

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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100 FULLER ROAD PDD
APPLICATION FOR ZONE CHANGE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on May 5, 2015 at 7:05 p.m. at
The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 BRIAN AUSTIN
14 SUSAN MILSTEIN
15 CRAIG SHAMLIAN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Joseph LaCivita, Director, Planning and Economic
19 Development

20 Donald Zee, Esq., Donald Zee, PC

21 Brant Stiles, Collegiate Development Group

22 Joseph Grasso, PE, CHA

23

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1 CHAIRMAN STUTO: The next item on the agenda is 100
2 Fuller Road. This is a planned district development.
3 This is an application for zone change.

4 Joe LaCivita, do you have any more details on
5 that?

6 MR. LACIVITA: I can give a little bit more detail
7 on it. The applicant that is before us - we're looking
8 at the industrial zone which is 100 Fuller Road and 65
9 Railroad Avenue. The parcel is only 3.3, combined.
10 They are looking for a total unit number of 195 which
11 would actually encompass 543 beds. It would be specific
12 to student housing to assist with SUNY Nanotech and the
13 SUNY Albany system.

14 I think that their request is unique because
15 the industrial zones are typically bordered by
16 residential areas. Whether that be in our urban
17 core, or our own suburban design. But the
18 interesting thing is that housing is not allowed in
19 an industrial zone. So, it's a unique request
20 because it changed the fabric of what our
21 Comprehensive Plan says, but it asks us to be
22 creative when you look to regenerate or revitalize a
23 once industrial area.

24 I call your attention as this project comes
25 through review, to look at Section 3.3 of our

1 Comprehensive Plan. It talks about potential
2 possibilities. It specifically talks to future
3 development, but using that industrial fabric. This
4 could potentially lead to putting a lot of feet in
5 the area. That's a good thing because it could also
6 help revitalize some of the businesses that are in
7 that area and also some of the surrounding
8 businesses as well. It's a unique nexus because you
9 have the SUNY Nanotech and SUNY Albany here. It's a
10 unique request and I'm going to turn it over to Don
11 Zee to talk a little bit about the project, what
12 they are looking for and how they can form the nexus
13 to the industrial zone for this zone change to a
14 PDD.

15 MR. ZEE: Good evening. My name is Donald Zee.
16 I'm the attorney for the applicant. With me tonight is
17 Bran Styles who is with the developer. The developer is
18 in fact a joint venture between Collegiate Development
19 Group which is out of St. Louis as well as Campus
20 Apartments which is located out of Philadelphia.

21 Campus Apartments has been around since 1952
22 and currently manages and owns 20,000 student beds
23 throughout the country. They are in 20 states and
24 are affiliated with 70 different colleges and
25 universities. In this case we are seeking a PDD for

1 a for-profit student housing. I say for-profit and
2 that means that it's going to be on the tax rolls.
3 I want to point out that I'm somewhat familiar with
4 the for-profit student housing because one has been
5 recently been approved in the City of Albany right
6 on Washington Avenue immediately adjacent to the
7 Sunoco station and across the street from the SUNY
8 campus. On that project, the City of Albany granted
9 approvals for 277 beds on one acre of the property.
10 Here, we are seeking at the 100 Fuller Road and 65
11 Railroad Avenue, 105 units. But more importantly
12 543 beds, along with 407 parking spaces. Parking
13 spaces will in fact be proposed in a six-story
14 parking garage. In the industrial zone the maximum
15 height permitted is 75 feet - six-story apartment
16 garage will be below the 75 feet.

17 CHAIRMAN STUTO: Can you go over the number again?

18 MR. ZEE: Sure; 195 units which include 543 beds.
19 So, there is a variety of two bedrooms and three
20 bedrooms and four bedroom units. Each bedroom would be
21 occupied by one individual. Each bedroom would have its
22 own bathroom.

23 MR. LANE: How do they enforce that among college
24 students?

25 MR. ZEE: Because of the personnel that they would

1 hire -

2 MR. LANE: So, there is on-site management of these
3 facilities?

4 MR. ZEE: Absolutely. That's why I pointed out the
5 fact that Campus Apartments is owned and manages 27,000
6 of these. They obviously make money by making sure that
7 all of the rules and regulations are complied with.
8 They aren't rented out by apartments. So, they have a
9 four-bed unit apartment and they are rented out to four
10 separate individuals and those individuals sign a lease
11 along with that person's parent. So, if someone is
12 forced to leave, then the responsibility of rent is not
13 picked up by the other three tenants in a four-bedroom
14 or the other two tenants in a three-bedroom. This joint
15 venture would be responsible for going out and leasing
16 it out. So, obviously they want to maintain the
17 premises because they are owning it and maintaining it.

18 MR. LANE: So, they have management there.

19 MR. ZEE: They have personnel there 24/7. Also,
20 the big thing with regard to why these for-profit
21 developments are occurring a lot of which is because of
22 what is happening on a lot of college campuses and
23 student dorms where there are a lot of assaults. We are
24 proposing having security, basically 24/7. You can't
25 get into the premises without key fob and you can't get

1 into any of the accesses. You can't get into the front
2 door. You can't get into the elevator. You can't get
3 into the apartment. You can't even get into your
4 bedroom without having the proper key fob. That's for
5 security purposes. It ranges between 60% - 80% of the
6 occupants. They are women because they like the concept
7 of having that security full-time. This is a project
8 that is new to the Albany area, but I have to tell you
9 that in SUNY Buffalo, there are already 4,000 for-profit
10 beds. At Binghamton there are currently 1,750
11 for-profit beds and they are in the process of building
12 500 more.

13 In evaluating the taxes here, there would be
14 substantial real estate taxes on the parcels right
15 now which currently pay somewhere around \$30,000.00.
16 You could probably multiply that more than 10-fold
17 if this project is approved and ultimately built.
18 Obviously, we are not going to increase any numbers
19 of students going to the South Colonie School
20 District with the student housing that is proposed
21 here.

22 I wanted to point out that this is a rough
23 layout now. You have the two buildings and a five
24 story and a four story. This is Fuller Road. This
25 is Railroad Avenue. I believe that recently the

1 Town had approved across the street the Best
2 Fitness. We have this red line here because the
3 property in fact is criss-crossed by part of the
4 Town of Guilderland property. This is the Town of
5 Colonie parcel.

6 If you look at the site you'll find that it's
7 pretty deteriorated in this area. However, we
8 believe that it works for student housing because of
9 the proximity and also because it is on the CDDTA
10 bus line.

11 In fact I have the CDTA bus schedule and pretty
12 much from 7 a.m. to 10 p.m. every day the bus picks
13 up here and drops off there and that bus goes
14 directly to the SUNY campus and goes down Fuller
15 Road and goes into Stuyvesant Plaza and goes out to
16 Crossgates. This busline ultimately goes up to
17 Colonie Center and the Northway, etcetera. There is
18 a very good roof right here and for this type of
19 development and an access through the SUNY campus.
20 SUNY itself currently has 17,300 students under its
21 20/20 plan and they plan on having 20,000 students.
22 At the same time they only have housing currently
23 for 8,058 students. In the past years they have had
24 students living in the hotels across the street.
25 There has been a market study done -

1 MR. LANE: They've always had that. They've always
2 had students in the hotels.

3 MR. ZEE: The market study has indicated that there
4 is a need for over 2,500 more beds. That doesn't even
5 take into account - because this was done in 2014 with
6 really the fact that SUNY Polytechnic has separated from
7 SUNY Albany. If you look at SUNY Poly's campus, they
8 have approximately 500 beds on their campus. Those
9 units were completed just when the New York Giants
10 started practicing here. That's where they lived. It's
11 rumored around that they are going to be torn down so
12 that they can expand the facility; not for residential
13 purposes, but for the classrooms and other R & D
14 facilities.

15 I believe that is one of the reasons why there
16 is an RFP out right now from SUNY Poly for student
17 housing. This wouldn't qualify because the RFP for
18 SUNY Poly says that it has to be built by July of next
19 year. We could not develop this obviously within
20 that time period. So, I would anticipate that when
21 I say that 8,058 beds exist right now, there is a
22 possibility of 500 of those being torn down in the
23 next year or two.

24 In addition, you have to recognize that for
25 SUNY to be competitive they had to renovate their

1 existing towers. Each tower currently holds 500
2 beds - students. They have renovated one tower. It
3 took the over two years and over \$30,000,000.00.
4 So, they need to be able to renovate the remaining
5 three towers and at the rate that they are going,
6 it's going to take quite a bit of time. As they
7 renovate them, they're not going to have students
8 occupy them. As they renovate them, they're also
9 going to probably decrease the number of beds
10 available in those towers because they have to
11 expand what the housings arrangements are. There
12 they have communal bathrooms, etcetera. Here, as I
13 said, every bedroom has its own bathroom. All the
14 units will be fully furnished.

15 I would like Brad to come up and talk about
16 what is included in that.

17 MS. DALTON: Before you leave, you were saying how
18 many units and beds and you talked about how many
19 parking spaces, but I missed the number.

20 MR. ZEE: Four hundred and seven which would be
21 three parking spaces for every four beds, which is a
22 higher density requirement than you have for multifamily
23 in your code.

24 MR. STILES: I'm Brant Stiles from the Collegiate
25 Development Group. I think that Don covered a lot of

1 the aspects. What I wanted to go over was to sort of
2 differentiate this purpose built student housing product
3 that has really evolved over the last 10 years across
4 the country. It's really turned into a totally
5 different product type than anyone in this room is
6 familiar with as it relates to their experience in
7 college. It's not cinder block walls and small rooms
8 with no amenities. It's turned into a Class A luxury
9 apartment complex that's tailored and geared towards the
10 student demographic. Whether it's the level of finish,
11 whether it's the amenities, the level of security and
12 the on-site management that is within these complexes,
13 it's a place that we strive to create an environment
14 that these students can learn and that they can feel
15 safe. We feel that this location from a proximity to
16 the university and the proximity to other amenities in
17 the community - it's a phenomenal location. We always
18 strive for a very pedestrian campus location. When it
19 comes to the overall amenities, what these students are
20 really attracted to -- Don mentioned a couple of things.
21 The bed/bath parody that we like to say all the kids
22 have a bedroom but they also have an attached bathroom
23 to it, as well. When it comes to the amenities, we like
24 to create an active engaging experience within all of
25 our complexes so that we have a significant amount of

1 common areas, interior and exterior. We have
2 clubhouses, fitness centers, game rooms and exterior
3 performing arts. We have bocce balls, we have
4 shuffleboard, we have outdoor ping pong tables, hammock
5 lounges. When you say it, it seems like it's extremely
6 excessive and to an extent, it is. But it's an
7 experience and an environment that we're trying to
8 create for these students. There are study lounges on
9 every floor. There are computer labs. There are
10 computer cyber cafes and high-speed internet that we
11 bring into these complexes. It's pretty much at the
12 level that the university is bringing into their dorms.

13 Our partnership with Campus Apartments - we are
14 long-term holders. They have been in business since
15 1952. They own 27,000 beds across the country and
16 they have sold two properties in the last 62 years.
17 We build these things to hold long-term. We build
18 them with quality. We manage them in-house
19 internally. I'm super passionate about what we do
20 here. We're really giving back to these kids and
21 providing them with an environment that they are
22 safe and it's a great place for them to learn and
23 really take the next step into their lives.

24 MR. LACIVITA: I think that one of the things that
25 you want to look at is that as this goes through the PDD

1 process, the level of density here - again, I want to
2 reiterate the fact that under the Comprehensive Plan
3 under Section 303 where it talks about the industrial
4 revitalization areas - the level of investment needed
5 from private investment in order to revitalize this area
6 is going to be important. Section 3.33 talks about the
7 improvement of transportation access and infrastructure
8 as necessary. It specifically calls out the vicinity of
9 Railroad Avenue. It is an Albany County road.

10 I know that we talked a little bit about the
11 amenities that are happening for the residents
12 within the building. I think that this
13 Comprehensive Plan lays out a path that if this is
14 going to move forward from the planning perspective,
15 it talks about the amenities that are needed as well
16 for the area - the sidewalks and some of those
17 improvements that are needed. As this continues to
18 be reviewed, we're going to go between the
19 Comprehensive Plan, the Land Use Law and some of the
20 objectives that the project will have to meet.

21 MR. LANE: What's the proximity of this property to
22 the city line? Does this have to go before the city as
23 well?

24 MR. LACIVITA: Guilderland will be reviewing it as
25 well because it's right on the borderline.

1 MR. ZEE: We are not proposing to put any
2 development on the Guilderland part of the property.
3 Since Joe was talking about the Town's Comprehensive
4 Plan, Section 3.11.1 points out that this parcel is in
5 the gateway to the Town. We would propose to talk about
6 having some sort of signage and landscaped area in fact
7 pointing out -

8 MS. DALTON: Welcome to the Town of Colonie.

9 MR. ZEE: Correct. And we think that it's much
10 better to have the gateway looking like the structures
11 that you have here as opposed to the buildings that are
12 currently there. I know that across the street, as I
13 said, they just developed Best Fitness which is not an
14 industrial use and I think that building exterior
15 enhances that area.

16 Going along with what Joe had indicated on the
17 Comprehensive Plan, as he said in 3.3.2 it talks
18 about clean-up and reinvestment of the run down
19 industrial areas will improve the overall character
20 and vitality of the neighborhood and that this area
21 is obviously very close to Central Avenue. In your
22 Comprehensive Plan under 3.5.1 you talk about
23 encouraged mixed-use modes and transit stops along
24 Central Avenue. Since its proximity to Central
25 Avenue and since you've already started some

1 development, you hopefully are going to continue
2 with this from Central Avenue southerly, it would
3 also help develop that area. So, as you generate
4 more individuals who have the ability to go on the
5 bus line and go towards Colonie Center and Northway
6 Mall and the facilities in that area, there is going
7 to be a greater desire to develop that area for
8 retail and mixed-use development, in our opinion.

9 I know that the Supervisor has mentioned over
10 the past years that with the Nanotech facility being
11 developed that they would like to have some sort of
12 the youth in the area develop these start-up
13 businesses, these incubators in this area and I
14 think that with students living this area and being
15 familiar with this area, it's a good start for this
16 meeting those goals that the Supervisor has
17 indicated and the Town has indicated that they would
18 like a redevelopment of Fuller Road. So, I think
19 that this goes and starts the process of what your
20 Comprehensive Plan is looking for.

21 MS. DALTON: So, let me ask you a question.
22 Because this is a new type of housing that we have not
23 seen before, can you walk me through the legal
24 parameters of limiting the access to what is essentially
25 an apartment by age and enrollment in the school? So,

1 if somebody that was working in the Nanotech center
2 wanted to rent one of your bedrooms, would they be
3 permitted? If not, how do you keep them out?

4 MR. ZEE: The letter that I sent to the Supervisor
5 because of our meeting with her and talked about it, we
6 had indicated that we would want the PDD legislation to
7 talk about access to students at the university and
8 colleges, employees including administrative staff and
9 faculty. Often there are adjunct professors that may
10 come in as well as affiliate of SUNY Poly and the like.
11 That's what we are looking for.

12 MS. DALTON: So, essentially, it's not going to be
13 limited to only students.

14 MR. ZEE: At this point in time, no.

15 MS. DALTON: That brings up to me even a great
16 question which is how do you legally limit access to
17 anybody who is affiliated with SUNY Poly?

18 MR. STILES: I don't think that it's a limitation.
19 With the laws of fair housing, we have to allow anybody.
20 I think that it's more of a marketing direction and I
21 think that it's more of an overall price point, too.
22 We're talking about a certain demographic.

23 MS. DALTON: So, it would be far cheaper to get an
24 apartment somewhere than to pay dorm room rates.

25 MR. ZEE: Per bedroom, somewhere between \$750.00 to

1 \$850.00 per month, plus utilities.

2 CHAIRMAN STUTO: Every bedroom has its own
3 utilities.

4 MR. STILES: Water, sewer and trash is all included
5 as well as cable and Internet. With electric there is a
6 cap per unit and they split it, or if it goes over that
7 cap, they split it evenly. They are responsible for it.
8 It's almost like a common area.

9 MR. ZEE: We looked at some of the housing
10 apartments in the area and the Towers of Colonie, as
11 well as the ones right on 12 California Avenue and
12 looked at the density there as well as looked at the
13 rents. Basically, what you pay for - a one bedroom
14 here, you could get a studio apartment in those
15 complexes. So, as Brad had indicated that this is
16 upscale amenities and the price point is substantially
17 higher than what the rest of the market place is. We're
18 not seeing this really as an animal house type of
19 arrangement. Because of the full-time management,
20 etcetera -

21 CHAIRMAN STUTO: You are running into a lot of
22 time. We had you slotted for 20. You've been speaking
23 for 15. I'd like to open it up to the Board and get
24 some comments.

25 I would like to make an initial comment and

1 it's not prejudging this one way or the other.
2 There are a lot of things that you said that are
3 appealing about this. For me, particularly, the
4 rehabilitation of that area and putting feet on the
5 ground and what else it might spur in that
6 direction. Sometimes we have a lot of people that
7 come in and want to do a PDD because they other
8 rules don't apply and the new set of rules that you
9 think draw apply so that you can essentially do a
10 lot, where the normal zoning doesn't have it. I
11 would encourage the Board - maybe we should
12 circulate the whole PDD article again. I'm going to
13 point out some things and I was reading it this
14 week. We have a few other applications. This is in
15 the section of 190.65. I just highlighted a couple
16 that sometimes may not be observed as closely as
17 they should be.

18 PDDs allowed for development that is matched to
19 the unique character of this site.

20 You can make arguments that this is so here.
21 I'm not really here to debate it, but I just want to
22 make that point.

23 The next one that I highlight was "unique
24 environmental physical and cultural resources --
25 I'll read the whole sentence. "PDDs will allow

1 greater flexibility than the conventional zoning
2 while providing a customized regulatory framework
3 that recognizes unique environmental physical and
4 cultural resources of the project area and
5 neighborhood." You might make arguments that it
6 applies too, but some of it may not.

7 Another part of the intent is to preserve
8 significant natural features and permanently protect
9 open space resources. I'm not sure if this project
10 meets that intent. In the objectives which is
11 190.66 it talks about it and I'm not sure if we have
12 emphasized this in our other PDDs. It says "In
13 order to carry out the intent of this article, all
14 approved PDDs shall provide an adequate and
15 integrated system of open space and recreational
16 areas designed to tie the PDD together internally
17 and link it to the larger community." That's the
18 one that I think is challenged a lot. The
19 applicants are challenged a lot to me. It says
20 "Preserve significant natural topography and
21 resources." I just wanted to put that out there. I
22 encourage the rest of the Board, if we can circulate
23 the whole PDD article, especially when we have the
24 applications up -

25 MR. ZEE: The difficulty, if I may, with regard to

1 a lot of what you have indicated -- I recognize that is
2 what the code specifically requires is this property is
3 fully developed. They have a tractor repair facility at
4 65 Railroad Avenue. You have an existing Camelot
5 Printing and other facility there. I can't see on the
6 aerial, but I do have photographs of what the
7 neighborhood looks like. When you talk about preserving
8 open space, right now there is no open space there.
9 They are putting amenities within the facility and we
10 would talk about putting signage because it is at the
11 gateway of the community and we talk about sidewalks
12 throughout the area and enhancing that. We understand
13 in talking to representatives of the Town where we would
14 want to sit down as we get closer to the project coming
15 to fruition hopefully and talk about the public benefit
16 that we would provide to the Town. We have been told
17 that it may not necessarily have to be immediately at
18 this but at other areas within the Town which you may
19 need and we are open to all of that. As I said, this is
20 our initial presentation to you. We know that there are
21 other issues that need to be addressed but we wanted to
22 just flush out the key points for us about why we
23 believe that this project is necessary from a standpoint
24 of addressing the need at SUNY and at SUNY Poly. We
25 need to place it at a location like this because of its

1 proximity to the campuses. You can't put this
2 development on the north end of the Town of Colonie or
3 at Corporate Woods. You can't finance it -

4 CHAIRMAN STUTO: I don't want you taking up all the
5 time. I want the Board to react.

6 MR. LACIVITA: Peter, the Town in collaboration
7 with Albany County and the Town of Guilderland completed
8 a Railroad Avenue gateway study.

9 CHAIRMAN STUTO: Why isn't a variance more
10 appropriate to get this? I don't know if it meets the
11 PDD criteria. I'm not fighting against it. It may be a
12 great use. Everybody comes in and says we are providing
13 something that the market is demanding. That's not
14 really the only justification for a PDD. For you to say
15 that some study says that it should be here -- I don't
16 know if a PDD is the right thing. It's not zoned for
17 it.

18 Let's open it up to the Board.

19 MR. SHAMLIAN: I have two comments. On the surface
20 I think that it's a great project. I am familiar with
21 these types of projects and they definitely do fit a
22 need. I have questions as to whether or not it meets
23 the requirements of what you are asking for. I'm not
24 sure of the answer to that.

25 CHAIRMAN STUTO: It has come up again and again.

1 That's one of the reasons I'm bringing it up.

2 MR. SHAMLIAN: I'm not opposed to the project.

3 CHAIRMAN STUTO: Are there sidewalks around there?

4 MR. STILES: Not on Railroad Avenue. There is a
5 sidewalk on Fuller Road.

6 MR. LACIVITA: That was done with the redesign of
7 Albany Shaker.

8 CHAIRMAN STUTO: Where does it connect up to?

9 MR. LACIVITA: All the way down through down to the
10 roundabouts and all that new work there. So, there is
11 nothing going north and south on Railroad. It's all
12 Fuller Road.

13 CHAIRMAN STUTO: You mean towards Stuyvesant.

14 MR. LACIVITA: Central Avenue through -

15 MR. LANE: You don't want to walk around Fuller and
16 all that area.

17 MR. GRASSO: I think that it's a strong system.

18 CHAIRMAN STUTO: I do worry about the connectivity.
19 That's the one critical thing.

20 MR. SHAMLIAN: It seems to me like we need to study
21 what the requirements are a little bit more carefully
22 and maybe answer whether or not a variance is a more
23 appropriate thing.

24 MR. GRASSO: I don't see that the variance is the
25 right route for this because of the criteria for a

1 variance needing to be met. This would be a stretch. I
2 think that if it's going to be considered, it should be
3 considered as a PDD, which is a strict deviation from
4 the zoning use and density. Based on unique
5 characteristics -

6 CHAIRMAN STUTO: This says shall provide an
7 adequate and integrated system of open space and
8 recreation area designed to tie the PDD together
9 internally and link it to the larger community. It says
10 shall preserve significant and natural topography and
11 geological features.

12 MR. GRASSO: Yes, assuming that it's there.

13 CHAIRMAN STUTO: It doesn't say that.

14 MR. GRASSO: I'm just saying that I think that you
15 have to look at the unique characteristics of the site.

16 CHAIRMAN STUTO: Maybe it should be rezoned over
17 there.

18 MR. GRASSO: That's a good point. This is about
19 land use. I think that you really have to understand
20 the corridor of Fuller Road and this area being light
21 industrial. You have to think about the land use
22 transformation along Fuller Road. If this site was two
23 blocks off of Railroad Avenue, I think that it would be
24 a very short meeting. Because it's on Fuller Road,
25 trying to understand what Guilderland is looking to do

1 within their corridor.

2 CHAIRMAN STUTO: Maybe they should rezone that
3 corridor.

4 MR. LANE: Maybe that happens as this thing move
5 along, but as Joe mentioned in regard to the
6 Comprehensive Plan, this kind of is going in that
7 direction.

8 MR. GRASSO: Exactly and Joe mentioned a gateway
9 study and I think that is all good stuff that should be
10 looked at to see whether or not this project could be
11 the start of something new along that corridor. We've
12 always known Railroad Avenue to be light industrial.

13 CHAIRMAN STUTO: Maybe they should do an overlay
14 district and allow that to be there.

15 MR. GRASSO: Maybe that's okay. Maybe that's
16 supposed to be light industrial. I think that this
17 project is going to force us to look a little bit deeper
18 than that and think about what the vision is for the
19 Town down the road. This could be a game changer along
20 the corridor.

21 CHAIRMAN STUTO: Having heard that, I think that
22 they should study the corridor and consider rezoning and
23 maybe put an overlay on it, if they want to allow
24 additional uses there. If you want to look at it
25 comprehensively, this is kind of a piece meal approach.

1 It's like anything goes if you agree.

2 MR. LANE: There would be no reason to do that
3 unless you have a reason to go in that direction. Who
4 would have thought of this? Who would have foreseen
5 this particular project?

6 CHAIRMAN STUTO: This type of developer has gone
7 all over the country looking for these opportunities.

8 MR. LANE: Have you done similar -

9 MR. STILES: We're doing them all over the country.

10 MR. LANE: You've done the housing, but have you
11 gone in and had an industrial area that you -

12 MR. STILES: We are looking for underutilized areas
13 like this with great proximity to -

14 MR. LANE: This is a business model then.

15 MR. STILES: It is.

16 MR. LANE: As far as the site, you look for quite
17 similar to what you are doing here so that this exactly
18 fits what you build.

19 MR. STILES: Yes.

20 MR. ZEE: I mention that it's not for this project
21 but the presentation that we made in the City of Albany,
22 the developer there - which is comparable to here, had
23 done it down in Roanoke, Virginia.

24 MR. LANE: Can we see something that maybe where
25 that started and how long as that been there?

1 MR. ZEE: I'm just talking about what is out there
2 right now.

3 MR. LANE: You have Binghamton on the list.

4 MR. STILES: We manage that.

5 MR. LANE: How about SUNY Oneonta?

6 MR. STILES: I'm not sure about which ones they
7 own. They have 27,000 beds.

8 MR. LANE: I'd like to see something that's
9 comparable.

10 MR. ZEE: I do have aerial photographs and street
11 views of what you see from this site. When you talk
12 about comprehensive open space, I think that I
13 understand that the code requires it but as Joe Grasso
14 had indicated, it's very hard to comply with that and
15 not impossible.

16 MR. SHAMLIAN: It's not supposed to be easy.

17 CHAIRMAN STUTO: I personally don't think that this
18 is what PDDs were intended for.

19 MR. LACIVITA: One of the things that I did ask
20 the Board to look at when they did this -- what is the
21 next step? Do we assign this to a TDE? Joe is actually
22 the next TDE to receive a project. That would allow
23 them to bring plusses and minuses to make a decision of
24 yes or no.

25 CHAIRMAN STUTO: It may be a fabulous use for this.

1 I understand exactly what you are trying to accomplish.

2 MS. MILSTEIN: I think that it's a fabulous use for
3 it. I think that it's a transformation. I see this
4 more as Fuller Road than Railroad Avenue. I just think
5 that it kind of transforming it in a northerly direction
6 and I think that it's a great project. That area is
7 just dilapidated. I think that it's a wonderful use of
8 the property. This is a sketch plan, but I think that
9 it's great.

10 MR. LANE: When they upgraded the road and the
11 infrastructure, this is what should be happening.

12 MS. MILSTEIN: It's an outgrowth of what is going
13 on there. I think that it's fabulous and I think that
14 Colonie should be part of it.

15 The next part of it is that it's for-profit.

16 MR. LANE: He didn't mention that right off.

17 MS. MILSTEIN: He did and that's another good
18 thing. I can see how it can fit within a PDD.

19 MR. MION: I agree. I think that it's a good idea.
20 I think that it's a wonderful idea, but I think that
21 what Joe had mentioned to assign it to a TDE and let's
22 see the pros and cons. Let him fish it out for us, as
23 well as give us more time to go back through the plan
24 and look at that too.

25 CHAIRMAN STUTO: I have no objection to that.

1 MR. LACIVITA: Kathy, did you want anything on the
2 record?

3 MS. DALTON: I agree that having further evaluation
4 by Joe would be a good idea. He comes to these things
5 with a keen analytical strategy.

6 CHAIRMAN STUTO: People come in with these projects
7 on the PDD legislation which I don't think meets the
8 intent or the spirit or the letter of it. It just keeps
9 putting more and more pressure on us under the
10 justification and you get worn down after a while.

11 MS. DALTON: I agree with you insofar as I see it
12 as two different issue. One is this project and the
13 other is the PDD being used inappropriately. Now that
14 the room is not filled with press, I will say that I
15 wish that we were deciding whether not we were changing
16 the zoning because again, you've got rules that are
17 being fudged and stretched all over the place to
18 accommodate the growth of our Town. So, one of the
19 things that Joe -- not only would I like to look at
20 using a PDD, but are there any other options for using
21 the space more creatively? A project like this which I
22 think is a good project but not necessarily a PDD
23 project. Are there other options or do we really have
24 to stretch things that don't fit exactly to be able to
25 get a project in the Town?

1 MR. LACIVITA: I think that I would be careful that
2 the record shows the words fudged and stretched. We do
3 things in the Town because we really do an analytical
4 job when we come to the PDD legislation and I think that
5 we have the opportunity to that here. Does it fit?
6 Does it work?

7 MS. DALTON: I said that we should come at it
8 analytically so that we don't have to fudge and stretch.

9 CHAIRMAN STUTO: You're not going to meet those two
10 "shalls". You're not going to. I think that we've all
11 admitted that. Either the legislation has to be
12 rewritten, or we have to think it through or maybe there
13 is a bubble of rezoning around the university that
14 should call for a different use.

15 MR. GRASSO: You're right. Maybe it's the PDD
16 legislation that needs to get looked at. Is it
17 accomplishing what the Town's vision was for PDDs within
18 the Town, based on what we are seeing brought to the
19 Town under the gize of PDD applications?

20 MS. MILSTEIN: But I can also see how we can see it
21 under the PDD.

22 MR. GRASSO: It's when you start to apply each and
23 every requirement.

24 CHAIRMAN STUTO: If you're going to bend the rule
25 for some -

1 MR. STILES: We have not bent the rules. We have
2 analyzed them and found a reasonable -

3 MS. MILSTEIN: I think that it's very different
4 when you're taking vacant land and using it that way.

5 CHAIRMAN STUTO: They created a new law that says
6 if you're redeveloping industrial you can do certain
7 things - or in a distressed area.

8 MR. ZEE: It's early in the process but with
9 student housing, there are certain time restraints
10 because it's not like we can open up a dorm in the
11 middle of October, November or December. The only time
12 that we can open up a student dorm is have it available
13 for lease around July 1 so that we know that occupants
14 at SUNY or SUNY Poly can occupy it as of the first of
15 August. A project of this scope - and it is a
16 multi-million dollar project if it gets build -
17 somewhere in excess 30-plus million dollars, doesn't get
18 built in one year. It's going to take a lot longer,
19 given the components here.

20 MS. MILSTEIN: Don, what are you looking for
21 ideally in terms of as a time frame here?

22 MR. STILES: I need 18 to 20 months for
23 construction and I need four to six months before that.
24 I need to start constructing December 15, January 15 -
25 right around that. I need to make sure that all

1 approvals are finalized say by June of 2016 - something
2 right around there.

3 MR. ZEE: That's part of the problem. I understand
4 that the Board has raised very important issue with
5 regard to the PDD. Our difficulty is if the Town Board
6 is asked to go and do an overlay district analysis or
7 reevaluate and rewrite its PDD legislation, this project
8 is dead just because of the timing that it would take.

9 CHAIRMAN STUTO: I don't know if that's necessarily
10 true.

11 MR. LACIVITA: I think that we have to try to at
12 least meet the objectives before we think about the
13 overlays and everything else.

14 MR. GRASSO: I would agree. I think that in order
15 to meet the timeframe that you're talking about, this
16 would have to go as a straight PDD and go pretty
17 quickly. Most PDDs take longer than that, only because
18 there are so many steps involved for a PDD process.
19 That is by far the quickest way to get a project
20 approved -- would be a straight PDD. It could be done
21 with the right project.

22 CHAIRMAN STUTO: So, we're going to assign a TDD.

23 MR. GRASSO: In terms of the PDD intent and
24 findings that are required by the Planning Board -- if
25 you can book a narrative that touches on each of those,

1 at least to this project, I think that it would be
2 good -

3 CHAIRMAN STUTO: It's not just the findings
4 section. It's the up front section.

5 MR. GRASSO: Right. Normally we do the findings,
6 but I think that it's the intent section that is even
7 most important.

8 CHAIRMAN STUTO: The first line is that it meets
9 the objectives of the PDD.

10 MR. GRASSO: I think that making sure that the
11 Planning Board has copies of the PDD legislation and
12 getting the gateway study out is important. I think
13 that it's important that we also hear from the Town of
14 Guilderland and hear from them what their vision for the
15 Fuller Road corridor is. This is obviously right at the
16 line.

17 MR. LANE: It looks like a part of it is in the
18 layout.

19 MR. GRASSO: That's why it important for us to
20 understand: Is their vision that the Fuller Road section
21 is their only light industrial section and it's going to
22 stay that way forever? Or are they looking to also
23 consider a variety of uses along this corridor. I think
24 that it's important for the Board to understand.

25 MR. ZEE: Under the Town Law, the Town of Colonie

1 must notify the Town of Guilderland of the proposed PDD
2 legislation.

3 MR. GRASSO: I think that we should go one step
4 further and solicit their input, whether it's input or
5 data from that on anything that they have. I think that
6 would be important.

7 MR. ZEE: Just so that the Town Planning Board
8 recognizes, there have been articles about another
9 parcel of property within the City of Albany that is
10 proposing student housing. The old [SIC} Fuller Brush
11 building - they are proposing to tear down some of the
12 warehouse building in front and build student housing
13 there as well. The concept of student housing going
14 along Fuller Road is not something that starts and stops
15 with this project because of the need for the numbers of
16 beds in the area.

17 MR. GRASSO: If I can just ask one more questions
18 of Don. Is there anything that either SUNY Poly or SUNY
19 Albany has gone public with regarding projects like this
20 that indicates their desire to have these tailored to
21 their needs?

22 MR. ZEE: Nothing public. I think that it's
23 adverse to their marketing of their student dorms. They
24 generate a fair amount of money from their student
25 dorms.

1 CHAIRMAN STUTO: The Times Union is reporting that
2 they are putting out an RFP out on the street for dorms
3 in their vicinity and the article also says that another
4 developer has been buying up single family houses so
5 that they can monitor this.

6 MR. STILES: What we are seeing across the country
7 is the state budget cuts are so significant for the
8 public universities that they are taking the available
9 funds that they have and paying those toward additional
10 classroom space and lab space and letting the private
11 sector handle more of the residential proposed. We are
12 seeing that across the country.

13 MR. GRASSO: My only question was: Do projects like
14 this undermine SUNY's goals for what they are trying to
15 do regarding student housing?

16 MR. ZEE: I was present at the first meeting going
17 back to SUNY Albany with the City of Albany and their
18 first comment to us was: What took you so long to get
19 there? However, they would not publicly state that
20 because they have been to.

21 MR. STILES: This is great for the universities to
22 have this upper class housing option. If this isn't
23 here, where else are they going to live if it's not?

24 MR. LACIVITA: We will ask the applicant to apply
25 and get the TDE engaged.

1 (Whereas the above referenced proceeding was
2 adjourned at 8:40 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 June 30, 2015

