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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

REVIEW OF FINAL SITE PLAN OF ROUTE 9 AND 155
ALSO KNOWN AS THE PROPOSED FRESH MARKET COMMONS

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
May 26, 2009 at 7:03 p.m. at the Public Operations Center 347
Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

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

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Joseph Grasso, Clough Harbour & Associates
- Kevin DeLaughter, Planning and Economic Development
- James Boglioli, Esq., Benderson Development

1 CHAIRPERSON DONOVAN: The first item on the
2 agenda this evening is the Route 9 and 155 development
3 project of Fresh Market. This is review and action of
4 the final plans.

5 MR. BOGLIOLI: I'm James Boglioli and I'm the
6 attorney for Benderson Development. As I'm sure you've
7 noted, we're here seeking final approval of our site
8 plan for tonight for the Fresh Market Commons.

9 As you are aware, the property is located on the
10 corner of Route 9 and Route 155, we're proposing three
11 entrances. They currently exist. There is one here
12 (Indicating), one here and one here (Indicating) and
13 there is one here (Indicating) currently in this area
14 solely to service the back of this shopping plaza.

15 There are currently two buildings on the site.
16 One here (Indicating) that is 18,000 square feet and
17 one here (Indicating) that is about 100,000 square
18 feet. It's the former Burlington Coat Factory building.
19 Currently, it's vacant.

20 Currently there are 511 parking spaces on-site.
21 Based on the retail currently on the site, you need 649
22 so there is a 21% deficiency as the site currently
23 exists. There is only 15% greenspace currently on the
24 site.

25 On December 16, the Planning Board granted

1 conceptual approval. This site plan is almost exactly
2 what the Planning Board looked at in December. The only
3 changes that they made were to address comments that
4 were received prior to that approval and in working
5 with the TDE, the town's departments in updating these
6 over the last few months. This is the site plan that
7 has come out of that work.

8 I just wanted to walk through the project with
9 you. The project starts with the demolition of about
10 60,000 square feet of this building (Indicating). So,
11 we're reducing this building by 60,000 square feet. In
12 addition, we're adding the additional 20,000 square
13 foot Fresh Market grocery store to this area
14 (Indicating) and a 15,500 square foot pharmacy to this
15 area (Indicating). While we're adding two buildings to
16 that, we're losing about 26,000 square feet of retail
17 space on the site. We're downsizing the retail on the
18 site.

19 In addition, we're increasing the greenspace from
20 15% to 26%. So while we're decreasing retail, we're
21 increasing greenspace. The Planning Board, last time,
22 did grant a waiver for the parking requirements. We're
23 asking for a 21% deficiency, which is the same as the
24 site currently exists. During the comments that we
25 received and the changes that we have to make, that

1 waiver request has gone up 4% to 25%. Basically we're
2 providing 390 parking spaces and we're required to
3 provide 518. We could diminish the green space to
4 provide those requirements but Creighton Manning has
5 done a study - they were our traffic engineer and they
6 did a parking demand analysis and the 390 is more than
7 enough to service this. We don't want to be over-parked
8 and kill greenspace, which is what we're trying to
9 avoid. We do believe that we addressed all the town's
10 comments. As I noted, we did increase the greenspace.

11 There is a comment regarding the greenspace. I'll
12 defer to the town's consultants on that, but the Town
13 Board adopted a law last Thursday that modified things
14 with respect to this type of redevelopment project. The
15 increase to greenspace is not applicable at this point.

16 Finally, the DOT asked for us to provide land for
17 a right turn-lane so that eventually they could have a
18 right-turn lane from 155 to Route 9. We have
19 incorporated that into our plan. So, in the future when
20 DOT approves this, they won't need to take the land to
21 construct that. We have modified our site plan and now
22 it's all set for that right turn lane when DOT decides.

23 I don't believe that there are any other comments
24 that we needed to address. I would defer to the town's
25 engineer and the town staff.

1 Basically what we're doing here is redeveloping
2 this site. We're reusing these existing buildings,
3 we're increasing the greenspace, we're decreasing the
4 square footage and we're generally maintaining parking.
5 We think that this is going to be an attractive
6 development.

7 The produce store and pharmacy will have a
8 symbiotic relationship. The grocery store sells
9 outside of the aisle, the fresh food and vegetables and
10 those items and the pharmacy sells outside the grocery
11 store, pharmacy items, dry goods; and they work
12 together.

13 I can answer any questions you might have.

14 CHAIRPERSON DONOVAN: Tom, do you have anything
15 or do you want to wait for Joe?

16 MR. NARDACCI: I'll wait for Joe.

17 CHAIRPERSON DONOVAN: Okay, thank you very much.

18 MR. GRASSO: The first letter that we had written
19 regarding the final plans was dated May 11th which was a
20 review that included all the comments from the
21 departments for the final applications. I'm just going
22 to go through some of the more major comments.

23 The most significant one and the only one that we
24 feel remains unresolved on behalf of the
25 applicant - and we don't know exactly how they're going

1 to address it - is regarding the grade of the
2 intersection. That intersection being the one with
3 Albany-Shaker Road and Route 155. That access currently
4 is at an 8% grade which is a relatively steep
5 commercial drive access and exceeds near state DOT's
6 commercial driveway standard, which is a maximum of 6%.
7 We had commented previously that we thought that any
8 changes to that access drive should either maintain the
9 8% grade or reduce it and the final plans provided by
10 the applicant show an increase on that grade to 9 ½%.

11 DOT has commented that they believe that is
12 unacceptable and they would like the driveway
13 reconstructed in accordance with their commercial
14 driveway standards which is 6%. We had commented saying
15 that we feel that the 9½% is too steep as well. We
16 thought that it should be reduced to more than what
17 currently exists. The applicant has not provided plans
18 in response to that and I'll let James speak to the
19 reasons why. I think that it's because the northern
20 part of this building here (Indicating) they're looking
21 to develop into multiple tenant spaces and they would
22 like the fitted floor and doorways to match that same
23 finished floor elevation of the building. If we drop
24 the grade of the access road, it's going to eliminate
25 the ability for people to walk directly from the

1 parking lot into the front of that building without
2 having to walk around like a retaining wall or a stair
3 system.

4 MR. O'ROURKE: How far?

5 MR. GRASSO: Right now they're proposing a
6 retaining wall of about 30 feet, I think, on this side
7 of the building (Indicating), as it's currently
8 proposed. I think that if they were trying to go to an
9 8% grade, that retaining wall would probably stand
10 another 20 or 30 feet.

11 MR. BOGLIOLI: Can I address that?

12 MR. GRASSO: Let me just go through my comments
13 and then we'll let the board allow you to address and
14 go through any additional information.

15 So that's where things stand right now. We've
16 talked to DOT about it and they feel that their
17 comments stand as is. They would consider maybe an
18 increase over 6% if they can provide justification as
19 to why the 6% is not feasible. But as of now, they
20 haven't provided a revised plan.

21 There was another comment regarding deliveries to
22 the site. They had indicated that they are going to try
23 to consolidate those deliveries as much as possible and
24 minimize truck traffic onto East Drive. However, they
25 haven't indicated any specific methods of restrictions

1 regarding delivery dates and times. So, that
2 information should be discussed with the Planning
3 Board.

4 Most of the other comments were pretty minor in
5 detail. We would expect that the developer could easily
6 address them in the final plans.

7 There were comments from the Planning Department
8 that I would just like to touch on.

9 A boundary map for meets and bounds for the
10 proposed utilities needs to be provided. The land for
11 the DOT right of way that Jim talked about would be
12 deeded to DOT.

13 The Planning Department commented that in place
14 of the tire stops for the 20 parking spaces divided by
15 the sidewalk, the sidewalk width should be increased to
16 prevent car bumpers from overhanging the sidewalk. Tire
17 stops are very difficult to maintain during the winter
18 months. So, that's something that I'd like James to
19 touch on and the practicality of that change.

20 The sidewalk and walkway shoulder of
21 Watervliet-Shaker Road should be handicapped
22 accessible.

23 Bike racks that are proposed must be provided for
24 each building. That's something that the Planning Board
25 should weigh in on, if the applicant doesn't feel like

1 he would provide those. The remaining sign-offs from
2 DOT and CDTA are certainly required. The others are
3 pretty minor.

4 The only other thing that we had recommended in
5 response to our May 18th letter was the parking
6 reduction as currently proposed. There were a couple of
7 comments from the Eastern Latham Neighborhood
8 Association. One was the reconfiguration of the access
9 off of Watervliet-Shaker Road, due to a potential
10 queuing. That comment was consistent with the comments
11 that we had raised during the concept review. Comments
12 from DOT and the applicant were able to address our
13 concerns by reconfiguring the access there by
14 eliminating this curb cut (Indicating) into the parking
15 lot and extending this down. There is plenty of room
16 for cars to queue up there along Watervliet-Shaker
17 Road. So, that comment was addressed.

18 The other comment was regarding the possibility
19 of a shared-access connection to the property to the
20 south on Route 9 - this property right here
21 (Indicating) and although the applicant was willing to
22 consider it, it's not possible to develop that at this
23 time because of the grade changes between the sites.
24 There would actually be grading work. There's
25 additional grading work done on the project site that

1 there would need to be substantial changes made to the
2 adjoining property in order to effectuate that cross
3 access connection. The applicant was willing to put a
4 note on the plan that says if that parcel to the south
5 ever gets redeveloped and changes would be proposed to
6 accommodate a cross-access connection, they would
7 cooperate with the adjoining land owner to effectuate
8 the change on their property.

9 One of the traffic issues that we think would
10 need to be addressed would be the amount of queuing
11 that would occur along Route 9 because right in here
12 (Indicating) along this whole area is expected to queue
13 up cars and if you did a cross-access connection in
14 this spot, you would drastically reduce the ability of
15 vehicles to queue up. So, at this time we don't feel
16 like joining up these two properties is appropriate or
17 feasible. Like I said, the applicant was trying to fill
18 the request and note that they will cooperate with the
19 adjacent land owner if a connection becomes
20 appropriate.

21 MR. O'ROURKE: Joe, pardon me for interrupting
22 but if we close that one (Indicating) there would still
23 only be one curb cut onto Route 9.

24 MR. GRASSO: That's right. There would still only
25 be one, but it could be reconfigured. Obviously we

1 would never support losing that curb cut especially in
2 that location because really there is a lot of traffic
3 coming out of that site that is going to use it. But it
4 would possibly allow the elimination of a curb cut
5 further south on Route 9 that serves that other
6 commercial building.

7 Just by reference on the plan, that other
8 building is really close to the site right in through
9 here (Indicating). They've actually got a strip of
10 parking right out in front so the way that site is set
11 up really doesn't lend itself to a cross access
12 connection, unless that building was taken down and
13 parking was totally reconfigured.

14 So, there are a number of other comments provided
15 by the various departments. The applicant has been
16 extremely cooperative in trying to address those
17 comments and we would expect that they would be able to
18 address those with a normal submission.

19 CHAIRPERSON DONOVAN: Joe, based on what you just
20 said, would you recommend action by the board this
21 evening or would you prefer to wait and see what the
22 grading would be?

23 MR. GRASSO: Yes, I would recommend that we let
24 James respond to that and open it up to the board to
25 answer questions and see where we are at.

1 MR. BOGLIOLI: I would just address the issue of
2 the driveway first. It's the most significant issue.

3 When we proposed this project, - as the board is
4 aware, this is practically a 50-foot open curb cut here
5 (Indicating). Then we got comments regarding should
6 that curb cut be narrowed and to block this off
7 (Indicating). When we did that, this 40-foot curb cut
8 was at 8%. In resolving those comments, we came to this
9 site plan because by shutting the whole curb cut down
10 and blocking it off, this results in a 30-foot wall in
11 front of this shopping center which we're willing to
12 live with at that point. At some point that wall is 6
13 feet high. So, the corner of that shopping center would
14 be blocked off to the access to the parking. We were
15 told 8%, which the town TDE indicated, would be
16 supported. That wall was 83 feet long and now the six
17 foot length of the wall is longer than the property. To
18 get to six foot, that wall will be over 100 feet long;
19 thereby cutting off a portion of the building from any
20 accessible parking. So, what happens as a result of
21 that is that it's to DOT's grades and we would
22 effectively be knocking down the rest of this building.
23 We have two other facilities, one of which we blocked
24 but we had walls cutting off parking and for years we
25 were unable to lease them. One of them we knocked down

1 and the other one we had to cut the entire parking lot
2 up to provide parking adjacent to the building. We
3 believe that the Planning Board initially approved
4 this. We feel that if we sat down with DOT that we
5 could go over this with them and we may be able to
6 resolve it in another manner which would be shifting
7 this over a little and addressing the slope on a case
8 by case analysis. That was the last comment.

9 The reason that the driveway is sloped at $9^{1/2}\%$ is
10 because we have addressed everyone else's comments,
11 including DOT's to push the driveway and push the
12 building and narrow it. That increases the slope. You
13 can't block off this building. We're taking it down to
14 a lesser amount of square foot of retail as it is and
15 that's a loss of 26,000 square feet. Blocking off
16 another 83 feet of this building would effectively kill
17 that building. It makes this project almost not cost
18 effective for us.

19 We'd like to sit down with DOT and resolve that
20 issue. That's why we have not provided a revised plan
21 at this point. We have provided the town with that
22 information. We have provided them with the slopes and
23 the driveways as it is and the slopes that we are
24 proposing, but we think that we can resolve that with
25 DOT by sitting down with them and that's where we stand

1 on that issue.

2 With respect to the hours of operation issue: I
3 do have Fresh Market's information. Typically their
4 hours are from 9:00 a.m. to 9:00 p.m.; Sunday from
5 10:00 a.m. to 8:00 p.m. They generally do not permit
6 deliveries before 5:00 a.m. and not later than
7 5:00 p.m.

8 We expect one large truck a week and there will
9 be two or three smaller deliveries like bread and fruit
10 and those types of smaller trucks during the day. We
11 asked them if there were stricter hours to a specific
12 time and they indicated that with this business, they
13 could not do that. They're a Fresh Market and they
14 require fresh food. It comes when it hits the door.
15 They will work with their suppliers once they're built
16 to narrow those areas so that all the trucks come in at
17 one time and they're focused not early in the morning
18 and early in the afternoon. Generally, however, they do
19 not permit deliveries before 5:00 a.m.; so that would
20 be the earliest.

21 With respect to the other comments, we can meet
22 all of those requirements; the bike racks, the curb
23 stops - they're not issues for us. With the final plans
24 submitted we will accommodate those.

25 CHAIRPERSON DONOVAN: Jim, I have somewhat of a

1 problem with the grade. Have you made any attempts to
2 contact DOT yet?

3 MR. BOGLIOLI: The process with DOT is going
4 slow. We have made numerous attempts and I've worked
5 with Joe LaCivita in that respect and he can share that
6 with you.

7 MR. LACIVITA: Jean, I've been trying to get a
8 hold of Mark Kennedy a number of times and I finally
9 reached him on Friday and I think that we can probably
10 get together with him to try to figure this whole
11 process out. I think that DOT is standing firm right
12 now on this and we have to look how it can function
13 with Joe's assistance and James' help. I think that we
14 can come to some conclusion on it.

15 CHAIRPERSON DONOVAN: It may be that we have to
16 move that access to the property.

17 MR. LACIVITA: I'm not the engineer. I think that
18 we have to sit down and talk to DOT.

19 MR. LANE: Is there any kind of accident history
20 that anyone can point to right now - that it has been
21 an issue in that past?

22 MR. BOGLIOLI: Not that we're aware of.

23 CHAIRPERSON DONOVAN: You mean on-site?

24 MR. LANE: Right. I mean, right at that access
25 point.

1 MR. O'ROURKE: Right now it's a cut through for
2 people that don't want to wait behind the light. They
3 cut through the parking lot to avoid the light.

4 How far west are they moving the driveway? It
5 goes up a foot and a half.

6 MR. BOGLIOLI: The driveway is where this
7 building currently is (Indicating). So, the driveway
8 starts after here. It goes out like that (Indicating)
9 in that area. So, it should be 20 or 30 feet in this
10 direction. So, all of the slope on the 40 foot is 8 ½%.
11 We have slopes that are higher in that 40-foot
12 driveway. There are parts of that driveway that are
13 over 10%, based on what was calculated. That averages
14 at about 8%. We're going up to 9 ½ but that is a result
15 of a sliding driveway.

16 MR. GRASSO: Our interpretation of the plans
17 isn't so much the shifting of the driveway. I think
18 that they're trying to maintain the finished floor
19 elevation more towards the north so that they can have
20 store fronts there. They're raising a grade there or 18
21 inches -

22 MR. O'ROURKE: Let me ask you: If you're doing
23 demo work on the building, why couldn't you shift that
24 building footprint to one side?

25 MR. BOGLIOLI: Because we're not taking the

1 buildings down.

2 MR. O'ROURKE: No, but you're taking the front
3 down.

4 MR. BOGLIOLI: We're taking the front down, but
5 we need to have retail located all along the street
6 front.

7 MR. O'ROURKE: I'm saying that in terms of
8 construction costs -

9 MR. BOGLIOLI: To take 83 feet off the building
10 and add it to the backside?

11 MR. O'ROURKE: No, I'm saying if there was a
12 compromise.

13 MR. BOGLIOLI: We're willing to compromise. We've
14 been reaching out to DOT since we got the comment. We
15 just haven't met with them. DOT wanted free land over
16 here and we gave it to them. DOT wanted us to move the
17 driveway and we gave it to them. DOT wanted us to
18 narrow the driveway, we gave that to them. We have no
19 problem working with DOT or any other - - as Joe knows,
20 we've worked with all the agencies in the town and
21 resolved all the comments. It's not that we're not
22 willing to work with them, but we need to sit down with
23 them and resolve it.

24 MR. O'ROURKE: Right, and I think that the town
25 is working with you, too.

1 MR. BOGLIOLI: I'm not saying that the town isn't
2 great. I'm just saying that we'll work with whomever
3 and DOT hasn't sat down with us to explain if there is
4 another solution to this. We have a history of blocking
5 off buildings like that.

6 MR. O'ROURKE: But the grade gets less - the
7 closer you get to Route 9.

8 MR. LACIVITA: I think that we have to shift
9 that, C.J. If I'm not mistaken, it's because of the
10 truck traffic. There was a truck route that was coming
11 around that building and it was asked that we shift
12 that down further in that area. Was that one of the
13 reasons, Joe, was that there was a truck route there
14 coming off of that around?

15 MR. GRASSO: That is a truck route to the
16 pharmacy, but it had to do with the circulation around
17 there and a lot of parking. I think that it was
18 advantageous to shift the driveway closer to the
19 building and even shifting it away from the building I
20 don't think changes the amount of retaining wall that
21 you would need to change the grade of 9 ½%.

22 MR. BOGLIOLI: This is the plan that we had
23 before we had the DOT comments, which is at 8%. You can
24 see how it's different than what we have here. That was
25 how we got to the 9^{1/2}%. That driveway that was proposed

1 originally was at 8%.

2 MR. GRASSO: I think that we don't think that the
3 planning would need to change significantly to go from
4 9½% back to 8% by either extending that retaining wall
5 or where they've got a flush sidewalk that comes up to
6 the access drive and put in a set of stairs. If you
7 wanted access you would have to come further to the
8 south to get into the store fronts, if they wanted to
9 keep everything as is. That's just something to get you
10 up there. We don't think that the plan view would need
11 to change in terms of the circulation route, the amount
12 of parking, the access - we don't think any of that
13 would change. We don't want to discourage this
14 development but -

15 MR. O'ROURKE: Yeah and then it stays empty
16 forever; unless you're going to go in and demo it.

17 MR. GRASSO: If the board wanted to take action
18 on the application tonight, our recommendation would be
19 to put a condition on 8% maximum grade for the access
20 road. If the board feels uncomfortable with that then I
21 would say that hold the determination until we hear
22 back from DOT. I can't speak for DOT as to whether or
23 not they would approve a plan with an 8% grade, but I
24 think that they can provide a justification with some
25 sort of hardship -

1 MR. O'ROURKE: Joe, did you get a feeling on what
2 the stance was?

3 MR. LACIVITA: Well, he said that the standard
4 was 6%. I'm not sure if it was a policy standard on
5 highway. I think that one of the things that they look
6 at is not changing what currently exists, as Joe just
7 mentioned. They came back with eight and that's
8 possible, but I think that we need to talk with DOT to
9 work out a solution.

10 MR. BOGLIOLI: Well, then I would request that
11 the board not take any action because I'd like to sit
12 down with DOT and discuss the grade. Saying 8% and then
13 saying that DOT uses 8^{1/2}% - every foot of that wall that
14 doesn't block the building is a benefit to us. I'd
15 rather sit down with them. Walling a portion of this
16 will not work for us. We've already walled off a
17 portion of the building to resolve the comments and we
18 really think that is as far as we can go for every foot
19 that we have. I would request that the board wait to
20 resolve it with DOT.

21 MR. O'ROURKE: Honestly, nobody wants the site
22 redeveloped more than I do. But I'd like to see it get
23 back to the 8%. I don't want you wasting your time
24 trying to tell DOT, you know, give me 8½ or 8¾ when
25 we're going to come back and tell you 8.

1 MR. BOGLIOLI: Or there might be some other place
2 that might get us 8%. We might as well not issue a
3 decision tonight and if there is somewhere else that we
4 can - - if we can slide the driveway down and get 8%,
5 then we have to go back in and get approval anyway. I
6 would prefer to wait and see what DOT says.

7 CHAIRPERSON DONOVAN: Mike?

8 MR. SULLIVAN: Are there any tenants lined up for
9 that retail building?

10 MR. BOGLIOLI: At this point, there are no
11 tenants lined up.

12 MR. SULLIVAN: And what are your plans for
13 partitioning it? Would it be three stores or two
14 stores?

15 MR. BOGLIOLI: It depends on who the tenant is
16 and the size of the tenant.

17 MR. SULLIVAN: I was just wondering if you were
18 subdividing equally - if you had one that was larger,
19 say double wide and double width, then you could shift
20 the entrance to that building farther down and you
21 would not be obstructing people from getting into it
22 and you could have a retaining wall.

23 MR. BOGLIOLI: We've already gone through that
24 and the possible ways of dividing it up to accommodate
25 that. We're already done playing with the 8% in that

1 area. It resulted in an 83-foot wall. We're using
2 typical standard sizes, for the most part. There is
3 nothing that would clear that 83-foot wall for an
4 entrance. That's our problem.

5 MR. SULLIVAN: Then Joe's suggestion would also
6 be that you could have stairs and then a ramp for an
7 access point farther down.

8 MR. BOGLIOLI: We're willing to look at that.

9 MR. SULLIVAN: Because I really would like to not
10 see the 8%.

11 CHAIRPERSON DONOVAN: C.J.?

12 MR. O'ROURKE: It's really my opinion, as well.

13 CHAIRPERSON DONOVAN: George?

14 MR. HOLLAND: Nothing.

15 CHAIRPERSON DONOVAN: Elena?

16 MS. VAIDA: I wasn't on the board when this first
17 came up so I'm sure that this was already discussed,
18 but are there any other options for the entrance
19 discussed? Like coming in from 155 as opposed to
20 Route 9?

21 MR. BOGLIOLI: That's the entrance that we're
22 discussing at this point. There are three entrances;
23 one here (Indicating), one here (Indicating) and a
24 truck access back here (Indicating). This is the
25 entrance that we're discussing out on 155. It's

1 different than what we are proposing. It's got to be
2 40 feet wide here (Indicating). In addressing the curb
3 cut here, that's how we got to the grade issue.

4 MS. VAIDA: I guess that you also need to have
5 two entrances to avoid the traffic jams getting in
6 there.

7 MR. BOGLIOLI: Yes, Fresh Market would need those
8 two accesses.

9 MR. O'ROURKE: Just the last comment that I had
10 tonight and I mentioned it at the last meeting: I just
11 want to make sure that there is no 48-foot trailers
12 trying to jack into that back.

13 MR. BOGLIOLI: That's going to have signage
14 posted there. There will be no trucks of that size back
15 there. We provided signage to Joe, also.

16 CHAIRPERSON DONOVAN: Can we see the landscaping?
17 Do you have that with you?

18 MR. BOGLIOLI: I do not have the landscape
19 rendering. I know that it was submitted with the
20 application.

21 CHAIRPERSON DONOVAN: Tim?

22 MR. LANE: If we're not going to take action on
23 this, are we still going to take action tonight on the
24 parking?

25 CHAIRPERSON DONOVAN: I think that we'll wait

1 until we have the whole thing.

2 MR. LANE: The only thing that I want to say is
3 the first thing that comes to mind is Route 4 access to
4 the Wal-Mart over in Greenbush. It has to be a terribly
5 steep access. DOT must have had to go through all of
6 that, I imagine. I don't know what the grade on that
7 is, but it would appear to me that it would be in this
8 same rate of area. It's probably steep. It just pops up
9 in my head.

10 MR. O'ROURKE: Probably because it doesn't go
11 right to Route 4.

12 MR. LANE: In any case, I think that you should
13 bring that up in your conversation. For me, not being
14 an engineer - the difference between 6, 8, or 9½ as far
15 as what that causes for a driver, I don't know.

16 MR. GRASSO: Other than that, just to qualify the
17 grades a little bit - If you measure between the
18 contours, it's 16% and that's what's proposed on this
19 plan. So, when we say that it's 9^{1/2}%, that's the whole
20 length until you get up to that first parking lot.
21 Their plan actually proposes 16% for the first 10 or 15
22 feet here. That's an excessive grade for a commercial
23 driveway.

24 MR. NARDACCI: We recently were discussing a
25 grade on another project so I would like to see this

1 get resolved at least to what it is right now.
2 Hopefully quickly, because when I first heard about
3 this project, it's one of those projects that come up
4 that you get excited about. It's something that you
5 talk a lot about here. How do we encourage
6 redevelopment? That's a true eyesore and that's one of
7 our main streets in town that we want to prioritize
8 this redevelopment and redevelopments like it.

9 I think that I'm grateful that you're doing this.
10 There are probably less challenging places that you
11 could redevelop and I think that I have to give
12 commendation to the planning staff and the Supervisor's
13 office for working with a developer to come up with
14 this plan with you. Fresh Market in that section of
15 town is a huge win. Hopefully DOT will get real
16 responsive and you can get back here and it will go in
17 the ground. We need to do more redeveloping and that's
18 something that whatever we can do to fast track these
19 things - and I don't know whether that's the proper
20 term or not - but I think that's a term that we should
21 use. We should try to take these projects and put them
22 at the top of the list. We're just going to have more
23 and more of these strip malls that are going to fall
24 into disrepair as they get older. I think the more that
25 we can do to push these along, the better. I appreciate

1 the work that you've done and hopefully this will get
2 resolved soon.

3 MR. BOGLIOLI: Thank you.

4 CHAIRPERSON DONOVAN: So you don't really have
5 any time frame that you're going to meet with
6 Mr. Kennedy, is that correct?

7 MR. BOGLIOLI: As quickly as possible; as soon as
8 he will meet with us.

9 CHAIRPERSON DONOVAN: Joe, maybe we can give him
10 a call again tomorrow?

11 MR. LACIVITA: Sure.

12 CHAIRPERSON DONOVAN: Either Joe, I don't care.
13 Both Joes would be great. Let's see if we can move it
14 along because I am concerned about the grade.

15 MR. O'ROURKE: Maybe we can take some of the
16 stimulus money and raise the road.

17 CHAIRPERSON DONOVAN: Now as far as the timeframe
18 is concerned, the board meets again in two weeks. What
19 does the calendar look like in two weeks?

20 MR. LACIVITA: The 9th is full. If this is the
21 only issue that has to be discussed, the items that we
22 have on there are going to be mostly review concept
23 submission, one final approval and two other ones. We
24 could add that one to that list on the 19th. We could
25 come back the following week and I would recommend

1 putting it in on the 9th. I don't see why we couldn't
2 get it in then.

3 CHAIRPERSON DONOVAN: If we can get it resolved
4 by June 9th - - well, it would have to be earlier than
5 that because we would have to make a posting on the
6 web. If you can get a meeting with DOT set up, we can
7 put you on for the 9th.

8 MR. BOGLIOLI: Thank you.

9 CHAIRPERSON DONOVAN: Yes?

10 FROM THE FLOOR: I was just wondering because the
11 board is very open to redevelopment - would it be
12 possible for the board to submit comments to DOT?

13 CHAIRPERSON DONOVAN: I have Mark Kennedy's
14 number and e-mail and we can call tomorrow and we can
15 at least ask him to please meet with them. So, we'll do
16 that also.

17

18 **(Whereas the proceeding concerning the above**
19 **entitled matter was adjourned at 7:38 p.m.)**

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CERTIFICATION

*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.*

NANCY STRANG-VANDEBOGART

Dated June 15, 2009