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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

38 SPARROWBUSH ROAD
EXTENSION OF APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled
public hearing BY NANCY STRANG-VANDEBOGART, a
Shorthand Reporter, commencing on
September 27, 2011 at 7:16 p.m. at the Public
Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

PETER STUTO, Chairman
MICHAEL SULLIVAN
LOUIS MION
KATHLEEN DALTON
TIM LANE
PAUL ROSANO
ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

Joseph LaCivita, Director, Planning and Economic
Development
Terresa Bakner, Esq.

1 CHAIRMAN STUTO: The first item on the
2 agenda is entitles Sebastian's. We're going to
3 hold that until the end so that we can move
4 onto the second agenda item which is
5 38 Sparrowbush Road, extension of approval,
6 presented by Terresa Bakner, Esquire.

7 Joe, or Mike, would you like to give us
8 some background on this?

9 MR. LACIVITA: Sure, Peter. This is
10 actually an approval that was received in
11 December of 2009. In December of 2009 we had
12 the Giovanone Office Complex at 38 Old
13 Sparrowbush Road and it received its approval.
14 It's actually ready to expire December 15,
15 2011. Under the Land Use Law of 190.56 any
16 Planning Board Approval for a major site is
17 valid for two years from the date of issuance.
18 Any final site plan can be extended for one
19 additional year. Mr. Giovanone is here tonight
20 to ask for that extension be granted by the
21 Planning Board. I'll turn it over to
22 Mr. Giovanone and Terresa Bakner at this time.

23 MS. BAKNER: Hi. Thank you, very much
24 Chairman Stuto. Thank you, very much Joe.

25 This is very simple. Nothing has changed

1 with the project whatsoever. Given the
2 economic circumstances, it's taking a little
3 bit more time to market the project. As you
4 can see, it's beautiful. The Planning Board
5 did a wonderful job in approving the project
6 and it was under review, I believe, for a
7 substantial period of time. It was something
8 like two years to work through the process. It
9 takes awhile to get the appropriate tenant for
10 a building such as this. They're still very
11 optimistic that they'll be able to do so and
12 for that reason, we'd like to ask for
13 additional time in order to bring the project
14 to market. We're happy to answer any questions
15 that the Board may have.

16 CHAIRMAN STUTO: Are there any questions?

17 MR. LANE: Did you have any objections
18 from the neighbors?

19 MS. BAKNER: There aren't many residents
20 in that area. It's behind Latham Farms and
21 next to the existing Concorde Pools. There's
22 an office building and then there are some
23 houses around the back which are sort of
24 between the highway and a roadway. So, I don't
25 believe that there was ever much of an issue

1 from that perspective.

2 CHAIRMAN STUTO: Do you agree with that?
3 I don't recall.

4 MR. LACIVITA: Yes, this was fully vetted
5 through the TDE at the time, which was Barton
6 and Loguidice. They worked through all the
7 technical concerns and everything. There was
8 one issue about the stormwater at the time and
9 they worked through it with Mr. Giovanone. The
10 engineers got through all of it and the
11 technical review was done through Brad Grant.

12 MS. BAKNER: The only issue was during
13 the time that the project was designed and
14 approved and it was finally approved, there
15 was a change in the DEC requirements with
16 respect to vortexes which are used to drop
17 sediments out of a parking lot stormwater. We
18 were able to substitute the updated form
19 relatively easily and our stormwater pollution
20 prevention plan remained intact and in effect.

21 As to the other approvals that we've had,
22 one is for the Department of Environmental
23 Conservation.

24 CHAIRMAN STUTO: Any other questions?

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

1 CHAIRMAN STUTO: Motion?

2 MR. MION: I'll make a motion.

3 MR. LANE: Second.

4 CHAIRMAN STUTO: All in favor?

5 ***(Ayes were recited.)***

6 CHAIRMAN STUTO: All opposed?

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

8 CHAIRMAN STUTO: The ayes have it.

9 MS. BAKNER: Thank you, very much.

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***(Whereas the proceeding concerning the above
entitled matter was concluded at***

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7:19 p.m.)

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1 **CERTIFICATION**

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4 **I, NANCY STRANG-VANDEBOGART, Shorthand**

5 **Reporter, New York State Approved Transcriber**

6 **and Notary Public in and for the State of New**

7 **York, hereby CERTIFY that the record taken by**

8 **me at the time and place noted in the heading**

9 **hereof is a true and accurate transcript of**

10 **same, to the best of my ability and belief.**

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated October 18, 2011**

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