

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 TOWN PLACE SUITES  
6 5 FORTS FERRY ROAD  
7 AMENDMENT TO PREVIOUS SITE PLAN APPROVAL

8 \*\*\*\*\*

9 THE STENOGRAPHIC MINUTES of the above entitled  
10 proceeding BY NANCY STRANG-VANDEBOGART, a shorthand  
11 reporter, commencing on November 22, 2011 at  
12 8:30 p.m. at the Public Operations Center  
13 347 Old Niskayuna Road, Latham, New York 12110

14

15 BOARD MEMBERS:

- 16 PETER STUTO, Chairman
- 17 LOUIS MION
- 18 PAUL ROSANO
- 19 TOM NARDACCI
- 20 TIMOTHY LANE
- 21 MICHAEL SULLIVAN
- 22 ELENDA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

24 Joseph LaCivita, Director, Planning and Economic  
25 Development

James Baglioli, Esq., Benderson Development

Brad Grant, PE, Barton and Loguidice

John Fahey

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1                   CHAIRMAN STUTO: Okay next on the agenda  
2 is Town Place Suites, 5 Forts Ferry Road,  
3 amendment to previous site plan approval. This  
4 is a five-story 111 room hotel with restaurant  
5 and retail presented by Benderson Development.

6                   I'll give Joe a chance to do an  
7 introduction and then we'll move on.

8                   MR. LACIVITA: I know that Benderson is  
9 here tonight. They have a new flag for the  
10 site. It formally received approval under a  
11 Fairfield Inn Suites. Now, it's Town Place  
12 Suites moving forward with the project. The  
13 site has changed a little bit. Ed said it was  
14 125 rooms, and now it's 111 rooms. It's a  
15 change to the footprint.

16                   I think that Mr. James Baglioli will talk  
17 a little bit more about the project.

18                   MR. BAGLIOLI: Good evening. My name is  
19 James Baglioli and I'm an attorney for  
20 Benderson Development.

21                   CHAIRMAN STUTO: Let me clarify one  
22 thing. They already have final site plan  
23 approval on Fairfield.

24                   MR. BAGLIOLI: On April 6, 2010 this  
25 Board approved a final site plan approval.

1 This is the approved site plan. I just want to  
2 walk through it.

3 It has a 8,500 square foot mixed-use  
4 building which is restaurant/retail up front.  
5 It has the Fairfield Hotel in the back which  
6 was 125 rooms, 60 feet high and 17,640 square  
7 feet. It maintained two accesses; a right  
8 in/right out on Forts Ferry and the main full  
9 access was off the shopping center drive that  
10 goes back to Target. It met all the zoning  
11 requirements. It maintained the 35 percent  
12 greenspace. Basically, we changed the flag of  
13 the hotel to the Town Place Suites. The result  
14 is that there is no change to the site plan  
15 except for the relocation of the pool on the  
16 building, which is what is generating us back  
17 to the Board.

18 The front of the site has not changed at  
19 all. The access remains the same. The  
20 landscaping plan remains the same. Site  
21 drainage remains the same. The number of  
22 parking spaces remains the same. The number of  
23 guest rooms in the hotel goes down to 111 from  
24 125. The footprint is reduced from 16,310  
25 square feet and the pool - which with

1           Fairfield is generally located in this area  
2           (Indicating), has been located back to this  
3           area (Indicating). In fact, the rear setback  
4           gets bigger so the building is set further  
5           back.

6                     That's the site change. It all has to do  
7           with relocating the pool.

8                     I did bring in the architectural  
9           rendering. I thought the Board might want to  
10          see it. It's consistent with what the Board  
11          previously approved. It's a mix in materials.  
12          It's brick. It's a four-sided building. It  
13          uses a mix of brick, which is the red, and the  
14          front has peaked roofs. It uses a clapboard  
15          type material on top, which is the gray. It  
16          has a mixture of two different colors of  
17          EFIS. I did bring in material boards for the  
18          Board to see what that was like. It's  
19          consistent with the prior approval and it  
20          really is a minor change for the site. We  
21          would request that the Board allow the change.

22                    CHAIRMAN STUTO: What is the site  
23          condition now?

24                    MR. BAGLIOLI: The site is a vacant  
25          building.

1                   CHAIRMAN STUTO: Which is going to get  
2                   knocked down.

3                   MR. BAGLIOLI: We hope to be under  
4                   construction in March, as soon as the weather  
5                   breaks.

6                   CHAIRMAN STUTO: Are you done?

7                   MR. BAGLIOLI: I'm done.

8                   CHAIRMAN STUTO: Brad?

9                   MR. GRANT: Basically our review was to  
10                  see if there was any substantial changes.  
11                  There really isn't, associated with the  
12                  building itself. It's a smaller footprint.  
13                  There is an additional story, but the height  
14                  breakdown of the stories is different than the  
15                  Fairfield. It's the same 60 foot that it  
16                  always was. There would be an additional  
17                  story.

18                  CHAIRMAN STUTO: How can that be? It has  
19                  less height?

20                  MR. BAGLIOLI: I can actually provide the  
21                  Board copies of it so that you can have it as  
22                  I walk through this.

23                  MR. GRANT: That's the base question is:  
24                  How can you have an extra story and still have  
25                  the same height?

1                   CHAIRMAN STUTO: The roof is going to be  
2 larger?

3                   MR. BAGLIOLI: Yes. Basically, the  
4 difference in the hotel is that these are  
5 suite type rooms and the rooms are a little  
6 larger.

7                   If you look the way that the stories  
8 broke down, both hotels are 60 feet. With  
9 Fairfield, the first story is 12 feet, two  
10 inches and with the Town Place it's 12 feet,  
11 four inches. On the second floor with  
12 Fairfield you have nine feet, eight inches and  
13 on the second and third floor of the Town  
14 Place you have nine feet. So, you pick up 16  
15 inches right there. On the fourth floor you  
16 have eight feet, seven and a half inches. On  
17 the Fairfield on the fourth floor you have  
18 nine feet. The big difference is the fifth  
19 floor - from the roof to the peak where the  
20 Fairfield is 19.10; that got split between the  
21 fifth and the roof of the peak for the gable.  
22 So, it ends up being exactly the same size.  
23 It's just the way that the ceilings are broken  
24 up and the distance to the peak. There has  
25 been no change in the height of the hotel. I

1 had our architect do it and then I checked it.  
2 I added it up myself.

3 CHAIRMAN STUTO: The big change is the  
4 peak.

5 MR. BAGLIOLI: Yes.

6 CHAIRMAN STUTO: You've added a floor in  
7 there.

8 MR. BAGLIOLI: That's correct.

9 CHAIRMAN STUTO: From the roof to the  
10 peak of the gable has shrunk down a lot.

11 MR. BAGLIOLI: That's correct.

12 CHAIRMAN STUTO: Does each room have more  
13 square footage?

14 MR. BAGLIOLI: Each room is a little bit  
15 larger than the Fairfield.

16 CHAIRMAN STUTO: Does that change any of  
17 your analysis for parking, or for how many  
18 people are going to be in the rooms?

19 MR. GRANT: Actually, it makes it better.

20 MR. BAGLIOLI: It's not more people.

21 CHAIRMAN STUTO: Is it more like suites  
22 rather than single rooms?

23 MR. BAGLIOLI: These are extended stay  
24 hotels; people that may be in town for a week  
25 if you're at a conference. Generally for the

1 same amount of people staying at the hotel,  
2 they're just staying for a longer time. The  
3 rooms are larger. They have a small  
4 kitchenette. They have a larger bedroom and  
5 sometimes a sitting area. So, the number of  
6 rooms have gone down. There are the same  
7 number of people and the parking ratio has  
8 actually improved. We don't need any  
9 variances.

10 CHAIRMAN STUTO: Do you want to go  
11 through your comments, Brad?

12 MR. GRANT: Sure. Basically, my review  
13 was centered pretty much on where the existing  
14 building is. They're still within the  
15 footprint and it's a smaller footprint. There  
16 is less overall impervious area. It's very  
17 similar.

18 CHAIRMAN STUTO: How about the  
19 architectural?

20 MR. GRANT: I believe that it's very  
21 similar to what Fairfield was looking at. It's  
22 substantially similar.

23 CHAIRMAN STUTO: There is some brick and  
24 some vinyl - did I hear you say that?

25 MR. GRANT: The vinyl is the gray.



1           CHAIRMAN STUTO: I just don't want to  
2 miss anything.

3           MR. BOGLIOLI: It's clapboard siding  
4 that's made out of vinyl. It's the areas that  
5 are gray. It's the same material. The  
6 Fairfield was brick and EFIS, which is the two  
7 different colored material.

8           CHAIRMAN STUTO: Is that the actual  
9 material?

10          MR. BOGLIOLI: Yes.

11          CHAIRMAN STUTO: Maybe you could start at  
12 the end of the Board, so everyone can see.

13                 Were the neighbors notified on this?

14          MR. BOGLIOLI: Yes, they were.

15          MR. GRANT: There were discussions with  
16 Joe in that their approval came with  
17 mitigation fees. There would be mitigation  
18 fees here also. They would be slightly  
19 different.

20          MR. LANE: How would it be different?

21          MR. LACIVITA: It's based on the trip  
22 generation. It's a number generated by CDTC.

23          MR. AUSTIN: Joe, is there any concern  
24 about the restaurant component being there?  
25 There are a number of restaurants already in

1 that general area. There is Tuesdays and  
2 Friendly's. Is that too crowded in there or is  
3 that something that is specific to this  
4 particular motel?

5 MR. LACIVITA: I'll let James speak to  
6 that. The restaurant component was approved  
7 prior to this. This lends itself, having the  
8 hotel there, that you're going to have some of  
9 that use. The fact that it's connected to  
10 either Forts Ferry or that loop road in that  
11 area - traffic shouldn't be an issue.

12 MR. BAGLIOLI: If I may, we won't be  
13 building that building until we have some  
14 tenants. Basically, the restaurant for this  
15 area was only about 2,200 square feet. We were  
16 only looking at a smaller type use and not a  
17 Carrabas, or any large use at this point. I'm  
18 not saying that we won't be back before the  
19 Board, given if there is interest. We will be  
20 back here if there are changes in the  
21 restaurant. That is what we proposed in 2009.  
22 That's the intent.

23 CHAIRMAN STUTO: Anything else, Brad?

24 MR. GRANT: No.

25 CHAIRMAN STUTO: Any more questions or

1 comments from the Board?

2 MS. VAIDA: I think that just for the  
3 record and from what I've read, I don't think  
4 that anything would change the prior SEQRA  
5 determination right now. Just for our comfort  
6 level, could you just state on the record that  
7 there has been no changes in any facts or  
8 circumstances that would call for another look  
9 at the SEQRA.

10 MR. BAGLIOLI: No, in fact we have  
11 reduced the impacts that have been previously  
12 analyzed by this Board for SEQRA. There has  
13 been no change in the facts.

14 CHAIRMAN STUTO: Okay, any members of the  
15 public like to be heard on this?

16 MR. FAHEY: First of all, I have a  
17 housekeeping question. Last Tuesday I saw the  
18 pink signs go up. It said that this was a  
19 public hearing. This is the first that I've  
20 heard about this with the signs. The agenda  
21 Thursday afternoon was posted, but there was  
22 no other notification to the public.

23 MR. BAGLIOLI: We mailed to all the  
24 residents and I provided Joe a copy of an  
25 affidavit.

1 MR. FAHEY: I'm talking to the Chairman.

2 I'm talking about the Town's part. There  
3 was nothing on the bulletin board out here and  
4 nothing in the Spotlight. There was nothing on  
5 the Town website. I'm not picking on anybody  
6 doing or not doing their job, but this is the  
7 sign and it says 7:05. Here is what's been on  
8 the PDD site since September. I'm not picking  
9 on them because according to the Town  
10 Attorney, the last public hearing that the  
11 Town had was in March.

12 CHAIRMAN STUTO: It says 7:05 -

13 MR. FAHEY: It said public hearing. I  
14 always thought that you had to specifically  
15 publish it and it had to show up on the PDD.

16 Anyway, back to the project - any Board  
17 Members been down that road to look at the  
18 site?

19 MR. ROSANO: Yes.

20 MR. FAHEY: Recently?

21 MR. ROSANO: Yes.

22 MR. FAHEY: That's a pretty crummy road.  
23 The original approval was for a four-story  
24 building and now you're going to five. I don't  
25 care how high the building is, it's still five

1 stories.

2 The nearest four-story building is less  
3 than half of the footprint which is the NYSUT  
4 building. Community Care Physicians is three  
5 stories. The Super 8 Hotel is three stories. I  
6 think that the Holiday Express is the nearest  
7 building higher than four near this site.

8 My worry is that you're overcrowding this  
9 road. You're going to make it look like an  
10 alleyway. I don't think that a building of  
11 that height fits. It looks more like a tower  
12 or an asylum. Lower and sprawling, perhaps,  
13 yes.

14 I know that this project has been around  
15 for a long time; five and a half years ago is  
16 the first time that there was a hearing on  
17 this. It took them four years to get a  
18 driveway.

19 I would ask you to either keep this thing  
20 at four stories, or go back to ground zero and  
21 start a new one. A lot of stuff has changed in  
22 that corridor.

23 That intersection at Wade and Forts Ferry  
24 continues to be a mess. I've contacted Highway  
25 and the Police Department three times over the

1 past two years about the lights. They always  
2 throw it back to DOT and nobody fights with  
3 them at all. They are not fixed. There is a  
4 lot of gridlock on that road.

5 Quite honestly, the pavement is a mess.  
6 It needs a lot of work. It actually needs to  
7 be widened. There is no room to do that  
8 because -- well you have a nice sewer easement  
9 there I guess that you could use.

10 The one neighbor who adjoins the property  
11 gets very little daylight as it is between the  
12 hotel and those monster trees there. You have  
13 to picture those trees with leaves on them.  
14 Now, you're going to stick a building off to  
15 the east. Those people are going to have moss  
16 growing all over the place by their house.  
17 Tear it down. I really would like to see this  
18 building lower rather than higher.

19 I know that the site needs improvement.  
20 It was a Sealtest plant and a drywall place  
21 and it should have been gone a long time ago.  
22 Honestly, folks, five stories is a bit much  
23 for this area. This is a heck of a precedent  
24 to set up there. Wade Road has some more work  
25 to be done on it. Five stories is five stories

1 and not eight feet seven inches.

2 MR. AUSTIN: I believe that the four  
3 stories versus five stories is the same  
4 height.

5 MR. FAHEY: I said four story or five  
6 story -- the next person who wants to put a  
7 five-story building there, are you going to  
8 restrict them by height because they're  
9 getting creative with their architecture?

10 MR. BAGLIOLI: If I may, the permitted  
11 height is 75 feet for the zoning. So, we're 15  
12 feet below what's allowed here.

13 MR. FAHEY: Community Care - that  
14 building is an abomination. I think that it's  
15 huge. Super 8 is only three stories and that  
16 thing sticks out like a sore thumb. It's  
17 elevated. Think about across the street. I'm  
18 just thinking about the quality of the  
19 neighborhood.

20 CHAIRMAN STUTO: We appreciated the  
21 comment. It's within the height requirement of  
22 the zone. We're not offering any variances or  
23 waivers.

24 Do you have any other comments to make on  
25 that?

1 MR. GRANT: It is 75 feet with the zone.  
2 It's within the requirements.

3 CHAIRMAN STUTO: We can mitigate certain  
4 things, but the Town Board sets the Zoning Law  
5 and says what's permitted.

6 MS. VAIDA: Actually, Peter, the Town  
7 Code, which Joe was kind enough to copy and  
8 put in our packets, talks about site plan  
9 amendments. It basically says that there isn't  
10 a substantial change from the prior approval  
11 and that the amendment that uses the word  
12 shall be approved. So, it's not even really  
13 discretionary, unless you make a finding that  
14 there is a substantial change. It's almost  
15 like an automatic approval.

16 CHAIRMAN STUTO: Okay.

17 MR. BAGLIOLI: In addition to it being  
18 with the height requirement, it meets all the  
19 setback requirements. We're not as close to  
20 the side yards and we have less of an impact  
21 than what the Code allows.

22 As far as height and setback, it's  
23 exactly what this Board has previously  
24 approved. There is no change. Regardless of  
25 what you call stories, there is no change.



1                   CHAIRMAN STUTO: Any Board Members want  
2 to comment?

3                   MR. LANE: In relation to Mr. Fahey's  
4 comment, the condition of the road -- this is  
5 a Town Road?

6                   MR. BAGLIOLI: Absolutely.

7                   MR. LANE: Where would the mitigation  
8 fees -- would they be directed to any  
9 particular area? Could that possibly be Town  
10 road improvements?

11                  MR. LACIVITA: We would have to dive into  
12 where it is and if there is a specific  
13 improvement that deals within this geographic  
14 area. Then, yes, I guess that would be part of  
15 the mitigation use. As you know, with all the  
16 other GEIS issues that we have, they have  
17 improved this. They collect money for these  
18 things and as the project comes in -- maybe  
19 there is a trigger for this based on the  
20 number of rooms that are going in to base on  
21 the specific improvement.

22                  CHAIRMAN STUTO: Do you have any other  
23 questions, Mr. Fahey?

24                  MR. FAHEY: No. Thanks for listening.

25                  CHAIRMAN STUTO: For me, your point is

1 well taken, both with respect to the  
2 narrowness of the road and the aesthetic of  
3 that and what is around it. The hotels have to  
4 go somewhere.

5 The Town Board, in its wisdom, decided  
6 that this was the zone for that height of a  
7 building. It's near the highway and so forth.  
8 Given the fact that we already have final  
9 approval, I'm inclined to approve the change.  
10 That's my feeling.

11 Anybody else in the public want to speak  
12 on this project?

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

14 CHAIRMAN STUTO: Any other comments  
15 before we entertain a motion?

16 MR. LANE: Do we need to make a finding  
17 for a change like this? Does that need to be  
18 done by a motion as well?

19 CHAIRMAN STUTO: Yes, we can incorporate  
20 it into the motion.

21 Do you think that's a necessary  
22 prerequisite?

23 MS. VAIDA: Yes.

24 CHAIRMAN STUTO: Can you read that  
25 section again?

1 MS. VAIDA: It's right in your packages  
2 under site plan permits and it says:

3 "Site plan may be amended by filing an  
4 application with the Planning Board for a site  
5 plan and prior to the completion of the  
6 development authorized under the approved site  
7 plan.

8 1. The Planning Board finds that such  
9 proposed amendment is consistent with the  
10 terms of any applicable special use permit  
11 approval, or if no special use permit is  
12 required and does not represent a substantial  
13 change from the approved site plan, the  
14 amendment shall be approved."

15 CHAIRMAN STUTO: Is there a number two,  
16 or no?

17 MS. VAIDA: Two talks about:

18 "The proposed amendment consistent with  
19 the terms of the applicable use permit, or if  
20 none is required but is a substantial change  
21 from the site plan, it shall follow the  
22 procedures in the site plan approval contained  
23 above.

24 3. If the Planning Board determines that  
25 the proposed amendment is fully consistent

1 with the terms of any special use permit  
2 approval, it shall consider the application to  
3 be -"

4 CHAIRMAN STUTO: But that doesn't apply  
5 to us.

6 MS. VAIDA: Right.

7 CHAIRMAN STUTO: So, it's either one or  
8 two; there is either no substantial change and  
9 we approve it, or there is a substantial  
10 change and we follow the final site plan  
11 approval.

12 MS. VAIDA: Yes.

13 MR. LACIVITA: I think to Elena's point  
14 there, when you look at the letter provided by  
15 Brad, one specifically says:

16 "The plans, the SWPPP and details for the  
17 new hotel are substantially the same as  
18 previously approved in 2009. The impervious  
19 area of the building footprint are slightly  
20 less than the previously approved -"

21 CHAIRMAN STUTO: So, if we agree with  
22 that?

23 MR. LACIVITA: Yes.

24 CHAIRMAN STUTO: So, a motion to approve  
25 this under that section of having not been

1 substantially changed.

2 MR. LANE: I will make a motion that we  
3 make no substantial change under 190.56L.

4 CHAIRMAN STUTO: With the conditions in  
5 compliance with the Board and all the other  
6 conditions that have been previously approved,  
7 the conditions in the Barton and Loguidice  
8 September 15<sup>th</sup> letter and the PDD summary  
9 recommendation and any other departmental  
10 comments.

11 So, with those conditions, Tim, you're  
12 moving it?

13 MR. LANE: Yes.

14 CHAIRMAN STUTO: Second?

15 MR. MION: Second.

16 CHAIRMAN STUTO: All those in favor?

17 ***(Ayes were recited.)***

18 CHAIRMAN STUTO: All those opposed?

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

20 CHAIRMAN STUTO: The ayes have it.

21 MR. BAGLIOLI: Thank you, very much.

22

23 ***(Whereas the proceeding concerning the above***

24 ***entitled matter was adjourned at***

25 ***8:57 p.m.)***

**CERTIFICATION**

1  
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3  
4            **I, NANCY STRANG-VANDEBOGART, Shorthand**  
5            **reporter, and Notary Public in and for the**  
6            **State of New York, hereby CERTIFY that the**  
7            **record taken by me at the time and place**  
8            **noted in the heading hereof is a true and**  
9            **accurate transcript of same, to the best of**  
10           **my ability and belief.**

11  
12  
13  
14 -----  
15            **NANCY STRANG-VANDEBOGART**

16  
17  
18            **Dated December 17, 2011**

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24  
25  
**Legal Transcription**

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