

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 STAYBRIDGE SUITES

5 39 WOLF ROAD

6 SKETCH PLAN REVIEW

7 *****

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9 THE STENOGRAPHIC MINUTES of the above entitled
10 matter by NANCY STRANG-VANDEBOGART, a Shorthand
11 Reporter, commencing on October 9, 2012 at 7:25 p.m.
12 at The Public Operations Center, 347 Old Niskayuna
13 Road, Latham, New York

12 BOARD MEMBERS:

- 13 PETER STUTO, CHAIRMAN
- 14 TIMOTHY LANE
- 15 LOU MION
- 16 MICHAEL SULLIVAN
- 17 KATHY DALTON
- 18 KAREN GOMEZ
- 19 BRIAN AUSTIN

18 ALSO PRESENT:

19 Elena Vaida, Esq., Counsel to the Planning Board

21 Joe Grasso, PE, Barton and Loguidice

22 David Wyler, Turf Hotels

23 Bill Ryan, Esq.

24 Brian Stoddard, Turf Hotels

25

1 CHAIRMAN STUTO: Next item on the agenda is
2 Staybridge Suites, 39 Wolf Road, sketch plan
3 review. This is a seven-story, 115 room hotel.
4 This is presented by Turf Hotels.

5 Joe, do you want to give us an introduction on this
6 one?

7 On the previous matter we do have a letter in the
8 file.

9 MR. LACIVITA: Yes, we do and we'll make that
10 part of the record.

11 Now that the room is a little bit more settled
12 down, Staybridge Suites is before us this evening as
13 a sketch plan review. It's a seven-story, 115 room
14 hotel. It's come to us via DCC on September 12th.
15 It's in the HCOR district.

16 We have Bill Ryan here this evening that will
17 present on behalf of the developers.

18 This project also has a couple of nuances with it
19 with the incentive zoning or new law that was passed
20 by the Town Board. That's to offset some of the
21 greenspace that would be lost in the course of this
22 project being constructed. You may know this as the
23 Macy's reserve parcel. It's part of the slip road
24 of the current Colonie Center. The project is going
25 to be built on that four-acre parcel, but there will

1 be off-site amenities that the developer has been
2 working with the Town of Colonie and they will have
3 some other items that we will potentially accept and
4 we'll make recommendations on. I'll leave that for
5 Mr. Ryan to discuss through the course of his
6 presentation.

7 CHAIRMAN STUTO: Mr. Ryan, can I ask you to
8 start with something, like i did with Victor?
9 Sometimes we need an education. THis new incentive
10 zoning that got passed by the town board - could
11 you give us your understanding of that and how it
12 plays into this, as an introduction?

13 MR. RYAN: My understanding is that the Local
14 Law that was adopted a couple of weeks ago allows
15 the Town Board's discretion as opposed to dealing
16 with an exact formula on accepting applications for
17 incentive zoning. In this particular case, that is
18 what we have done after many months of negotiation
19 with the Town Supervisor and the Town Attorney's
20 office.

21 In your packet, you'll see a letter that I drafted
22 in June of 2012 that deals with this particular
23 issue.

24 Would you like me to go into it, Mr. Stuto?

25 CHAIRMAN STUTO: At the appropriate time. If

1 I can sum it up, in other words, instead of just
2 giving us cash for less greenspace, you're allowed
3 more flexibility to do certain things for the Town.

4 MR. RYAN: That is correct, sir and that's
5 what we're doing.

6 CHAIRMAN STUTO: What role do we play, as a
7 Planning Board?

8 MR. RYAN: Your role, as I understand it, is
9 to one, recommend to the Town Board your approval
10 of our sketch so that we can go back to the Town
11 Board and have this application approved.

12 CHAIRMAN STUTO: At what point is that? At
13 concept, do you mean?

14 MR. RYAN: Right now.

15 CHAIRMAN STUTO: We're not taking a vote
16 tonight, are we, Joe?

17 MR. LACIVITA: No. What they're doing is they
18 are going to be before us again with the concept
19 acceptance. What we are looking for is we're going
20 to have a discussion of the amenities that the
21 Planning Board will have to make recommendation to.
22 We can bring the recommendation component back just
23 specifically for that to make offering to the Gown
24 Board to act and allow this project to move
25 forward.

5

1 CHAIRMAN STUTO: At what point are we supposed
2 to do that?

3 MR. LACIVITA: At any point that we desire
4 through the project. As the developer is
5 developing his concept packet, you can submit that
6 at any point in time. The Resolution specifically
7 gives the Planning Board the capability to review
8 the incentives or the amenities on behalf of the
9 developer that the Town Board would accept, and
10 then we'd have to bring it back to the Town Board
11 in order to adopt and accept. We'll make a
12 recommendation one way or another.

13 CHAIRMAN STUTO: Elena, have you looked at
14 this?

15 MS. VAIDA: I looked at it briefly and I was a
16 little puzzled on the procedure.

17 CHAIRMAN STUTO: Okay, I don't think that
18 we're expecting to take a vote tonight. We may
19 have discussions but sketch plan -- that's for a
20 couple of reasons. First, the public hasn't been
21 notified yet - the resident neighbors. We like to
22 hear what the public has to say before we take any
23 votes. That's been our mode of operation. That's
24 probably where we are, unless our counsel or
25 somebody else can tell me totally different.

6

1 MR. RYAN: What about sketch plan approval?

2 CHAIRMAN STUTO: There is no vote on sketch
3 plan.

4 MR. LACIVITA: There is no vote on sketch plan
5 but we need to bring you back. Again, it depends
6 on how we do this because the Resolution that was
7 offered and the amenities - the zoning does not
8 specifically spell out how we adopt the amenities.
9 We have to make a favorable recommendation back to
10 the Town Board yea or nay as to what is being
11 offered. So, we have to put that into the process.
12 We have to develop that process.

13 CHAIRMAN STUTO: I don't even think that the
14 word sketch plan is in our Land Use Law. This is
15 the first time that we've seen this new incentive
16 zoning. So, I'm very reluctant to take a vote.

17 MR. RYAN: Understood.

18 CHAIRMAN STUTO: You'll get feedback from us
19 and we'll communicate afterwards with the
20 appropriate Town Officials.

21 MR. RYAN: Okay. Did I answer your questions
22 on the incentive zoning?

23 CHAIRMAN STUTO: Yes, but I'm still not clear
24 on it. We'll move on from it.

25 MR. RYAN: Is that because of my explanation?

7

1 CHAIRMAN STUTO: No. I think that we
2 understand the substance of it. Rather than just
3 paying a fee for less greenspace, there are certain
4 things that you create with the Town.

5 MS. VAIDA: That's not really accurate. The
6 current Land Use Law has a section right now which
7 is a section in a Resolution that purports to
8 amend. It's Subdivision E of 190.27. Section
9 190.27 is entitled "Incentive Zoning" and it goes
10 through the current objectives, the authority of
11 the Planning Board to use incentive zoning to
12 further the Town objectives and then it lists
13 different Town objectives. It says that it's
14 applicable to just about all of the zones in the
15 Town. It has incentive standards set forth under D
16 and then E is entitled "Amenities." That is the
17 only section that I see that has been amended. The
18 first amenity is A and it's permanent conservation
19 easement which looks like the same -- it doesn't
20 look like anything has changed.

21 CHAIRMAN STUTO: But it's off-site.
22 This allows off-site, right Joe?

23 MR. LACIVITA: Yes.

24 MS. VAIDA: I don't really see that
25 difference. I think that it's always been allowed

1 off-site, actually. The only thing that is
2 different is D, which says any other amenity and it
3 just says in the sole discretion of the Town Board
4 including donation of materials, services or both.
5 That section is the only thing that is different.

6 CHAIRMAN STUTO: That may permit the various
7 things that are being offered.

8 MR. RYAN: That's what I was referring to in
9 response to your additional inquiry.

10 CHAIRMAN STUTO: Why don't you go forward with
11 your presentation and then we'll try to wrap it all
12 up at the end.

13 MR. RYAN: Okay, I'm just going to tell you
14 what we're going to do in terms of the zone. Mr.
15 Stoddard from Turf Hotels will give a presentation
16 about what the project entails.

17 CHAIRMAN STUTO: Sounds good.

18 MR. RYAN: On the incentive zoning, Mr. Stuto,
19 what Turf Hotels is willing to do and what we have
20 agreed to - as I understand it, the Town has also
21 agreed to do this too --

22 CHAIRMAN STUTO: This is in your letter, if
23 everybody wants to follow it.

24 MR. RYAN: That's correct. A family member

25 owns 118 acres of unapproved real property across

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1 the street from the entrance to CBA. That will be
2 encumbered with the conservation easement.

3 The second point that we're willing to do is
4 construct a men's and ladies' room on the bike path
5 at the western part of the Ttown near where the Pure
6 Waters Department has a plant. Also, we're going to
7 construct a men's and ladies' room on the golf
8 course, specifically at the sixth tee and the fourth
9 tee of the green course and the sixth tee of the
10 white course.

11 Then, we're going to purchase 10 picnic tables to
12 be placed near the bike path and the bathrooms that
13 were going to be constructed.

14 Again, that's in my letter of June 20, 2012 and
15 there was a confirming e-mail from Mr. Magguilli on
16 the 25th.

17 Brian Stoddard from Turf Hotels is going to give a
18 brief presentation on what we are proposing at the
19 reserve parcel.

20 MR. STODDARD: Good evening everyone. As you
21 were saying, it is very confusing. If you can just
22 imagine us on the hotel side, we're just a hotel
23 family. We're confused, as well, and we're trying
24 to figure out what it is that we need to do on our

25 end to just continue to make this process go

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1 forward. We're hoping that the incentive zoning's
2 items that have come up - we thought - hopefully,
3 that has been agreed to. We'll put that piece of
4 incentive zoning to bed.

5 What we are looking to do is build a Staybridge
6 Suites Hotel. It's an extended stay hotel. It's
7 115 units. It's seven stories high.

8 Six years ago we built the Homewood Suites on Wolf
9 Road. We've owned and managed that hotel for the
10 past six years. That hotel does over 90 percent
11 occupancy for the year. As a hotel family, we know
12 that if you're doing 90 percent occupancy, it's time
13 to build another hotel. For us, the extended stay
14 hotel is a great concept because it's more like an
15 apartment than a regular hotel, because guests are
16 staying at that hotel for on average, five nights or
17 more and that's what identifies an extended stay
18 hotel. We currently, at our Homewood, have
19 somebody who has been there for over 500 nights. We
20 have a few people who are there for over 200 nights.
21 We have a few dozen people there for over 100
22 nights. The guests that are looking at an extended
23 stay hotel are guests that are associated with high-

24 end companies and executives who are coming into an
25 area and not looking to go find an apartment because

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1 they might not be in the area for a year or longer,
2 even though we have somebody for 500 plus nights.
3 They're looking for someone who when they leave,
4 they make their beds, they take their trash and
5 clean their room. When they come back, it's clean.
6 In the morning, we do breakfast for just our guests
7 and Monday through Thursday we'll do a light snack
8 in the evening for just our guests. It's not for
9 outside people coming into the hotel. Our guests,
10 when they come in at night, we see them. In the
11 morning they get up and they leave. It's funny,
12 when we go to our Homewood, if you're there in the
13 middle of the day, it's as quiet as can be and we're
14 doing 90 plus percent. Our guests are out working.

15 We know that this will be a very good benefit to
16 the Town of Colonie. We know that the mall - Sears
17 and Macy's - they're sort of dying to have this sort
18 of captive group who is going to be staying and
19 living in this hotel right next to them that's going
20 to come and shop and go through the various
21 restaurants as well.

22 So, I think that some of the things that we were
23 trying to come away with this is really, what are

24 the next steps that we need to do? Again, we're
25 ready to move forward. We think that we have a lot

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1 of support in the Town to get this project going and
2 we think that one of the things that we're looking
3 for is how do we get the favorable - as Joe said -
4 recommendation to the Town Board for our open
5 development, and just keep going in the process. .

6 Peter, we have another sketch of the layout which I
7 believe everybody also has.

8 CHAIRMAN STUTO: Does someone want to describe
9 what you're proposing in terms of the layout and
10 the site plan and so forth?

11 MR. STODDARD: In terms of easements?

12 CHAIRMAN STUTO: Just to put your mind at
13 ease, this new incentive with the trade for things
14 with the Town is a new wrinkle for us. Sketch plan
15 for us is what we call a look/see where you get to
16 come and informally make a presentation and we can
17 ask questions. We'll even give you feedback and
18 give you whatever level of - maybe comfort or
19 discomfort, as the case may be. That's what sketch
20 plan is to us, okay? I think that you'll find that
21 we're a good Board to deal with. I think that
22 you'll find that our Town Designated Engineer, if

23 you provide what they need, you'll get expeditious
24 treatment from us. We'll give you feedback on the
25 project, per se.

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1 With respect to the incentive, if the Town is happy
2 with it, I'm going to venture to guess that we'll be
3 happy with the incentive. I'm not sure what you're
4 trading away, though. In other words, what is the
5 benefit that you're getting that you're trading
6 these amenities to the Town? Is it less greenspace?

7 MR. RYAN: If I can answer that?

8 The issue there, Mr. Stuto, is that when we first
9 approached the Town, that entire parcel being
10 defined as Sears, Macy's and Colonie Center was
11 already less than 35 percent greenspace. This
12 reserve parcel is part of that original site where
13 all those stores sit. So, automatically, we're less
14 than 35 percent, considerably. What we're proposing
15 is that we will have 35 percent greenspace, but
16 because the entire parcel is less than the 35
17 percent, that required the incentive zoning to kick
18 in and that's what we are trading for.

19 MR. LACIVITA: That's exactly it. It's a
20 reduction in the overall site.

21 CHAIRMAN STUTO: Do you want to make an
22 argument of why this is a good spot to do that?

23 MR. RYAN: An argument for what? To build a
24 hotel?

25 CHAIRMAN STUTO: To build on what was set

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1 aside as greenspace for Sears and Macy's.

2 MR. RYAN: First of all, it lies fallow, and
3 when we're done it would look a lot better.

4 CHAIRMAN STUTO: And you're going to have the
5 conservation easement.

6 MR. RYAN: We're going to have a conservation
7 easement for 118 acres, just to the west of that
8 off of Sand Creek Road.

9 CHAIRMAN STUTO: How many acres is this?

10 MR. RYAN: That's 3.97.

11 CHAIRMAN STUTO: So, you're preserving a ton
12 of greenspace.

13 MR. RYAN: We're preserving a ton of
14 greenspace on what we're building and we're also
15 creating a ton of greenspace -

16 CHAIRMAN STUTO: And it's an appropriate space
17 for the hotel.

18 MR. RYAN: And the people who are there - as
19 Mr. Stoddard just said, could walk to Sears and to
20 Macy's and to the mall shops at Colonie Center, or
21 any location on Wolf Road. I think that the

22 exchange on the incentive zoning is fair.

23 CHAIRMAN STUTO: What store are you behind on
24 Wolf Road?

25 MR. RYAN: Trader Joe's.

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1 MR. LANE: Will the parking be on your side or
2 are you sharing the parking?

3 MR. STODDARD: The hotel will be.
4 Self-contained on our site. Our parking and
5 everything that is associated with the hotel -- the
6 site is 3.97 acres. The hotel is only 3.1. So, we
7 will have on the entire parcel 35 percent
8 greenspace. We've carved out a small parking lot
9 that is in back of Trader Joe's because we recognize
10 - and we think that many do - that Trader Joe's has
11 a parking issue and we could, if that were to
12 work -- and I think that's all in your packet - if
13 they would be interested, offer some parking so that
14 you're not backing up on Wolf Road. We don't know
15 if that will go anywhere, but that's why we wanted
16 to make sure we put it out there so that you would
17 see it and if you didn't see it and came in later
18 and said, what is this? Trader Joe's hasn't agreed
19 to that. We've reached out to them. They're
20 talking on their end. That's where we are.

21 MR. SULLIVAN: How many parking spaces are you

22 providing, not counting the future parking spaces?

23 MR. STODDARD: For the hotel, 133.

24 MR. SULLIVAN: I was trying to count out. It
25 seems like you have some numbers written along the

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1 curbing - along the perimeter - and I only counted
2 96. You're confident that you could provide 133?

3 MR. STODDARD: Absolutely.

4 MR. STODDARD: There would be access from Wolf
5 Road and from Sand Creek.

6 CHAIRMAN STUTO: Are you going to be asking
7 for anymore waivers?

8 MR. STODDARD: We haven't asked for any
9 waivers. We're not looking for any waivers.

10 CHAIRMAN STUTO: We're a back and forth Board.
11 We're just trying to learn the project. We're not
12 trying to pull tricks on anybody.

13 You don't foresee asking for any other waivers? .

14 I'm trying to get a feel for the project. It's a
15 seven-story hotel. I now have a full appreciation
16 for the spot where it is.

17 MR. STODDARD: It's seven stories and open
18 development. We're not looking for any waivers.

19 MR. RYAN: Other than the incentive zoning.

20 CHAIRMAN STUTO: Would you like to say

21 anything, Joe?

22 MR. GRASSO: I'd like to add some questions
23 that may spur more dialogue.

24 The open development area - my understanding is
25 that actually this is just going to be four acres.

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1 It's not going to be on the whole Colonie Center
2 parcel. The ODA gets approved on just the four
3 acres. That open development area then trumps the
4 underlying zoning in terms of both lot requirements.
5 So, the things that you would normally see waivers
6 from no longer exist because parking in the front
7 yard - well, there is no front yard here because
8 this is a lot with no public frontage and no
9 designated front yard. That's at least a
10 preliminary classification from the Building
11 Department and the Town Attorney. That's something
12 that they'll have to clarify for us - that waivers
13 will not be applicable once that ODA gets approved.
14 Under the incentive zoning, I don't know the size of
15 the building. Do you know what the square footage
16 is?

17 MR. RYAN: It's 94,000.

18 MR. GRASSO: Then you're good because under
19 the incentive zoning standards - which Elena had
20 spoke to which comes before the amenities - there

21 are two criteria that you're allowed to apply
22 incentive zoning. The commercial density can't
23 exceed 24,000 square feet per acre. Residential
24 density - although I don't think that it's
25 classified as residential, you can't exceed eight

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1 dwelling units per acre. So, the Planning Board
2 needs to weigh-in on that. If it applies to
3 commercial, whatever 24,000 square feet times 3.97
4 - I think that you're going to be right at 94,000.
5 So, they should clarify that as part of the concept
6 submission, so that we can go through and make sure
7 that criteria is met.

8 As we look at the incentive zoning, I think that
9 it's important that they include some information on
10 the 118 acres that is proposed for conservation
11 easement so that the Planning Board can understand
12 where it is, the development potential of it, how
13 it's zoned and is it visible from the public right
14 of way? Just so that the Planning Board can
15 understand and factor that into its record so that
16 the Town Board has that to rely on.

17 MR. RYAN: Specifically, that land is located
18 on the south side of Sand Creek Road, just east of
19 Watervliet Shaker Road.

20 MR. GRASSO: It's west of Sand Creek, south of
21 Watervliet-Shaker, I believe.

22 MR. RYAN: And can it be developed? The
23 answer is that first of all, my understanding is
24 that it's zoned residential and can be developed at
25 a great expense and we have no intension of

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1 developing it because its burdened. I use the term
2 burdened loosely with wetlands. Also, the easement
3 encumbering that property already provides water to
4 the City of Watervliet. You may be familiar with
5 the area.

6 CHAIRMAN STUTO: The Funeral Directors
7 Association is building a building on the CBA site.
8 Everybody here has reviewed that.

9 MR. RYAN: So, that's the land.

10 CHAIRMAN STUTO: We had to deal with that
11 easement from the City of Watervliet.

12 MR. RYAN: The land abuts up against
13 residential neighborhoods in the Village of
14 Colonie. So, there is no intent here to further
15 develop this parcel because it's wet. Frankly,
16 we'd rather build a hotel.

17 CHAIRMAN STUTO: We don't have a lot of data,
18 and our engineer hasn't reviewed that parcel.

19 MR. GRASSO: We have not, and it's important

20 to understood that the Town Board has already
21 deemed that these provisions are acceptable to the
22 Ttown Board. I think that it's important that the
23 Planning Board get additional information in the
24 file.

25 We're supportive anytime there are cross-access

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1 arrangements; especially within the Wolf Road
2 corridor. It's probably the most important area of
3 the Town for those provisions. So, we support their
4 pursuit of a possible cross-parking arrangement with
5 Trader Joe's. If they could try to open up that
6 dialogue before the Planning Board has to make some
7 decisions on the project, moving forward, it would
8 help.

9 In terms of the building orientation, I think
10 that the building right now is oriented towards
11 Macy's, as opposed to the inbound lane of the road
12 coming off of Sand Creek.

13 Would it fit the other way, or would it only fit in
14 this building orientation?

15 MR. STODDARD: One thing that the architect
16 had to take into consideration is that there is a
17 storm drain that cuts across the property. That's
18 one of the reasons why it's off-set onto the right.

19 MR. GRASSO: It's something that the Planning
20 Board might want to consider, if you have a feeling
21 one way or the other.

22 In terms of the access arrangements, right now they
23 show two points of access. One off the road that
24 comes in off of Sand Cree,k, and then another one
25 that comes across from the parking lot. If the

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1 entrance off of Sand Creek Road was developed, it
2 might be a better presentation of the building if
3 the front of the building was facing that location.
4 We think that would be the dominate entrance. If
5 for some reason we didn't support that access point
6 because of either circulation problems or sight
7 distance constraints and if we were limited to an
8 access point facing the side of Macy's, we think
9 that the building orientation would be better the
10 way that it's shown here.

11 MR. WYLER: My name is David Wyler and I'm
12 with Turf Hotels. We spoke about which way to turn
13 it quite a bit in the beginning. We feel that it's
14 better presented this way because most of the
15 arriving guests will be coming off of Wolf Road for
16 their first time visit. The proposed address is 39
17 Wolf Road. So, most people will be coming in this
18 way. They'll be coming in the entrance over by

19 Macy's where there is a traffic light that
20 regulates the traffic. We thought that when they
21 turned in there, we needed to present the hotel to
22 the people as they're arriving; not to the side. I
23 do think that our people will somewhat use that to
24 go in and out - people that live here, but first
25 time visitors will be coming to the 39 Wolf Road

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1 address, s, and coming in from over there
2 (Indicating).

3 MR. GRASSO: That's a good explanation and we
4 think that those are important points to consider.
5 As they develop their main access coming across
6 from the parking lots, we need to look at how all
7 of those parking rows come out because they have
8 islands on the end and we want to make sure that we
9 don't have conflicting turning movements there.
10 So, we may need to do some island work on the other
11 side.

12 In terms of the height of the building, do you know
13 what the max height is?

14 MR. STODDARD: Once it goes into open
15 development - at our DCC meeting they said there is
16 no max height. We're looking to be about 75 or 78
17 feet.

18 MR. GRASSO: And we can look at whether or not
19 this building would be visible from off-site areas.

20 MS. DALTON: What is the next highest building
21 on Wolf Road with regard to your neighbors?

22 MR. STODDARD: The Marriott is eight stories.
23 There is the NBT bank that is fairly tall. Colonie
24 Center itself may only have three stories, but
25 they're pretty deep stories. This isn't going to

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1 be a building that's going to tower over all
2 others.

3 MR. AUSTIN: Is there going to be signage on
4 top of the building?

5 MR. STODDARD: We don't know. We have to have
6 that conversation about signage on the road and on
7 the building. We haven't gotten there yet. We've
8 been trying to get here.

9 MR. GRASSO: The Colonie Towers are just to
10 the east of this. I don't know how tall those are.

11 CHAIRMAN STUTO: Probably about five stories.

12 MR. LACIVITA: This building is also impacted
13 with the fact that there is a great difference,
14 too. Is there a difference in the floor height
15 before you're at the Wolf Road grade? Is there
16 anything below grade, do you know?

17 MR. STODDARD: I wouldn't think too much.

18 MR. LACIVITA: I think that you're talking a
19 floor and a half is going to be below until you get
20 to that Wolf Road location, right?

21 MR. GARY: I guess I don't have any
22 information to determine that. Obviously, it comes
23 up to Trader Joe's; not a lot but maybe five feet.
24 We'll probably fill this site a little bit because
25 there was a hole there. It will be about a foot or

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1 two below Trader Joe's height so we'll probably be
2 about three feet higher than Wolf Road, but nothing
3 significant.

4 MR. GRASSO: Lastly, projects of this type
5 generally don't have significant traffic impacts
6 associated with them because they don't have peaks
7 during commuter times. The site is obviously in
8 the airport area GEIS, so it's going to be subject
9 to the mitigation fees of that area.

10 There was a DCC meeting with all the Town
11 Departments on September 12th and there don't seem
12 to be any significant issues that would stop the
13 project from moving forward. That's where we're at.

14 CHAIRMAN STUTO: Anybody have any questions?

15 MR. AUSTIN: Mr. Stoddard, you mentioned about
16 traffic from the hotels to the mall, and cutting

17 across the very large parking lot. Can you try to
18 figure out a way to make that safe so that the
19 pedestrians aren't in danger there? I'm not sure
20 what that would be.

21 MR. STODDARD: Good point. Part of our DCC
22 meeting was talking about putting in a sidewalk
23 access.

24 CHAIRMAN STUTO: We're not going to take a
25 vote today on the incentives that are offered.

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1 I'll just express my opinion that if that's a
2 transaction or trade that the Town wants, I'm not
3 going to stand in the way of that - if they think
4 that's a fair exchange for the betterment of the
5 Town.

6 MR. AUSTIN: Is there a list of potential
7 incentives? I have a list here, but is there an
8 on-going one that we have in the Town?

9 CHAIRMAN STUTO: In the Land Use Law - A,B and
10 E; conservation easements, open space and so forth,
11 permanent protection of land and cash according to
12 the unit schedule. I think that D is the new
13 section.

14 Is that right, Elena?

15 MS. VAIDA: Yes.

16 CHAIRMAN STUTO: Any other amenity in the sole

17 discretion of the Town Board.

18 MR. AUSTIN: I'm just talking about how they
19 figured on a restroom. If something comes up and
20 they say okay, and they present it to the potential
21 builder and he says, I'll build the restroom, I'll
22 take that one off the list.

23 MR. LACIVITA: No, I don't think that there is
24 an existing list, as you're talking about. I think
25 that there has been several conversations that the

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1 applicants have had with the Town, the Supervisor
2 and the Town Attorney. There are a number of
3 projects that are Town projects that are currently
4 being done. Some of this is also in the capital
5 plan that they may not have funding for. I think
6 that's the way that they come up with some of the
7 items. Typically what the incentive zoning was is
8 when there is a reduction in greenspace, we
9 collected the fee for that reduction for future
10 greenspace to be procured in some other area of the
11 Town. I think that this was one of the ways that
12 he's trying to offset that.

13 MR. RYAN: Mr. Austin, I can amplify that a
14 little bit. When we were in discussions with the
15 Town Attorney and the Supervisor about incentive

16 zoning for this particular project, it was always
17 calculated in terms of Town wide betterment and
18 other benefits that we could provide the Town.
19 This is the list that was presented to which we
20 agreed.

21 CHAIRMAN STUTO: Where does it say that we
22 make a recommendation? That's the part I don't
23 get. It says solely in the discretion of the Town.
24 I think that the Town should be giving us a
25 Resolution saying that they voted on it and found

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1 it to be sufficient.

2 MR. LACIVITA: That was my conversation with
3 the Town Attorney. He said that we had to make a
4 recommendation to the Town Board in order for them
5 to accept.

6 CHAIRMAN STUTO: Elena, Joe and Joe, can you
7 resolve the procedure before they come back?

8 MR. LACIVITA: Sure.

9 MR. RYAN: I'd just like to add one picture to
10 the record on that 118 acres.

11 CHAIRMAN STUTO: Sure, pass it down and we'll
12 all look at it.

13 MR. RYAN: All this is 118 acres. On this
14 dark line all the way around up to Shaker up to
15 Sand Creek. This is Saddlewood Elementary School

16 and this is all the Village of Colonie
17 (Indicating).

18 CHAIRMAN STUTO: I would say to the applicant
19 that it looks like a good project. I haven't seen
20 any major objections being raised. I think that if
21 you read this, it doesn't say that we make a
22 recommendation. We'll clarify that procedure.
23 You're not going to lose any time. I would encourage
24 you to go forward with your concept application, if
25 that's not already in and we look forward to seeing

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1 you again soon.

2 MR. RYAN: Thank you, very much.

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5 (Whereas the proceedings were concluded at.

6 7:24 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand Reporter and
Notary Public in and for the State of New York,
hereby CERTIFY that the record taken 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

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16 Dated October 12, 2012

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