seriously look at.

5 MR. WESCOTT: What kind of trees are they going to
6 plant next to my house there? My girlfriend has severe
7 asthma.

8 MR. LANE: There is a letter from the Pine Bush
9 Preserve study and one of their requests is to use
10 non-evasive species and I hope that you take a look at
11 that.

12 CHAIRMAN STUTO: I assume that the applicant will
13 be willing to have a conversation with you about the
14 plantings there.

15 MR. WESCOTT: No problem. She's got asthma and
16 that's all I worry about.

17 There is a lot of red clay in the area. There
18 is no drainage off. The red clay holds everything.

19 That's about all I have.

20 CHAIRMAN STUTO: I will let the applicant address
21 that and I know that Mr. Hershberg has a photograph and
22 audiographic memory. We'll help you along.

23 MR. CAPONERA: Just in case, I'm writing it down.

24 MR. HERSHBERG: Regarding the impact on the
25 drinking water well here, I have said before that due to

1 the proximity to an aquifer, we're probably going to
2 have to line these basins so that we will not allow the
3 water to infiltrate into the ground around it so that it
4 will be holding the stormwater discharging it at a slow
5 rate after the storm subsides. The bottom of the sand
6 filter - the same sort of thing - put a layer of clay
7 underneath it to make it impenetrable so that the water
8 will not go down through. That will solve a couple of
9 problems and it will solve some problems of any
10 infiltration impact with respect to potable water use.
11 We'll also prevent the concern any drainage from the
12 hotspot, making it into the aquifer.

13 The sand filters, by the way, are very
14 effective against hydrocarbon and everything else.
15 They have multiple layers of sand in them and there
16 is a two foot layer of sand. It works an awful lot
17 like if you envision a pool filter - a rapid pool
18 filter. Water comes out of these things
19 clean. We have documentation and I have included my
20 SWPPP manuals with the studies that have been done
21 in the past that says that the sandfilters are one
22 of the most effective with stormwater.

23 The question about trees - we can certainly
24 talk about it. Mr. Lane pointed out that we do have
25 a letter from the Pine Bush Preserve Commission.

1 Unfortunately, native Pine Bush vegetation doesn't
2 give you enough choices regarding screening. We're
3 stuck with pitch pine which is virtually useless as
4 a screening tree. We are fairly limited there, but
5 we have had discussions in the past with Neil at the
6 Pine Bush Preserve and we talked with him about
7 things like Red Oak and some of the less invasive
8 type of evergreen trees. It's hard to get an
9 evergreen tree in there that can't be invasive.
10 Almost everything grows to 10 feet and is invasive.
11 We'll certainly work that out and certainly talk to
12 the gentleman about what sort of trees might be less
13 impacting to his daughter. I think that essentially
14 the proximity to that well -- I wasn't aware that
15 there was a well there for potable water use.

16 MR. CAPONERA: Is there Town water there?

17 MR. HERSHBERG: Yes.

18 MR. VOSS: Dan, can you just pick up that well on
19 your next site plan?

20 MR. HERSHBERG: Yes. We normally do a survey 50
21 feet beyond the right of way line.

22 CHAIRMAN STUTO: Rick Hildenbrandt.

23 MR. HILDENBRANDT: I own the property adjacent
24 right here (Indicating). You have covered all the
25 perimeters here. I have a small commercial building

1 right here with some adjacent lots. The only thing that
2 I was concerned about is this road here, Allendale. The
3 drainage gets real wet. The road is underwater most of
4 the wintertime and it gets iced up and stuff like that.
5 I don't think that I've had the road paved since - as
6 long as I can remember. I just wanted to find out when
7 that road was going to be paved. I think that the
8 problem there is that road is also Niskayuna.

9 MR. LACIVITA: Yes, I can see that here.

10 MR. HILDENBRANDT: I think that they missed the
11 road in the past. I just wondered if you could just
12 kind of look at whatever they do here. It looks like
13 the beginning of it is Niskayuna. I think that they
14 have a leak over there and some of the water drips down.

15 Fuccillo has been really good. I have had no
16 problem with them. I think that this is a great
17 improvement over what we had. I just would like to
18 make sure that whatever they do, that the drainage
19 kind of gets drained out, if at all possible.

20 My mother-in-law who is here with me today,
21 owns this property here and this lot right here
22 really hasn't had a lot of cars ever stored on it.
23 For her benefit, it would be good to have something
24 where she doesn't have to -- right now she's not
25 looking out and seeing a bunch of cars there. If

1 there was something that could help in -

2 CHAIRMAN STUTO: The screening there, yes.

3 MR. HERSHBERG: Yes, no problem.

4 MR. HILDENBRANDT: I think that was a great point
5 to put out. I think that pretty much everybody on the
6 street is here. I think that's a great point. If you
7 could consider maybe making this a dead-end here
8 (Indicating) and everybody is pretty much here, I think
9 that would be a benefit. There would be no thru-traffic
10 here and there would be no problem with any kind of
11 thru-traffic.

12 CHAIRMAN STUTO: We will study that. I'm into sure
13 if that's going to be possible.

14 MR. LACIVITA: I'll do the same thing. I'll give
15 you my card. Just email me and I'll let you back on that
16 paving schedule.

17 CHAIRMAN STUTO: Thank you.

18 Dick Vale.

19 MR. VALE: I own 7 Wilber Avenue, which on this
20 sketch is shown as 24 Wilber Avenue.

21 CHAIRMAN STUTO: Can you show us roughly on the big
22 map where it is?

23 MR. VALE: In here (Indicating) this is a lot owned
24 by Lia. They are on the other side of Central. I think
25 that they just bought it in the last year. They store

1 cars on there. I'm the next lot down.

2 CHAIRMAN STUTO: Commercial or residential?

3 MR. VALE: It's a residence, but I have garages in
4 the back. So, there is a four-unit apartment building.
5 I don't live there.

6 Over on Covington, which is back of my
7 property, there used to be a swamp - a treed swamp.
8 Unbeknownst to me the Town allowed a builder to go
9 in there, fill in the swamp and put in - I think
10 that there are two houses in there. I am at the low
11 point on Wilber Avenue, so whenever there is a
12 rainstorm - normal rain, everything is okay, but
13 when there is a thunderstorm, I get probably two
14 feet of water on my property and it takes like an
15 hour or two to drain off. The garages get water in
16 them. It comes in under the doors. Right now,
17 Central is the high point here. Everything goes
18 downhill here on Wilber. All the water hitting
19 these roofs and these lots including Lia runs down
20 Wilber Avenue. If you're there during the
21 thunderstorm, it looks like a river. The water just
22 comes down and it ends up on my property. The water
23 doesn't go to any stormdrains on Central. There are
24 four storm catch basins on Wilber. They are way down
25 here (Indicating). There is one that was put in

1 over on Covington that I supposed is supposed to
2 catch all this water. It's totally inadequate
3 during a thunderstorm. I'm glad to hear that there
4 is some consideration that has been given to this.

5 That's my main comment. Right now every time
6 there is a thunderstorm, I get a couple of feet of
7 water on my property. It takes an hour or two to
8 drain off. These catch basins are inadequate for
9 thunderstorms. Maybe the sewer lines are
10 inadequate. I don't know.

11 MR. LANE: Did that happen today?

12 MR. VALE: I was not at the property today. I have
13 been there a couple of times. I took photos and I have
14 even sent photos into the Town a few years back. They
15 came out and cleaned the debris off the stormdrains. I
16 guess my concern is that there is adequate storage for
17 the drainage.

18 I don't know if you guys have ever been to
19 Germany - Volkswagen is a German company. My
20 brother is a civil engineer and he's lived there for
21 five years. He was pointing some things out to me.
22 He said, when water hits a roof in Germany, they
23 don't allow it to go on the ground. One of my
24 relatives over there was complaining about it. They
25 collect the water in these copper gutters. Every

1 property is that way; country or city. I'm talking
2 about West Germany. It goes into an underground
3 cistern and the homeowners pump out of the cistern
4 to water their lawn and wash their cars. I would be
5 furious about what Volkswagen of Germany - what kind
6 of a system would they put in?

7 CHAIRMAN STUTO: That's interesting.

8 MR. VALE: Another interesting thing: He was
9 pointing out that they have a national code for car
10 inspections. No drips allowed. You can't have a
11 coolant drip. You can't have a transmission oil drip.
12 He bought a corvette over there thinking that he was
13 going to put it on the road. It cost him \$1,000.00 to
14 fix an oil leak on his transmission system before he
15 could get a permit to drive it in Germany. They have a
16 lot of concern in Germany about these very things; water
17 run-off, collecting oil, gasoline going into the rivers
18 and things like that. They try to keep the water
19 on-site. That's my comment.

20 CHAIRMAN STUTO: Okay, it seems like stormwater is
21 your main issue. I'm not sure if this project is going
22 to clean it up or not, but Mr. Hershberg is versed in
23 all the latest green technologies within the United
24 States. I don't know about other places.

25 MR. HERSHBERG: Actually, what the gentlemen

1 mentioned about the use of a cistern is much more
2 advanced in the European countries than it is here. We
3 also have a problem when we talk about cisterns and uses
4 for irrigation. We do have a problem because an awful
5 lot of our rainstorms and run-off occurs sometimes when
6 we don't have to irrigate our water. Consequently, they
7 are a six month solution here rather than a 12-month
8 solution. The amount of water that does comes off these
9 properties now into Wilber Avenue will be significantly
10 reduced by our plan. I never want to say that we're
11 going to solve your drainage problems because, again,
12 one person once said it before at a meeting. I said,
13 don't ever say that because a storm will come along that
14 will overpower our drainage system. So, it's never
15 forever, but we can do a significant amount to reduce
16 the impact during rainstorms of the water that runs to
17 Wilber Avenue. We'll have to with our subsurface system
18 here -

19 CHAIRMAN STUTO: Do you think that he'll see a
20 difference? The water that goes to this property
21 doesn't just come from your property. Do you think that
22 he'll see a difference?

23 MR. HERSHBERG: I'm looking in an area that our
24 site may be 30% or 40% to that tributary there at the
25 base of Wilber. Therefore, we will have an impact on

1 it. It will be a significant impact. It will be an
2 impact. It's hard to quantify it because when you get a
3 major rainstorm, it overpowers a whole bunch of the
4 systems and if there is no capacity in the system down
5 there or catch basin or sewers to take it, no matter
6 what we do on top, we can't solve the problem.

7 I would be remiss if I didn't tell you that our
8 goal here - and I'm pretty sure that Barton and
9 Loguidice is going to hold our feet to the fire on
10 this review - is that we are going to reduce the
11 amount of flow going off of site during all storms
12 up to an including a 100-year storm.

13 CHAIRMAN STUTO: I'll ask the Town Designated
14 Engineer. How far do you look at the system of the
15 perimeter of the property on an application like this?

16 MR. VOSS: That's a good question, Peter. We
17 typically coordinate very closely with the Town
18 stormwater management office. We usually follow their
19 lead on really how far downstream we want to look at
20 those things. John Dzialo is the Town's Stormwater
21 Management Officer and he works with our stormwater folks
22 very closely in identifying those storm impact areas and
23 we'll do that with Dan, once we get into the coordinated
24 review and kind of get a better look at their system.

25 CHAIRMAN STUTO: Do you think that you might be

1 able to look at what this gentlemen is speaking of?

2 MR. VOSS: Of course.

3 MR. HERSHBERG: I might point out, Mr. Chairman,
4 that here one reason why we might want to bring it down
5 here -- there are no stormwater facilities in this area
6 here (Indicating), otherwise we would have connected the
7 drainage into that. This will take all the stormwater
8 from here -- it's not going to go onto Wilber Avenue at
9 all. It's going to go across the street and down into
10 the storage system before it discharges. Again, that's
11 the realization that there an adequate drainage
12 facilities on Wilber Avenue now.

13 CHAIRMAN STUTO: We will take a close look at it
14 and they'll be back before this Board.

15 MR. VALE: If I'm over there during a storm, I have
16 a camera. I can take some pictures.

17 CHAIRMAN STUTO: Anybody else want to be heard on
18 this project?

19 MR. GABRIEL: My name is Michael Gabriel. I live
20 on Nutwood Avenue - 23, this lot right here
21 (Indicating). My mother and father built this home 58
22 years ago. They pay their taxes. They have maintained
23 that property, the landscaping, the home and I think
24 that it's clear to anybody in this room that this
25 operation is too large for the space that it's in.

1 They're trying to put 10 pounds of potatoes in a five
2 pound sack. I know that this property is commercial,
3 but for this to work, they're encroaching into a
4 residential neighborhood. That is a fact, regardless of
5 how it's zoned.

6 I would like to say that everyone on the Board,
7 Mr. Fuccillo, who is not here, to you both
8 respectfully - how would any of you like a parking
9 lot built next to your home or across the street
10 from your home? Don't tell me that the property
11 values - my mom's home and everyone else living on
12 this street - their property values are not going to
13 go down, because they will. That's it. It may be
14 legal, but it's not highly ethical.

15 CHAIRMAN STUTO: I can't address that. I don't
16 know if anybody wants to.

17 MR. GABRIEL: It's just a statement.

18 CHAIRMAN STUTO: And I appreciate your statement.
19 I think that we're trying to minimize the impact, with
20 the screening.

21 Did you want to say something?

22 MR. CAPONERA: Yes, I think that's why when I was
23 talking and when I first started - I understand what
24 this gentleman is saying, but we all know that this
25 property is commercially zoned. It's been commercially

1 zoned since probably 1930's or something. The point is
2 that this is why you folks get the big money to be on
3 this Board. You have to toil on these issues. I'm
4 serious about this. You already have a situation where
5 you have commercial property right up against a
6 residential zone. It's hard. I understand what this
7 gentleman is saying.

8 Here is what I want to say real quickly. This
9 has always been used for car dealerships. I
10 mentioned before and I'll mention it again,
11 effectively speaking there could be three separate
12 car dealerships here. They may not be huge or big.
13 There was one that was before us tonight where there
14 was a small lot on Central Avenue and they're going
15 to use it for used car sales. My point is that I
16 feel that this is going to lessen what could be
17 there in the long run. That's where I'm going with
18 this. We are trying to take as much as we can in
19 terms of greenspace to lessen the impact and I
20 really believe that we are trying to do that.

21 That's all I wanted to say, Mr. Chainman.
22 that's the intent here.

23 MR. RZESZUTO: You said that this property was
24 zoned commercially used. This property here from here
25 down through here was not commercially used. We've been

1 here for decades. This property here was just recently
2 purchased within the last 10 years and then this
3 property was just recently purchased, too. This property
4 was not recently used as a parking facility. It's
5 basically been an encroachment over time.

6 MR. CAPONERA: I'm not 100% sure of that. I'd have
7 to check my old maps.

8 MR. RZESZUTO: Well I am and everybody here that is
9 here -

10 MR. CAPONERA: I don't know where the line is.

11 MR. RZESZUTO: It was basically right here
12 (Indicating). So, all this property was not used to
13 park cars. This is Alice's house there and it's not
14 being used.

15 MR. CAPONERA: I understand, but I was also told
16 that when this property with the house - that was a
17 commercial zone. I'm only saying that when this house
18 was built - and it's a lovely house, she needed a
19 variance to have the house there. I asked why she
20 needed one and she said, well it was in a commercial
21 zone.

22 MR. RZESZUTO: How about this property here
23 (Indicating)?

24 MR. CAPONERA: I would have to look at my maps.

25 MR. AUSTIN: I think that would be something that

1 the Zoning Board would be very particular about before
2 they would even send it our way. The Zoning Board would
3 take care of those different issues.

4 MR. RZESZUTO: We weren't notified by the Zoning
5 Board when anything was done.

6 MR. LACIVITA: I think that in moving forward with
7 the project, Peter, as we talk about this - it would
8 probably take this to study as to what are some of the
9 improvements that can be done to keep some of that
10 traffic out of the residential area and try to bring
11 back the quality of life back to the component of this
12 residential area. The commercial is allowed, as we all
13 know, but I think that through a study in that area,
14 what we can do to shift that thru-traffic off might be a
15 positive thing.

16 MS. DALTON: Can we just summarize? We have the
17 thru-traffic issue, the heavy traffic issue and the
18 stormwater management/well water issue.

19 CHAIRMAN STUTO: And the pedestrian access.

20 MS. DALTON: And pedestrian access.

21 MR. AUSTIN: I think that the other issue would be
22 test driving.

23 MR. LACIVITA: The snow storage as talked about
24 earlier -- all of that can be encompassed within that
25 study if we redesigned that roadway where there is not

1 accessibility, some of those issues go away
2 automatically.

3 MR. AUSTIN: I think that the test driving issue
4 can still be addressed because there are families there
5 and it's a raceway down there.

6 MS. DALTON: Particularly since you have a pocket
7 park at the end of the block.

8 MR. AUSTIN: I'm surprised that Fuccillo allows
9 their cars to be taken out and driven like that.

10 MR. SHAMLIAN: Victor, can you talk about how a
11 customer comes onto the site?

12 CHAIRMAN STUTO: For service, or going to look for
13 a car?

14 MR. SHAMLIAN: Going to look for a car.

15 MR. CAPONERA: I'm going to let Dan do this. He has
16 worked on the design.

17 MR. HERSHBERG: For service, cars are going to come
18 in here (Indicating) and there is a service entrance and
19 stacking space for the service and the service area.
20 When someone comes in to buy a car, we have these spots
21 here reserved for people coming into to purchase -- the
22 ones up front closest to the sales area. People can
23 park there and now essentially they're shown a car.
24 Obviously, they're going to try to get their hottest
25 selling cars as close as they can to the showroom. They

1 have significant showroom space. There are 10 or 12
2 vehicles in the showroom. They will have them there for
3 people to look at and a lot of their most popular cars
4 will be here. But if somebody wants to see a car that's
5 over here someplace (Indicating), they will have to
6 cross Wilber or Nutwood to get there.

7 The question of where they go for a test drive
8 is a good one. I don't think essentially that it
9 would be inappropriate for this Board to limit the
10 use of the small local streets for that. Although, I
11 think that you have to be somewhat careful about how
12 you defined it, maybe with specific roadways rather
13 than a generic type of restriction on it. That
14 would mean essentially someone going on a test drive
15 is going to come out on a driveway here and go out
16 to the Central Venue and do their test drive along
17 Central Avenue. That's the only other place for
18 them to go. If they can't go down Nutwood or Wilber,
19 they're going to have to go out to Central Avenue.

20 MR. SHAMLIAN: How are you safely taking somebody
21 from the dealership building to one of the other two
22 lots?

23 MR. HERSHBERG: They're going to walk. The
24 showroom is here (Indicating). If we go back to the
25 original concern there, CDTA was talking about

1 crosswalks and I think that they were talking crosswalks
2 by Central Avenue and the sidestreets. Would we want to
3 set up - and again, we can certainly talk about it as a
4 final design, a mid-block crosswalk in there, probably
5 with a sign in there that says yield to pedestrians in a
6 crosswalk situation - not stop signs, but one of those
7 yield signs to get people to walk back and forth across.

8 MR. SHAMLIAN: It just seems kind of awkward right
9 now that the driveways don't line up and so there needs
10 to be some kind of safe passageway essentially in
11 between the lots. That is a reality.

12 MR. HERSHBERG: We actually talked about lining up
13 the driveways and we determined that for safety
14 purposes, we wanted people not to think that they could
15 cut across back and forth but come to a full stop. So,
16 we didn't line up the driveways. We specifically
17 avoided that. This one and this one dead-ends. There is
18 no place for them to go. They will have to stop at the
19 roadway.

20 MR. RZESZUTO: What about using golf carts?

21 MR. HERSHBERG: It's something that a dealer might
22 do, but this is such a compact block, I doubt very much
23 that it's useful. There are lots that are much more
24 spread out than this.

25 MR. AUSTIN: Mr. Hershberg, if this street is

1 approved for a dead-end, you could line those up -

2 MR. LANE: I do see his point about that.

3 MR. HERSHBERG: If Nutwood was dead-ended, we might
4 propose to do some sort of T intersection rather than a
5 cul-de-sac. It's not very wide to put a cul-de-sac on
6 it. We could certainly do a T intersection, grant the
7 permanent easement over a portion of our property for
8 the end of the T to have it happen. Dead-ending the
9 road, if that calms the traffic in there, that's
10 something that Mr. Fuccillo would certainly not oppose.

11 CHAIRMAN STUTO: Any other public comments?

12 MR. ROSELL: I'm John Rosell and I just want to
13 make two quick points. One is that you were talking
14 about weight restriction. That's between Central and
15 Albany Street. Is there a way that we can get weight
16 restrictions further down being that there is a pocket
17 park there? I do see dump trucks go by and there are a
18 few times that I've seen heavy equipment going through
19 there.

20 CHAIRMAN STUTO: That's a possibility, but it's
21 beyond the scope of our Board.

22 MR. LACIVITA: That would go through our Town
23 Highway Safety. You could petition them. Again, if you
24 want to send me an email, I will send it over to Highway
25 Safety and get it on their agenda.

1 MR. RZESZUTO: For Fuccillo or any other dealership
2 for that matter, for Albany Street going back to the
3 residential area - we can stop that from being a test
4 strip and area as well? Anybody that would drive down
5 that has no knowledge of the street. They don't know
6 that there is a pocket park there any more than you have
7 people walking. They're flying by, as I said earlier.
8 There was a gentlemen that took one out for a test drive
9 that was well over 50 miles an hour in a 30 mile an hour
10 zone, which has a pocket park for kids there. Is there
11 a way that we can stop that flow of traffic by bringing
12 it to the company's attention by saying look, these
13 aren't the test routes that you should take. Anything
14 after that we're going to write you a citation for, if
15 it's brought to whoever's attention.

16 CHAIRMAN STUTO: If you're talking about a
17 different dealer, we can't impose that. We, as a
18 Planning Board can't impose that on another dealer,
19 unless they have an application before us. Again, I
20 don't know.

21 MR. LACIVITA: I would defer that to the Traffic
22 Safety. I don't know what part of the Vehicle and
23 Traffic Law that would be, especially if you have public
24 streets that are dedicated to the Town. How do you keep
25 people off the public streets? That's a vehicle law

1 that we'd have to check into.

2 MR. RZESZUTO: I was concerned about it because now
3 you've got additional traffic that is going to be used
4 on that street where it normally wouldn't be. With the
5 amount of cars going back there, regardless where the
6 driver is, it's not going to know where the average
7 traffic is for that. There is always going to be that
8 potential causality. That's what I'm trying to warn.

9 MR. LACIVITA: The best thing that I can do is
10 forward that onto somebody to make a determination as to
11 how something like that would be rectified or what we
12 could do to offset it. Email me that and I can get it
13 right into the Traffic Safety's hands.

14 MR. RZESZUTO: Because the traffic has increased on
15 the street, it's doubled. It's just a matter of when,
16 and not if. Thank you.

17 CHAIRMAN STUTO: Thank you.

18 We have before us an application for concept
19 acceptance. That's not really an approval. That's
20 not a final approval by any means.

21 We raised a number of issues here this evening.
22 Kathy and the rest of us helped out repeating what
23 those issues are. We have brought up the concept of
24 if we do vote positively on concept, that they come
25 back for an interim report on how those issues

1 appear to be moving. If we do that, I would suggest
2 notifying the same residents that got notified on
3 this and give them an opportunity to react.

4 How does everybody feel about that?

5 (All Board Members agreed.)

6 So, on that basis, do we have a motion for
7 concept acceptance?

8 MR. AUSTIN: I'll make that motion.

9 MR. LANE: Second.

10 CHAIRMAN STUTO: Any discussion?

11 (There was no response.)

12 All those in favor say aye.

13 (Ayes were recited.)

14 All those opposed, say nay.

15 (There were none opposed.)

16 The ayes have it.

17 So, we have a lot of work to do and we'll come
18 back with an interim report.

19

20 (Whereas the above referenced proceeding was
21 concluded at 8:34 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, 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 STRANG-VANDEBOGART

Dated July 30, 2015

