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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

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REVIEW AND ACTION ON FINAL SITE PLAN APPROVAL  
THE FRESH MARKET/LOUDON COMMONS 664 LOUDON ROAD  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on June 23, 2009 at 7:24 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
THOMAS NARDACCI  
MICHAEL SULLIVAN  
GEORGE B. HOLLAND, JR.  
CHARLES J. O'ROURKE  
TIMOTHY LANE  
ELENA VAIDA  
PETER STUTO, Jr. Esq., Attorney for the Planning  
Board

Also present:

James Boglioli, Esq., Benderson Development  
Joe Grasso, Clough Harbour and Associates

1                   CHAIRPERSON DONOVAN: Next we have site  
2 plan approval for Fresh Markets.

3                   MR. BOGLIOLI: Good evening. My name is  
4 James Boglioli and I'm the attorney for  
5 Benderson Development.

6                   You might remember that we were here  
7 about a month ago. There was only one  
8 remaining issue at that meeting and that was  
9 the grade of the driveway off of 155. At that  
10 point, we were proposing a 9 ½% grade for this  
11 driveway. The TD and the DOT were looking for  
12 us to reduce the grade. It was the TD's  
13 recommendation that it be an 8% grade. We have  
14 now modified the plan to provide an 8% grade,  
15 in compliance with the TD's comments. We have  
16 met with DOT and they support this grade.  
17 We provided them with the back-up that they  
18 asked for.

19                   We have spoken with them today and their  
20 only inquiry was what the Town Planning Board  
21 was going to do with it.

22                   You might remember that our concern with  
23 that was that there is a long 83-foot wall  
24 here (Indicating) and we were concerned about  
25 cutting off this part of the shopping center.

1 We addressed that by cutting another set of  
2 steps, a cross-walk here and moving this  
3 walkway (Indicating). This was DOT's  
4 suggestion. This walkway is to be here and we  
5 moved it down here (Indicating) and it will  
6 allow for a better pedestrian connection.

7 There is a very attractive front to the  
8 building, even with the wall. This is looking  
9 from that crosswalk (Indicating) and across  
10 you can see the wall and the steps and  
11 railings.

12 CHAIRPERSON DONOVAN: For people who are  
13 wondering where this project is, it's on the  
14 corner of 155 and Route 9 where the old  
15 Burlington Coat Factory used to be.

16 MR. BOGLIOLI: Yes, it's at the corner of  
17 155 and Route 9.

18 We resubmitted the plan to the town and  
19 the TD reviewed it. We got a memo from the TD.  
20 I believe that we addressed the majority of  
21 those comments. I'll just walk through them.

22 One of them was the addition of a  
23 sidewalk. Not at this point but if DOT ever  
24 built a sidewalk on 155, we would allow for a  
25 connection onto our site. We have worked with

1 the TD for a placement of that sidewalk and it  
2 would go in front of this wall (Indicating) so  
3 it would connect to these steps right here and  
4 you could walk right across.

5 The other comments had to do with bike  
6 racks and cart corrals. They were put on the  
7 plan, but as a CAD error they dropped off the  
8 plan. In the final plan that we submit to the  
9 town, it would be back on the plan.

10 The other issue was about Pure Waters. We  
11 have resolved all of Pure Water's comments.

12 The other minor issues were comments that  
13 the TD had about labeling the plans and other  
14 minor changes and we have complied with all of  
15 those.

16 We would ask the board, if there are any  
17 other outstanding issues to improve the  
18 application tonight.

19 CHAIRPERSON DONOVAN: Okay, thank you.

20 Joe?

21 MR. GRASSO: James went through our  
22 comments that were outstanding. Basically, all  
23 of our comments have been addressed and all  
24 that remains is some minor comments from the  
25 departments.

1                   James mentioned one comment from the  
2                   Planning Department regarding a request for  
3                   the sidewalk on 155. That would result in a  
4                   minor change to the plans. We sketched this up  
5                   and sent it to the engineer. We basically just  
6                   require a reconfiguration of the stairs at the  
7                   top of the 8% grade. That's a future sidewalk.  
8                   It's not going to be put in at this time  
9                   because there are no sidewalks planned for  
10                  Route 155 right now.

11                  It's important to note that sidewalk  
12                  would not be handicapped accessible, but when  
13                  you've got an entrance road or any road that's  
14                  over the 5% maximum grade for a handicapped  
15                  accessible road here, you're allowed to  
16                  construct a sidewalk along side of it.

17                  Other accommodations for the handicapped  
18                  getting into the site would need to be  
19                  accommodated. The entrance off of Route 9  
20                  would have to be handicapped accessible to the  
21                  site. That's just something so that the  
22                  Planning Board is aware.

23                  We have no concerns with the project  
24                  moving forward at this time. When sidewalks  
25                  get built along Route 155 and Route 9, there

1           could be sidewalks extended from within the  
2           site down to those public sidewalks.

3           CHAIRPERSON DONOVAN: So, Joe, that's  
4           your recommendation as part of the approval?

5           MR. GRASSO: Yes, just that minor  
6           modification. We don't think that trying to  
7           reduce the grade of the entrance road down to  
8           5% is practical. Obviously, the grades out  
9           there now exceed 8% so we think that they have  
10          done a great job trying to address our  
11          concerns and getting that grade down to a flat  
12          8% consistent grade.

13          We have met with DOT and they have been  
14          supportive of it, so we have no concerns.

15          CHAIRPERSON DONOVAN: All the DOT ingress  
16          and egress of the access - this all conforms  
17          to what we talked about?

18          MR. GRASSO: Yes.

19          MR. BOGLIOLI: We would agree to the  
20          condition on the sidewalk. We will make that  
21          change and we will submit that for the correct  
22          final sign-off.

23          CHAIRPERSON DONOVAN: I know that Pure  
24          Waters had a problem with the sewer line.

25          MR. GRASSO: There are a number of minor

1           comments. We have talked to the applicant's  
2           engineer today about some things that they can  
3           do to try to address those concerns. It's not  
4           going to result in a change to the look of the  
5           plan.

6                        There are some sewer manholes that need  
7           to get shifted. The applicant has already been  
8           willing to change the foundation design of the  
9           wall, which based on our discussions with Pure  
10          Waters is going to be acceptable to them. So,  
11          we consider them minor comments that they will  
12          be willing to address.

13                      CHAIRPERSON DONOVAN: Tom, any questions?

14                      MR. NARDACCI: I don't have a question  
15          but just a comment.

16                      I've been very pleased with this  
17          proposal. I just want to commend the Town  
18          Board, the TD, the Planning Department and the  
19          developer for working cooperatively to address  
20          any issues that have come up. I think that  
21          this is a prime example of the types of  
22          development that we need to do all we can to  
23          help move along in the town.

24                      We have a prime site that has sat vacant  
25          for a long time. To get a company to come in

1 and a developer to say, let's take this strip  
2 mall area and redevelop it - it's a big deal.

3 The Town Board stepped up to make changes  
4 to make that happen and this Planning Board  
5 and Planning Department has done a good job  
6 moving it forward. I think that this is how it  
7 should work.

8 We've heard so many things from when we  
9 started on the board such as: well it took so  
10 long, it took five years or it took seven  
11 years.

12 I mean, from the time that we saw this  
13 first to now has been pretty expeditious. I  
14 think that there are a lot of hoops to jump  
15 through here. Redeveloping sites is a lot more  
16 difficult than developing green sites. It's a  
17 challenge and I think that it's exciting. It  
18 brings a new product to the town. The Fresh  
19 Market, I think, residents can be excited  
20 about, as well as the other development on the  
21 site.

22 So, just basic redevelopment is something  
23 that I've very interested in. I'd like to do  
24 more sites like this around the town. I just  
25 wanted to say thanks for working forward on

1           this.

2           CHAIRPERSON DONOVAN: Tim?

3           MR. LANE: I couldn't agree with Tom  
4 more. I don't have any questions and I think  
5 that this group has gone above and beyond to  
6 take a very difficult site and make it into  
7 something that's going to be really special.

8           I think that Tom said pretty much  
9 everything else, but these guys did a great  
10 job.

11          CHAIRPERSON DONOVAN: Elena?

12          MS. VAIDA: I don't have anything.

13          CHAIRPERSON DONOVAN: George?

14          MR. HOLLAND: I second all the comments  
15 that have already been made.

16          CHAIRPERSON DONOVAN: C.J.?

17          MR. O'ROURKE: I think that Benderson has  
18 done a great job. I love the building. I love  
19 the product. I think that it's going to be  
20 very successful in that location. It's much  
21 needed throughout the town.

22          I still don't like the whole bike rack  
23 thing. We ought to put hitching posts up in  
24 case somebody wants to bring a horse. We're  
25 requiring builders to do this kind of stuff

1 and yet, we want people to build in our town.  
2 We want to strap them with this kind of stuff.  
3 Bike racks are for a different day. Thank you.

4 CHAIRPERSON DONOVAN: Mike?

5 MR. SULLIVAN: Mine have been addressed.

6 CHAIRPERSON DONOVAN: Okay, again, I want  
7 to thank Joe Grasso from Clough Harbour. I  
8 want to thank all of you who did a good job  
9 with this proposal.

10 Is there anybody from the audience that  
11 has questions or comments or input before we  
12 take action this evening?

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

14 CHAIRPERSON DONOVAN: Do I have a motion  
15 on the final site plan approval for this  
16 project with the conditions that Joe has put  
17 in?

18 MR. NARDACCI: Jean, I'd like to make  
19 that motion.

20 MR. LANE: Second.

21 CHAIRPERSON DONOVAN: All those in favor?

22 ***(Ayes were recited.)***

23 CHAIRPERSON DONOVAN: Opposed/

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

25 CHAIRPERSON DONOVAN: Thank you.

1                    *(Whereas the proceeding concerning the*  
2                    *above entitled matter was adjourned at*  
3                    *7:32 p.m.)*

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