

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 STAYBRIDGE SUITES  
5 39 WOLF ROAD  
6 APPLICATION FOR CONCEPT  
7 ACCEPTANCE AND RECOMMENDATION OF  
8 INCENTIVE ZONING AMENITIES

9 \*\*\*\*\*

10 THE STENOGRAPHIC MINUTES of the above  
11 entitled public hearing by NANCY  
12 STRANG-VANDEBOGART, a Shorthand Reporter,  
13 commencing on March 12, 2013 at 9:18 p.m. at The  
14 Public Operations Center, 347 Old Niskayuna Road,  
15 Latham, New York

16 BOARD MEMBERS:  
17 PETER STUTO, CHAIRMAN  
18 BRIAN AUSTIN  
19 SUSAN MILSTEIN  
20 KATHY DALTON

21 ALSO PRESENT:  
22 Elena Vaida, Esq., Counsel to the Planning Board  
23 Joe LaCivita, Director, Planning and Economic  
24 Development  
25 Skip Francis, PE, CT Male and Associates  
26 Joe Romano, PE, Clough Harbour and Associates  
27 Mike Hoffman, Turf Hotels  
28 Brian Straughter, Turf Hotels

29 CHAIRMAN STUTO: Last is Staybridge Suites, 39

1           Wolf Road, application for concept acceptance and  
2           recommendation of incentive zoning amenities. This is  
3           a six-story 112 room hotel.

4           Joe, do you have an introduction on this?

5           MR. LACIVITA: It seems like every other Tuesday  
6           we like to have this project before us. I know that we  
7           are getting much closer than we have been before. I  
8           think that we're here tonight, as you said Peter, to  
9           hopefully get concept acceptance and make the  
10          recommendation of the incentive zonings that we are all  
11          under agreement is in the right direction.

12          I'll turn that over to Skip and the  
13          development, team.

14          CHAIRMAN STUTO: Members of the public, if you'd  
15          like to speak on the project, please sign in on the  
16          sign-in sheet on the table on the side to my right.  
17          Thank you.

18          MR. FRANCIS: Good evening, Mr. Chairman and  
19          Members of the Board. My name is Skip Francis and I'm  
20          the site engineer for the project. With me tonight are  
21          representatives of the project of Turf Hotels and also  
22          their lead counsel, Bill Ryan. On that order of those  
23          two subjects tonight, I'll cover the aspects of the  
24          concept plan and any questions I'll field from the  
25          Board and on the subject of the incentive zoning.

1 I'll turn it over to the Turf  
2 representatives. If you like, I can start off  
3 with the concept package before you tonight.

4 This is just a brief description. On of the  
5 proposed uses for the guests at a facility such as  
6 this, they live at this facility for extended  
7 periods of time. Extended periods of time are  
8 defined at five nights or greater. I think that  
9 we recently had a gentleman check out that stayed  
10 over 500 consecutive nights and he was working as  
11 a consultant for a nearby chip manufacturer up the  
12 road.

13 CHAIRMAN STUTO: Do you have a sense of how big  
14 the units are and what the rates are?

15 MR. HOFFMAN: Yeah, I would say that today the  
16 room rate would be \$145 or \$150. It's \$145 average  
17 rate for the year.

18 MS. DALTON: They're sort of like small  
19 one-bedroom apartments.

20 MR. HOFFMAN: Yes, they're studio rooms with a  
21 large bathroom. There are one bedroom units where they  
22 have a smaller living area and then there four two  
23 bedroom units.

24 MR. FRANCIS: There are fewer check-ins and  
25 check-outs than what you would normally have with a

1 normal hotel. Those that stay here have various modes  
2 of transportation. Some use shuttles, some use car  
3 pools and some just stay and telecommute from their  
4 location. The traffic doesn't turn over as much as an  
5 overnight motel.

6 Visually speaking this facility was presented  
7 to the Planning Board on January 22nd and  
8 discussed. We can show you some more elevations  
9 of that this evening also.

10 I wanted to move on to some of the concept  
11 that were issued in Clough Harbour's letter as  
12 well as the PEDD's package as well.

13 From the order of the waiver requests, the  
14 first waiver that we were requesting for the front  
15 yard setback and the PEDD has determined that does  
16 not apply given the ODA zoning of this site. So,  
17 that waiver is effectively gone away.

18 The second waiver in particular is for  
19 interior parking island requirements. We stated  
20 our case and presented our figures to provide 63  
21 percent of that requirement.

22 MS. VAIDA: What did you just say before about the  
23 open development area? You didn't have to comply with  
24 what?

25 MR. FRANCIS: The front yard setback requirement.

1 MR. ROMANO: It's the landscaped buffer.

2 MR. FRANCIS: It's the landscaped buffer in the  
3 front yard along the front.

4 MS. VAIDA: And that's because?

5 MR. FRANCIS: The PEDD's memo states that the  
6 proposal is an ODA and has no roadway frontage,  
7 therefore the front yard pavement setback of 15 feet  
8 does not apply. We were asking to be reduced from 15  
9 to 10.

10 MS. VAIDA: So, it's right in the ODA spelled out.

11 MR. FRANCIS: Yes.

12 With respect to the interior parking island  
13 requirement, we have provided up to 63 percent of  
14 that what the parking arrangement we had and we  
15 are requesting a 37 percent waiver of that. We  
16 feel that we've given that a good faith effort to  
17 add as much interior greenspace to accommodate  
18 this parking. We're at that threshold where we  
19 would be reducing our parking beneath our required  
20 amount, therefore that would put us into a  
21 category of having to add pavement to then create  
22 more greenspace edging. So, short of adding a lot  
23 more items in here that would cause further snow  
24 removal obstructions, we're at that threshold and  
25 we pretty much flushed that out to be in this

1 range of 63 percent of the requirement for a  
2 larger expansive parking. We met with Mr. Lyons  
3 and the applicant ourself and we came away with a  
4 full understanding of the intent and a full  
5 understanding of what we could do with this site.  
6 We feel that this is our best coming forward with  
7 that and not having to add parking and push it out  
8 into two other areas and further reduce the  
9 greenspace.

10 The issue of curb cut - we proposed a single  
11 primary curb cut with a secondary emergency access  
12 curb cut. One of the things that I wanted to  
13 point out is that the cellar has a restriction to  
14 the buyer, and Macy's is allowing just one primary  
15 curb cut. They will allow one as an emergency  
16 curb cut. The primary access point that we have  
17 does satisfy the fire apparatus circulation  
18 requirements. We have 360 degree circulation  
19 around the building. They can get in and get out.  
20 We are in agreement with the TDEs recommendation  
21 to widen it up a little bit to 30 feet wide.  
22 Presently, it's 24 feet wide. Considering the  
23 recommendation to not go with the green waivers  
24 here but to asphalt it, they do want to restrict  
25 it to just the emergency access use only. If we

1 do pave it they want to go with a Knox box  
2 arrangement, so just the Fire Department will get  
3 into it. But we will not have people coming in  
4 and out here on a regular basis when restricted to  
5 this primary access point only.

6 The issue of the sidewalk - one of the  
7 comments was to extend the sidewalk to the  
8 property to the west of the First Columbia site.  
9 The applicant is willing to do so, but only up to  
10 that property line. Beyond that they would be  
11 doing off-site improvements. The crosswalk on the  
12 east side is feasible to connect to - just line  
13 markings on the existing pavement of Colonie  
14 Center Road to across the street to get to the  
15 already existing sidewalk. That's an agreeable  
16 amenity.

17 In terms of a minor subdivision, the  
18 applicant intends to pursue that in a concurrent  
19 review with this site plan process. So, an  
20 application for minor subdivision is pending.

21 On the issue of an on-site fire hydrant, I  
22 just want to clarify that the building is fully  
23 sprinklered and when such a building is located  
24 within 600 feet of a fire hydrant, no on-site fire  
25 hydrant is required per the Fire Code of New York

1 State or the Building Code in New York State.  
2 We're presently 400 feet away from a fire hydrant  
3 that is located in Macy's parking lot to the face  
4 of the front of the building and the fire hydrant  
5 over here on Colonie Center Road. If you are to  
6 lay a hose in the roadway and around their  
7 perimeter and into the driveway, it is 510 feet.  
8 It is a lot shorter if you go through the lawn,  
9 but considering wintertime conditions and the  
10 snow, that was not accessible. If they can lay on  
11 the streets, they meet the requirement. The plan  
12 itself is fully compliant as it stands. We have  
13 a hydrant on the site.

14 In closing, on behalf of the applicant, we  
15 ask that the Board issue concept acceptance.

16 CHAIRMAN STUTO: Okay, thank you.

17 We'll ask our Town Designated Engineer to go  
18 through the review letter and offer any other  
19 comments.

20 MR. ROMANO: I think that you touched on a couple  
21 of the initial comments that we had. So, it appears  
22 that the only waiver that you'll be going for now is  
23 the interior parking greenspace requirement.

24 Have you completed a graphic that you can  
25 provide at the next submission that shows the



1 areas that you have calculated?

2 MR. FRANCIS: It's already part of the record. It  
3 was received March 4th by Mr. Lyons. With that came an  
4 attachment that shows how the areas were calculated.

5 MR. ROMANO: So, from the Board's perspective it  
6 seems that is the only waiver that they're requesting  
7 on that.

8 MR. FRANCIS: Right.

9 MR. ROMANO: We had a comment regarding the  
10 incentive zoning, but I think that I'll hold off on  
11 that because I think that we'll have a discussion after  
12 we go through these comments on that.

13 The emergency access drive - we had commented  
14 that from a site circulation and access standpoint  
15 we were supportive of opening that up as full  
16 access. We weren't aware of the agreement between  
17 Macy's only being allowed one access to that.  
18 It's not going to be the grass pavers? I see that  
19 fire services had a concern regarding the grass  
20 pavers also.

21 MR. FRANCIS: They commented that they didn't want  
22 grass pavers. The applicant is willing to consider  
23 going into a solid surface. That's what we're  
24 considering now before we come in for preliminary  
25 final.

1                   CHAIRMAN STUTO: What the rationale for Macy's  
2 taking that position?

3                   MR. HOFFMAN: They're just trying to limit the  
4 number of curb cuts.

5                   CHAIRMAN STUTO: How does that impact that? I  
6 don't understand.

7                   MR. HOFFMAN: On the ring road, there is only one  
8 spot going into it. Our Homewood Suite on Wolf Road  
9 only has one access to Wolf Road, as do most of the  
10 businesses on the road.

11                   CHAIRMAN STUTO: And this is Wolf Road?

12                   MR. ROMANO: Exactly, and that was our point.  
13 It's not a main access.

14                   CHAIRMAN STUTO: What about Sand Creek Road? I  
15 mean, there isn't that much traffic.

16                   MR. HOFFMAN: From our point of view our hope was  
17 that we would have one area entrance and make it  
18 beautiful and have a second area. The rule that Fire  
19 Safety always has is that if a tractor trailer tips  
20 over in your driveway and there is a fire out and the  
21 fire truck cant get in, you have the second entrance.  
22 Our goal would be just to have some kind of a gate on  
23 that and make it a very attractive gate. We don't want  
24 people buzzing in and out. We want to keep track of  
25 the front and know who is coming and how is going.

1 CHAIRMAN STUTO: So, you want the one curb cut?

2 MR. HOFFMAN: We'd love to have one and have a  
3 second one -

4 CHAIRMAN STUTO: The same way that it's on the  
5 drawing.

6 MR. HOFFMAN: Yes.

7 MR. ROMANO: Except the material would be -

8 MR. HOFFMAN: Right; initially we thought that we  
9 could have a grass paver and we'll either have pavers  
10 or asphalt.

11 MR. ROMANO: The issues with the grass pavers is  
12 the maintenance during the winter. It's easier to  
13 maintain a hard paved surface and let Fire Services  
14 know that they can get in and out when they need to.

15 CHAIRMAN STUTO: Who doesn't want the grass  
16 pavers; the applicant or fire?

17 MR. ROMANO: Fire Services.

18 MR. FRANCIS: It was actually the Fire Chief at  
19 Fuller Road who doesn't want it.

20 CHAIRMAN STUTO: And the argument is what?

21 MR. ROMANO: Concern over maintenance during the  
22 winter.

23 MR. LACIVITA: You have to raise the blade up a  
24 little bit to plow it.

25 CHAIRMAN STUTO: What's your opinion?

1           MR. ROMANO: I've rarely seen an instance where  
2           the grass pavers are adequately maintained. If the  
3           plow does come through, they end up lopping off the  
4           first couple of inches of top soil and it never seems  
5           to be a full lawn area.

6           MR. HOFFMAN: We do have access to on-site  
7           maintenance, so it's not one person one day and another  
8           person another day. It's our trained staff. It's what  
9           we do. We're confident that we could keep it  
10          maintained and we thought that the grass would also  
11          prevent cars from driving on it. We are confident that  
12          we could maintain it.

13          MR. FRANCIS: The Turf has its own maintenance  
14          crew and Mr. Caponera spoke earlier of a private  
15          outside crew where the facility had a private outside  
16          contracted service.

17          CHAIRMAN STUTO: Okay, let's say you have four  
18          inches of snow. What would you do with the grass  
19          pavers on that morning?

20          MR. HOFFMAN: The understanding is that they have  
21          a pick up truck and they keep that on-site. They would  
22          plow the top of the grass paver entrance within three  
23          or four inches so that you could drive across it, but  
24          they are not going to be pushing or piling snow on it  
25          to block any access through there.

1                   CHAIRMAN STUTO: What's fire safety's view? That  
2 they may slip and slide on the snow?

3                   MR. ROMANO: No. I think that it's the point that  
4 there have been instances where it hasn't been  
5 maintained and you get six inches of snow and there  
6 remains six inches of snow over it. I think that the  
7 other issue is that they may have difficulty when they  
8 are arriving at the site being able to visualize and  
9 see where they are supposed to be going. Maybe if you  
10 add some sort of delineation or something?

11                  MR. HOFFMAN: If you had the grass pavers, you  
12 wouldn't necessarily need a gate because you'd have to  
13 drive over grass. People wouldn't be driving over it.  
14 We could eliminate the gate, because you have to make  
15 the gate look nice. If we need to have it be solid, we  
16 would need to have an attractive gate. The most  
17 important thing to us in this whole concept is to have  
18 one major beautiful flowered entranceway.

19                  MR. AUSTIN: I think that on the majority of the  
20 occasions, emergency vehicles would use the main  
21 entrance. Only in the case of a major incident would  
22 they be used. Even then, they should know well enough  
23 that there is an entrance and egress. They're trained  
24 to do that. When they put in a new hotel, that's  
25 something that they should be making themselves aware

1 of.

2 MS. DALTON: If I understand what you're saying  
3 correctly, this is all grass but this is the part that  
4 is grass pavement. This is going to continue to have  
5 six inches of snow on it and it's going to be cleared  
6 out. So, if you can't find it, that's silly.

7 CHAIRMAN STUTO: We can work that out. We'll talk  
8 about it.

9 MR. LACIVITA: We can look into it deeper. I think  
10 that they used them in only one other spot and I think  
11 that was Canterbury Crossings with the access point on  
12 Hunter Run or Ridge. There was an access gate for Fire  
13 Services in Canterbury Crossings and the neighbors  
14 there did not want the pavement and they came up with  
15 that green paver. I can review that and see. If we  
16 used them there, I can't see why the same couldn't be  
17 used here as well.

18 MS. MILSTEIN: Have you ever had any problems with  
19 Homewood Suites and their maintenance?

20 MR. LACIVITA: No, not at all.

21 CHAIRMAN STUTO: Okay, so we'll look into that.

22 MR. ROMANO: We had a comment regarding the  
23 proposed dumpster enclosure located near the northeast  
24 corner of the parcel near the Colonie Center entrance  
25 road. We recommend the dumpster enclosure be relocated

1 to the northwest corner near the proposed storage shed  
2 to reduce visual impacts.

3 MR. FRANCIS: We've discussed that with the  
4 applicant and they amendable to doing that.

5 MR. ROMANO: Can you talk about the south side of  
6 the building? It appeared that there was like a  
7 maintenance or loading dock area that would be visible  
8 from the access drive to Sand Creek Road. It didn't  
9 appear that the architectural elevation provided  
10 included that area.

11 MR. FRANCIS: It's a loading area, yes, but it's  
12 not going to be a loading dock. There will be a paved  
13 surface up to it for bringing in goods like  
14 housekeeping items.

15 MR. ROMANO: So, it's not a loading dock.

16 MR. FRANCIS: No.

17 MR. ROMANO: There is an existing 30-inch RCP  
18 storm sewer that can phase run-off in the mall property  
19 to the existing detention basin located within the  
20 project limits. Storm sewers located within 20 feet of  
21 the northwest corner of the proposed building will be  
22 crossed by a proposed storm sewer and sanitary sewer  
23 services so that you can verify that adequate existing  
24 system can be provided during construction. The  
25 subdivision plan should include an easement to the

1 existing storm sewer that is not already covered by the  
2 shared access agreement.

3 MR. FRANCIS: Agreed, and we are pursuing that  
4 access easement with the subdivision process and we're  
5 aware of the design.

6 MR. ROMANO: We have a couple of other comments  
7 about the grading and some of the catch basin which I  
8 think that we can handle as we move forward to  
9 preliminary plans.

10 Grease traps are proposed right at the main  
11 entrance of the building. We run into issues  
12 before where the fumes from the grease trap can  
13 cause an issue at the entrance of the building. I  
14 guess we just had a concern. I don't know if  
15 you've run into it with your other facilities, but  
16 the grease traps have an odor.

17 MR. HOFFMAN: They're generally right outside the  
18 kitchen.

19 MR. STRAUGHTER: Honestly, we have that situation  
20 at the Homewood. They're both similar hotels. They  
21 are both extended stay. We clean them often.

22 MR. ROMANO: That's part of it; the maintenance  
23 routine on them. As long as they're kept clean. I  
24 think that was it.

25 CHAIRMAN STUTO: Any members of the public want to



1 be heard on this project?

2 (There was no response.)

3 CHAIRMAN STUTO: Any board members?

4 MS. DALTON: I like the project. I think that you  
5 guys have done your job.

6 CHAIRMAN STUTO: Anybody else?

7 MR. AUSTIN: Have you guys done a market analysis  
8 on demand for an extended stay hotel in this area?

9 MR. HOFFMAN: We've got the Homewood right up the  
10 road.

11 MR. AUSTIN: That's what I'm saying -- you already  
12 have one.

13 MR. HOFFMAN: It did 90 percent last year. That  
14 tells us that there is more out there.

15 CHAIRMAN STUTO: You had an average of 90 percent?

16 MR. HOFFMAN: Yes, actually it was 90 percent two  
17 years in a row. Fifteen years ago I would say that one  
18 out of three rooms or one out of five is looking for an  
19 extended stay. The concept didn't use to exist, but  
20 there was a lot of people taking trips and it's just a  
21 great way to stay.

22 CHAIRMAN STUTO: How do you want to handle the  
23 incentive piece? You want to give a report?

24 MR. HOFFMAN: I was going to go through it real  
25 quick and tell you where we are.

1                   CHAIRMAN STUTO: Sure, and whoever is prepared,  
2                   that would be great.

3                   MR. HOFFMAN: I think that we have agreed to the  
4                   basics of what is involved in the he incentive zoning.  
5                   Just to give you an update, we are purchasing 10 picnic  
6                   tables to be placed at the bike path. We have reached  
7                   out to Alicia from the Town of Colonie Parks and  
8                   Recreation. She has picked a table and we have sent it  
9                   to Joe Lacivita, Joe Grasso and I'm not sure who else  
10                  to try to get their comment. You can certainly speak  
11                  for Clough Harbour, but I think that we're all in  
12                  agreement that from your comments that we agree that  
13                  these picnic tables can be anchored to prevent theft  
14                  and then you can move them around for maintenance.

15                  I think that we're well on our way there.  
16                  We've been working hard trying to get the  
17                  incentive zoning components done so that when it's  
18                  time, we're not staring over with the initial  
19                  design.

20                  MR. LACIVITA: Those picnic tables are coming in  
21                  various sizes and also ADA compliant.

22                  MR. HOFFMAN: Yes, seven are six foot, two that  
23                  are eight foot and then there is one that is ADA  
24                  compliant.

25                  Then in terms of the bathrooms on the golf

1 course -- it's ironic how some of these things  
2 start. We offered to build a unisex bathroom and  
3 we got into that we'd have a men's and ladies room  
4 rather than one bathroom. If you're going to work  
5 on this, you might as well have a men's and  
6 ladies' room. Then the question was: Would you  
7 consider having two? There are a couple nines  
8 over there that don't have a bathroom facility, so  
9 would you do it twice? We think that it's a great  
10 deal. We met with John, and Noel, the golf pro,  
11 two or three times and our local architect and we  
12 got everybody's feedback, I think.

13 We came up with a design and then John said  
14 the other day, would you consider making one side  
15 with an overhang a little bigger for a shelter and  
16 honestly it made sense. First, the shelter  
17 overhung three feet because if you got out too  
18 far, you would be worried about wind coming in and  
19 blowing it off and you have to go anchor it. So,  
20 you kind of move into the next threshold of  
21 expense. The comment from Joe Grasso was would  
22 you consider making it six feet because you would  
23 have more shelter? It's not a monumental amount  
24 of dollars to do that and we would do that.

25 CHAIRMAN STUTO: Is that big enough to drive a

1 cart under it?

2 MR. HOFFMAN: Yes. I think that our next step  
3 would be to get our local architect to take the  
4 comments that I think would make an overhang six feet  
5 and incorporate them one at a time and we'll show you  
6 where the sewer and the water hook up are. So, I think  
7 that on the golf course bathrooms, we're fine.

8 The next thing on the incentive zoning are  
9 the bathrooms on the bike path. Those were  
10 initially supposed to be very similar to the  
11 bathrooms on the bike path on the Niskayuna side.  
12 Last week or maybe two weeks ago we got somebody  
13 from Niskayuna to let us in the bathroom and had  
14 our architect over there. They're very similar.  
15 It's been 10 years for those and we've made the  
16 changes for whatever 10 years is. It's very  
17 appropriate, I think. It's got two stalls in the  
18 men's room and two stalls in the ladies room and a  
19 storage room in the center and a water fountain.  
20 As I said, I'd never been to the bike paths and  
21 when I went down there because this project  
22 started, there is a lot of people down there and I  
23 think that would be tremendously appreciated.

24 Also, I don't know if there are any other  
25 comments about that.

1 MR. WYLER: No, but I have researched the sewer  
2 myself at the golf course bathrooms and in one of the  
3 locations, the sewer is within about 30 feet of it; so  
4 it's very close. The other location is about 60 or 65  
5 feet, but there are plenty of benches. You can look at  
6 the elevations. In both golf course locations there is  
7 a potable one-inch water supply close to where we are  
8 going to build, and we show that on our next plans.  
9 When we're finished, we'll show where the water is  
10 coming in.

11 Down the bike path there is public water  
12 right on River Road. There is a hydrant there and  
13 plenty of space to tap into fairly close to this.  
14 Going down toward the river a little bit there is  
15 a sewer main and a manhole that we can easily get  
16 to. It's down a little way. So, the sewer and  
17 the water for all these bathrooms - it couldn't be  
18 better for us. It's great.

19 MR. ROMANO: And you said you had an architect  
20 produce building plans for them?

21 MR. HOFFMAN: We have to submit building plans for  
22 all of these so that the Building Department will give  
23 us a building permit and we have had a number of  
24 meetings with them and we're honestly trying to get  
25 what it looks like. Like I said, we didn't want to do

1           it two or three items. We'd rather do it once. I  
2           wanted to get everybody on board to say this is what  
3           we're thinking. Honestly, it's been a very good  
4           process.

5           MR. ROMANO: Joe, I assume that the Building  
6           Department does have to issue a permit for that.

7           MR. LACIVITA: Yes, they do.

8           MR. WYLER: I've spoken to Bob Cordell and he has  
9           given us a few tips on getting them in.

10          MR. HOFFMAN: The only other piece of the  
11          incentive zoning is the under 18 acre - for the  
12          conservation easement and at the last meeting someone  
13          said do we want to give it to the Town? We certainly  
14          would I don't know where that is.

15          MR. WYLER: I don't have any further information  
16          on that. There is a comment from Clough Harbour on  
17          that.

18          MR. ROMANO: I think that our comment is a summary  
19          of comments that the Board had -- that at some point in  
20          the future the Town would like the option to acquire  
21          that parcel.

22          MR. RYAN: I think that in the conservation  
23          easement agreement that was drafted, my recollection is  
24          that there was a clause in there about the findings to  
25          affirm that. If you want that in there, that's not a

1 problem; right Mike?

2 MR. HOFFMAN: What?

3 MR. RYAN: If they want a clause in there to  
4 acquire that land?

5 MR. HOFFMAN: No, that's fine.

6 CHAIRMAN STUTO: I know that Joe has been in  
7 discussions and I've been in part of them and I think  
8 that option on the Town's behalf would be a good idea.  
9 You seem to not have an objection to be on the record  
10 with that. It might be a great asset for the Town.

11 MS. MILSTEIN: Do you have a preference?

12 MR. HOFFMAN: Do you want it?

13 MS. MILSTEIN: I'll take that as a yes.

14 MR. HOFFMAN: Either way, but we'd love to give  
15 it to the Town.

16 CHAIRMAN STUTO: Any discussion by the Board?

17 (There was no response.)

18 MR. RYAN: I have one question. I sent to Elena  
19 before we wind up here, the hold harmless agreement and  
20 the information on the reciprocal easement that was  
21 generated from the additions that you put on the record  
22 in November. Before I leave I just want to make sure  
23 that if you have any questions about it, or if you  
24 don't, that that is behind us and we can move on.

25 MS. VAIDA: Actually, you sent it to Planning

1 Board, who probably didn't have my e-mail. I just  
2 reviewed an e-mail yesterday late in the afternoon from  
3 Mike Lyons who forwarded it to the Town Attorney's  
4 office who then forwarded it to me' but they didn't  
5 send me the attachments.

6 MR. RYAN: So, you never got the hold harmless  
7 agreement or the reciprocal easements?

8 MS. VAIDA: No.

9 MR. LACIVITA: But that's in with Rebekah and  
10 those guys, too.

11 CHAIRMAN STUTO: That's normally reviewed by the  
12 Town Attorney's office.

13 MR. LACIVITA: Yes, they're the ones that make  
14 recommendation and approvals.

15 MR. HOFFMAN: I just wanted to make sure that the  
16 conditions that you put on the record in November were  
17 all satisfied; that's it.

18 CHAIRMAN STUTO: We'll dig into them. If we have  
19 it somewhere in the Town, we'll find it.

20 MS. VAIDA: And I'll give you my e-mail too so  
21 that you can copy me on that kind of stuff.

22 MR. LACIVITA: I don't think that it will be  
23 anything that is going to hold up the process. I know  
24 that Mike and Rebekah look into those things all the  
25 time. They are the ones that review those.



1 MR. RYAN: Then that's it. I thought I addressed  
2 the letter to you and that's what I'm thinking about.

3 MS. VAIDA: Right, and I just got it at like 4:30.  
4 But you sent it out awhile ago. I did see that.

5 MR. HOFFMAN: We'll just continue along with our  
6 designs. Who will approve them when we get to the next  
7 step?

8 CHAIRMAN STUTO: The Town Board will do the  
9 ultimate approval. We're going to do a Resolution  
10 tonight making a recommendation based on what we have  
11 been discussing, so that they can have it as a matter  
12 of their record. We'll read that into the record. If  
13 you disagree with any of it, we can slow down and redo  
14 it.

15 MS. MILSTEIN: The bathrooms - it's going to be  
16 men's and women's and not just unisex, correct?

17 MR. HOFFMAN: Correct. In all locations; two sets  
18 on the golf course, and on the bike path.

19 CHAIRMAN STUTO: If the Board can consider a  
20 Resolution that is just a recommendation to the Town  
21 Board, based on everything, they're going to have the  
22 ultimate say on what's being traded in lieu of the fee  
23 for the incentive zoning. We're going to read a list  
24 of them and there will hopefully be no surprises since  
25 we have been discussing it.

1 MS. VAIDA: The draft comes from where?

2 CHAIRMAN STUTO: Joe LaCivita does it. I asked  
3 you awhile ago to come up with a procedure.

4 MS. VAIDA: And Joe Grasso and I have talked with  
5 Rebekah and she was going to issue a memo, and then I  
6 was told that they are working on amending the Land Use  
7 Law to clarify this section.

8 CHAIRMAN STUTO: Rebekah has had her ups and downs  
9 and I had asked you to follow up. We just ended up  
10 doing it ourselves.

11 MR. LACIVITA: I think that this will not preclude  
12 us from making the recommendation to act.

13 CHAIRMAN STUTO: Right, because it's just a  
14 recommendation.

15 MS. VAIDA: Right, because it is up to the Town  
16 Board exclusively, according to the statute.

17 CHAIRMAN STUTO: But I don't think that they've  
18 had open hearings. We're creating a record here,  
19 having reviewed in detail with the applicant and in  
20 front of the public on record.

21 MS. DALTON: We did that last time. We  
22 deliberately went through all of the components.

23 CHAIRMAN STUTO: Right, so we're going to  
24 recommend to the Town Board for your consideration to  
25 make some changes as the proposal for the incentive

1 zoning.

2 MS. VAIDA: There will be granting of fee interest  
3 or conservation in the event of the Town's discretion  
4 for the Town of Colonie encumbering approximately 118  
5 undeveloped acres of land along Sand Creek Road as  
6 identified under in book 1860 on page 99.

7 MR. LACIVITA: That language came from some of the  
8 information that you had sent in that packet.

9 CHAIRMAN STUTO: That would be a different entity  
10 if the Town wanted to designate it.

11 MS. MILSTEIN: It will be construction of a men's  
12 and ladies' rest room on the bike path near River Road  
13 to be approved - plans and details to be approved in  
14 the locomotions to be approved. There will be the  
15 purchase and delivery of 10 picnic tables on an agreed  
16 upon locations throughout the Mohawk Landing Park  
17 ground and the sizes and maintenance will be agreed  
18 upon.

19 There will be the construction of men's and  
20 ladies' bathrooms on the Town of Colonie golf  
21 course. There will be one located at the sixth  
22 tee and one of the fourth tee of the green course.  
23 The sixth tee is the white course and there will  
24 be agreement as to the design and construction and  
25 all the details involved.

1 MR. LACIVITA: For the record, the park name has  
2 changed now at 4:00 p.m. today to Riverside Landing  
3 Park. We just need to make sure that is changed.

4 MS. MILSTEIN: The design and the construction of  
5 he bathroom shall be at the sole cost of the applicant  
6 with the adoption of this Resolution by both Planning  
7 and the Town Board.

8 CHAIRMAN STUTO: I think that we should just leave  
9 it at that.

10 Do you have any comment before we take a vote  
11 on that?

12 MR. RYAN: I understood Susan to say that we're  
13 maintaining the picnic tables. Our understanding is  
14 that we are buying them and just so that you all know,  
15 they are cedar and they're nice.

16 MS. MILSTEIN: I am withdrawing the maintenance.

17 CHAIRMAN STUTO: With that said, do we have a  
18 motion?

19 MR. AUSTIN: I'll make that motion.

20 MS. DALTON: I'll second it.

21 CHAIRMAN STUTO: All those in favor say aye.

22 (Ayes were recited.)

23 CHAIRMAN STUTO: All those opposed, say nay.

24 (There were none that were opposed.)

25 CHAIRMAN STUTO: They ayes have it.

1                   Okay the main question before us is on the  
2                   application for concept acceptance. Do we have a  
3                   motion?

4                   MS. DALTON: I'll make the motion that we accept  
5                   concept.

6                   CHAIRMAN STUTO: And I'll ask if you would amend  
7                   that ot say that they would consider between now and  
8                   final application all of the Town Designated Engineer's  
9                   comments and all the Town Department's comments and our  
10                  comments here tonight.

11                  MS. DALTON: Yes.

12                  MR. AUSTIN: I'll second that.

13                  CHAIRMAN STUTO: Any comments or questions?

14                  (There was no response.)

15                  CHAIRMAN STUTO: All those in favor say aye.

16                  (Ayes were recited.)

17                  CHAIRMAN STUTO: All those opposed, say nay.

18                  (There were none that were opposed.)

19                  CHAIRMAN STUTO: They ayes have it.

20

21

22                  (Whereas the proceedings were concluded at

23                  10:00 p.m.)

24

25

CERTIFICATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 March 15, 2013

