

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 THE PROPOSED PROJECT OF
6 PAESAN'S PIZZERIA & RESTAURANT
7 REVIEW AND ACTION ON WAIVER OF INTERIOR PARKING
8 AREA, GREEN SPACE AND CONCEPT ACCEPTANCE
9 *****

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8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on March 9, 2010 at 7:04 p.m. at the
11 Public Operations Center 347 Old Niskayuna Road,
12 Latham, New York 12110

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BOARD MEMBERS:

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CHARLES J. O'ROURKE, CHAIRMAN

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THOMAS NARDACCI

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MICHAEL SULLIVAN

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TIMOTHY LANE

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ELENA VAIDA

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PETER GANNON

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PAUL ROSANO

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PETER STUTO, Jr. Esq., Attorney for the Planning
Board

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Also present:

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Joe LaCivita, Director, Planning and Economic
Development

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Brad Grant, Barton & Loguidice

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Daniel Hershberg, Hershberg & Hershberg

24

Lorenzo Scavio, Paesan's Pizzeria & Restaurant

25

Al Green

25

Gladys McGinn

1 CHAIRMAN O'ROURKE: Next on our agenda is
2 Paesan's Pizzeria and restaurant at
3 1225 Central Avenue.

4 Joe would you like to bring us up to
5 where we are?

6 MR. LACIVITA: This is a new project
7 before the board and before the town. It's in
8 tonight for an interior parking waiver and
9 concept acceptance. It is an existing two
10 parcels that are going to be merged into one
11 parcel which is known as 1225 Central Avenue.
12 The other parcel that Paesan's Pizzeria has
13 acquired is 1217.

14 There will be a demolition of five
15 buildings throughout the project and then
16 there will be a new building erected that will
17 be about 3,300 square feet. It's a perfect
18 redevelopment project in the Central Avenue
19 corridor and Barton and Loguidice is the town
20 designated engineer for this project.

21 CHAIRMAN O'ROURKE: Mr. Hershberg?

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

23 This is a picture of the existing site.

24 This is Wilson Street and this is

25 Central Avenue and these are the three

1 buildings that you see from Central Avenue.

2 With me today is Lorenzo Scavio from
3 Paesan's Pizza. He's here to answer any
4 operational questions about pizza and this is
5 something that my wife doesn't want me to know
6 anything about.

7 The site we propose to develop - this is
8 the location. We intend to build a
9 3,300 square foot restaurant and pizzeria. We
10 require a variance for this project because
11 the building was within 200 feet of a
12 residential zone and you cannot have food
13 service within this corridor within 200 feet
14 of a residential property.

15 We applied for a variance and a dumpster
16 location - we chose 97 feet plus or minus from
17 the property line. If you're within 200 feet
18 of the dumpster location in this zone, you are
19 required to get a variance. So, we did obtain
20 that variance.

21 There are two key issues that I would
22 like to point out to you. We would request
23 that we get a waiver from the 5% interior
24 parking. The main reason for it is that we do
25 have to leave a relatively large green area in

1 the back and we did push the front of the
2 parking back a little further than it would
3 have to be to line it up in front of the
4 building. If a full tractor trailer were
5 coming in to make deliveries, and if we were
6 to have islands in this parking, I'm afraid
7 that it would be driven over. The trucks
8 really require that we achieve that waiver.

9 We do propose to landscape the land
10 properly.

11 Another element is that Mr. Scavio is
12 applying to have some outside dining here
13 (Indicating). He has other pizzerias and
14 restaurants and they work very well. We only
15 get three or four months a year use of them,
16 based upon weather and conditions. They are
17 attractive and we did propose a landscape
18 strip there.

19 We think that the variance has some merit
20 primarily because the truck circulation, but
21 also because of the fact that we do have a
22 significant buffer in the rear.

23 We're now proposing for spruces along
24 this rear line with very tight spacing. We're
25 also amendable to fencing. The neighbor came

1 in and we said that we would do either or both
2 and the neighbor said that they would prefer
3 that we put landscaping in rather than a
4 fence. So, we have detailed it with
5 landscaping.

6 We do show landscaping along here
7 (Indicating) and we will have it nicely
8 landscaped as a side view.

9 This is the building elevation view. This
10 is the front elevation view. We think that
11 it's an attractive building and it has a lot
12 of detail to it. We also have the side
13 elevation. It's not a very tall building. It
14 will fit in very nice on a site, from a
15 visibility standpoint. This is a view from the
16 parking lot which is really where the main
17 entrance is, even though it does have frontage
18 on Central Avenue.

19 The other issue that was raised in review
20 by New York State DOT - I don't know whether
21 or not the board members got a copy of that
22 letter. Their concern was based upon access
23 management they asked us to consider whether
24 or not we would combine ourselves with Green's
25 driveway next door. They already have their

1 foundation in, I think, on their building.
2 It's already under construction. I think that
3 they got site plan approval from this Planning
4 Board awhile ago. That driveway is about
5 45 feet away from this location.

6 We took a look at it and talked it over
7 with Mr. Scavio and he's afraid that the
8 identification as you're going into the pizza
9 place would be lost. Even with signage people
10 would be looking at the building and expect a
11 driveway nearby rather than a driveway in
12 front of Green's. We haven't approached the
13 Greens about it because we didn't think that
14 it was a viable solution for Paesan's Pizza.

15 The other concern was about drainage. We
16 have taken a hard look at the drainage here.
17 The soil here is primarily sandy. However, the
18 groundwater table is relatively high in this
19 area here so that our groundwater recharge
20 system may not fully work to recharge all of
21 the drainage. We do call for a gallery of pipe
22 sub-service in here. So it retains the
23 majority of the stormwater and discharges it
24 less than the current rate out to the existing
25 storm sewer along Central Avenue. The site is

1 less than one acre so we do not have to
2 perform the SWPPP requirements, but the
3 stormwater management department of the town
4 does require that we do adequate stormwater
5 detention.

6 New York State DOT actually has a
7 stricter standard along the site. They're
8 talking about a 50 year storm, primarily for
9 DOT. So, that even exceeds the normal 25 year
10 that we're talking about for stormwater
11 management in the town. We think that this
12 system will work well. We think that it's a
13 very attractive addition to the area. We think
14 that given the level of landscaping that we
15 will have around it that the waiver of the 5%
16 for landscaping can be done.

17 We do show landscaping out there and we
18 do have this strip here to landscape and
19 theoretically we could landscape it, but it's
20 so narrow. I'm not sure how landscaping would
21 survive with plowing and everything else. It's
22 nice to landscape the islands, but if you
23 don't have them wide enough the plowing
24 destroys the shrubs or the trees. Sometimes
25 it's a waste to even propose landscape on it.

1 This island is only four and a half to five
2 feet wide.

3 I'm prepared to answer any questions that
4 the board might have.

5 CHAIRMAN O'ROURKE: Brad?

6 MR. GRANT: We have reviewed the project
7 at this concept level and we issued a letter
8 dated February 26th to Joe LaCivita.

9 One of the important features of the
10 parking area - in talking about the parking
11 area was the use of permeable pavement and
12 taking advantage of some of those sandy soils.

13 Also one of the concerns about getting
14 the adequate greenspace, beside the aesthetic
15 values is the heat island effect. One of the
16 features of permeable pavement is that it's
17 not as dense and it's open graded. There is
18 less of a heat gain aspect to it as opposed to
19 traditional pavement.

20 I have to concur with Dan on some of
21 those narrow islands. Landscaping often, if it
22 doesn't get trounced upon by foot traffic or
23 pedestrian traffic with the close proximity
24 and raised elevation of the curbs, the heat
25 effect of our summers tend to play quite a

1 devastating effect on landscaping. They often
2 don't survive well on those narrow islands.

3 As Dan also mentioned, one of our
4 concerns was the truck traffic and the ability
5 of the delivery trucks to get in and out of
6 there. I took a look at that island. That's
7 going to be basically painted on the pavement
8 versus on a curbed island. It would have to
9 support that waiver from that standpoint.
10 Having a truck trying to jostle around in that
11 parking lot early in the morning with back up
12 whistles and all that wouldn't be amendable.

13 The comments in our letter indicate a
14 stormwater feasibility study should be
15 conducted per DEC guidelines. It's a little
16 tough to do that in the winter. That should be
17 done soon to verify where ground water is and
18 the feasibility of an infiltration system.
19 During that investigation if you look at the
20 geotechnical aspects of the porous pavement
21 design, generally it would be a thicker design
22 to accommodate truck traffic or perhaps there
23 would be some traditional pavement in that
24 truck corridor.

25 One of the items of some concern was

1 infiltration systems in urban environments.
2 Someone's exfiltration out of a stormwater
3 system might be someone else's infiltration
4 into their basement. There is pretty good
5 separation around this site, but I threw that
6 comment out there that we want to ensure that
7 any recharge of the groundwater table is not
8 going to harm or effect somebody's neighboring
9 property.

10 This is a concept that Dan has done a lot
11 in Albany with success. I'm not saying that it
12 can't be done, but it needs to be looked at
13 carefully.

14 I also talk about the New York State DOT
15 written approval, particularly for the
16 stormwater management on the curb cut. The
17 Town of Colonie work permit will also be
18 required for Wilson Avenue.

19 They are going to use one of the existing
20 sanitary laterals that would require some TV
21 inspection to verify that it's still in good
22 condition and able to be reused with
23 improvements. Being a restaurant, this will
24 have the town standard grease trap tanks off
25 to the Wilson Avenue side. Those will be sized

1 per town standard.

2 I did have a comment on some 90 degree
3 bends coming in that may need some clean outs
4 for that, particularly on the inlet side.

5 Just a standard note about site lighting
6 and being sensitive to light pollution of
7 adjacent properties - as always, catalogue
8 cuts of the particular light fixtures will
9 need to be submitted.

10 On the plan comments, a number of these
11 are what I call housekeeping items in
12 advancing the plans. Some of these things can
13 be taken care of. One we see fairly often and
14 that is the minimum caliper size for trees is
15 two and a half inches. There are one or two
16 that might have been less than that and can be
17 upgraded.

18 The size and flow arrows for the sewer
19 lines are on the sheets.

20 There was a disparity on the waterline
21 for locations; the site plan versus the floor
22 plans. They just need to be married up and the
23 intent verified.

24 This is another typical comment. Fire
25 Protection sprinkler system is recommended and

1 will be required by New York State code soon.
2 The town is served by volunteer fire
3 departments and this is a regular theme that
4 the fire protection sprinkler systems are
5 encouraged.

6 One of our comments was a verified truck
7 turning radius. Dan has produced a drawing for
8 that. That wasn't in our packet but that's
9 something that we will be looking into as we
10 go forth. Before the meeting I took a look at
11 it and it seems reasonable.

12 The colored elevation drawings - there
13 was an indication in the narrative of a black
14 and white motif. The colored version that I
15 had of that where it was black is actually
16 colored brown.

17 MR. SCAVIO: Those will look probably
18 closer to the shop on Route 9.

19 MR. GRANT: Okay. Yes, those are
20 attractive browns.

21 You have good pizza, too.

22 As with any redevelopment site, verify
23 that there are no underground oil storage
24 tanks from any previous development on-site. I
25 guess those were probably 275 gallon tanks

1 down in the basement, but check and be sure.

2 Another typical note would be -- I don't
3 remember the woman's name, but there is an
4 article and she was an advocate for the
5 handicapped parking spaces.

6 MR. LACIVITA: She calls me many times.

7 MR. GRANT: I won't say that she took you
8 guys to task, but there was a reminder that
9 there was signage requirements besides what's
10 painted on the pavement. There was a sign
11 right out front so we're asking that be
12 notated per code.

13 As I said a lot of the other items were
14 generally housekeeping kind of items.

15 CHAIRMAN O'ROURKE: Thanks, Brad.

16 Mr. Hershberg, how many curb cuts are
17 existing on those parcels?

18 MR. HERSHBERG: Just three. There are two
19 on Central Avenue and one on -

20 CHAIRMAN O'ROURKE: Yeah, just on Central
21 Avenue.

22 MR. HERSHBERG: There is this one here
23 and there is one here (Indicating). You can
24 see the drop curb in front of the paintball
25 building. That's going to be used for a

1 driveway. There was this overly wide one
2 between the two buildings (Indicating).

3 CHAIRMAN O'ROURKE: So you're actually
4 reducing curb cuts.

5 MR. HERSHBERG: Yes, and the width of
6 this curb cut is wider than the standard
7 New York State 24 foot. There is another curb
8 cut over here although up here
9 (Indicating) - cars may have at one time
10 parked in front of the paintball building. I'm
11 not sure how that one was used.

12 On the other side on Wilson Avenue there
13 is a parking area back there.

14 CHAIRMAN O'ROURKE: What is the present
15 greenspace percentage?

16 MR. HERSHBERG: It's 66%.

17 CHAIRMAN O'ROURKE: It's 66% now?

18 MR. HERSHBERG: Yes. We counted
19 everything that wasn't hard asphalt surface
20 and building as greenspace, even though there
21 is an awful lot of gravel areas back there; we
22 counted it. Traditionally we count buildings
23 and parking. Everything else we call
24 greenspace even though it wasn't developed
25 greenspace.

1 The finished plan has 35%.

2 CHAIRMAN O'ROURKE: So you're meeting the
3 35%.

4 MR. HERSHBERG: Yes, we are.

5 CHAIRMAN O'ROURKE: HVAC screening?
6 What's on the roof in Latham?

7 MR. HERSHBERG: Yes. It's not detailed on
8 here, but we will. This building elevation
9 does allow us some space.

10 CHAIRMAN O'ROURKE: I think that with the
11 proximity to the neighborhood that you're
12 going to have to do a yeoman's job as you did
13 at Siena with screening that HVAC and reducing
14 the noise level.

15 MR. HERSHBERG: The roofline here
16 (Indicating) is quite a bit down so there is
17 space behind there that we can't fit the HVAC.
18 It is a concern and the sound is something
19 else. We have a choice of equipment.

20 CHAIRMAN O'ROURKE: Mr. Green, if you
21 don't mind me asking would you be agreeable to
22 a shared access point?

23 MR. GREEN: No. I would prefer not to. I
24 have nothing against them, but I would prefer
25 not to.

1 CHAIRMAN O'ROURKE: I saw that you were
2 here so I thought that I'd ask.

3 MR. GREEN: I have a couple of other
4 questions. I saw that shared and that's
5 definitely not what we want to have.

6 CHAIRMAN O'ROURKE: Tom, what do you
7 have?

8 MR. NARDACCI: I have a brief comment. I
9 think that it's a very positive project. We're
10 talking a lot about redevelopment. There are
11 some certain developers in town that really
12 stepped up and really have done redevelopment.
13 Mr. Green is one of them with his commitment.
14 I think that it's positive and it looks really
15 nice. I think that it's nice in the exterior,
16 and the interior, and the take down of the
17 dilapidated buildings and putting up a new
18 building. That's a positive.

19 The shared driveway issue - I'm glad that
20 C.J. asked because it's something that came up
21 in the packets and with DOT. I'm not as
22 concerned about it. There is a reduction in
23 curb cuts and I think that you'll be able to
24 get in and out of your driveway fine. It's my
25 personal opinion and I haven't be up that way.

1 How about a sprinkler system? Would you
2 be willing to install that?

3 MR. HERSHBERG: I'll talk it over with
4 the architect.

5 MR. NARDACCI: I think that it's
6 important enough that we have asked of other
7 businesses that are coming in. It's going to
8 be code and we'd like to push for that.

9 MR. HERSHBERG: Certainly between now and
10 the time that we come back if we get concept
11 approval we will have an opportunity to talk
12 it over with the architects to see where we're
13 at.

14 MR. NARDACCI: And the masonry enclosed
15 dumpsters - are you okay with that?

16 MR. HERSHBERG: We show a line there. We
17 don't have a design yet, but we will have a
18 masonry enclosed dumpster.

19 Also, one of the recommendations from the
20 ZBA approval was that we exceed the time and
21 noise requirements. We will arrange our
22 pick-ups and deliveries later in the morning.
23 We respect that we have residential neighbors.
24 We would schedule 9:00 in the morning rather
25 than 7:00.

1 CHAIRMAN O'ROURKE: What are the weekend
2 hours?

3 MR. SCAVIO: We'll probably be closing at
4 10:00 or 11:00.

5 MR. NARDACCI: The lighting on the
6 property - down style lighting to keep all of
7 the reflection down on the site. That's
8 important.

9 MR. HERSHBERG: Yes.

10 MR. NARDACCI: That's all I have.

11 Thank you.

12 CHAIRMAN O'ROURKE: Thanks, Tom.

13 Paul?

14 MR. ROSANO: I have a couple of questions
15 about the use of Wilson Avenue. With the
16 delivery trucks, is there any way that we can
17 be assured that you will have some notice and
18 you won't be using those backstreets for
19 cutting out to Sand Creek Road and using
20 strictly Central Avenue as an in and out?

21 MR. SCAVIO: I can ask them. I can't make
22 them. Sysco Foods, one of my main
23 distributors -- I assume that they have
24 customers on Sand Creek. I can ask them. I
25 can't speak for them.

1 CHAIRMAN O'ROURKE: We're going to tell
2 you that's what we want.

3 MR. ROSANO: I want to get out front on
4 this now. I have relatives living in that
5 neighborhood. Better to talk about it now than
6 have to bring you back here again and talk
7 about it again. I appreciate it.

8 CHAIRMAN O'ROURKE: Yes, we're adamant
9 about those neighborhoods. Again, you're
10 coming to us and we're very proactive and
11 you're looking for waivers and we love that
12 you're redeveloping the site. We're going to
13 ask that in return that you run your operation
14 like a good neighbor. That's not to say that
15 you won't, sir. We're going to demand and
16 you're going to have to demand that if Cisco
17 wants to do business with you that they stay
18 out of the neighborhoods.

19 Elena?

20 MS. VAIDA: The outdoor eating area,
21 that's going to run along the side of the
22 building?

23 MR. HERSHBERG: We currently show that
24 it's actually stamped concrete patio in here.
25 We may very well put a little dividing

1 handrail between the edge of the sidewalks.
2 There is a five foot sidewalk and you have
3 about an eight foot patio area there to the
4 north. We show the four tables out there which
5 is probably a good number.

6 MS. VAIDA: Excuse me, if you've already
7 said this. Is that going to be screened-off
8 from the neighbors? How is that going to be
9 enclosed at all?

10 MR. HERSHBERG: We don't intend to
11 enclose it. We probably are going to put a
12 three foot high wrought iron rail around it,
13 but I think that the adjoining part is going
14 to be the parking lot to the neighborhood.
15 We're actually trying to honor the screening
16 by putting our screening up next to the
17 property line where it's most effective.

18 The outside eating is primarily lunchtime
19 when people come and eat outside. We don't
20 think this is going to be objectionable to the
21 neighbors. Not a lot of people come at 11:00
22 at night and eat outside.

23 MS. VAIDA: So this is just strictly like
24 a pizzeria and not a mixed menu - like the
25 Inferno for example?

1 MR. SCAVIO: Correct.

2 MS. VAIDA: Are there sidewalks being
3 proposed along Central Avenue?

4 MR. HERSHBERG: This is an existing
5 sidewalk, which is in relatively good
6 condition. We are going to have to close up
7 this larger curb cut and build a sidewalk
8 across there and obviously when we do that,
9 we'll have to be cognizant of fitting it in
10 with the adjoining slab. We'll probably remove
11 a few more, but the sidewalk will be
12 contiguous down here (Indicating) and we also
13 show a sidewalk here. There is an exit door at
14 this location here (Indicating).

15 CHAIRMAN O'ROURKE: If I could just
16 interrupt here? If we're going to remove that
17 curb cut, just replace the sidewalk.

18 MR. HERSHBERG: Oh, we are.

19 CHAIRMAN O'ROURKE: All of it,
20 Mr. Hershberg. Don't leave any old slabs that
21 are 20 years old. Take them out and pour a new
22 front. We're talking about \$400 in concrete.

23 MR. HERSHBERG: Like I said, I'm pretty
24 certain we're going to end up doing that.
25 We're not objecting to that. We want it to

1 look nice when we're all done.

2 CHAIRMAN O'ROURKE: I know that you do.

3 MR. HERSHBERG: And we do have the
4 driveway that takes up this part (Indicating).
5 We propose this 35 foot wide driveway and it's
6 only another 20 feet from the sidewalk.

7 MS. VAIDA: The reason that I was asking
8 that is that you said that it's near a
9 residential area so it's probably an area that
10 people could actually walk to the pizzeria.

11 That's all I had. Thank you.

12 CHAIRMAN O'ROURKE: Thanks, Elena.

13 Tim?

14 MR. LANE: You had mentioned that the
15 neighbors wanted landscaped trees and they
16 didn't want a fence?

17 MR. HERSHBERG: The neighbors expressed
18 the opinion at the Zoning Board of Appeals
19 that the ZBA wanted to put a fence and or
20 landscaping and the neighbors said that they
21 preferred a green fence landscaping rather
22 than a plastic fence.

23 MR. LANE: Why not both?

24 MR. HERSHBERG: Again, we do not object
25 to doing that when we do our final landscape

1 plan. We were just reacting to what we heard
2 at the board meeting.

3 MR. LANE: I just think that's a little
4 short-sighted because the nature of the
5 business is that people tend to leave garbage
6 and I guarantee that it's going to blow right
7 onto someone's property. The landscaping will
8 be nice, but the fencing would be useful.

9 MR. HERSHBERG: We don't object to doing
10 that.

11 CHAIRMAN O'ROURKE: I think that it's
12 important to give the neighbor what she wants.
13 She may not want to look at a fence, Tim.

14 MR. LANE: That's fine.

15 MR. HERSHBERG: She is here and she might
16 decide to talk.

17 MS. MCGINN: I will.

18 CHAIRMAN O'ROURKE: Have you thought
19 about that part of it?

20 MS. MCGINN: Yes. There is a vacant lot
21 that is next door we now get debris flowing
22 all of the time.

23 MR. LANE: Well, just consider that if
24 the fence is there you might not have that.

25 MS. MCGINN: I really don't want the

1 fence there.

2 MR. LANE: Okay.

3 MS. MCGINN: I don't want any garbage and
4 I don't want to feel that I'm being closed in.

5 MR. LANE: Understood. That's fine.

6 You're going to have a dumpster
7 enclosure, I presume?

8 MR. HERSHBERG: The dumpster enclosure is
9 right here (Indicating). There is a dumpster
10 and a masonry enclosure. There will be
11 arborvitaes around it to screen it on this
12 side. We tried to keep it in the back and as
13 far as we could from the public.

14 MR. LANE: Thanks.

15 CHAIRMAN O'ROURKE: Thanks, Tim.
16 Mike?

17 MR. SULLIVAN: I just had a few comments.
18 One is related to the left turn sign that was
19 requested for delivery trucks getting out to
20 Wilson. In the same memo from the Highway
21 Safety Committee they also recommended having
22 a right turn only to Central Avenue. Did you
23 receive that memo? It's from Ken Pero of the
24 Highway Safety Committee?

25 MR. HERSHBERG: No, I don't think I have

1 that in the packet.

2 MR. SULLIVAN: It's February 28, 2010.
3 They requested the left turn signs for the
4 delivery trucks, left turn only onto Wilson
5 and then also a right turn only onto Central.
6 I'd like to have those reviewed.

7 One of the other comments was in the DOT
8 memo we had discussed the possibility of the
9 shared driveway. It seems that both parties
10 don't want a shared driveway. Is there any
11 thought to having a cross link to the parking
12 lots in the back such that someone from
13 Green's could get out to Wilson and pull out
14 onto Central?

15 MR. HERSHBERG: We haven't discussed that
16 yet.

17 MR. SULLIVAN: Okay, because that was one
18 of the comments in the DOT memo. Perhaps that
19 could be discussed.

20 The last comment I have is just out of
21 curiosity. One of the site plans listed in the
22 upper northwest corner - there was an
23 approximate area used by, apparently some
24 cars. Is there some sort of parking agreement
25 there?

1 MR. HERSHBERG: It was just labeled that
2 because there was a car parked there.

3 MR. SULLIVAN: Thank you. That's all I
4 had.

5 CHAIRMAN O'ROURKE: One comment that I
6 had with regard to the left turn/right turn
7 only coming out is that I think that it's very
8 difficult for a business guy to
9 restrict -- we don't restrict Mr. Green's
10 customers from coming out and making a left
11 turn so I would hope that the board would
12 follow that and not require this gentlemen
13 that's redeveloping to limit his customers'
14 turns in and out of this premises. We don't do
15 it, in my opinion, for the entirety of that
16 stretch of Central Avenue.

17 MR. NARDACCI: There is a turning lane?

18 CHAIRMAN O'ROURKE: There is a center
19 turn lane. I hear what Lieutenant Pero is
20 saying, but I just think that it's difficult
21 to handcuff businesses in regard to that.

22 MR. NARDACCI: I just want to add that I
23 concur with that. First of all the site being
24 what it is - we understand that it's a
25 redevelopment site and there are extra

1 challenges here. I understand that the theory
2 behind wanting to have central access
3 points - what does that mean 10 years from
4 now? Someone sells their property and owners
5 change and maybe they don't get along. I'm not
6 as concerned about that. There is a free lane
7 right there that someone can get out. We're
8 not talking about a Walmart where there are
9 200 cars coming in and out. It's a small
10 business and I'm not as concerned.

11 CHAIRMAN O'ROURKE: Peter?

12 MR. GANNON: Hopefully you have 400 cars
13 coming out at one time, right?

14 I echo the Chairman's concern about the
15 right turn only onto Central Avenue. I think
16 that unless we can demonstrate that there is
17 going to be a real risk there that we need to
18 have the option of a left or a right there.

19 The other part of Lieutenant Pero's
20 message is critical to keeping the traffic
21 flow out of that neighborhood. That should be
22 a left turn only onto Wilson and leaving the
23 trucks to Central. There is more than enough
24 ways around to get to Sand Creek, but don't
25 take it too far out of your way. I think

1 that's important.

2 About the sprinklers - Tom Nardacci had
3 mentioned that the board is pushing to see
4 these things implemented.

5 I have a memo from the Fire Services
6 Chief that says that it is required and I just
7 think that it is important to maybe have Brad
8 or C.J. or Pete Stuto clear that up.

9 CHAIRMAN O'ROURKE: I don't think that it
10 is required because it is a certain number of
11 seats, isn't it Brad?

12 MR. GRANT: I'm honestly not sure.

13 MR. GANNON: Have you seen Pete's memo? I
14 think that it's 102 persons and anything over
15 100 persons -

16 MR. LACIVITA: He's talking about
17 102 people seating. You're not going to have
18 that to seating capacity. Then he's talking
19 about public assembly.

20 MR. LANE: He's talking about the total
21 capacity of the building.

22 CHAIRMAN O'ROURKE: The Town of Colonie
23 has 100 person seating - and then you have to
24 have sprinklers. That's my understanding.

25 MR. NARDACCI: Here is what he says:

1 Based on the floor plan layout we have
2 determined a maximum occupant capacity of 102
3 persons.

4 This isn't for your planned pizza place.
5 If you sell the building and someone else buys
6 it, they don't have the kitchen space and they
7 can occupy that many, based on the floor plan.

8 CHAIRMAN O'ROURKE: I think that in its
9 face value we had a project come through that
10 was a bank and we said look, next year it's
11 going to be code within two years.

12 I would strongly suggest - you're looking
13 for waivers and we're looking for a sprinkler
14 and sidewalks.

15 MR. GANNON: The reason that I bring the
16 sprinklers up is that I want you guys to walk
17 away having a set of expectations of what is
18 required.

19 In my past life working at town hall I
20 have dealt with your brother on the Latham
21 location. His continued complaint was that
22 there was no consistency from the town. The
23 Planning Board said one thing or the Building
24 Department said another thing, the Water
25 Department said another thing and then a

1 different guy in the Building Department said
2 a different thing than the first guy in the
3 Building Department. This is your third
4 location in the town?

5 MR. SCAVIO: Yes.

6 MR. GANNON: The first two have made
7 substantial improvements to the sites before
8 you had constructed, and this seems to do the
9 same. I commend you for it. We have an
10 obligation - and not just we on the board, but
11 the entire town to demonstrate that we can
12 move this through in an appropriate time frame
13 for you. That's important to me.

14 That's all I had C.J.; thanks.

15 CHAIRMAN O'ROURKE: Is there anyone from
16 the public who would like to speak?

17 Yes, ma'am.

18 MS. MCGINN: With regard to the left
19 turn - to my knowledge there has never been an
20 accident there. I think that it would be very
21 inconvenient to put that there (Indicating)
22 when you'd have to go all the way around this
23 way (Indicating).

24 MR. HERSHBERG: We're just talking about
25 the trucks out of our site.

1 MR. GANNON: To build on Mrs. McGinn's
2 comment, I would make enough room out of your
3 driveway so that people can easily pull out to
4 the right. It's just a pet peeve of mine when
5 you're waiting for that person trying to make
6 a left turn.

7 MR. HERSHBERG: What they're trying to do
8 is limit by both this board's action as well
9 as Ken Pero's - is they don't want trucks
10 coming out here and making a right onto
11 Wilson. We are aware of that and will
12 incorporate that into our site plan.

13 MR. ROSANO: Is there a limitation on the
14 trucks for that street - for Wilson?

15 CHAIRMAN O'ROURKE: Probably four tons.

16 MR. ROSANO: Can we find that out?

17 MR. LACIVITA: If you remember we had
18 that same issue with 1831 and
19 1839 Central Avenue with the redevelopment of
20 that parcel. Traffic safety assisted us along
21 with that. That actually helped the developer
22 there with Sysco for the size trucks that they
23 could bring into that location.

24 CHAIRMAN O'ROURKE: Is there anyone else
25 in the audience?

1 Yes, Mr. Green.

2 MR. GREEN: Is there going to be a
3 difference in the elevation with regard to my
4 property?

5 MR. HERSHBERG: No. This is the existing
6 250 grade. We hold that grade right across the
7 front of our building so it's almost identical
8 here. There will be no change.

9 MR. GREEN: I'm glad that he's building
10 that. It's going to be very nice. It's a
11 20 foot setback and that's fine. Everything
12 looks great. The only thing that I can say is
13 when are you going to clean up the lot? The
14 fire guys are working on it and they do their
15 things at night and I'm glad they're using it
16 for practice, but they're just tearing down
17 the front of the building and they're just
18 leaving the wood on the sidewalk.

19 This is off the subject a little bit but
20 I just paid a \$9,000 fee to get my groundwater
21 tested. They should have cleaned this up years
22 ago. I know you're working on it and I
23 appreciate it, but can you just clean it up a
24 little? I'm glad he's doing it, but I think
25 that he can clean it up a little. Maybe get

1 someone over there with a truck and just get
2 the chairs that were thrown out of the first
3 and second story window and they're just
4 sitting in the front. There is also a pool
5 that is knocked down.

6 CHAIRMAN O'ROURKE: Joe, can you make
7 sure that enforcement takes a ride over there?

8 MR. LACIVITA: I'm just making a note for
9 Fire Safety to see what the story is there
10 because I know that they're using it.

11 MR. SCAVIO: I donated that property to
12 the Police Department. If they happen to make
13 a mess, I hope that you expect them to clean
14 it up and not me.

15 MR. LACIVITA: We're going to check on
16 that to see what's going on there.

17 MR. GREEN: That place is just full of
18 mattresses. Why isn't that cleaned up?

19 CHAIRMAN O'ROURKE: The development of
20 the site is going to happen.

21 MR. NARDACCI: What are you thinking from
22 start to finish once you get final approval?

23 MR. HERSHBERG: Probably five months. As
24 soon as we get the approvals and put the
25 sidewalk in, probably about five months.

1 MR. NARDACCI: And you can start right
2 away when you get the approvals?

3 MR. HERSHBERG: Yes.

4 MR. GREEN: I'm not complaining. I'm glad
5 it's going in. It looks great. We're going to
6 be great neighbors and I'm going to lose my
7 diet for sure. It's going to be bad. That's
8 all I wanted to say.

9 CHAIRMAN O'ROURKE: Anyone else in the
10 audience?

11 ***(There was no response.)***

12 CHAIRMAN O'ROURKE: I'm looking for a
13 motion on the waiver for the interior parking,
14 area greenspace, the 5% - to remove the
15 islands and concept acceptance and I'm sure
16 that we'll have a couple of conditions.

17 MR. LACIVITA: Move on the waiver first?

18 MR. LANE: I'll make a motion on the
19 waiver.

20 CHAIRMAN O'ROURKE: Do I have a second?

21 MR. SULLIVAN: I'll second it.

22 CHAIRMAN O'ROURKE: All those in favor?

23 ***(Ayes were recited.)***

24 CHAIRMAN O'ROURKE: Opposed?

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

1 CHAIRMAN O'ROURKE: Mr. Hershberg, you
2 have your waiver.

3 Actually I will make a motion on the
4 concept acceptance contingent upon the
5 sidewalks being replaced, the sprinkler going
6 in and in lieu of the interior greenspace
7 waiver that we just gave, that a substantial
8 landscape plan - and I know you do a great job
9 with that Mr. Hershberg, but again we want the
10 front and Central Avenue as well as the
11 screening in the back to be done
12 appropriately. We also want the HVAC screening
13 to be done on the roof to limit the decibel
14 levels - not to the degree that you did for
15 Siena; something reasonable.

16 MR. HERSHBERG: Yes, sir.

17 CHAIRMAN O'ROURKE: Does anybody have
18 anything else that they like that motion?

19 MR. NARDACCI: I think signage - having
20 truck traffic taking left turns on
21 Wilson Avenue.

22 CHAIRMAN O'ROURKE: Okay, also having the
23 left hand turn only for delivery vehicles on
24 Wilson Avenue to be signed. And also
25 contingent upon the town designated engineers

1 list of housekeeping items, as well as other
2 items on his list.

3 Do I have a second to my motion?

4 MR. ROSANO: Second.

5 CHAIRMAN O'ROURKE: I have a second from
6 Mr. Rosano.

7 All those in favor?

8 ***(Ayes were recited.)***

9 CHAIRMAN O'ROURKE: Opposed?

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

11 CHAIRMAN O'ROURKE: Good luck gentlemen.

12

13

14 ***(Whereas the proceeding concerning the***
15 ***above entitled matter was adjourned at***

16 ***7:52 p.m.)***

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CERTIFICATION

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3
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 **NANCY STRANG-VANDEBOGART**

15
16
17 **Dated March 26, 2010**