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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

FRESH MARKET COMMONS
REVISION TO ELEVATIONS PREVIOUSLY APPROVED

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on June 8, 2010 at 7:06 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, CHAIRMAN
MICHAEL SULLIVAN
TOM NARDACCI
ELENA VAIDA
TIM LANE
PAUL ROSANO
PETER STUTO, Jr. Esq., Attorney for the Planning
Board

Also present:

Joe LaCivita, Director, Planning and Economic
Development

1 CHAIRMAN O'ROURKE: First on the agenda
2 this evening we have a revision to elevations
3 that had been previously approved by this
4 board to Fresh Market Commons,
5 644 Loudon Road.

6 MR. LACIVITA: This was a request by the
7 applicant. This was noted on building plans to
8 the Building Department for permits. They came
9 over to the Planning and Economic Development
10 Department. The plans actually went to the
11 Building Department prior because James
12 Boglioli had wanted to change the elevation to
13 it to make it more like the Fresh Market. So
14 you have plans in front of you now, and we're
15 looking to try to change just the elevations
16 from what was previously and try to continue
17 that sight line across the entire mall.

18 CHAIRMAN O'ROURKE: Is the applicant
19 here?

20 MR. LACIVITA: No, he is not here
21 tonight.

22 CHAIRMAN O'ROURKE: Hopefully nobody on
23 the board tonight will have questions.

24 MR. LACIVITA: I'll be happy to answer
25 any, as I've been in various conversations

1 with him.

2 CHAIRMAN O'ROURKE: Again, I don't want
3 to make that practice. If an applicant is
4 asking this board to look at elevation
5 changes, no matter how minor, if this board
6 feels that it's worthy enough to come before
7 us, I think that the applicant should
8 certainly at least try to show up.

9 MR. LACIVITA: I know he called this
10 morning and he was pulled to a project up in
11 Plattsburgh. He was going to try to make it
12 but based on the minor changes that were
13 here -

14 CHAIRMAN O'ROURKE: Joe, I understand
15 that it is minor, but not everybody on this
16 board might think that it's minor. I know that
17 this was a time sensitive thing and that we
18 moved to get this onto this evening. Maybe
19 someone else on the board might have a problem
20 with it as well. I would only ask that in the
21 future that the applicant show up in case
22 there are questions.

23 MR. NARDACCI: Just on that point, I
24 completely agree. I don't have questions on
25 this one, but if I did have a question or

1 issue, I'd want the applicant to be here. I'd
2 agree that's a good practice.

3 Joe, I don't think that it's a good
4 practice for you to be the person that is
5 interpreting. For this specific thing, I don't
6 have a problem with it.

7 CHAIRMAN O'ROURKE: I was actually more
8 involved probably more with this than anybody
9 else on the board. With some of the
10 conversations that I had with Joe, I was
11 expecting to see Mr. Boglioli tonight. I think
12 with the sight lines, that it's an improvement
13 from what they were. So I don't have any
14 questions.

15 Paul?

16 MR. ROSANO: I would just like to make
17 sure that we set the precedent now. This is it
18 and it should be the only time we go forward
19 without the applicant being here.

20 CHAIRMAN O'ROURKE: Just by going
21 forward, we're setting a precedent.

22 MR. ROSANO: That's what I'm saying. This
23 should be it, though.

24 MR. LACIVITA: When the board looks at
25 elevations, they're approving the concept and

1 I think that when we move forward, we're
2 working to try to set coordination between the
3 two different departments; both planning and
4 building.

5 CHAIRMAN O'ROURKE: I disagree 100%. This
6 board has made it a fact that if we approved
7 these final plans and the plans before us
8 aren't the plans that this board
9 approved -- I think that you're right, Joe, it
10 has to come back before us. You don't,
11 however, represent the applicant. You
12 represent the Town of Colonie and I think that
13 it's only fair that the applicant show up to
14 make the presentation. Again, I don't have a
15 problem with it. I just have a problem that
16 the applicant is not here.

17 MR. LACIVITA: Like I said, I know that
18 he got pulled away. He's up in Plattsburgh and
19 I told him not to rush down here and we could
20 hopefully carry this forward.

21 CHAIRMAN O'ROURKE: Elena?

22 MS. VAIDA: I agree with what's been
23 said. The applicant should be here because he
24 is asking for a modification to the final site
25 plan.

1 CHAIRMAN O'ROURKE: What's the time
2 sensitivity of this?

3 MR. LACIVITA: Building plans are being
4 reviewed and waiting approval. We have set
5 agendas that can't get them back on a timely
6 basis in front of the board. They are
7 scheduling an opening for the September time
8 frame.

9 CHAIRMAN O'ROURKE: Could they make it
10 next Tuesday night at the public hearing?

11 MR. LACIVITA: For the 15th?

12 CHAIRMAN O'ROURKE: Yes, because that
13 west end issue is the only issue on.

14 Again, I tend to agree. If we, as a
15 board, act on this then it's setting a
16 precedent for another applicant to not come
17 before the board with site plan revisions to a
18 final site plan.

19 MR. LANE: But if none of us have issues
20 with it, you're going to bring him here just
21 for the sake of bringing him here? That
22 doesn't make any sense.

23 MS. VAIDA: The other option is if an
24 applicant does it that way, if we were to have
25 questions and no one is here to answer, it

1 would be to their detriment and it would be
2 the chance that they take.

3 CHAIRMAN O'ROURKE: That makes sense. I
4 just don't want to make it a habit.

5 MS. VAIDA: Personally, I didn't have any
6 questions.

7 CHAIRMAN O'ROURKE: Tim?

8 MR. LANE: No, I don't have any
9 questions. I think that they really did an
10 outstanding job on this. Every time we see
11 changes, they're better than before. Sometimes
12 it's understandable if someone can't make it.
13 With all honestly I think the last time that
14 he was here for the new elevations that they
15 submitted, I think that we kept them on the
16 agenda on a night that there was a winter
17 storm and then they had to leave for Rochester
18 at like 11:00. I felt bad for them.

19 No, I don't have any questions on this.

20 CHAIRMAN O'ROURKE: Michael?

21 MR. SULLIVAN: No, I didn't have any
22 questions on the new façade. I do believe that
23 they should be before us. I won't hold it up
24 tonight, but I don't like the precedent that's
25 set.

1 CHAIRMAN O'ROURKE: With that being said,
2 is there a motion on the floor to approve the
3 revisions to the elevation?

4 MR. LANE: I'll make the motion.

5 MR. ROSANO: I'll second.

6 CHAIRMAN O'ROURKE: Can we just make sure
7 in the record that there is a note that the
8 applicant was not here and the board did move
9 this without the applicant?

10 All those in favor?

11 *(Ayes were recited.)*

12 CHAIRMAN O'ROURKE: All those opposed?

13 *(There were none opposed.)*

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17 *(Whereas the proceeding concerning the*

18 *above entitled matter was adjourned*

19 *at 7:14 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.***

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 NANCY STRANG-VANDEBOGART

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17 ***Dated July 1, 2010***