

1 PLANNING BOARD COUNTY OF ALBANY  
 2 TOWN OF COLONIE  
 3 \*\*\*\*\*  
 4 STAYBRIDGE SUITES  
 5 39 WOLF ROAD  
 6 APPLICATION FOR FINAL SITE PLAN  
 7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above  
 9 entitled matter by NANCY STRANG-VANDEBOGART, a  
 10 Shorthand Reporter, commencing on May 7, 2013 at  
 11 7:41 p.m. at The Public Operations Center, 347 Old  
 12 Niskayuna Road, Latham, New York

12 BOARD MEMBERS:  
 13 PETER STUTO, CHAIRMAN  
 14 BRIAN AUSTIN  
 15 KAREN GOMEZ  
 16 TIMOTHY LANE  
 17 SUSAN MILSTEIN  
 18 KATHY DALTON

18 ALSO PRESENT:  
 19 Elena Vaida, Esq., Counsel to the Planning Board  
 20 Joe LaCivita, Director, Planning and Economic Development  
 21 Michael Hoffman, Turf Hotels  
 22 David Wyler, Turf Hotels  
 23 Skip Francis, PE, CT Male

24  
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1                   CHAIRMAN STUTO: Next on the agenda is Staybridge  
2 Suites. We've seen this project a number of times.  
3 This is at 39 Wolf Road. This is an application for  
4 final site plan. It's a six-story 112 room hotel.

5                   Joe, would you like to do an introduction?

6                   MR. LACIVITA: Sure. I won't go through all the  
7 dates that the project has been before the Board.  
8 Specifically tonight we're going to be looking for  
9 action because it is final site plan. We're going to  
10 be looking for finalization on the incentive zonings,  
11 the SEQRA determination. We have several waiver  
12 requests that we're talking about and again this is  
13 final site plan review.

14                   I think that I'll turn this over to Mr.  
15 Hoffman and he can talk about the project and we  
16 can finalize that.

17                   MR. GRASSO: Before we do that, one of the items  
18 for Planning Board consideration tonight is the  
19 Resolution regarding the incentive zoning provision  
20 that we talked about. Those were in lieu of the  
21 greenspace reduction. I'm going to pass out copies.  
22 We have drafted a Resolution for consideration by the  
23 Planning Board. It's based on previous meetings,  
24 discussion and what we saw in the record.

25                   CHAIRMAN STUTO: Has the applicant seen this?

1           MR. GRASSO: They have - just tonight. We will be  
2 referring to that later when we talk about the  
3 application.

4           MR. HOFFMAN: Thank you once again. My name is  
5 Michael Hoffman. You've seen me here several times  
6 before with this project. This is the Staybridge  
7 Suites project on the Macy's reserve parcel of Colonie  
8 Center. Today we're hoping for a favorable SEQRA  
9 declaration so that we can move forward. We're hoping  
10 for final site plan approval with some conditions and  
11 also to discuss the incentive zoning Resolution that  
12 Joe just passed out. I thought that I'd start off and  
13 talk about where the project is.

14           We were here on March 12th and we got concept  
15 approval that day and then we submitted our  
16 package on March 28th for final site plan approval  
17 and we've got comments back from Joe Grasso and  
18 Mike Lyons on that. To be honest, I was talking  
19 to Joe today. We work on this project every day.  
20 We work hard on it.

21           On April 7, 8 and 9th, that's a Sunday Monday  
22 and Tuesday we had our architect in from Memphis  
23 and we worked all day Monday and worked a half day  
24 on Tuesday. It's really good when you can get  
25 your whole team in the same room to talk about a

1 project, otherwise you're doing it piece mail.  
2 Also we had our contractor into the conversation.  
3 Skip from CT Male was there. We really had our  
4 team together and we got our project where  
5 everyone is going to like it; we certainly hope  
6 that you do. We like it a lot.

7 What I was going to walk you through first is  
8 just the elevation changes. Some of these  
9 comments were addressed by Joe in his Town  
10 Designated Engineer letter after our March 28th  
11 submittal. In a lot of way they were exactly the  
12 same, but there was a recommendation that we take  
13 the stone -- we've added more stone to give more  
14 pizzazz I guess and a little better look. The  
15 stone goes all the way up to the top. This is the  
16 one that was in your package on March 28th and  
17 this is the newest one that's been done for about  
18 a week. We worked hard but it doesn't look like  
19 there was a lot of work to get there, but there  
20 is. The recommendation to bring stone in -- that  
21 is true on the south side and the front and on the  
22 north so it goes all the way up to the peak.

23 The other recommendation from Joe is to bring  
24 the color all the way up. It stopped on the top  
25 here. There was a recommendation to bring that

1 all the way up. There is also some additional  
2 stone that you will see in the corners. I think  
3 that it was a good looking building. We like it  
4 better. The other thing is at one point when we  
5 started off we were talking about a seven-story  
6 building and then we went to a six-story building.  
7 We have shortened the height of our building by  
8 about four feet. So, it was 78 feet and now it's  
9 almost 73.5. The look hasn't changed. It's a  
10 Mansard roof versus a peaked roof, but the Mansard  
11 goes pretty high and it looks like a peak. The  
12 benefit for us is that we got into our  
13 conversation and we were talking about being more  
14 green. We could have a white roof on the roof and  
15 put our equipment there. This makes it better  
16 because if you have a peaked roof, you have some  
17 equipment in the peak but you may also have a fair  
18 amount of equipment on the ground or on lower flat  
19 roofs. This way, you can avoid all of that. All  
20 equipment will be shielded. None of it will be  
21 visible from the ground floor because it's a  
22 six-story building. None of it would be visible  
23 if it was a six-story building just because of the  
24 height of the Mansard. So, at the end of the day  
25 now it's 73 feet and six and a quarter inches.

1           Before I go to the other elevations, I just  
2           want to say that I think that it's a great  
3           building. We did tweak it a little bit. The  
4           overall building's square footage went up a couple  
5           of thousand feet. I talked to Mike Lyons about it  
6           and it's just about 98,000 square feet now if you  
7           take all of the six floors. The reason that it  
8           went up is that the typical suite -- some hotel  
9           rooms have when there is only one bed, it's a  
10          queen bed. When we have one bed, we have a king  
11          bed. We have two beds. We have two queens and  
12          someone tells us when you have two beds, have two  
13          full-size. A lot of hotel companies are starting  
14          to shrink because of the cost per square foot. We  
15          just don't believe in that honestly. When we have  
16          one bed, we have a king bed and when we have two  
17          we have queens and it really works well.

18                 Here is the back of the hotel -- the north  
19                 view and again the stone is all the way up to the  
20                 peak. There is stone on the sides again and the  
21                 corners. So, we're going from here to this  
22                 (Indicating), if that makes sense. We really  
23                 liked the look and we like where we are. We hope  
24                 that you do. That's one of our solid questions is  
25                 we hope that you do. Those are the changes on the

1 elevation. If you liked it before, it just got  
2 better.

3 I know that you have a Resolution in front of  
4 you for incentive Zoning. We think that we're  
5 there. I've read the Resolution. I just read it  
6 a couple of minutes ago. Joe handed it to Bill  
7 Ryan and Bill handed it to me and we're in  
8 agreement to everything that's in that Resolution.  
9 We kind of know what we have to do. We're going  
10 to take 118 acres -- the Lewis property and at one  
11 point we were going to put a conservation easement  
12 on it and the Town has now looked to see if we  
13 would give that to the Town and we will do that.  
14 We're going to build men's and ladie's rooms on  
15 the golf course on the fourth hole and the sixth  
16 hole. We're going to build the bathrooms down at  
17 the bike path and then we're going to have 10  
18 picnic tables there. We've kind of got that as  
19 far as I think that we can take it. Honestly,  
20 Alicia from the Town of Colonie Parks and Rec  
21 Department has approved it. I've sent it to Joe  
22 and Joe has seen the elevations and the floor  
23 plans and is kind of just waiting for whoever the  
24 final decision makers are. We're waiting for that  
25 to come back.

1                   CHAIRMAN STUTO: Procedurally, we'll make a  
2                   recommendation and the final disposition will be the  
3                   Town Board.

4                   MR. HOFFMAN: Okay, well then I think that's where  
5                   it is and we're hoping that can happen today.

6                   Those are really the changes. Skip was going  
7                   to talk about the site plan from CT Male and I'll  
8                   turn it over to Skip. This drawing isn't as  
9                   colorful or as pretty as ours.

10                  MR. FRANCIS: Once again, my name is Skip Francis  
11                  from CT Male. I just wanted to call your attention to  
12                  the new square footage that my client pointed out. It  
13                  should be updated in your Resolution package or the  
14                  waiver findings that you have. It's roughly noted in  
15                  that Resolution and also the negative declaration in  
16                  the draft Resolution before you. Both of those have  
17                  the square footage number in them and for the record.  
18                  I'd just like to have that revised to the 98,630 feet.  
19                  That's based upon the description and the reasons that  
20                  Mike has just described.

21                  There are no updates required to the full EAF  
22                  form that's also in your packets. There is no  
23                  square footage quoted so that does not need to be  
24                  updated.

25                  A couple of the key items to the comments



1 that were made by the Planning Department as well  
2 as the TDE -- we wanted to point those out this  
3 evening. The sidewalk that is in front of the  
4 facility -- we currently have it stopping at the  
5 property line and that was a concern. The  
6 applicant has considered it and it makes sense  
7 that it should continue to a logical terminis  
8 point to the First Columbia property at 65 Wolf  
9 Road. They'll continue to work with them to make  
10 some arrangements to extend that into their  
11 parking lot. If you recall and if you've been out  
12 there and have seen that for yourself, there is a  
13 well-worn grass path along this road behind the  
14 curb where people are walking on the grass, so  
15 people use that. It's a logical place for the  
16 sidewalk to go. So, at the final plan as a  
17 condition, we would propose to extend that to that  
18 property. There is mention of a minor subdivision  
19 application also that is required. This is  
20 subdivided from the Macy's parcel. We just wanted  
21 to make this Board aware that package was  
22 submitted to the PDD yesterday and that will be  
23 under a separate administrative review.

24 In terms of the landscaping, the request was  
25 to up-size the caliper of the trees. The

1 applicant is amenable to bringing them up to a  
2 two-inch diameter to a three-inch diameter. The  
3 secondary access drive -- we've not had a chance  
4 to meet with the Fire Chief. We'd like to have a  
5 condition that we can continue to work with him to  
6 determine how this second access drive will be  
7 surfaced.

8 The first package that we had we had green  
9 pavers in there with an emergency access. We've  
10 now gone back to an asphalt paved surface with a  
11 gate. We'd really like to not have a gate out in  
12 front. It kind of detracts from the aesthetics of  
13 the place. It's such a nice looking hotel. Based  
14 upon the premise that if you know in front of  
15 Colonie Center itself as an example similar to the  
16 front site, in front of the theater and the Barnes  
17 and Noble, there is a secondary fire access onto  
18 wolf Road with concrete masonry units that have  
19 holes in them for grass to grow in. That's as no  
20 gate. There is no traffic that comes in and out  
21 of Colonie Center on that surface. They do it  
22 without a gate there now.

23 CHAIRMAN STUTO: What do they do in the winter  
24 with the snow on that? Does anybody know?

25 MR. FRANCIS: I don't specifically know.

1                   CHAIRMAN STUTO: I'm not visualizing what you're  
2 saying. I don't have a specific recollection.

3                   MR. FRANCIS: In the summertime it does have some  
4 grass that grows up there.

5                   CHAIRMAN STUTO: And it doesn't look like a gate.

6                   MR. FRANCIS: Right, there is no gate there.

7                   CHAIRMAN STUTO: And you would never drive your  
8 car on it.

9                   MR. FRANCIS: Correct. But in the event of the  
10 entrance of Colonie Center were blocked in any way, the  
11 Fire Department would have a way of getting their fire  
12 apparatus in.

13                  CHAIRMAN STUTO: Well, you would think that if it  
14 were good enough for there on Wolf Road, it would be  
15 good enough for this.

16                  MR. FRANCIS: Exactly. And we have not had a  
17 chance yet to fully discuss that and flush that out  
18 with the Fire Chief to have a definitive answer for you  
19 tonight, but that's the direction that we'd like to go.

20                  CHAIRMAN STUTO: We talked about this a lot. I  
21 forgot where everybody was on this.

22                  MS. DALTON: The last time we heard this, if I  
23 remember correctly we were leaned toward the green  
24 pavers.

25                  CHAIRMAN STUTO: What did we favor?

1 MS. DALTON: We favored the green pavers at the  
2 time --

3 MR. LACIVITA: Without the gate.

4 MS. DALTON: Because people wouldn't drive over  
5 it because it would look like grass most of the time.

6 CHAIRMAN STUTO: You want green pavers with a gate  
7 or without a gate?

8 MR. HOFFMAN: We'd like to have the green grass  
9 pavers without a gate. It can look like grass and if  
10 they need to go over it, by all means, they can. It  
11 just detracts from the beauty of the front.

12 CHAIRMAN STUTO: Can we hear from our engineer and  
13 what works?

14 MR. GRASSO: I think that they both do. They're  
15 both code compliment designs. I think that we would  
16 defer to Fire Services. Without input from Fire  
17 Services, our preference is that they be paved and  
18 gated as it's currently designed on the plans. This is  
19 what we reviewed and feel is acceptable. We also have  
20 seen the installation in the Town -

21 MS. DALTON: You prefer it paved because of the  
22 snow removal.

23 MR. GRASSO: Yes, we like it properly delineated  
24 and properly maintained throughout the winter. But if  
25 Fire Services is willing to allow a grass paver type of

1 installation without a gate, we feel that's acceptable  
2 as well.

3 CHAIRMAN STUTO: Joe, with regard to the reference  
4 to the one on Wolf Road, do you know how that is  
5 handled?

6 MR. LACIVITA: I honestly don't Peter.

7 CHAIRMAN STUTO: I favor the aesthetic of what you  
8 are describing and what you favor; that's my personal  
9 opinion.

10 MR. FRANCIS: We can ask the Fire Services and  
11 Fire Chief how it currently is handled on Wolf Rod at  
12 the front of this mall. We would ask for that to be  
13 somewhat consistent to this development.

14 MR. LANE: I would think that it would have to be  
15 under the condition that during the wintertime it would  
16 have to be maintained.

17 MR. HOFFMAN: We'll do whatever they want in  
18 maintenance. We'll shovel it and leave two inches of  
19 snow on it or something so that you can drive over it.  
20 We'll certainly maintain it if it's in our best  
21 interest. We have to maintain it.

22 CHAIRMAN STUTO: Do any of the Board Members want  
23 to express a preference on it? Karen or Susan?

24 MS. GOMEZ: That was my question.

25 CHAIRMAN STUTO: Susan, do you have an opinion?

1 MS. MILSTEIN: No.

2 MR. HOFFMAN: We'll let them now that was the  
3 Planning Boards comments.

4 MR. GRASSO: But you're okay with it either way,  
5 subject to their review? If they want it as shown on  
6 the plans, do you want it to come back before the  
7 Planning Board for additional review or are you going  
8 to defer to them?

9 CHAIRMAN STUTO: What do the rest of the board  
10 members think?

11 MS. GOMEZ: I think that it's a safety issue for  
12 the Fire Department.

13 CHAIRMAN STUTO: Joe says that it meets code.

14 MR. GRASSO: We've seen both installations and  
15 this is our preference as to how it's currently  
16 designed. Obviously if fire services would like it a  
17 different way, we're going to defer to them.

18 MR. FRANCIS: If I may present maybe if it's a  
19 condition to anything tonight, you could say that if it  
20 doesn't fly with the fire services department, then we  
21 can come back.

22 CHAIRMAN STUTO: Right, do it our way with the  
23 pavers and if they want to take another position --

24 MR. FRANCIS: Then we're fine and they approve it  
25 and we can come to some agreement and then we don't

1 have to come back.

2 CHAIRMAN STUTO: That works for me.

3 MR. FRANCIS: Another item was the FAA review with  
4 regard to the height of the building as well as  
5 temporary construction and the use of a crane to  
6 assembly and submit two FAA reviews. Those went in  
7 effective April 15th and we don't have a decision yet  
8 but when we do, we will supply that to the Planning  
9 Department. Beyond that, those are the highlights and  
10 those are subject to any questions that the board or  
11 the TDE may have.

12 CHAIRMAN STUTO: Okay, Joe Grasso, our Town  
13 Designated Engineer, would you like to go through your  
14 comments?

15 MR. GRASSO: Yes. There are a number of things  
16 and I'm going to refer to the Planning Board's packet  
17 for most of the items. Mike and skip did a good job  
18 addressing most of our technical comments starting with  
19 the third page in your packet, we issued a comment  
20 letter dated April 10th on the preliminary final plans.  
21 A few of those items, I will key in on.

22 "The project will require a waiver." The one  
23 waiver that we have identified is the lack of the  
24 20 square feet of landscaped area for every  
25 parking stall. Being located within the parking

1 lot. We support the waiver because of the  
2 configuration of the lot and the parking wrapping  
3 around the building and only being basically one  
4 bay of parking around the building, it's very  
5 difficult to meet that interior landscaping and  
6 calculation. Further on in your packet you'll see  
7 a written up Resolution for the Planning Board to  
8 consider in support of that waiver. That waiver  
9 has been discussed throughout the review of that  
10 project. There was an other waiver that was  
11 brought up by the Planning Department in your  
12 packet on the second page. That was regarding the  
13 lighting. The design guidelines require a maximum  
14 fixture height of 18 feet and what was currently  
15 shown in the packet was 27.5 with poles. We would  
16 prefer to see those lights come down to 18 feet  
17 and the applicant has agreed that they will  
18 accommodate that request in their design.  
19 Therefore, we did not write up a waiver in support  
20 of the reduced lighting. If that's a concern of  
21 the applicant or the Planning Board, then we  
22 should discuss it tonight.

23 One of the things that was talked about is  
24 the incentive zoning provisions for the project.  
25 This parcel on the Colonie Center piece is 100



1 percent greenspace that serves the Colonie center.  
2 Development of this site will knock the greenspace  
3 down for basically 100 percent of the site down  
4 to about 45 percent of the site. The Town of  
5 Colonie zoning regulations allow a reduction of  
6 the greenspace from what would be normally  
7 required if the applicant either pays an incentive  
8 zoning fee or proposes other public amenities.  
9 The public improvements that have been reviewed  
10 through the course of the project -- Mike spoke to  
11 them as the purchase of 10 picnic tables that will  
12 go into the Town park along the Mohawk River and  
13 will include three sets of restrooms; that  
14 includes both men's and woman's restrooms. Two at  
15 the town of Colonie golf course and one along the  
16 Mohawk river Park.

17 The third and last item would be the fifth  
18 item. This is 118 acre parcel along Sand Creek  
19 Road in the town of Colonie. There was previous  
20 discussion regarding that parcel that was previous  
21 proposed as a conservation easement to the Town.  
22 The ownership would remain in the applicant's  
23 hands. It was always our recommendation that the  
24 parcel be dedicated to the Town in fee so that the  
25 Town had total control over the future use of that

1 property. That was something that had been  
2 discussed by the Planning Board. That's what is  
3 currently on the table tonight. It's a dedication  
4 of the property in fee to the Town. So, that's  
5 the way that we wrote up the resolution of the  
6 incentive zoning. That is the Resolution that I  
7 passed out at the beginning of the meeting. This  
8 is the resolution that becomes a condition of the  
9 final site plan approval is that the Planning  
10 Board has agreed to these conditions. So, if  
11 there are any changes to what is currently  
12 proposed, even though it also requires Town Board  
13 approval, if there are any changes, it would have  
14 to come back before the Planning Board for  
15 additional review. It's not only the incentive  
16 Zoning items that I talked about but it's also a  
17 change in the greenspace. This Resolution  
18 documents that the greenspace is going to go down  
19 from 100 percent to 47.6 percent. If this site  
20 plan had to change or they wanted to do additional  
21 development on this project site, that's going o  
22 knock the greenspace down further and this  
23 applicant would have to come back for additional  
24 greenspace review by the Planning Board. So,  
25 that's all built into the Resolution that i have

1 for you guys to review.

2 CHAIRMAN STUTO: Just on the percentages, we did  
3 talk about the overall Colonie Center greenspace. It's  
4 a much smaller fraction.

5 MR. HOFFMAN: You have to remember that Colonie  
6 Center as a whole today is a 92 acres and about 23.4  
7 percent greenspace. If we're allowed to do our  
8 project, it drops from 23.4 to about 21.4; and that's  
9 over the whole 92 acres.

10 CHAIRMAN STUTO: The percentage of the Colonie  
11 Center greenspace that is reduced is only a couple  
12 percentages. I wanted to have that on the record as  
13 well.

14 MR. GRASSO: Does the Planning Board have any more  
15 comments about the incentive zoning provisions as  
16 written up in the resolution regarding what is being  
17 accepted by the Town as part of the project in lieu of  
18 the greenspace reduction?

19 CHAIRMAN STUTO: I don't. I know that we talked  
20 about it a number of times.

21 MR. GRASSO: That will have to be a Resolution  
22 that's acted on prior to final site plan approval.

23 Going back to our letter -- one of our  
24 comments touched on the architecture of the  
25 building. We thought that it was already in

1           general conformance with the design guidelines in  
2           accordance with the Town's zoning. We did provide  
3           some what I consider minimal recommendations for  
4           our improvements to make the building a little bit  
5           more nicer and reduce the scale of it. Mike did a  
6           good job discussing that during the presentation.  
7           We think that they have gone over and above the  
8           comments that we had in our letter regarding  
9           architectural improvements.

10                   Is everybody comfortable with the  
11           architectural style of the building as proposed?

12                   (There was no response.)

13                   MR. GRASSO: There was a comment and question  
14           raised regarding the location of the sidewalk. This  
15           was also something that was touched on -- the Planning  
16           Department's comments. One of the sidewalks in  
17           question was the one that goes toward the Trader Joe's  
18           site portion of wolf Road. Right now, Skip described  
19           that there is going to be a new sidewalk proposed along  
20           the loop road and extend over to that property line.  
21           It's basically where people are already walking on th  
22           backside of the curb. The Planning Department raised a  
23           concern and we also raised a concern about constructing  
24           a sidewalk that just ends either at somebody's property  
25           line or then just transitions into a turf area. So,

1           there is no logical termination of that. There has  
2           been no agreement reached with the adjacent land owner  
3           for a continuation of the sidewalks and obviously  
4           that's a third party and that's not subject tot his  
5           application.

6                     CHAIRMAN STUTO: Skip, I want to make sure that  
7           we're talking about the same spot.

8                     MR. FRANCIS: It's the lower left hand corner.

9                     MR. LANE: So, they really can't make it as a  
10          condition.

11                    MR. GRASSO: No, you can't make it a condition of  
12          the approval. So, our comment three in the letter  
13          describes cutting that sidewalk back to that  
14          intersection where that private access road continues  
15          on to the adjacent bank and Trader Joe's parcel.  
16          Whenever a sidewalk comes to one side of an  
17          intersection, we always look for a crosswalk that takes  
18          you across the intersection to a concrete landing pad.  
19          You basically have areas of rescue on both sides of  
20          that access drive. It's our recommendation that the  
21          sidewalk get cut back to the intersection and then  
22          extend it across that private drive. That's something  
23          that I think is important to get a concurrence from the  
24          Planning Board on.

25                    Is that acceptable to everybody?

1 (There was no response.)

2 MR. GRASSO: It's not what is currently shown on  
3 the plan.

4 MR. WYLER: I'm Dave Wyler with Turf Hotels. I  
5 can show you pictures of the site in those areas. Joe  
6 is suggesting to stop it at this intersection here and  
7 bring it across. We would probably move these signs  
8 (Indicating). It's kind of an awkward space to stop  
9 it.

10 Here is the path here and this is the space  
11 where Mr. Grasso is suggesting that we stop it.

12 MS. DALTON: You're suggesting that you bring the  
13 sidewalk up to here, correct?

14 MR. WYLER: Yes.

15 MS. DALTON: I just want to make sure that I'm  
16 understanding properly.

17 MR. HOFFMAN: We will do whichever one you want.

18 MR. WYLER: Otherwise they're going to walk in the  
19 road.

20 MS. DALTON: Right, so can you just confirm for me  
21 what I keep asking which is your suggesting is that  
22 rather than stopping this at the corner, you want to  
23 wrap it around.

24 MR. WYLER: This is how it's currently shown.

25 MS. DALTON: I get it. What do you want to do.

1 MR. WYLER: Whatever the Board wants us to do.

2 MS. DALTON: What are you suggesting? I'm trying  
3 to confirm what you're suggesting and that it's  
4 different from what Joe is suggesting.

5 MR. WYLER: There is a lot of people walking up  
6 there and going to trader joes' and whatever else is up  
7 there.

8 MR. HOFFMAN: There are two answers and they're  
9 both right. We're saying that if you have a  
10 preference, we'll do whichever one you want.

11 CHAIRMAN STUTO: Put a sidewalk on part of the  
12 dirt path; is that kind of what you're saying?

13 MR. HOFFMAN: Yes. From a dollar and cents point  
14 of view, Joe's answer is better for us; to be honest  
15 with you. It's less expensive and we'll gladly do that  
16 in a heartbeat.

17 MS. DALTON: Your concern is that since they don't  
18 own that property -

19 MR. GRASSO: As a policy, we don't prefer building  
20 a sidewalk that doesn't end at a logical terminus.  
21 You'll see this comment in our letter.

22 CHAIRMAN STUTO: Maybe we can have a bench there  
23 or something like that. Does that then make it a  
24 logical terminus?

25 MR. GRASSO: What I would say is that if the

1 Planning Board feels comfortable with extending the  
2 sidewalk up to the property line, we hope that Mr  
3 Hoffman gets together with his neighbors and try to  
4 work out the future extension of the sidewalk. And  
5 that the site plan gets approved as currently shown.

6 MR. HOFFMAN: If we can make a deal with our  
7 neighbor, we'll do it and if we can't, we'll end it  
8 where you're suggesting.

9 MR. LANE: That works.

10 MR. GRASSO: That works for us too.

11 MR. AUSTIN: So, you're suggesting a cross walk,  
12 right?

13 MR. GRASSO: If you're going to make a change to  
14 the plan and cut it back to the intersection, we  
15 require a crosswalk across the intersection with a  
16 landing. Basically, it's brings them down to an  
17 intersection point. As long as they have a spot in the  
18 opposite corner there -- I mean, you have to stop them  
19 some place.

20 CHAIRMAN STUTO: There is still nothing on the  
21 other side.

22 MR. AUSTIN: So, it's a sidewalk to nowhere.

23 MR. GRASSO: The cross walk always has to stop at  
24 a level landing pad. It's got to be concrete pad, it's  
25 got to be ADA accessible and it's got to be a refuge



1 area where they can get out of the travel way. That's  
2 all.

3 CHAIRMAN STUTO: I think that the way that it's  
4 drawn is okay with me.

5 MR. GRASSO: I think that we'll leave it the way  
6 that it's shown and then we'll ask Mr. Hoffman to try  
7 to work on the agreement.

8 MR. HOFFMAN: And I'm sure that we can make a  
9 deal.

10 MR. GRASSO: Those were the comments in our letter  
11 that I thought were important. Are there any other  
12 technical comments that we raised in our letter that  
13 the Planning Board feels that we should discuss before  
14 we move onto the SEQRA?

15 (There was no response.)

16 CHAIRMAN STUTO: Do you want ot do SEQRA or should  
17 we open it up to the public?

18 (There was no response.)

19 CHAIRMAN STUTO: We have a list here. Is there  
20 anybody looking to be heard on this project?

21 (There was no response.)

22 CHAIRMAN STUTO: Why don't you continue on?

23 MR. GRASSO: In terms of the SEQRA review, they  
24 have been providing additional information through the  
25 course of the project. It's an unlisted action

1           pursuant to SEQRA so a coordinated review with other  
2           involved agencies was optional and not required. Even  
3           though it's an unlisted action and we typically only  
4           require a short EAF because of the scale of the project  
5           and the complexity, we did request that they provide a  
6           full environmental assessment form. It provides a lot  
7           more detailed information than the short EAF. The full  
8           EAF was reviewed by us. Revisions were made in  
9           response to our comments. The full EAF is a three part  
10          form. Part I basically describes the project setting  
11          and describes the characteristics of the project. Part  
12          I is completed by the applicant. Part II is something  
13          that it's their responsibility of the lead agency where  
14          you go through and you answer a bunch of questions  
15          regarding the potential environmental impacts  
16          associated with the project and whether or not certain  
17          thresholds were met. Whenever there is a potential  
18          environmental impact, it kicks you into a further  
19          discussion during part III of the full EAF which is  
20          also the responsibility of the lead agency. On behalf  
21          of the Planning Board we went through and completed  
22          Part II which is also included in your packet and then  
23          there is a number of items in there that trigger  
24          additional evaluation and that's what we included into  
25          the written response of Part III of the full EAF. If

1           you can go into your packets, I'm just going to jump  
2           right to the Part III because we go into a lot of  
3           detail regarding all of the different impact thresholds  
4           that were identified. The environmental assessment  
5           form Part III is page 4 at the bottom of the packet.  
6           The first one is regarding the potential impact on land  
7           and the thresholds are that the project triggers a  
8           discharge permit.

9           CHAIRMAN STUTO: It's water. You said land.

10          MR. GRASSO: I'm sorry, on water. It requires a  
11          discharge permit because the disturbance of the site is  
12          going to be over an acre so it requires a full  
13          stormwater management plan. Basically, the design of  
14          the stormwater management system is that there is going  
15          to be no additional run off generated off the site.  
16          Water will be treated for both -

17          CHAIRMAN STUTO: Is SPDES the same as stormwater  
18          management plan?

19          MR. GRASSO: It is. SPDES stands for State  
20          Pollution Discharge Elimination System. A SPDES permit  
21          can cover a bunch of different things including  
22          industrial discharges. In terms of this project, it's  
23          only related to stormwater. So, it's still a SPDES  
24          permit but just relating to the stormwater discharges.  
25          So, they've provided a full compliance SWPPP and that

1 project does include onsite stormwater management so  
2 all of the impacts on water have been adequately  
3 addressed.

4 The second item is the potential impact on  
5 plants and animals. One of the thresholds is for  
6 a project that is going to involve the application  
7 of pesticides or herbicides more than twice a  
8 year. Most of the commercial sites developed in  
9 our town do that as part of the normal turf  
10 maintenance. So, we've gone through a description  
11 of that. There is nothing unique about that. We  
12 think that it would cause any significant impacts  
13 regarding application of pesticides or herbicides.

14 The third one is impact on aesthetic  
15 resources. You'll remember during the review of  
16 the project we raises some concerns about the  
17 potential visibility of the site and they went  
18 through a series of photo simulations where they  
19 looked at viewshed off of the site and the  
20 potential visibility of the hotel. It was one of  
21 the reasons that they dropped the height of the  
22 hotel and why we've been pushing for improved  
23 architectural treatments. So, based on the review  
24 of the project, we don't expect that there is  
25 going to be significant impacts on the aesthetic

1 resources.

2 The fourth one is the impact on historical or  
3 archeological resources. This site is in the  
4 airport area GEIS and all those sites have been  
5 deemed potentially sensitive for historic or  
6 archeological resources. As part of this  
7 project's review process, they had to go to the  
8 state historic preservation office and ask them if  
9 they thought that this project would have any  
10 potential impact on that agency as deemed that  
11 there would be no impact on those resources as  
12 opposed to the project.

13 The fifth item is the potential impact on  
14 transportation. This project is going to result  
15 in an increase in traffic. Fortunately, it's in  
16 the airport area GEIS and this project will be  
17 subject to mitigation fees as part of its  
18 approval. And a portion of those mitigation fees  
19 will be going towards comprehensive transportation  
20 improvements in the vicinity of the project site.  
21 Those improvements are intended to mitigate  
22 traffic impact to acceptable levels.

23 The sixth item is impact on energy. There is  
24 nothing out of the ordinary regarding the energy  
25 sources needed to supply the project site. So,

1           there are no significant impact anticipated there.

2           The seventh and last item that was identified

3           as a potential impact on the growth and the

4           character of the community or neighborhood: the

5           threshold there is the parking. It's going to

6           require additional demand for community service

7           and increase fire protection, schools and police

8           protection and it will have a positive impact on

9           employment. There are no impacts that were

10          identified that would create an undue burden on

11          those community services. The project is not

12          going to result in creation of any school aged

13          children so that there won't be any impact on

14          schools. Obviously there is going to be both

15          temporary jobs created during construction and

16          permanent jobs created after the site is in full

17          operation. So, based upon those thresholds and

18          the responses as written, we don't expect that the

19          project is going to result in a significant impact

20          on th environment and we have prepared the draft

21          negative declaration for review by the Planning

22          Board. Prior to taking any acton on the waiver

23          findings, the incentive zoning provisions or final

24          site plan approval, the Planning Board will need

25          to make their SEQRA determination.

1                   CHAIRMAN STUTO: Any comments or questions from  
2 the Board members about the environmental impacts?

3                   (There was no response.)

4                   CHAIRMAN STUTO: Are we ready to move on the  
5 negative declaration?

6                   MR. LANE: I'll make a motion that we accept the  
7 negative declaration.

8                   MS. GOMEZ: I'll second.

9                   CHAIRMAN STUTO: All those in favor, say aye.  
10                  (Ayes were recited.)

11                  CHAIRMAN STUTO: All those opposed, say nay.  
12                  (There were none opposed.)

13                  CHAIRMAN STUTO: The ayes have it.  
14                  Waivers or incentive zoning?

15                  MR. GRASSO: Incentive zoning is fine.

16                  CHAIRMAN STUTO: I just want to say for the record  
17 that we did change the square footage on the SEQRA  
18 resolution - the 98,630.

19                  MR. GRASSO: Everyone is comfortable with that  
20 change?

21                  CHAIRMAN STUTO: Without objection, that will be  
22 so noted.

23                  MR. LANE: Are we going to read the resolution?

24                  CHAIRMAN STUTO: We talked about it a lot. Joe,  
25 what do you suggest?

1 MR. GRASSO: I don't recommend reading it into the  
2 record. This exact copy will be kept in the record and  
3 this resolution does not reference the size of the  
4 building so there won't be a change there.

5 CHAIRMAN STUTO: Can we give the steno a copy of  
6 that so that we can have that in the record as well?

7 MR. LACIVITA: Is that the resolution for the  
8 incentives?

9 CHAIRMAN STUTO: Yes.

10 MR. LACIVITA: The only change that there would be  
11 is on the very bottom is that the supervisor has  
12 changed the name of the park. So b and c, just have it  
13 read, Nancy, if you don't mind, the Mohawk Riverside  
14 Landing Park. That's going to be in both b and c.

15 This resolution will be on the Town Board  
16 agenda as well on Thursday.

17 MR. GRASSO: We had Mohawk River Landing Park.  
18 It's now Mohawk Riverside Landing Park.

19 CHAIRMAN STUTO: Those changes are so noted.

20 Joe, you talk on the record what is being  
21 traded in lieu of the incentive fee. Do you want  
22 to go through a and b, c and d?

23 MR. GRASSO: "The conveyance of a fee interest to  
24 the Town of Colonie of approximately 118 acre parcel of  
25 land along Sand Creek Road, as identified under deed



1 Liber 1860, page 99; b. the construction of a  
2 men's/women's restrooms at the Mohawk Riverside Landing  
3 Park along River Road; c. the purchase and delivery of  
4 10 picnic tables to be located near the restrooms and  
5 throughout the Mohawk Riverside Landing Park grounds,  
6 as directed by the Town of Colonie; d. the construction  
7 of two sets of men's women's restrooms at the Town of  
8 Colonie golf course; one located adjacent to the sixth  
9 tee of the white course and one located adjacent to the  
10 fourth tee of the green course.

11 CHAIRMAN STUTO: Okay, we have the entire  
12 Resolution before us. Are there any comments or  
13 questions from the Board?

14 (There was no response.)

15 CHAIRMAN STUTO: Do we have a motion to adopt this  
16 Resolution?

17 MR. MION: I'll make that motion.

18 CHAIRMAN STUTO: Do we have a second?

19 MR. LANE: Second.

20 CHAIRMAN STUTO: All those in favor, say aye.

21 (Ayes were recited.)

22 CHAIRMAN STUTO: All those opposed, say nay.

23 (There were none opposed.)

24 CHAIRMAN STUTO: The ayes have it.

25 Waivers are next?

1 MR. GRASSO: Yes. There is just one waiver  
2 because they won't be requiring waiver for the lighting  
3 height to exceed 18 feet because they're willing to  
4 reduce it down to 18 feet.

5 CHAIRMAN STUTO: Okay we have a Resolution before  
6 us. Can we ask the Stenographer to submit that in its  
7 entirety into the record, with the one correction  
8 being made in the first line referring to a 93997  
9 square foot facility. It should read 98,630.

10 That said, you want to talk in lay terms  
11 about what the waiver is?

12 MR. GRASSO: This waiver is related to the lack of  
13 the required amount of interior greenspace located  
14 within the lot. We support the design and the  
15 configuration of the parking around the building. We  
16 feel like trying to meet the letter of the law in this  
17 case is only going to reduce the amount of greenspace  
18 around the perimeter of the site. We support the  
19 waiver as requested.

20 CHAIRMAN STUTO: I'll just say for the record that  
21 it reflects the land use law that there is a finding  
22 that the waiver is not considered substantial and that  
23 the applicant has established that there are no  
24 practical alternatives to the waiver.

25 Any discussion or comments on this Resolution

1 before us?

2 (There was no response.)

3 CHAIRMAN STUTO: Do we have a motion to adopt  
4 this?

5 MS. DALTON: I'll make the motion.

6 CHAIRMAN STUTO: Do we have a second?

7 MS. GOMEZ: I'll second.

8 CHAIRMAN STUTO: All those in favor, say aye.

9 (Ayes were recited.)

10 CHAIRMAN STUTO: All those opposed, say nay.

11 (There were none opposed.)

12 CHAIRMAN STUTO: The ayes have it.

13 MR. GRASSO: Before we move onto the final site  
14 plan approval, the Planning Department in their letter  
15 on the back of the checklist included in your packet.  
16 It's the second page; comment two stated that the  
17 Planning Board findings recommendation of the ODA dated  
18 December 18, 2012 will need to be amended to allow the  
19 base commercial density on the 3.97 acre parcel to be  
20 increased from 71,550 square feet or 18,000 square feet  
21 per acre to 93,992 square feet, which is 23,676 square  
22 feet per acre.

23 We have reviewed the Planning Board findings  
24 and there was no reference that we saw regarding  
25 the size of the building. So, we did not seek a

1 need to change that reference or to amend those  
2 findings.

3 CHAIRMAN STUTO: In the record we have the  
4 resolution of the town board with respect to the ODA,  
5 don't we?

6 MR. GRASSO: Yes. Actually, also in your packet  
7 it the resolution from the Planning Board.

8 CHAIRMAN STUTO: Although the Town Board  
9 Resolution does refer to the site. Do they refer to  
10 the density?

11 MR. GRASSO: I did not see it. I wanted to bring  
12 it to your attention that if there was a reference  
13 regarding the square footage of the building in the  
14 record, are you okay that the record reflects that the  
15 size of the building is now 98,000 plus square feet as  
16 opposed to what it was noted here as 93,992?

17 CHAIRMAN STUTO: I don't think that we have any  
18 objection to that. That's the project that we are  
19 considering.

20 MR. GRASSO: Again, I couldn't find any reference  
21 to that size. If there is something in the record I  
22 just want to make sure that we will get a correct one  
23 for the Planning Board.

24 MS. VAIDA: I just wanted to make sure that the  
25 Albany County Planning Board conditions are

1 incorporated which I assume they are. They seem like  
2 fairly standard conditions.

3 MR. GRASSO: Yes, they've all been addressed.

4 CHAIRMAN STUTO: Okay, the main question before  
5 the board. The application for final site plan  
6 approval. Do we have any comments or questions on  
7 that?

8 (There was no response.)

9 CHAIRMAN STUTO: We do have a recommendation from  
10 the board that the secondary fire entrance be made and  
11 the pavers, and if that's objected to by the Fire  
12 Department or the Fire Chief, then that will be brought  
13 back to us. Everything else is conditioned upon the  
14 requirements and the Town Designated Engineers letter  
15 and the Town departments' requirements.

16 Is there anything else?

17 (There4 was no response.)

18 CHAIRMAN STUTO: Any comments or questions on  
19 that?

20 MR. LANE: I just want to say that they don't have  
21 to come back. If they gree with the Fire Department -

22 CHAIRMAN STUTO: I think that the way that we said  
23 it is that we're going to have pavers and if they  
24 deviate from the pavers, they have to come back. If  
25 they stick with the pavers, then they have to come

1 back.

2 Is that what you're saying?

3 MR. GRASSO: Yes, the plans right now reflect the  
4 gated paved entrance.

5 CHAIRMAN STUTO: And we're changing it to pavers.

6 MR. GRASSO: That's correct.

7 CHAIRMAN STUTO: Based upon those conditions, do  
8 we have a motion?

9 MS. DALTON: I'll make a motion.

10 MR. LANE: I'll second it.

11 CHAIRMAN STUTO: Any discussion or comment?

12 (There was no response.)

13 CHAIRMAN STUTO: All those in favor, say aye.

14 (Ayes were recited.)

15 CHAIRMAN STUTO: All those opposed, say nay.

16 (There were none opposed.)

17 CHAIRMAN STUTO: The ayes have it.

18 Thank you.

19 (Whereas the proceeding was concluded at 8:35  
20 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 May 20, 2013

