

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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HILTON HOME 2 SUITES

10 METRO PARK ROAD

APPLICATION FOR FINAL APPROVAL

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
8 Reporter, commencing on January 7, 2014 at 7:02 p.m.  
at The Public Operations Center, 347 Old Niskayuna  
Road, Latham, New York

9

10 BOARD MEMBERS:  
11 PETER STUTO, CHAIRMAN  
12 BRIAN AUSTIN  
13 TIMOTHY LANE  
14 LOU MION  
15 KATHY DALTON  
16 SUSAN MILSTEIN

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17 ALSO PRESENT:

18 Joe LaCivita, Director, Planning and Economic Development

19 Kathleen Marinelli, Esq., Special Counsel to the  
20 Planning Board

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21 Pat Mitchell, Creighton Manning Engineering

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1                   CHAIRMAN STUTO: Welcome everybody. Happy New  
2 Year. We have new counsel that we'd like to welcome,  
3 Kathleen Marinelli. She is to my left and to Joe's  
4 right.

5                   We have a new Board Member who is not here;  
6 Tina Segel. She is resolving a conflict and she'll be  
7 here at the next meeting.

8                   Joe, do you have any housekeeping items that  
9 you'd like to talk about?

10                  MR. LACIVITA: Yes, I was going to try to do  
11 this for the December meeting, but I wanted to give an  
12 annual summary as to what Planning's activity was for  
13 2013.

14                  We had approved 269 residential lots within the  
15 Town of Colonie that encompassed 17 subdivisions  
16 overall. Some of those being large subdivisions. By  
17 the Land Use Law, a large subdivision or a major  
18 subdivision is anything four lots or more. So, 269  
19 residential lots were filed with the Clerk's office  
20 and approved during 2013.

21                  We also had 39 minor projects that were  
22 encompassed. Some of those actually came to the  
23 Planning Board for some redevelopment activity and  
24 variances that were needed. There were 15 major  
25 projects were reviewed by this Board and that is

1 anything defined as 10,000 square feet or over. All  
2 together with that, we saw 577,110 square feet of new  
3 activity for last year. So, you have retail office of  
4 134,000 space and 144,000 warehousing and  
5 manufacturing and the rest is educational/community  
6 and recreational. All total is 577,000 square feet of  
7 new activity throughout the year.

8 We approved 220 changes in tenant. That  
9 typically just means retail malls or strip malls  
10 throughout the Town. We've collected \$785,480 worth  
11 of impact fees for our major projects. That's  
12 anything within one of the GEIS areas throughout the  
13 Town. That would be Boght, Vly and the airport area.  
14 That's specific for any traffic improvement plans that  
15 were designed through projects and they had to pay  
16 their proportionate share so they could work within  
17 the Town.

18 So, that's a summary of 2013. All in all, I  
19 think that you guys should give yourselves a hand  
20 because we did have a lot of activity this year and  
21 we're going to have a lot more in 2014 based on what  
22 we're currently seeing already.

23 CHAIRMAN STUTO: I really appreciate getting  
24 those statistics. Thank you. It puts it a little bit  
25 in perspective. Thank you to the staff and all the

1 applicants and the residents for participating in  
2 that.

3 Anything else before we go to the first item?

4 MR. LACIVITA: No, we're all set there.

5 CHAIRMAN STUTO: Okay, we'll call up the first  
6 item.

7 Hilton Home 2 Suites, 10 Metro Park Road. This  
8 is an application for final approval. This is a  
9 91-room four-story hotel presented by Creighton  
10 Manning Engineering.

11 MR. MITCHELL: Good evening. I'm Pat Mitchell  
12 from Creighton Manning Engineering. As the Chairman  
13 described, we're here requesting final approval for  
14 this project located at 10 Metro Park. It is a Hilton  
15 Home 2 Suites with 91 rooms.

16 We were previously in front of the Board in  
17 June of 2013 for concept review. We were previously  
18 at the Zoning Board and received a variance for  
19 density in use and a billboard which is a sign in this  
20 case prior to the concept. So, to date there has been  
21 a couple of minor changes since the plans that the  
22 Board has in front of them. At the time that we  
23 submitted to the Board there were two outstanding  
24 issues. One of those being fire access. We met with  
25 the Planning Department and Fire Services last Friday

1 and resolved where the access location is and what the  
2 construction materials would be there. So, they are  
3 reflected on the plans that we have in front of the  
4 Board tonight, and I'll just hand them off to Joe  
5 Grasso as well.

6 So, again the project does have a couple of  
7 waivers that are being requested. One is for  
8 exceeding the maximum 20-foot setback and the other is  
9 for having parking in the front yard which is very  
10 similar to the other businesses in this corridor.  
11 Again, the final outstanding issues being the Fire  
12 Services access and there was one comment from  
13 Stormwater that we had a pipe discharging from a shed.  
14 They want us to remove the pipe and just slope the  
15 concrete so it runs out in front of the shed. It all  
16 ends up in the same spot, but they didn't want a pipe.  
17 They wanted to be able to see it.

18 MR. LANE: What was the reasoning behind that?

19 MR. MITCHELL: I'm not sure. From a code  
20 perspective I don't know that there is an issue either  
21 way. It was a building that had a roof on it. If you  
22 have a building that doesn't have a roof, you can't  
23 send it to sanitary. It's an issue where we can't  
24 send it to sanitary. The proper place to send it is  
25 to the stormwater infiltration -

1 MR. LANE: You were just piping it?

2 MR. MITCHELL: Yes, we had it coming out of a  
3 pipe that discharged and they didn't like it. My  
4 assumption is that the concern is that if something  
5 gets clogged, you can't see it. Whereas, if we grade  
6 it, it taxies out the front of the entrance. It ends  
7 up ultimately in the same spot which is 12 feet away  
8 from this little shed.

9 CHAIRMAN STUTO: Maybe we'll ask Joe Grasso to  
10 talk about that.

11 MR. GRASSO: I really can't add any more. When  
12 I saw the comment I did ask our Stormwater Management  
13 Officer for explanation and I got no response to that.  
14 It was fine where it exits before and it's fine the  
15 way that it is designed now.

16 CHAIRMAN STUTO: Are you done with your  
17 presentation, is that what I heard you say?

18 MR. MITCHELL: Yes, and any questions from the  
19 Board, we would certainly like to entertain.

20 CHAIRMAN STUTO: Okay, we're going to let Joe  
21 Grasso who is with CHA, our Town Designated Engineer  
22 go through his comments and I think that's what we  
23 normally do.

24 I just want to ask if there are representatives  
25 from Fire Safety here?

1           Okay, for the record I want to acknowledge  
2           that. I don't know if they're going to make a  
3           presentation or not.

4           FROM THE FLOOR: No, unless there are  
5           questions.

6           CHAIRMAN STUTO: Okay, thank you. I just  
7           wanted to know if you were here for the record.

8           We'll turn it over to Joe Grasso and you can go  
9           through your comments.

10          MR. GRASSO: Sure. Within the Planning Board  
11          packet, about three pages back is our last review  
12          letter on the project. There has been a couple of  
13          reviews that we have done during the course of the  
14          project. The most final one is dated December 23rd in  
15          your packet. In the plans that you have before you  
16          tonight for final site plan approval consideration is  
17          substantially the same as what was reviewed by the  
18          Planning Board during concept review. One of the  
19          items was mentioned during the presentation that Pat  
20          gave was the emergency access. The project was  
21          approved conceptually without a second emergency  
22          access provisions being provided by the site. It was  
23          a comment from Fire Services throughout the course of  
24          the review of the project. What we had initially  
25          considered in working with the applicant was an

1 emergency access connection.

2 Pat, could you put that plan back up?

3 MR. MITCHELL: Sure.

4 MR. GRASSO: It would be in the lower right  
5 hand corner, close to the intersection with Aviation  
6 Road and Metro Park. That's where it was originally  
7 proposed. We had worked with the applicant on the  
8 design that would have basically two parallel  
9 sidewalks that the applicant would have to maintain  
10 and keep clear of snow, similar to what the Planning  
11 Board had approved for the Staybridge Suites Hotel.  
12 That is under construction at Colonie Center.

13 In listening to additional concerns raised by  
14 the Fire Services Department and the Fire Chief, they  
15 really had concerns regarding the long-term  
16 maintenance of that and whether or not it would be as  
17 accessible to emergency apparatus. We had a meeting  
18 last week with the applicant and Fire Services and  
19 Planning Staff and we decided that another acceptable  
20 arrangement would be to the northeast corner where Pat  
21 is pointing out. That's where the Town road on  
22 Aviation Road currently ends in a cul-de-sac right  
23 there (Indicating). That will be heavy duty stamped  
24 asphalt pavers. It will look more like a pedestrian  
25 way, but it will obviously support emergency access

1 vehicles. It will not be gated. A gate was something  
2 that was considered during the earlier reviews of the  
3 project and we did not support that. It's also not  
4 going to be a full vehicular access way where it will  
5 not be open to normal vehicle traffic. That was  
6 primarily our concern. Based on the width being more  
7 narrow and the paving material being stamped asphalt,  
8 I think that it is going to look more like a  
9 pedestrian way. There will be striping on the site  
10 side of it -

11 CHAIRMAN STUTO: Are there two parallel -?

12 MR. GRASSO: It's the one swath of asphalt, 20  
13 feet wide. It will be signed that it is only for  
14 emergency access vehicles and then there will be a  
15 curb still along Aviation Road. It will be a mountable  
16 curb, but you'll see an existing curb.

17 CHAIRMAN STUTO: So, it's not going to invite  
18 cars.

19 MR. GRASSO: If cars choose to go in there,  
20 then that's fine. We still think that's it safe and  
21 it's not going to cause a safety hazard. We're trying  
22 to balance between the needs of access management  
23 along Aviation Road, pedestrian safety, as well as  
24 providing reasonable emergency access provisions on  
25 the site. We think at this point that it does that.

1           The plan that Pat presented tonight that he  
2 handed off to us is consistent without meeting that  
3 we had last week. We think that's acceptable.

4           Going through our letter from December 23rd,  
5 most of our technical comments had been previously  
6 addressed as well as comments from the other Town  
7 departments. The first comment is regarding the SEQRA  
8 review because of the scale of the project, the Town  
9 Attorney's office initially had requested a full  
10 environmental assessment form that was provided to us  
11 and served as the basis of the environmental review of  
12 the project site. We've drafted a negative  
13 declaration for the Planning Board's consideration so  
14 that's included in your packet and we've gone and  
15 filled out Part II and Part III of the full EAF, and  
16 we have a draft Resolution for SEQRA findings for  
17 that.

18           The project is going to require a couple  
19 waivers from the Land Use Law. The first being that  
20 it exceeds the maximum front yard setback of 20 feet  
21 from both Metro Park Road and Aviation Road East which  
22 are both considered front yards. The proposed Hotel  
23 is 85 feet from Metro Park Road and 97 feet from  
24 Aviation Road.

25           The other waiver that would be required is the

1 parking in the front yard setback. The parking is  
2 proposed closer to both Metro Park Road and Aviation  
3 Road than the front of the building. So, a waiver is  
4 going to be required.

5 Regarding those two waivers, it was something  
6 that was openly discussed during the Planning Board  
7 during conceptual review and generally supported by  
8 the Board. The applicant has provided some additional  
9 justification regarding the waivers and based on that,  
10 it does appear that those waivers are justified and  
11 appropriately documented. We have prepared a draft  
12 Resolutions in support of the waivers for  
13 consideration by the Planning Board.

14 There were a couple of other minor comments  
15 that Pat touched on during his initial presentation.  
16 That's all we have, so we think that it's ready for  
17 final site plan review by the Planning Board.

18 CHAIRMAN STUTO: I'll just mention to the  
19 public if you'd like to be heard on this or any other  
20 agenda items, I'd ask that you sign in on that white  
21 piece of paper on the table near the door.

22 Is there anyone that is interested in speaking  
23 on this project?

24 (There was no response.)

25 CHAIRMAN STUTO: I'm going to just turn this

1 over to the Board. I have seen this before and  
2 personally am supportive of what I see.

3 Any comments or questions from the Board  
4 Members?

5 (There was no response.)

6 CHAIRMAN STUTO: Do you want to walk us through  
7 the environmental review?

8 MR. GRASSO: Sure. Back in your packet is the  
9 full environmental assessment form. It's a three part  
10 form. As you know, Part I is filled out by the  
11 applicant. It describes the proposed project and then  
12 the environmental setting of the proposed project.  
13 Part II and Part III are the responsibility of the  
14 lead agent. This project was an unlisted action so no  
15 coordinated review was required. The lead agency was  
16 the Planning Board. Part II goes through the question  
17 and answer regarding the scale of the environmental  
18 impacts and all of those questions and all of those  
19 thresholds where there is a question whether or not  
20 those thresholds are being exceeded, the response is  
21 no. So, I'm not going to go through all of the  
22 different criteria, but it touches on everything from  
23 traffic impacts, energy, endangered species, aesthetic  
24 resources, impacts on plants and animals, recreation  
25 and noise and odor. To all of those questions, none

1 of the thresholds provided were exceeded, so it didn't  
2 trigger the need for more extensive environmental  
3 review.

4 So, past Part II you get to the Resolution of  
5 the Planning Board. On the back side of the  
6 Resolution page is actually the negative declaration  
7 which we had drafted and that basically summarizes  
8 that the lead agency has reviewed the applications  
9 site plans, project, full EAF and supporting  
10 documentation and conducted further investigation of  
11 the project and its environmental effects as deemed  
12 appropriate. Based on this review and the lead  
13 agency's knowledge of the area surrounding the  
14 project, the lead agency has determined that the  
15 action will have no significant effects on the  
16 environment.

17 So, that's the negative declaration as drafted  
18 and the Resolution for Planning Board consideration is  
19 the one page in front of that.

20 CHAIRMAN STUTO: Are there any comments or  
21 questions by the Board members on the environmental  
22 review?

23 (There was no response.)

24 CHAIRMAN STUTO: Do we have a motion on the  
25 negative declaration?

1 MR. MION: I'll make a motion.

2 MR. LANE: I'll second.

3 CHAIRMAN STUTO: Any discussion?

4 (There was no response.)

5 CHAIRMAN STUTO: All those in favor say aye.

6 (Ayes were recited.)

7 CHAIRMAN STUTO: All those opposed say nay.

8 (There were none opposed.)

9 CHAIRMAN STUTO: The ayes have it.

10 Do you want to talk to us about the waivers?

11 MR. GRASSO: As I mentioned before, there are  
12 two waivers required for the project. The one is the  
13 building being set back further than the maximum front  
14 yard setback along both Aviation Road and Metro Park  
15 Road and the second being the parking in the front  
16 yard. Now, I'm just going to go through and read the  
17 Resolution for consideration.

18 "Whereas the applicant is requesting a waiver  
19 from the Town of Colonie Land Use Law allowing parking  
20 in the front yard setback and to allow the building  
21 setback to exceed the 20foot maximum front yard  
22 setback.

23 Whereas the Town of Colonie Planning Board may  
24 waive these standards to the extent that it deems  
25 necessary in order to secure reasonable development of

1 the site. In such case, the applicant must establish  
2 that there are no practical alternatives to the  
3 proposed waivers that would conform to the standard  
4 and the Board shall issue a written finding stating  
5 the extent and justification of the waiver.

6 Whereas the project site is currently located  
7 within an existing office park setting with a suburban  
8 style development pattern, and

9 Whereas the existing development patterns  
10 within the setting of the site contain buildings with  
11 parking areas located within the front yard setbacks,  
12 and

13 Whereas the Planning Board finds it desirable  
14 that parking be located around all sides of the  
15 building to reduce pedestrian travel distances and to  
16 reduce the aesthetic impact of large expansive parking  
17 areas, and

18 Whereas the building setback is consistent with  
19 the adjacent properties.

20 Now, therefore be it resolved that the Board  
21 hereby finds that the extent of the waivers is not  
22 considered substantial, and

23 Be it further resolved that the Board finds  
24 that the applicant has established that there are no  
25 practical alternatives to the proposed waivers that

1 would conform to the standards and that the waivers  
2 are necessary in order to secure reasonable  
3 development of the project site.

4 Be it further resolved that the Board hereby  
5 issues a waiver to allow parking in the required front  
6 yard setback, and

7 Be it further resolved that the Board hereby  
8 issues a waiver to allow the building to exceed the 20  
9 foot maximum front yard setback, and

10 Be it further resolved that these waiver  
11 findings be a condition of site plan approval of the  
12 application and be kept in the project file in the  
13 Office of Planning and Economic Development  
14 Department.

15 CHAIRMAN STUTO: Thank you. I think that  
16 you've made a good case in laying out the  
17 justification for the waivers.

18 Do we have any comments or questions from the  
19 Board?

20 MR. LANE: I'll make a motion to move the  
21 Resolution.

22 MR. MION: I'll second.

23 CHAIRMAN STUTO: Any comments or questions?

24 (There was no response.)

25 CHAIRMAN STUTO: All those in favor say aye.

1 (Ayes were recited.)

2 CHAIRMAN STUTO: All those opposed say nay.

3 (There were none opposed.)

4 CHAIRMAN STUTO: The ayes have it.

5 On the main questions before the Board, which  
6 is for final site plan approval, contingent upon  
7 comments of our Town Designated Engineer and the Town  
8 Department as well as resolving the final details.

9 MR. GRASSO: I would say revised emergency exit  
10 arrangement as presented tonight.

11 CHAIRMAN STUTO: Would anybody like to make  
12 that motion?

13 MS. DALTON: I'll make that motion.

14 MR. MION: Second.

15 CHAIRMAN STUTO: Any comments or questions on  
16 that motion?

17 (There was no response.)

18 CHAIRMAN STUTO: All those in favor say aye.

19 (Ayes were recited.)

20 CHAIRMAN STUTO: All those opposed say nay.

21 (There were none opposed.)

22 CHAIRMAN STUTO: The ayes have it.

23 Thank you.

24 (Whereas the above entitled proceeding was  
25 concluded at 7:20 p.m.)

CERTIFICATION

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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 22, 2014

