

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 STAYBRIDGE SUITES

5 39 WOLF ROAD

6 SKETCH PLAN REVIEW AND INCENTIVE ZONING

7 DISCUSSION

8 SIX-STORY 113 ROOM HOTEL

9 \*\*\*\*\*

10 THE STENOGRAPHIC MINUTES of the above

11 entitled matter by NANCY STRANG-VANDEBOGART, a

12 Shorthand Reporter, commencing on January 22, 2013

13 at 7:02 p.m. at The Public Operations Center, 347

14 Old Niskayuna Road, Latham, New York

15

16 BOARD MEMBERS:

17 PETER STUTO, CHAIRMAN

18 LOU MION

19 BRIAN AUSTIN

20 KAREN GOMEZ

21 SUSAN MILSTEIN

22 KATHY DALTON

23

24 ALSO PRESENT:

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

Joe LaCivita, Director, Planning and Economic Development

Joe Grasso, PE, Clough Harbour and Associates

Mike Hoffman, Turf Hotels

David Wyler, Turf Hotels

Dan Ryan, Esq.

1                   CHAIRMAN STUTO: Brian has an announcement.

2                   MR. AUSTIN: It's always nice to see people from  
3 the community come out to the Planning Board meetings  
4 that are not involved in the actual programs. We have  
5 two members from the Boy Scouts of America this  
6 evening. They're from Troop 78 and it's Shawn [SIC]  
7 Buchay and Matt [SIC] Buchay. They're here working on  
8 a communications merit badge and they're both freshman  
9 at Shaker High School. Thanks for coming.

10                  CHAIRMAN STUTO: We're also glad to welcome Paul  
11 Rosano who is a former Planning Board Member and now  
12 Town Councilman. Thanks for joining us, Paul. We  
13 always appreciate your support and the support of your  
14 Board.

15                  Any other administrative matters before we  
16 call us the first item?

17                  MR. LACIVITA: No.

18                  CHAIRMAN STUTO: Okay, the first item on the  
19 agenda is Staybridge Suites, 39 Wolf Road. This is for  
20 sketch plan review and incentive zoning discussion.

21                  Do you want to give an introduction?

22                  MR. LACIVITA: Sure, I think that the Board  
23 recognizes this project had a lot of moving parts since  
24 the beginning. It is located on the green parcel of  
25 the Macy's reserve parcel. There are a few - I don't

1 want to say restricting things to the project, but the  
2 moving parts are that given the greenspace in this  
3 area, incentive zoning is a component of the entire  
4 project. We already did the open development last  
5 month and that has gone to the Town Board for adoption.  
6 Today's report is going to be listening to the  
7 developer, Mr. Hoffman and his team as to how they went  
8 through and worked with myself through various meetings  
9 and really tried to put together the incentive package  
10 together and just update us on the project as to where  
11 it sits. That's what we are here for tonight.

12 CHAIRMAN STUTO: Okay, we'll hear from the  
13 applicant first.

14 MR. HOFFMAN: My name is Mike Hoffman and I'm  
15 president of the Turf Hotels. Staybridge Suites is  
16 part of the intercontinental hotel group of hotels.  
17 It's an extended stay hotel and we're hoping to build,  
18 as Mr. LaCivita just said, on the Macy's reserve  
19 parcel. Since we were here last time, we did sketch  
20 plan review. Today we're going to talk about the  
21 sketch plan review and talk about incentive zoning.  
22 We've done a fair amount of work on our end, at least  
23 we think that we have.

24 When we presented last time we talked about  
25 the hotel being a seven-story hotel. A

1           seven-story hotel has a roofline of 70 feet and  
2           1.25 inches, and the top of the hotel would be 87  
3           feet. That's allowed to the current zoning. We  
4           sensed a little bit of a concern about the height  
5           and to be honest we wanted to be six or seven  
6           stories. Hotels need to have some height to them  
7           to be efficient. Six stories to us is just as  
8           good an answer as the seven stories. So, we  
9           changed it. Now, we have a six-story hotel and  
10          now we're making the roofline to be 60 feet 5.25  
11          inches and the total building height would be 78  
12          feet. Again, we sensed a little bit of concern  
13          about building height. Even though it still won't  
14          be as tall as some of the components in Colonie  
15          Center, we knew that we could have a hotel that  
16          would be just as good.

17                 The other change that we made - because  
18                 greenspace is such a concern on this project - all  
19                 of Colonie Center is about 23 or 23.4 percent  
20                 greenspace. It's a 92 acre parcel. Every bit of  
21                 development that this project does, takes away  
22                 greenspace. On the last site - and it's in your  
23                 packet - we had an overflow parking that was  
24                 geared towards Trader Joe's. At that point in  
25                 time, nobody from Trader Joe's had talked to us.

1 As I said before, we sensed that there might be a  
2 parking issue at Trader Joe's and we were just  
3 trying to be proactive and say that we have a  
4 little extra space. There was a dashed line,  
5 meaning possible future development, and we've  
6 taken that off because that can remain as  
7 greenspace if the Board so chooses.

8 Again, I just want to continually say that  
9 I'm a hotel guy. Our whole goal is to build a  
10 beautiful hotel on this site and if that's all  
11 that gets on that site, I'm happy. I don't know  
12 what the situation is at Trader Joe's, but we're  
13 showing future parking and that takes away  
14 approximately 15,000 square feet of pavement.

15 The other thing that we did is we were asked  
16 by Joe Grasso to kind of show what it would look  
17 like if you stood in two different locations. One  
18 is the roundabout on Sand Creek Road and the other  
19 is over by the Colonie Towers. We stood where Joe  
20 wanted us to stand and we took a picture of what  
21 was existing. We took our hotel and we put it on  
22 the building as a six-story building. So, if  
23 you're at the roundabout, you really don't see  
24 much. You can see some of the hotel again, but  
25 you don't see a lot. I think that's the truth.

1                   From the Senior Towers - we were asked what  
2                   would you see if you did it from the first floor.  
3                   If you're on the upper floors of the Colonie  
4                   Towers, you're looking at roofs anyway, so it's a  
5                   little different view. Joe had said, try to do it  
6                   from two different spots. To be honest, we walked  
7                   to the Colonie Towers site and our area that we're  
8                   showing your right now is what we would think  
9                   would be the worse case scenario. If you stand on  
10                  the Colonie Towers and are on the ground floor, in  
11                  most cases you can't even see the hotel. In some  
12                  cases there are trees that are blocking your view  
13                  right off of the Colonie Towers property;  
14                  sometimes it's the salt shed for Colonie Center,  
15                  sometimes it's equipment. There is only one spot  
16                  where there is an opening if you stood on the  
17                  ground floor where you can see the hotel. Again,  
18                  our goal is to build a beautiful looking hotel.  
19                  We're not here so much today to talk about the  
20                  exterior and the color of the selection that we  
21                  pick. We'd like feedback on that, but our goal is  
22                  to build a hotel attractive, to say the least.

23                         Those are the major updates of the sketch  
24                         plan. Certainly, if there were any questions  
25                         about that, I'd be glad to answer them.

1                   CHAIRMAN STUTO: Okay, if you'd like to do it that  
2 way, that's fine.

3                   Joe, do you have anything to say about the  
4 analysis and the things that he's just going  
5 through?

6                   I actually have one question. Does the  
7 number of rooms change and does the square footage  
8 of the floor space change? Did you broaden it out  
9 at the bottom?

10                  MR. HOFFMAN: It went from 115 to 113. It's  
11 basically the same.

12                  CHAIRMAN STUTO: But the footprint did change?

13                  MR. HOFFMAN: The footprint did not, but the rooms  
14 did change a little because it went from 7 to 6 and  
15 there was one part that was a one-story building over  
16 where the pool is.

17                  CHAIRMAN STUTO: Okay, this is the part that I  
18 don't understand. If you knock off one-seventh, it  
19 doesn't sound like you lost much.

20                  MR. WYLER: Excuse me. I'm David Wyler. We had a  
21 section on the "L" part of the building that was  
22 one-story and now that has the room stacked.

23                  CHAIRMAN STUTO: Okay, that makes sense. So, you  
24 haven't lost too much in square footage.

25                  MR. HOFFMAN: No.

1                   CHAIRMAN STUTO: Joe, do you want to comment on  
2 that analysis.

3                   MR. GRASSO: Just for clarification, there is no  
4 CHA letter that we provided. This is an internal  
5 review, but we can speak to the issues that were  
6 presented to the Planning Board tonight.

7                   Regarding the visual impact and the heights  
8 of the building, as part of the environmental  
9 impact review of the project, we thought that it  
10 was important that we gather additional  
11 information regarding potential visual impacts.  
12 Through this we tried to identify what would be  
13 the most sensitive visual impact receptors in the  
14 area. We identified the Colonie Towers which  
15 obviously is a residential project that's been  
16 south of this site, as well as the new Parkside  
17 development which is just to the north on the  
18 other side of Sand Creek Road on the other side of  
19 the roundabout. We felt those were the two  
20 potential sensitive receptors. So, we asked the  
21 applicant to do what we call photosims and provide  
22 us information so that we can evaluate what the  
23 change in the individual setting would be. And to  
24 see if the project, in and of itself, would create  
25 -- a visual impact is definitely a very subjective



1 issue. But the things that we look for is: Is the  
2 project really going to change the context of the  
3 visual setting when you look at the site? So,  
4 they did that well. They provided photos and in  
5 your packet of those two views toward the site,  
6 they created a computer model and superimposed  
7 what the building would be. Within those two  
8 viewsheds, you can see that there is a lot of  
9 significant existing vegetation between the  
10 building and those two locations. That is going  
11 to remain and will substantially screen views to  
12 the hotel. Obviously, the applicant has dropped  
13 the height of the building and I think that's an  
14 appreciable decrease in potential visibility of  
15 the site. So, that's further provided mitigation.  
16 Based on that, we think that there is adequate  
17 information in the file to evaluate the visual  
18 impacts. Based on our view we don't think that  
19 the project is going to result in significant  
20 impacts. We've gone out to the site a number of  
21 times with the photosimulations in hand to  
22 validate that position.

23 The other thing that we look at is the other  
24 taller buildings along Wolf Road and the Sand  
25 Creek Road corridor. Obviously, the Colonie

1 Towers are seven stories high so those buildings  
2 within the Colonie Towers are going to be as tall  
3 as the proposed hotel, if not taller. The other  
4 tall buildings in the area is actually a rather  
5 tall building, and then within that area there is  
6 also other hotels along the Wolf Road corridor  
7 that have seven or eight stories to them. So,  
8 we've done a thorough investigation into the  
9 visual impacts analysis and don't see any  
10 significant concerns by us.

11 CHAIRMAN STUTO: Does the Board want to comment on  
12 that now, or wait to the second part?

13 MR. MION: I'll wait.

14 CHAIRMAN STUTO: You can go ahead with your  
15 greenspace incentive zoning.

16 MR. HOFFMAN: Thank you.

17 When we first identified this piece of  
18 property as a great hotel site, we didn't even  
19 know about the incentive zoning. We quickly  
20 learned about incentive zoning. Because every  
21 square foot that we wished to develop has a fee  
22 attached to it, it becomes expensive quickly. Our  
23 project is 90,762 square feet. If we just solved  
24 it by writing a check, it would be \$1,542,954.  
25 That would be the fee for incentive zoning. To be

1 honest, when we figured that out which was early  
2 on in the game that this was a deal breaker, we  
3 were directed to talk to Supervisor Mahan and she  
4 got us into the Town Board. So, that's kind of  
5 how we got to the Town Board. Simply said, if  
6 that's the deal, then you guys need to find a new  
7 spot because there was no way that i could buy  
8 this piece of property and pay that kind of fee  
9 and have a successful hotel. It's impossible. As  
10 we dug into incentive zoning, we figured out that  
11 at one point -- maybe we can just exchange some  
12 land in the Town of Colonie -- some other land.

13 As I said last time that I was here, the  
14 Hoffman family owns what we refer to as the Lewis  
15 Property, but it's 118 acre parcel in the heart of  
16 the Town of Colonie. My uncle and dad bought it  
17 in 1968 for \$250,000 and they were going to  
18 develop it. Things have significantly changed  
19 since then, and it's got some streams on it. By  
20 the time that you do the setbacks and the  
21 wetlands -- I'm not here saying that it's  
22 impossible to develop, but it's very costly to  
23 develop. It's probably more costly than it would  
24 make sense to develop. I'm being totally honest.

25 On the Hoffman side of the deal, there are no

1 Hoffmans out there that have any plans or desires  
2 to develop. Maybe the Town would like to have  
3 this parcel of property. We talked to the Town  
4 and they said well, we really don't want to own it  
5 but it would be nice potentially with a  
6 conservation easement on it. For the 66 homes  
7 that border this piece of property and the  
8 elementary school that is adjacent to this piece  
9 of property, I think that it would be a wonderful  
10 thing for those homeowners and for that school to  
11 know that nothing is going to be developed on that  
12 piece of property. But, you know, you can write a  
13 check and solve it. You can also solve it with an  
14 offset of another parcel of property. You can  
15 also do something with a public benefit. We got  
16 approached and said, would you be willing to build  
17 bathrooms on the bike path on the Colonie side  
18 similar in scope to what is on the Niskayuna bike  
19 path? So, we went down and we looked at those.  
20 There was a men's and a ladies' room and a storage  
21 space in between. They're nice for what they are.  
22 We said, yes, we could develop that. The sewer is  
23 there and the water is there. It's a doable  
24 project. We can do that. Then they said we could  
25 put some picnic tables around there because the

1 Town has a plan of making that into a passive  
2 park. Bathrooms are needed. If you're going to  
3 have people hanging around, you need bathrooms.  
4 And they said, would you put some picnic tables  
5 around it? Again, we said yes. At some point a  
6 week or two later we got approved by the Town and  
7 we all met at the Town of Colonie golf course and  
8 we were asked if we would consider putting  
9 bathrooms on the Town of Colonie golf course. To  
10 be honest, the initial question was: Would you  
11 build a unisex bathroom somewhere on the golf  
12 course? I said, honestly, I play golf and if  
13 you're going to bring the sewer and you're going  
14 to bring the water and you're going to go through  
15 all that expense, you might as well put a men's  
16 room and a ladies' room because I know that the  
17 ladies don't like to go where the men go. I said,  
18 yes, that would be better and it's just a better  
19 deal. Then they said, we have two courses. Could  
20 you put one on the other course too? Again, we  
21 said, instead of building one unisex, we now have  
22 two men's and two ladies' and we said yes; but we  
23 kind of have to stop. I don't know for anybody  
24 else, but I don't really know where the sewer line  
25 is and I'm not exactly sure where the water line

1 is. I promised everybody and will continue to  
2 promise that we will build bathrooms that will be  
3 liked by everybody and will fit well with the golf  
4 course. We kind of thought that we had a deal.

5 Back in June we got a letter from the Town  
6 saying that the deal was kind of struck for  
7 incentive zoning. I kept saying that incentive  
8 zoning is kind of like the 8,000 pound gorilla.  
9 If you can't get past incentive zoning, we don't  
10 need to worry about endangered species or we don't  
11 need to worry about soil samples. We don't need  
12 to do environmental studies. So, we were a little  
13 bit taken back when it got back on the table.  
14 Now, we well understand that incentive zoning is  
15 something that the Planning Board has serious  
16 input in, or maybe final input or whatever, but we  
17 were thinking that it was kind of a done deal. So  
18 here we are. I said that I'm hoping today that  
19 what we're offering makes sense to you on the  
20 Board. To be honest, I'm really hoping that if it  
21 does make sense that we can get some kind of  
22 feedback or some kind of straw vote - I know that  
23 it's part of final concept, but we've spent a  
24 fortune on this project. We're way past where we  
25 wanted to be. That's kind of where we are. This

1 parcel will still be 47.6 percent green. That's  
2 82,383 feet green. We have a letter that came in  
3 today that is a little self-serving from Macy's.  
4 We're going to buy the parcel from Macy's. Macy's  
5 recognizes the importance of having 113 rooms of  
6 affluent buyers in their parking lot, as does  
7 every restaurant and everybody in that corridor  
8 because our people come and it's a high-end hotel.  
9 I guess the other comment is we think that our tax  
10 payment for the hotel will be somewhere around  
11 \$275,000 a year. Certainly, it goes a long way  
12 towards school tax and a long way towards general  
13 taxes and we think that it's a win for jobs, sales  
14 tax, real estate taxes and school taxes. We're  
15 hoping that you think so too.

16 CHAIRMAN STUTO: Thank you. I'm going to ask one  
17 question and then I'm going to return it to Joe for his  
18 comment on that presentation.

19 I've asked this question before and I'm not  
20 sure if I asked it of you, or Joe, or who. Would  
21 you be willing to turn over a fee interest rather  
22 than just a conservation easement, if that's what  
23 the Town chose?

24 MR. RYAN: He wants to know as opposed to having a  
25 conservation easement, if we would convey the real

1 property to the Town.

2 CHAIRMAN STUTO: If that's what they chose, yes.

3 MR. HOFFMAN: Sure.

4 CHAIRMAN STUTO: Joe, do you want to comment? Do you  
5 have much to say on that?

6 MR. GRASSO: Just a little bit. I'd like to kind  
7 of touch on how we got here.

8 We heard the presentation of the amenity  
9 zoning provision at the last meeting and we  
10 provided a lot of information to the Board that  
11 described in greater detail the 118 acre parcel  
12 along Sand Creek Road and its ecological  
13 significance, and its value as an open space  
14 parcel. So, I'm not going to go through that.  
15 That is in the record and in your packets tonight.  
16 The applicant has done a much better job of  
17 quantifying the amount of greenspace lost and Mike  
18 described that the existing site is going to have  
19 47 percent greenspace because we weren't sure  
20 exactly what that number was. They've also  
21 quantified what the cost would be if we applied  
22 the incentive zoning provisions based on the fee  
23 schedule currently in place, and it's  
24 approximately \$1.5 million. When we look at the  
25 values of the amenities of the provisions, the way



1           that we try to think of it is that you have to  
2           look at the monetary value of the excising  
3           greenspace lost. Now we have to figure out about  
4           \$1.5 million dollars. In terms of the existing  
5           greenspace, you also have to look at the value of  
6           that area as greenspace. Now, obviously it's a  
7           four-acre parcel. It's all greenspace that  
8           benefits the Colonie Center parcel, but it's off  
9           to the side. It's not spread throughout the  
10          parking lot area. Obviously, it helps create a  
11          certain setting as you come into the mall from  
12          Sand Creek Road. But the Planning Board has to  
13          weigh the value of that parcel as functioning as  
14          greenspace. You also have to keep in mind, like  
15          Mike said, 47 percent of that site is still going  
16          to be greenspace. So, it's still going to provide  
17          greenspace functions as a developed parcel. So,  
18          that's looking at the project site. Now you look  
19          at the amenity zoning provisions. The way that we  
20          like to think of it is well, let's look at the  
21          monetary value of those amenity zoning provisions  
22          that we're getting. They've provided a lot of  
23          information in the record now regarding the  
24          potential value of the 118 acre piece on Sand  
25          Creek Road. They provided information as to what

1           they bought it for. If you took that figure and  
2           escalate it through a different means in today's  
3           value, it's roughly \$1.5 million dollars. That's  
4           not to say that's what it would cost to buy it,  
5           but at least we have a sense as to what that value  
6           of that parcel may be using their original  
7           purchase price information. So, we've got that  
8           number to compare against that other monetary  
9           value of the greenspace lost. They've estimated  
10          what it would cost to build the three sets of  
11          bathrooms and picnic tables and that's in your  
12          packet as well. That's valued at \$231,000 for  
13          those three sets of bathrooms and picnic tables.

14                 We've gone through and validated all that  
15          information as best as we can based on the  
16          information that we had before us and believe that  
17          it's an accurate reflection of the costs involved.

18                 In summary, you have to look at the public  
19          value of those amenities proposed. Obviously, the  
20          Twn Board has already weighed in and said that  
21          they feel like the public amenities being proposed  
22          satisfy the incentive zoning provisions. I think  
23          that it's important for the Planning Board to also  
24          agree with the conveyance of the easement or fee  
25          dedication of the 180 acres and the three sets of

1           bathrooms and the picnic tables and that it  
2           provides that public benefit that's needed that  
3           compensates for the loss of greenspace. So,  
4           that's where we're at.

5           CHAIRMAN STUTO: I'll speak frist only because I'm  
6           going to be very brief.

7           I'm satisfied and comfortable with the  
8           analysis on the height that they have provided in  
9           the visual. That satisfies me personally. The  
10          incentive zoning -- I think that it was personally  
11          important for me to get on the record a certain  
12          equivalency and a public benefit. I'm comfortable  
13          with that as well. That's my personal opinion.

14          Anybody on the Board want to speak on this  
15          project?

16          MR. MION: I think that you did an excellent job  
17          in fulfilling what we asked you to do.

18          MR. HOFFMAN: Thank you, very much.

19          MS. DALTON: I agree. I think that it was  
20          important to be on the record that we had each took a  
21          look at the value of what you're providing to the Town  
22          and compared that and contrasted it against what the  
23          payment would otherwise have been. I do apologize a  
24          little bit because I think that there was a lapse in  
25          communication between our Town Attorney and us at one

1 point but sometimes those things happen.

2 I did have one question. These are great  
3 pictures but there are no signs. I can say that  
4 from the circle and from other areas if I'm an out  
5 of townner looking for your hotel, how am I going  
6 to find it?

7 MR. WYLER: We've proposed an address of 39 Wolf  
8 Road. We're going to have them turn in at the Macy's  
9 entrance on Wolf Road where the traffic light is and  
10 kind of next to the Dunkin Donuts. People's GPS' will  
11 bring them to there.

12 As far as signage goes --

13 MS. DALTON: You're not going to have the big  
14 Staybridge sign on the top?

15 MR. WYLER: There will be two signs. We're  
16 allowed by Town Law to have a ground sign somewhere and  
17 we're also allowed a building sign. As we progress  
18 through the process and those approvals, there will be  
19 a sign high up on the building somewhere.

20 MS. DALTON: Let me just go on record and say that  
21 because there are so many viewpoints to get to the  
22 hotel, we don't do signs here but I really do think  
23 that a variance would be in order to some degree to get  
24 some signs in all of the directions.

25 MR. WYLER: You suggest putting signs up higher?

1 MS. DALTON: Right, because if you're coming down  
2 from the Sand Creek area, you should have a sign on  
3 that side as well as a sign on the Wolf Road side. And  
4 if you're driving up and down Wolf, you should have a  
5 roof sign.

6 MR. WYLER: Great suggestion.

7 MR. HOFFMAN: We certainly would agree with that.

8 MS. DALTON: I used to have to look for hotels in  
9 the middle of the night. That's all. Thank you.

10 CHAIRMAN STUTO: Susan, do you have any comments  
11 or questions?

12 MS. MILSTEIN: I do want to make a comment. I  
13 know Mike. We were on a board together, and I know the  
14 quality of his workmanship is great.

15 CHAIRMAN STUTO: Okay, thank you very much for  
16 coming in.

17 MR. HOFFMAN: Thank you, very much.

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19 (Whereas the proceeding was concluded at

20 7:28 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

Dated January 28, 2013

