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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

FRESH MARKET COMMONS
AMENDED SITE PLAN - REVIEW AND CONSIDERATION

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on June 29, 2010 at 7:38 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
- PETER GANNON
- TIM LANE
- LOUIS MION
- PAUL ROSANO
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic Development
- James Boglioli, Esq., Benderson Development
- Joe Grasso, Clough Harbour and Associates

1 CHAIRMAN O'ROURKE: Next on the agenda
2 this evening we have Fresh Market. They're
3 looking for an amendment to the already
4 approved site plan. There are a couple of
5 different points.

6 Mr. Boglioli, if you would like to
7 explain what you'd like the board to do for
8 you?

9 MR. BOGLIOLI: Good evening, thank you
10 for hearing us tonight. My name is James
11 Boglioli and I'm the attorney for Benderson
12 Development.

13 As the Chairman correctly noted, this was
14 approved June 23, 2009. It's the Fresh Market
15 Commons. It's on the corner of 155 and
16 Route 9. It's currently under construction.

17 I do have good news that Fresh Market's
18 opening was going to be Labor Day, but with
19 the work with the town, we're excited about
20 the grand opening of possibly August 15th.

21 We just wanted to show you what we think
22 are minor changes today.

23 First is the addition of a deep dock. As
24 you may recall, this is a recumbent project.
25 We're actually going to increase the

1 greenspace by 5 percent.

2 This is the proposed dock. There is a
3 minimal impact to greenspace.

4 We did consider the TDE comment. In an
5 effort to preserve greenspace and parking
6 spots, we were willing to take the dumpsters
7 and relocate them to this area (Indicating).
8 We were really trying to save parking spaces.

9 This deep dock is necessary. We have a
10 national tenant and I can't disclose their
11 names at this point, but they needed this.

12 The next proposed change that we're
13 looking at is the sidewalk in front of the
14 west of Fresh Market in this area
15 (Indicating). The more that we looked at this,
16 we ended up finding a better way to address
17 this. As a redevelopment site, there was a
18 three foot difference here (Indicating). This
19 is three feet higher. We originally proposed a
20 small retaining wall here. The more that we
21 looked at it, we thought that was a bad idea
22 because people would have to walk out into the
23 parking lot, walk around, come back into the
24 site. So what we proposed to do is terrace the
25 sidewalk. It would have a gazebo type element

1 over it. It has planters around it and we just
2 terraced it using the plants. We really don't
3 want people walking out of the parking lot and
4 having to come back in.

5 We've actually had tenants who have
6 actually toured the site. Specifically in this
7 area, the elevation of the site is almost
8 about three to five feet above the road area.

9 When you drive this area on 155 and look
10 this way, you almost can't see the buildings.
11 We have proposed to increase the landscaping
12 along the perimeter of the site to 67 percent
13 above what was approved. We'd also like to
14 open up some gaps in the fence to allow better
15 views. We wanted to do that in this area and a
16 little bit in this area. It would allow some
17 views into the site. The tenants expressed
18 concern about the fence, especially here when
19 you're putting a fence on the top of a five
20 foot berm, which is essentially there. We also
21 have proposed to increase some of the
22 greenspace. It will be much more dense here.

23 We did provide an artist's rendering of
24 what that would look like. This is looking
25 from Route 9 towards the building in the back.

1 This shows the full fence and the landscaping
2 that was proposed. This shows the significant
3 increase of landscaping with some gaps in the
4 fence. We did propose to improve the fence by
5 adding stone columns on each corner instead of
6 running the black wrought iron all the way
7 across. You code does mention an 80 percent
8 requirement. We're at 50 percent. That code is
9 interesting because it says 80 percent along
10 the sidewalk. There are no sidewalks on the
11 site. I believe that the intension of that was
12 to have a more urban development feel.

13 I recall that when the Planning Board
14 initially approved this, we had a discussion
15 about moving it forward and that we had to
16 comply with the same requirement and the town
17 required a waiver going back here
18 (Indicating). We're really opening up this
19 site and we want to because there is really
20 some high quality architecture and with all of
21 this landscaping it will be an improvement.

22 Those are the changes that we're asking
23 for.

24 There was one other comment about drains
25 in the area of the loading dock. We'll work

1 that out with the TDE.

2 I'm happy to answer any questions you
3 might have.

4 CHAIRMAN O'ROURKE: Joe?

5 MR. GRASSO: James had touched on our
6 comments. The first one was that we expressed
7 concerns over the relocated dumpster really
8 because of two things. One was the visual
9 impact along Watervliet-Shaker Road. Those
10 typically aren't a very attractive feature on
11 the site and there was no way to screen that
12 between the building and Watervliet-Shaker
13 Road. More importantly was the concern
14 regarding the likelihood that a waste hauler
15 would pull into the dumpsters, unload them and
16 then back out onto Watervliet-Shaker Road. We
17 raised that concern and recommended that they
18 not be relocated to the north side of the
19 building.

20 The second issue is a relatively minor
21 issue. It's just regarding some of the inverts
22 on the storm drain system, especially the
23 loading dock. I'm sure that it can be
24 redesigned without a change to the appearance
25 to the plan.

1 The other thing that James talked about
2 in terms of the revisions to the plans, we
3 don't have any concerns with at this time.

4 CHAIRMAN O'ROURKE: From what I gather,
5 the dumpster has now been moved back.

6 MR. GRASSO: He hasn't provided a revised
7 plan to move them back to the other site.

8 MR. BOGLIOLI: We just got the comment
9 letter as we walked in tonight. It's not a
10 problem. I just wanted the board to be aware
11 that it was a balancing game. As you know
12 throughout the development of the site -

13 CHAIRMAN O'ROURKE: I won't speak for the
14 rest of the Board, but if I'm giving up to
15 move the dumpsters off of Watervliet-Shaker
16 and giving you two more spots, I'll give you
17 two more spots. Again, it's beautiful and the
18 work that you're doing there is outstanding,
19 in my opinion. I just would hate to see an
20 enclosure on the side of the road. So, move it
21 to the back.

22 I was a little concerned with some of the
23 fencing. As I looked at the plan, I couldn't
24 picture it. Again, I appreciate you bringing
25 in the renderings because again, I did see the

1 additional plantings and I think that with the
2 stonework and the columns, I think that it
3 will present and frame the area probably a
4 little better without being able to see it.
5 It's tough to see.

6 MR. BOGLIOLI: I apologize for that.

7 CHAIRMAN O'ROURKE: I've been through the
8 site now with the additional landscaping, I
9 did not see waterlines on the plan and where
10 you're going to control the irrigation.

11 MR. GRASSO: Their irrigation wasn't
12 specified on it. There were no plans. It's
13 typically not required as part of the site
14 plan submittal, but please just let the Board
15 know what your plans are for irrigation.

16 CHAIRMAN O'ROURKE: With the
17 upgrade - and again, what you're doing on the
18 site, I wouldn't think that you're not getting
19 irrigated, but I want to make sure.

20 MR. GRASSO: We don't need to see
21 irrigation plans. I think just to clarify for
22 the Board -- if you're going to irrigate or
23 not.

24 MR. BOGLIOLI: I can't speak to it right
25 now. We'd have to get back to you with that.

1 CHAIRMAN O'ROURKE: Overall, I'm very
2 happy and I'm not surprised that you have
3 interest in the building.

4 Peter?

5 MR. GANNON: I actually snuck onto the
6 site today. I noticed that you leveled out the
7 frontage on Route 9 so that you could actually
8 see right in there. It looks great. In looking
9 at the rendering, I like your proposal better
10 than what was originally talked about.

11 MR. BOGLIOLI: We're very excited about
12 the site. We're trying to make it as
13 attractive as possible.

14 MR. GANNON: The islands in the parking
15 lot - are those newly installed or are those
16 old islands?

17 MR. BOGLIOLI: I'm not aware of what
18 stage we're at.

19 CHAIRMAN O'ROURKE: No, they're all new.

20 MR. BOGLIOLI: I don't think that there
21 were any islands. We show islands all
22 throughout the site.

23 MR. GANNON: I noticed that there were
24 some islands and they look good, but they need
25 something planted in them.

1 MR. BOGLIOLI: We'll have all of those
2 done certainly by the time we've opened up the
3 site.

4 MR. GANNON: I have no problem with that.
5 I think that you do good work.

6 CHAIRMAN O'ROURKE: Mike?

7 MR. SULLIVAN: I had one question. Will
8 the existing loading dock on the north end
9 remain in service, along that alleyway?

10 MR. BOGLIOLI: That will be moved.

11 MR. SULLIVAN: So there will be nothing
12 there?

13 MR. BOGLIOLI: We proposed all greenspace
14 there and DOT had issues about big trucks
15 entering there. We removed that so that the
16 only way to access the back area is really in
17 this area (Indicating).

18 MR. SULLIVAN: Because one still remains
19 on the back of the building in that alleyway.
20 That will be removed?

21 MR. BOGLIOLI: Yes, that will be removed.

22 MR. SULLIVAN: I have no objection to
23 losing two parking spaces to avoid having the
24 dumpsters -- as long as the TDE is fine with
25 it, I'm fine with it.

1 CHAIRMAN O'ROURKE: Tim?

2 MR. LANE: I absolutely agree. To lose
3 the two parking spaces is not a big deal.

4 As far as the retaining wall, that always
5 seemed like that was the only way to get
6 around it because that's the way that it's
7 sloped; but the terrace idea is a great idea.
8 I'm still having a little trouble envisioning
9 it. I wish that you had a rendering of that.

10 MR. BOGLIOLI: It was hard to render. The
11 way that it works is that it will be level at
12 the sidewalk. There will be a set of steps
13 here (Indicating), a set of steps here and
14 you'll be on the next level at that point and
15 we'll put our handicap ramps off to the side.
16 The planters were originally all at grade
17 before. We'll just raise the planters and pick
18 up the grade where the steps are.

19 MR. LANE: Will this be delineated enough
20 from the traffic area so people won't end up
21 driving up on it?

22 MR. BOGLIOLI: There is still a curb. It
23 would be like the old shopping center. There
24 will be sidewalk curb instead of having a foot
25 and a half or a two foot knee wall. It will be

1 just a regular curb.

2 CHAIRMAN O'ROURKE: Lou?

3 MR. MION: No. I like what I see.

4 CHAIRMAN O'ROURKE: Paul?

5 MR. ROSANO: Is there going to be any
6 bicycle racks on the site? Everything seems to
7 be like it's a bone of contention. I just
8 wanted to know.

9 MR. GRASSO: Yes, they added them at the
10 request of the Planning Board.

11 CHAIRMAN O'ROURKE: Tom?

12 MR. NARDACCI: Can you just remind us - I
13 can see what the building looks like right
14 now. It looks great. The design for the
15 pharmacy - the architectural - it's going to
16 be along the same lines?

17 MR. BOGLIOLI: It's going to be along the
18 same lines of the same architecture.

19 MR. NARDACCI: You're still in talks with
20 the pharmacy?

21 MR. BOGLIOLI: We're still in talks at
22 this point.

23 When we started this application we were
24 in different talks than we are right now. The
25 talks may take a little longer. Things are

1 really turning around, especially with this
2 site.

3 MR. NARDACCI: I know that this was off
4 topic, but I was just curious that what we
5 were going to see would be along the same
6 lines.

7 MR. BOGLIOLI: We're looking to match the
8 architecture. We matched it with the rest of
9 the building to frame the entrance of the
10 Fresh Market. We're doing a more colonial look
11 throughout the entire site.

12 MR. NARDACCI: I think that you're doing
13 a great job. I have no problems with the
14 parking spot.

15 Do you know when they'll be opening?

16 MR. BOGLIOLI: They were going to
17 originally open Labor Day, but now they're
18 talking about August 15th.

19 CHAIRMAN O'ROURKE: Do I have a motion
20 from the floor on the amended site plan?

21 MR. NARDACCI: I'll make the motion.

22 MR. ROSANO: Second.

23 CHAIRMAN O'ROURKE: All those in favor?

24 ***(Ayes were recited.)***

25 CHAIRMAN O'ROURKE: All those opposed?

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(There were none opposed.)

CHAIRMAN O'ROURKE: You have your amended site plan and again, that includes obviously following through with the TDE recommendations -

MR. GRASSO: Conditioned on our sign-off.

CHAIRMAN O'ROURKE: Yes, conditioned on the sign-off.

Thank you.

***(Whereas the proceeding concerning the
above entitled matter was concluded
at 7:53 p.m.)***

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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14 **NANCY STRANG-VANDEBOGART**

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17 **Dated August 23, 2010**
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