

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FUCCILLO VW
2242 CENTRAL AVENUE
5 BOARD UPDATE

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG, a Shorthand Reporter,
10 commencing on August 11, 2015 at 7:22 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 LOU MION
15 KATHY DALTON
16 TIMOTHY LANE
17 SUSAN MILSTEIN
18 CRAIG SHAMLIAN

19 ALSO PRESENT:
20 Kathleen Marinelli, Esq., Counsel to the Planning Board
21 Victor Caponera, Esq.
22 Earl Westcott
23 Joseph LaCivita, Director, Planning and Economic
24 Development
25 Daniel Hershberg, PE, Hershberg & Hershberg

1 CHAIRMAN STUTO: The next item on the agenda is
2 Fuccillo VW, 2242 Central Avenue. This is a Board
3 update.

4 MR. LACIVITA: Yes, this Board update is going to
5 be presented by Mr. Caponera.

6 What we asked the applicant to do is look at
7 the potential to shut down Nutwood, which was a
8 connector to Central Avenue. Mr. Caponera has been
9 working with the residents in that area - the
10 property owners, I should say, and Mr. Hershberg is
11 here to kind of show what we are looking at, as
12 well. They are here to update the Board so that
13 this project can go to the next step.

14 CHAIRMAN STUTO: We appreciate you coming in; thank
15 you.

16 MR. CAPONERA: Thank you, because obviously Mr.
17 Hershberg can't move forward on final plans until we get
18 this Resolution.

19 The last time that we were here, I was in front
20 of the Board and I had a little question about when
21 we got concept approval on the Audi project. I was
22 here last on June 9th. We got concept approval for
23 this project which I told the Board, encompasses
24 three properties. You could technically have three
25 different auto dealerships on it, but this is one.

1 This is for Fuccillo of VW. It's a new building
2 that is shown in the middle and we've already gone
3 through this.

4 Several of the neighbors appeared on the 9th.
5 I asked questions, specifically about whether or not
6 this part of Nutwood could be closed. What I did
7 with the help of Joe and Mike - I went and we got
8 the names of the nine property owners of the people
9 that own properties from the edge of our property
10 here and here (Indicating), went to the Assessor's
11 office and got their names and I sent a letter out
12 to them on July 9th. Basically I said I've talked
13 with the DPW Department - Bill Neeley. I talked
14 with the Town Attorney's office, Sue Pellegrini and
15 essentially what they said was that unless you get
16 substantially all of the nine owners to go along
17 with this, the chances of the Town abandoning this
18 part of the road are pretty slim.

19 So, we started with a letter. I sent it out on
20 July 9th. I got a phone call from Mr. Westcott, who
21 is here tonight, and I spoke with him just before we
22 started. Mr. Westcott lives at 36 Nutwood with his
23 -- I guess you're Gertrude's son-in-law -- and their
24 property is right here (Indicating). He supported
25 the abandonment. So, when I heard from Earl, I

1 talked with Mr. Hershberg's office and they
2 presented -- I talked with Bill Neeley about how to
3 do this and it's kind of like a T turnaround. It's
4 not a big cul-de-sac.

5 Then, I spoke with Mike a few days later and
6 Mike presented to me a July 13th memo that was
7 submitted by Mr. Gupta who lives here at 11 Nutwood
8 (Indicating). I'm not going to read you the whole
9 memo. I'm sure that you have it, but essentially he
10 implicated that it was our idea to abandoned the
11 road and he objected to it. He said, this is an
12 intrusion. It's going to adversely affect his
13 property values and long story short, he didn't want
14 the road abandoned.

15 Olivia Denny who is here (Indicating) -- I
16 don't know if she is here tonight, but she was here
17 on the 9th of June and in this memo, she said no.
18 She doesn't want the road abandoned. Apparently she
19 walks up and catches the bus. You recall that she
20 mentioned that when we were here on the 9th.

21 As I said, I spoke with this young man, Mr.
22 Westcott. I told him that it would probably be in
23 his best interest to canvass the neighborhood
24 regarding this letter. I didn't hear anything other
25 than his phone call and this memo that I got from

1 Mike that came from Mr. Gupta.

2 So, a funny thing happened. I walked in
3 tonight and Mr. Westcott asked if he could see me
4 outside. I went outside and he said, well, I have
5 talked with a lot of the property owners and they
6 want this. I said, well, how come they never called
7 me? He told me that they didn't get my letter.
8 However, I will tell you that none of these letters
9 came back unreturned. I was hoping to be able to
10 say to the Board, listen, it's not going to happen
11 but Mr. Westcott has indicated something otherwise.
12 He indicates to me that he will be able to get
13 everyone's support except Mr. Gupta who has already
14 said no and Miss. Olivia Denny who has already said
15 no.

16 Is that correct?

17 MR. WESTCOTT: Yes.

18 MR. CAPONERA: Is that a fair representation?

19 MR. WESTCOTT: Yes.

20 MR. CAPONERA: So, that's where we are. I know it
21 shocking, but that's all I have to say.

22 CHAIRMAN STUTO: Thank you for the update.

23 Does the Board have any comments or questions
24 on that?

25 (There was no response.)

1 Keep going. If the consensus gels -

2 MR. LANE: Has there been any comment from Fire
3 Services?

4 MR. CAPONERA: Personally, I have talked with DPW
5 and Bill Neeley -

6 MR. LANE: I think that one other aspect that you
7 might want to look at is being able to access it.

8 MR. CAPONERA: Absolutely, yes.

9 MR. LACIVITA: I think that through the process of
10 design - and I'm certain that Daniel will probably get
11 to that point, too -- if the internal layout of how they
12 do all the cars and stacking of the cars with the
13 potential Knox box -- if they go for it, I think that it
14 can be designed, however the internal use is.

15 MR. LANE: I definitely think that we should hear
16 something from them in any case. I'm not quite sure why
17 the woman thinks that she wouldn't be able to still walk
18 to the bus stop. Would the road be blocked?

19 MR. CAPONERA: I don't see that as being a problem
20 either. Quite frankly, what is the difference?

21 MR. LANE: So, she may just need some
22 clarification.

23 You were going to speak with her, Mr. Westcott?

24 MR. WESTCOTT: I will.

25 FROM THE FLOOR: Gertrude is the owner of the

1 property and she never got a letter.

2 MR. LANE: For that, I would be perfectly willing
3 to give more time, myself.

4 MR. CAPONERA: We are trying to move this project
5 along, as you know. So, Mr. Westcott has promised me
6 that within the next couple of days, he'll have the
7 answers to me so that we can move off of that.

8 CHAIRMAN STUTO: Would we be willing to have a spot
9 location to meet with the people, if they could do it
10 soon?

11 MR. CAPONERA: Sure. I'll even share with him a
12 proposed turnaround that the Town has suggested that we
13 do. It's a T turnaround.

14 MR. SHAMLIAN: Joe, what documentation from our
15 standpoint are we going to need from Victor so that we
16 would be comfortable in moving in that direction?

17 MR. LACIVITA: I think that to abandon it, the Town
18 is going to need something from the residents to say
19 that they would be willing to abandon that portion or
20 that connection.

21 MR. CAPONERA: That's the first thing that I have
22 to do. I have to get a petition signed. I figured that
23 I would start by the letter saying that if you are
24 supporting this, let us know so that we can present it
25 to the Town and then it would be a Town act. They would

1 have to have it go to the Town Board and get it done
2 that way. Again, before I walked in here tonight, I was
3 prepared to tell you that we only have gotten two people
4 in support, but now I'm hearing something different,
5 obviously.

6 CHAIRMAN STUTO: How many are there?

7 MR. CAPONERA: There are nine. Bill said that I
8 needed substantially all of them. I'll get back to you
9 and we will see what happens.

10 CHAIRMAN STUTO: Thank you, very much.

11 MR. CAPONERA: Thank you.

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13 (Whereas the above entitled proceeding was
14 concluded at 7:32 p.m.)

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CERTIFICATION

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

NANCY STRANG

Dated September 20, 2015

