

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

REQUEST TO AMEND ORIGINAL APPROVAL FOR ELEVATION
CHANGE AND LOADING DOCK IMPROVEMENTS FOR THE
PROPOSED THE FRESH MARKET/LOUDON COMMONS
664 LOUDON ROAD

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on September 22, 2009 at 10:37 p.m. at
the Public Operations Center 347 Old Niskayuna
Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON
MICHAEL SULLIVAN
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
Kevin DeLaughter, Planning and Economic Development

1 CHAIRPERSON DONOVAN: The project on this
2 evening are some changes to the Fresh
3 Market/Loudon Commons.

4 MR. BOGLIOLI: There are just two minor
5 items. If you recall on June 23rd there were
6 some issues with final site plan approval for
7 this redevelopment project. Since that time,
8 we've been working with the TDE in the town to
9 resolve the outstanding comments and we
10 believe that we have resolved them all.

11 We do have our ground breaking scheduled
12 for October 13th and there were two issues for
13 our attention that they wanted us to go back
14 and take care of and that's why we are here.

15 Those two issues are extending the
16 loading dock by 10 feet. It impacts no
17 greenspace and no impervious area. It just
18 needs to be 10 feet longer. It just needs to
19 go from 25 feet to 35 feet.

20 Fresh Market, in the meantime, got this
21 parcel approved and has been working on new
22 architecture with the buildings. They have
23 gone to a colonial architecture which we find
24 consistent with the area. As you can see we've
25 blended it with the remainder of this side of
Route 9 (Indicating). It will be white brick
material and we believe that it will be very
attractive. Those would be the only changes
and the rest would be exactly the same.

 CHAIRPERSON DONOVAN: Just for
clarification, Joe, you can address this also
but I understand that there were some
questions to the interior sidewalks that were
supposed to be -- someone may have suggested
that were supposed to go down to 155 and I
don't think that was ever the intension. It
was never my intension. I think that C.J., I
spoke to you earlier today also about it. It
would be necessary for the board to make
certain things available in case the applicant
ever desired to do that.

 MR. GRASSO: Yes, I can speak to that.

 When we got the revised application
material we obviously reviewed those and we
took the opportunity to kind of go through
some of the conditions of approval that were
at issue when the Planning Board issued final

1 approval. We also had the final approval
2 letter that was issued from the Planning
Department and we compared that to the plan.

3 To refresh everybody's memory, when the
4 project got final approval, one of our
5 comments was that we requested modification to
6 the entrance off of 155, the location of the
7 retaining walls on both sides and a set of
8 stairs that would take somebody up toward the
9 pharmacy. We didn't feel like the site, at the
10 time, would easily accommodate a sidewalk that
11 would extend down to 155 and there was
12 discussion as to whether or not sidewalks
13 would ever occur down there and put in or
14 whatever.

15 The Planning Board, I thought, granted
16 approval on the condition that modification
17 within the site was to accommodate a future
18 sidewalk but they were not saying that they
19 were responsible for building that sidewalk
20 for the future. When I read the final approval
21 conditions letter, it was a little bit vague
22 for me so I just wanted to bring it up to the
23 Planning Board to make sure that we clarified
24 it so that it's clear what the future
25 responsibilities are for the site as well as
for the Town Planning Department and what they
would have to enforce for the approval for
years to come if there is any expectation that
a sidewalk would be constructed down on 155.
That's why we brought that up.

MR. BOGLIOLI: And we have provided that
space as required.

MR. GRASSO: That's not to say that if
they come back for a modification that it
might not affect it at some point in the
future if there is a sidewalk there, I'm sure
that it would be a comment that we would
recommend.

Other than that, we have no comments to
the minor changes that they are proposing.

CHAIRPERSON DONOVAN: Kevin, we should
accept these changes, is that correct?

MR. DELAUGHTER: Yes.

CHAIRPERSON DONOVAN: Any input or
questions?

C.J.?

1 MR. O'ROURKE: No. I was just going to
make the appropriate motion.

2 CHAIRPERSON DONOVAN: Mike, any
3 questions?

4 MR. SULLIVAN: No.

5 CHAIRPERSON DONOVAN: Elena?

6 MS. VAIDA: No questions.

7 CHAIRPERSON DONOVAN: Tim?

8 MR. LANE: No questions. It looks great.

9 MR. O'ROURKE: Madam Chairperson, I would
like to make the appropriate motion.

10 MR. LANE: Second.

11 CHAIRPERSON DONOVAN: Okay, this is to
adopt the changes.

12 MR. O'ROURKE: That's right.

13 CHAIRPERSON DONOVAN: All those in favor?

14 ***(Ayes were recited.)***

15 CHAIRPERSON DONOVAN: Opposed?

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

17 CHAIRPERSON DONOVAN: Thank you.

18 ***(Whereas the proceeding concerning the above
entitled matter was adjourned at
9:42 p.m.)***

19 **CERTIFICATION**

20 ***I, NANCY STRANG-VANDEBOGART, Notary
Public in and for the State of New York,
hereby CERTIFY that the record taped and
transcribed 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.***

24 **NANCY STRANG-VANDEBOGART**

1

2

Dated October 26, 2009

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25