

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 PAESAN'S PIZZERIA & RESTAURANT
6 1225 CENTRAL AVENUE
7 REVIEW AND ACTION ON SEQRA
8 AND FINAL SITE PLAN APPROVAL

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11 THE TAPED AND TRANSCRIBED MINUTES of the above
12 entitled proceeding BY NANCY STRANG-VANDEBOGART
13 commencing on September 14, 2010 at 7:04 p.m. at
14 the Public Operations Center 347 Old Niskayuna
15 Road, Latham, New York 12110

16

17 BOARD MEMBERS:

18 CHARLES J. O'ROURKE, CHAIRMAN
19 MICHAEL SULLIVAN
20 TIMOTHY LANE
21 ELENA VAIDA
22 PETER GANNON
23 PAUL ROSANO
24 PETER STUTO, Jr. Esq., Attorney for the Planning
25 Board

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27 Also present:

28 Joe LaCivita, Director, Planning and Economic
29 Development

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31 Brad Grant, Barton & Loguidice

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33 Daniel Hershberg, Hershberg & Hershberg

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1 CHAIRMAN O'ROURKE: Next on our agenda is
2 Paesan's Pizzeria and restaurant at
3 1225 Central Avenue. It is a 3,352 square foot
4 pizzeria restaurant. They are looking for
5 review and action on SEQRA and final site plan
6 approval.

7 Joe, anything to bring the board up to
8 date on?

9 MR. LACIVITA: Just so the Board knows,
10 concept acceptance was granted on
11 March 9, 2010. It's here for final tonight
12 based on the fact that the TDE and Planning is
13 satisfied with all the comments that they made
14 to date, and they have been placed on the
15 agenda for final.

16 CHAIRMAN O'ROURKE: Mr. Hershberg, I
17 would like to tell you that we did get a call
18 from somebody on Wilson Avenue today and they
19 are ecstatic that those wretched buildings
20 have come down.

21 MR. HERSHBERG: They're finally coming
22 down.

23 CHAIRMAN O'ROURKE: Bring us up to speed,
24 please.

25 MR. HERSHBERG: Thank you, Mr. Chairman.

1 My name is Daniel Hershberg and I'm with
2 Hershberg and Hershberg and I'm here
3 representing Paesan's Pizza.

4 The major concern that we had here had to
5 do with New York State DOT's approval of
6 another access on this block. There is a
7 driveway about five feet in front of our
8 parcel. We had originally had a driveway on
9 this side of the parcel, coming down here so
10 that the parking could be immediately adjacent
11 to the building (Indicating). DOT said no and
12 so we moved the driveway over. We have
13 verified that a box truck can make it around
14 here and a dumpster truck can make a move
15 around here. A tractor trailer - Mr. Scavio
16 says that they will not be coming during times
17 where there are any cars parked, in which case
18 a tractor trailer could make it. The only
19 deliveries that would be made would be about
20 9:00 in the morning before it opens. We're
21 restricted on our hours by our variance to not
22 open for service before 11:00 a.m. and close
23 by 11:00 p.m.

24 The question of access into the site - we
25 do have a sign here that says no right hand

1 turns so that the trucks enter and go back out
2 to Central Avenue. We have checked with the
3 neighbors and in the past the question was: Do
4 we want a fence here? It was her opinion, the
5 last time that I checked, that she still wants
6 us to put the green screen in and does not
7 want a fence. She's here tonight and I think
8 that we can ask her again. She agreed to that.

9 We are planting a screen in here
10 Indicating). These are actually spruces. We do
11 have a fairly intense planting plan. I called
12 for three oaks on the side here. They are
13 relatively large trees. They asked me to
14 change it. So, we changed them to crabapples.
15 This is very intensely planted, even though it
16 looks small, we have some significant size
17 growth. Essentially we think that this is a
18 very nice landscaping plan.

19 We do have irrigation on this area that's
20 going to be planted. We do not intend to
21 irrigate the back part. We think that the
22 spruces will do fine in there and we'll leave
23 the balance of what is in place. So, there is
24 no reason to irrigate that back lot.

25 We do show a patio here for outdoor

1 eating (Indicating). That hasn't changed since
2 our concept approval. A question was raised
3 about screening. Unfortunately, the architect
4 is on vacation, Lorenzo is in the hospital or
5 the doctor's office, so I'm stuck filling in
6 this elevation view, which you probably can't
7 even see.

8 Actually, from a color standpoint,
9 Paesan's colors are this black band and a
10 cream color above and another cream color
11 below. It's similar to the other Paesan's
12 pizzas. We do show a screen wall and it's all
13 mechanical equipment on the roof.

14 If there are any questions by the Board,
15 I would be happy to answer them.

16 CHAIRMAN O'ROURKE: Brad?

17 MR. GRANT: We submitted to the Town a
18 comment letter dated September 7th including
19 all the other documents that you have before
20 you. I won't go into them in detail.

21 In the submittal package, there was a
22 revised EAF that was in the response letter.
23 Subsequently, with the e-mail and technology,
24 we've worked through some of the Town's
25 responses to the revised EAF that were sent

1 over.

2 I'm not going to go through every comment
3 unless someone wants to touch on them.

4 I've had several conversations with
5 Mr. Cunningham. We've been in contact with
6 Mark Kennedy. I think June 18th was the last
7 letter that I saw from DOT.

8 There were two facets of their approval.
9 One is the actual driveway and curb cut and
10 another is the stormwater management plan.

11 I don't know if there has been any
12 subsequent conversations with Mark Kennedy.

13 MR. HERSHBERG: Strictly by e-mail is how
14 I communicate with them. They said that they
15 were pleased that we made their driveway
16 connection exactly as they had shown it on the
17 plan. They actually had taken the liberty of
18 blocking up my map with those driveways and we
19 followed exactly their layout.

20 We have designed a system to maintain the
21 stormwater. We originally had talked about
22 using porous pavement on the site. It turns
23 out that the groundwater is too shallow at the
24 site to use it. We're putting a gallery of
25 pipes underneath the pavement with a catch

1 basin connected in it. We do have some
2 comments that are in line with the
3 housekeeping comments from Brad regarding
4 showing the structures, and access, and
5 putting caps on each catch basin to prevent
6 solids from flowing through it. We think that
7 the system will pass muster. We still have to
8 apply for a non-highway work permit with DOT.
9 The stormwater plan has already been submitted
10 to John Dzialo and I think that they're
11 satisfied that we solved the stormwater issue.

12 CHAIRMAN O'ROURKE: Because your zoning
13 variance is due to expire.

14 MR. HERSHBERG: If we get approval
15 tonight, my guess is that we're going to get
16 Mark Kennedy to give us our permits and then
17 we're ready to go. We're definitely ready to
18 go to get that last building up.

19 MR. GRANT: We were really looking for
20 DOT to sign off.

21 Current delivery and garbage trucks are
22 able to make turns within the curbs and the
23 limits of the parking lot. There is a sidewalk
24 that goes out towards the back. We had a
25 couple of comments on that. One was that Mike

1 Lyons spoke of a handicapped ramp at the end
2 of that.

3 The other comment was that if that could
4 be pulled back or have a mountable curb - in
5 particularly it might be more for a tractor
6 trailer than a smaller truck.

7 MR. HERSHBERG: We're amendable to take
8 that entire curb and make it a mountable curb.

9 MR. GRANT: It doesn't even have to go
10 that far to the north.

11 Number 5 was talking about profiles for
12 the sanitary piping and grease traps. That's
13 relatively straight forward.

14 Number 8 is provide and notate all
15 greenspace, including lawn areas that receive
16 irrigation.

17 It's my understanding that at the last
18 board meeting that they had already committed
19 to irrigating a landscaped area.

20 Really in the back is the only
21 substantial grass area. Those trees wouldn't
22 be required. It's just to provide screening. I
23 guess it would be the Board's prerogative to
24 determine whether that has to be irrigated.

25 Number 9 - we often see this from all

1 these comment letters. There is a fire
2 sprinkler system that was recommended.

3 MR. HERSHBERG: The applicant would
4 prefer not to sprinkler the building. It's not
5 required under the current code.

6 MR. GRANT: And 10 was to submit
7 documents to the Town regarding the merger
8 deed. That was kind of a hold over from
9 before.

10 CHAIRMAN O'ROURKE: I don't know that I
11 would go over all the housekeeping.

12 MR. GRANT: Yes, I know. I'm going to
13 skip down.

14 Number 11 on the plans was show the
15 handicap ramp for the Central Avenue sidewalk
16 at the entrance drive and at Wilson Avenue.
17 There are some details provided in the plans
18 for handicap ramps. They are essentially for
19 different orientations.

20 Number 14 was at the request of the Board
21 to replace the existing sidewalk in the front
22 of the property across the frontage.

23 MR. HERSHBERG: The way that the plan
24 shows right now is it shows coming right from
25 here (Indicating).

1 MR. GRANT: The plan had mentioned the
2 truck must turn left at the Wilson exit.
3 That's basically so we don't have delivery
4 trucks going through the neighborhood. There
5 is a note about a sign on that. We should make
6 sure that it's a large enough sign. We just
7 want to make sure that it's visible.

8 Sheet C-3 - there was a concern about the
9 plantings along the rear of the property that
10 would provide screening of headlights from
11 cars in the parking lot to the residential
12 property. Please provide written confirmation
13 that the adjacent landowner does not want a
14 fence. This was stated at the last Planning
15 Board meeting.

16 I don't know if the homeowner was here at
17 that last meeting -

18 CHAIRMAN O'ROURKE: She was on the record
19 discussing with Member Lane about the fence or
20 the trees.

21 MR. GRANT: My package did have a
22 catalogue of the lighting fixtures proposed
23 that would be appropriate for the site. We
24 would just want that verified that there would
25 be no light pollution spilling over.

1 We had already touched on the review of
2 the porous pavement.

3 Number 11 - Include some perennials and
4 perhaps an accent sign at the southern corner
5 of the property.

6 That came from Mike Lyons' comments about
7 landscaping.

8 Sheet C-5 - there are stormwater details.
9 Provide dimensions for the orifice control
10 structure.

11 Indicate a sign on the doors of the
12 dumpster enclosure indicating restrictions of
13 trash pick up. We'd rather not see people
14 there are 4:00 in the morning. They should be
15 between the hours of 7:00 p.m. to 7:00 a.m.

16 There was a concern about the rear
17 elevation that there was some screening put up
18 and whether that would cover the whole back
19 and provide screening for the whole back area.

20 There wasn't really a roof plan to show
21 where those rooftop units would be.

22 Dan, those are going under the building?

23 MR. HERSHBERG: Yes. It has an enclosure
24 on one area by the roof.

25 At these points right here, there is an

1 enclosure in that area. That will all be
2 enclosed.

3 MR. GRANT: There was an acceptance
4 letter for the curb cut.

5 That's all I have.

6 CHAIRMAN O'ROURKE: Paul?

7 MR. ROSANO: Dan, I just have a comment
8 for you. I prefer that you pronounce it
9 correctly.

10 MR. HERSHBERG: I'm not? I thought that I
11 was.

12 CHAIRMAN O'ROURKE: Tim?

13 MR. LANE: The HVAC system - is it going
14 to be buffered in some way?

15 MR. HERSHBERG: The inside of these walls
16 will have acoustical panels on them. Brad is
17 right. We didn't submit the roof plan, but we
18 will submit it.

19 MR. LANE: Because they can tend to be
20 loud.

21 CHAIRMAN O'ROURKE: Mike?

22 MR. SULLIVAN: My questions have been
23 addressed; thank you.

24 CHAIRMAN O'ROURKE: Peter?

25 MR. GANNON: Again, I commend the Scavios

1 on the redevelopment of another site that had
2 become blight in the town. Too bad that they
3 couldn't have used the existing structure.

4 CHAIRMAN O'ROURKE: I have a couple.

5 First, I did mention the zoning variance
6 is set to expire. Obviously, it is very
7 difficult to push our friends at the state.

8 I also have some HVAC screening issues. I
9 did call because I didn't see elevations in my
10 packet. Now I understand why. I know that the
11 building is on Loudon Road, but certainly as
12 part of anything going forward, I want to see
13 what the building is going to look like. Maybe
14 I'm just too far away. I think that I know
15 what you're talking about in terms of the
16 parapets. Are they four feet above?

17 MR. HERSHBERG: Actually the center one
18 is actually five feet, eight inches to the top
19 of the parapet. This is where the larger
20 equipment will be.

21 CHAIRMAN O'ROURKE: Again, I just want to
22 see that in a colored photo. I'm sure that the
23 other Board members would like to view it as
24 well.

25 The road frontage that we talked about in

1 concept - I'd like to see the landscape design
2 finalized with certainly some design
3 standards.

4 The Board is going to back off of making
5 you put the sprinklers in, although I highly
6 recommend that you put them in. If Mr. Scavio
7 wants to save a couple of dollars, that's
8 certainly his prerogative. If he puts them in
9 now and the code changes, it's going to cost
10 him a heck of a lot less now. I want to go on
11 the record with that.

12 The irrigation - they did a great job on
13 Loudon Road. The plants had died in front. I
14 certainly wouldn't want to see a redevelopment
15 project of this nature in that corridor -- and
16 the Supervisor is certainly looking to have
17 these type projects come through and not do it
18 justice with a watering system to the tune of
19 a lot of money. So, let's put the watering
20 system in, and put the irrigation in, and do
21 the landscaping appropriately.

22 Other than that, I'm very happy that
23 Mr. Scavio, in this economic environment, has
24 decided to invest in the town further and to
25 buy these properties which are certainly

1 considered blight by many of us. Everyone
2 knows where these properties are. To put
3 something in there of this magnitude,
4 certainly, I commend him for that investment
5 and belief in the Town of Colonie.

6 Other than that, does anybody in the
7 audience have questions or comments regarding
8 this project? Please, we'll keep them project
9 specific, if we could.

10 MR. GREEN: Al Green. I just have one
11 quick thing. I know right now that there is
12 demolition. I just want to make sure that you
13 keep the property boundaries in check. I
14 appreciate what you have done, more than you
15 could ever imagine.

16 CHAIRMAN O'ROURKE: Mr. Hershberg knows
17 that this Board requires everybody to play
18 nice. I'm sure that he's going to keep his
19 applicant in line on the property boundaries.

20 Anyone else?

21 MR. GANNON: C.J., I'd just like to make
22 one comment. When you go up Loudon Road, it
23 got me thinking, they had a ton of problems
24 getting the CO because of some issues with
25 countertop height. I would just encourage the

1 Scavios and whoever else is involved with the
2 interior of the building to reach out to the
3 town. I think that at the time, some of that
4 was the Town's problem with some
5 inconsistency, but some of it was the
6 applicant's problem as well. Let's address
7 that ahead because I know that these guys want
8 to move quickly. They've made that clear.
9 Anything that we can head off down the road
10 now would be beneficial for everybody.

11 CHAIRMAN O'ROURKE: Mr. Hershberg, I'm
12 sure that you probably do, but I just want to
13 be on the record.

14 In terms of the zoning variance deadline,
15 do you have a plan in place in case?

16 MR. HERSHBERG: My guess is that I guess
17 I'll have to go back in and redo our zoning
18 request. I can go in and ask for an extension.
19 I don't know if they'd grant it or not.

20 MS. VAIDA: All that's going to say is
21 that our approval will have to be contingent
22 on that continuing to be valid.

23 MR. HERSHBERG: I'm not certain. DOT has
24 been tough to pin down to give us that
25 approval in writing. Although, Mr. Cunningham

1 and myself have both talked a number of times
2 to the people at DOT, and we think that the
3 access situation has been determined. That
4 might put us over the deadline.

5 MS. VAIDA: My understanding is that you
6 just have to get the building permit.

7 CHAIRMAN O'ROURKE: But you can't get the
8 permit until DOT is resolved.

9 MR. HERSHBERG: With regard to the
10 housekeeping comment, you already have the
11 plans addressing those. The only issue is the
12 DOT approval of the stormwater.

13 MR. GRANT: In talking about the
14 build-out, the use of annuals must be
15 provided -

16 CHAIRMAN O'ROURKE: That's why I said
17 it's going to be contingent upon this Board
18 approving that landscape plan. So, I'm going
19 to make that a contingency as well as the
20 elevations. I need to see those elevations.
21 I'm sure that the rest of the Board is
22 interested in them as well.

23 Joe, I don't see a SEQRA documents.

24 MR. LACIVITA: There should be one.

25 CHAIRMAN O'ROURKE: This is an unlisted

1 action.

2 MR. LACIVITA: It was prepared by Rebekah
3 Kennedy.

4 MS. VAIDA: I actually had a question on
5 that because we have the short form already
6 filled out by Mr. Hershberg - actually, last
7 year.

8 MR. LACIVITA: We moved SEQRA approval to
9 final. Rebekah actually took Mr. Hershberg's
10 and merged it to hers.

11 MS. VAIDA: She actually didn't, but
12 that's what I'm suggesting that we do. Again,
13 he can probably affirm that there have been no
14 changes that would affect his responses.

15 MR. HERSHBERG: On the short form, all
16 the responses would be identical.

17 MR. GRANT: Rebekah did fill that out.

18 CHAIRMAN O'ROURKE: Do I have a motion
19 that the determination based on the
20 information and analysis above - that the
21 proposed action will not result in any
22 significant adverse environmental impacts and
23 provide attachments as necessary for the
24 reasons supporting this determination?

25 MR. LANE: I'll make a motion.

1 MR. GANNON: Second.

2 CHAIRMAN O'ROURKE: All those in favor of
3 accepting the SEQRA?

4 **(Ayes were recited.)**

5 CHAIRMAN O'ROURKE: Opposed?

6 **(There were none opposed.)**

7 CHAIRMAN O'ROURKE: The SEQRA is duly
8 accepted.

9 Mr. Hershberg is also looking for an
10 action on the final site plan approval.

11 I will make a motion contingent upon
12 meeting the Town Designated Engineer's
13 outstanding comments, as addressed in the
14 September 7, 2010 letter and any Planning and
15 Economic Development Department comments, as
16 well as the elevation being approved and the
17 landscaping plan along Central and Wilson to
18 be approved.

19 MR. SULLIVAN: Valid zoning in place?
20 They need an extension for their waiver.

21 CHAIRMAN O'ROURKE: Yes, and contingent
22 upon that variance being in place, as we go
23 forward.

24 Did I miss anything else, Joe?

25 MR. LACIVITA: No.

1 CHAIRMAN O'ROURKE: Do I have a second on
2 that motion?

3 MR. GANNON: Second.

4 CHAIRMAN O'ROURKE: In favor?

5 ***(Ayes were recited.)***

6 CHAIRMAN O'ROURKE: Opposed?

7 ***(None were opposed.)***

8 CHAIRMAN O'ROURKE: Good luck
9 Mr. Hershberg. Get that building down
10 tomorrow, will you?

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15 ***(Whereas the proceeding concerning the***

16 ***above entitled matter was adjourned at***

17 ***8:37 p.m.)***

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CERTIFICATION

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4 ***I, NANCY STRANG-VANDEBOGART, Notary***
5 ***Public in and for the State of New York,***
6 ***hereby CERTIFY that the record taped and***
7 ***transcribed by me at the time and place noted***
8 ***in the heading hereof is a true and accurate***
9 ***transcript of same, to the best of my ability***
10 ***and belief.***

11
12
13
14 _____
15 ***NANCY STRANG-VANDEBOGART***

16
17 ***Dated October 13, 2010***