

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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WATERWALK CORPORATE LIVING FACILITY

7 METRO PARK ROAD

SKETCH PLAN REVIEW

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on December 15, 2015 at 7:35 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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

17 ALSO PRESENT:

18 Michael Tengeler, Planning and Economic Development

19 Kathleen Marinelli, Esq. Counsel to the Planning Board

20 Joseph LaCivita, Director, Planning and Economic
21 Development

22 Terresa Bakner, Esq., Whiteman Osterman and Hanna

23 Leslie Steiner, Waterwalk

24 Daniel Hershberg, PE, Hershberg and Hershberg

25 Bill Chafey, Waterwalk

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1 CHAIRMAN STUTO: Okay, next item on the agenda
2 is Waterwalk Corporate Living Facility, 7 Metro Park
3 Road, this is a sketch plan review. The proposal is
4 for two four-story extended stay hotel buildings
5 totaling 138 units.

6 Joe, do you have any introductory remarks?

7 MR. LACIVITA: No, I think that was fine,
8 Peter. We'll go right into this one.

9 MS. BAKNER: My name is Terresa Bakner. I'm
10 with the law firm of Whiteman Osterman and Hanna. I'm
11 here tonight on behalf of Waterwalk. This is the
12 first time that we've appeared before the Planning
13 Board, so I want to introduce the people that are here
14 on the project.

15 First we have Leslie Stiener.

16 Leslie, why don't you stand up so everybody
17 knows who you are?

18 With her is Bill Chafey and they are both
19 representatives of Waterwalk here for the project
20 tonight. We have the project architect, Larry Webb who
21 came from Chicago in the snow. Tim Greenburg from
22 Wolfort Engineers. Dan Hershberg and I are working on
23 this locally.

24 As you have said, this is 7 Metro Park Road.
25 This is a lot. We are not proposing to subdivide the

1 lot. I want to make that clear because I think that
2 we confused the record on that point. We're using an
3 existing lot. The existing owner is Wolf Road Park,
4 LLC, so it's one of the Beltrone lots. It is a 4.01
5 acre lot. It's zoned commercial office residential.
6 What we seeking is site plan approval form the
7 Planning Board; ultimately.

8 We currently have an application, as well,
9 before the Zoning Board of Appeals. That application
10 is for an area variance. Like the Home2 Suites
11 extended stay hotel across on Metro Park, we are
12 seeking an area variance only for density. We have
13 48.79% greenspace on the parcel. We have been able to
14 meet all the parking requirements. We have met
15 parking for all the units and all the number of
16 employees that they propose to have.

17 This project is a new project in this area.
18 There are number of others in the brand under
19 constriction. There is one that has already been
20 built in Wichita, Kansas. The reason why I mention
21 that one is that we have provided to Joe and the
22 Planning Department some traffic numbers from the
23 actual facility which is very helpful in terms of
24 predicting the number of cars that would be generated
25 by a facility like this. It is called corporate

1 living in the sense that it's an extended stay hotel
2 for people who are coming to the area from outside the
3 area who may be training or maybe moving to the area
4 permanently, but they wanted to come to the area and
5 get a feeling for it before they buy a house or
6 purchase some kind of long-term housing. A lot of
7 it -- the whole idea of it is to make people
8 comfortable when they are in a new area so that they
9 feel like they have a place where they can stay.
10 There are 138 units, approximately half of the units
11 are furnished and the rest of the units are
12 semi-furnished, sometimes unfurnished and really
13 they're a medium stay, so typically it will be 30 days
14 to three months. Sometimes it may be a longer period
15 of six to 12 months. Again, it's primarily for people
16 who are relocating to an area for a job for a
17 temporary period of time. I have Dan Hershberg with
18 me and he is going to go over the plan and point out
19 all of the engineering features.

20 MR. HERSHBERG: Thank you, Terresa.

21 Daniel Hershberg from the firm of Hershberg and
22 Hershberg.

23 One person that Terresa didn't introduce is
24 Bill Mafrici in the office. He's the guy that does
25 all the work on the plans. I just stand up here and

1 present.

2 The project, as Terresa said is two buildings,
3 both four-stories. It has a significant courtyard
4 which is one reason why the 49% green is achieved.
5 There are some elements to the building that are
6 somewhat different.

7 First, for security at night they do have gated
8 facility. It's gated at this point here and a traffic
9 pattern - on Aviation Road there will be another gate.
10 There will be no entrance off of Aviation Road at
11 night after the gate is closed. The entrance will
12 have to be off of Metro Park Road.

13 Another question was raised previously about
14 and the comment letter from Joe Grasso. We did try to
15 put together some responses for that because they
16 talked about location of sidewalks, etcetera.

17 The applicant is talking about putting in a
18 sidewalk and a curb along Aviation Road. The request
19 was to extend it across National Grid. We certainly
20 are willing to do that although we do need permission
21 from National Grid to do that.

22 The pedestrian connection will be made -- this
23 is the access to Wolf Road Park (Indicating). We
24 propose to do a pedestrian connection out there with a
25 locked gate on it, so that people from there will go

1 out and come back in. We think that would meet the
2 connectivity question of this project. We've done
3 some stormwater review of the side and we believe that
4 we can do porous pavement and an infiltration basin
5 because it was very close. The ground water is
6 fairly high in this area and we do require four foot
7 separation from the ground water because we are in a
8 primary aquifer area when this is connecting to the
9 Niskayuna Aquifer. So, consequently that is one of
10 the goals here. We determined that by sending the
11 grade of this park properly, we can meet that
12 definition.

13 So, we're going to propose porous pavement and
14 an infiltration basin to handle the roof drainage.
15 If, in fact, we have any problem with the infiltration
16 basin we may very well explore some other methods like
17 planter boxes and stuff like that to reduce some of
18 the drainage from the rooftops.

19 Terresa mentioned parking. The requirement
20 will be the units plus employees. The number of
21 employees on these sort of projects is quite low. We
22 need like 145 parking spots. We propose to provide
23 155. There was a comment by Mike Lyons saying
24 essentially that he thought that some additional
25 parking should be provided. So, we're providing 155

1 even though the experience at the Wichita operations
2 is 145 would be enough. We can talk about modifying
3 that and maybe doing some sort of grass text pavement
4 on 10 of them, so that we don't have to pave all 155.

5 CHAIRMAN STUTO: Is there any food service on
6 the premises?

7 MR. HERSHBERG: People make their own food and
8 there can be brought in food for events, but that's
9 pretty much it.

10 MS. BAKNER: No, we do not have a commercial
11 kitchen. There are no commercial facilities.

12 MR. HERSHBERG: People can cook for themselves
13 in their units, however. Every unit has a 59 square
14 foot kitchen in it. That's so that they can cook
15 their meals themselves. Essentially, there is space
16 in there that if somebody wanted to have a party, they
17 could bring in some catered food, but there is no food
18 provision on the site; correct, Terresa?

19 MS. BAKNER: Correct.

20 MR. SHAMLIAN: Are there conference rooms, or
21 anything?

22 MS. BAKNER: No, there are no conference rooms.

23 MR. HERSHBERG: The other situation is that we
24 talked about additional landscaping along Metro Park
25 Road. We tried to arrange to save all the trees and

1 all but one that is in the middle of the driveway that
2 we can save. The only trees on the entire site right
3 now is down in this corner.

4 This side is almost entirely bare. Some trees
5 were saved down in this one corner by National Grid.
6 Everything else is clear. As a matter of fact a
7 portion of the site is being used as a staging area
8 for the apartments at 38 and 40 Aviation Road. There
9 is a construction yard in a portion of the site right
10 now. We don't think that the issue of clearing
11 excessive trees or anything will come up with regard
12 to this project. We do have to clear some trees to do
13 this parking. Obviously, we'll get into a landscaped
14 plan as we go further through the process. We believe
15 that it's a nice landscaping project as well as other
16 amenities for the site.

17 If there are any questions by the Board, I'll
18 try to answer them.

19 MS. BAKNER: Let me just add one thing, if I
20 could, Dan. In terms of the environmental, the Zoning
21 Board of Appeals at its meeting had indicated that
22 they had no objection to the Planning Board being lead
23 agency, of course. So, we have been working hard at
24 this stage of the process which is a little unusual to
25 give all the environmental reports to this Board and

1 also to Joe Grasso. We have completed the
2 archeological study on the site. Harkin did it and
3 they found nothing on the site. We also had it
4 examined for wetlands by a specialist and there are no
5 wetlands on the site.

6 As Dan mentioned a lot of it is being used as
7 construction yard and it's surrounded by land owned by
8 National Grid. So, it's kind of a transmission
9 corridor with sort of tangled vegetation.

10 We also provided some additional environmental
11 information in a long form environmental assessment
12 with detailing everything that we have put together. I
13 just wanted to make sure that you are aware of the
14 lead agency situation. This is a Type I action just
15 because of the number of square feet that are
16 proposed.

17 MR. HERSHBERG: We have provided a table on
18 here to show that we met all of the COR district
19 dimensions with the exception of one being the 82,000
20 square foot breaker. We only allow 72,000 square feet
21 and we're building significantly more than that.
22 That's why we have to go to the Zoning Board of
23 Appeals for that variance. That's the issue because
24 of the height of the building. The 72,000 square feet
25 is very limiting for these sort of operations. Thus

1 the Home2 also had to apply for a density variance for
2 the same reason.

3 Essentially, the waivers are -- the limitation
4 would be 20 feet back from the building from Metro
5 Park Road. We want to be further back. The other
6 waiver would be for parking islands within the parking
7 lots -- we're trading it off for significantly more
8 greenspace around the project.

9 MR. GRASSO: Parking in the front yard.

10 MR. HERSHBERG: Yes, and parking in the front
11 yard of Metro Park Road.

12 MR. AUSTIN: Can you explain how this differs
13 from the Home2 property across the street?

14 MR. HERSHBERG: What's the difference?

15 MR. AUSTIN: Yes, I mean the Home2 property is
16 an extended stay as well; correct? Is this more of an
17 extended stay?

18 MR. HERSHBERG: I am going to ask Leslie from
19 Waterwalk to come up and explain this product to you
20 because she is the expert.

21 MS. STEINER: Home2 Suites is a little bit
22 different from us in that we are a corporate living
23 facility. We have on-site a Director of Sales that
24 targets specific companies to have them come stay with
25 us. We do not have things like a kitchen area or the

1 breakfast that we do for our extended stay gold
2 guests. We do provide a breakfast service which
3 consists of a grocery shopping service that brings in
4 their breakfast items to them. We really encourage
5 the independent living of people who are doing this
6 corporate transition into the community.

7 One thing that we feature that is a little bit
8 different - Home2 does have something similar, but
9 this huge courtyard in the center provides a really
10 easy livability because our folks are staying a lot
11 longer, typically than you would see a one or two
12 night at Home2. They'll be staying for 30 or 45 days
13 and sometimes up to three months. So, this offers
14 kind of a community. There are fire pits, there are
15 all sorts of seating areas as well as fitness rooms
16 and communal areas that are inside. So, it's more of
17 a living community whereas Home2 is more of a
18 transient. I don't know what the average stay is at
19 Home2, but I stay there every time I come and I stay
20 for one night.

21 CHAIRMAN STUTO: What is your average stay?.

22 MS. STEINER: Our average stay is -- Bill, what
23 is the latest stat?

24 MR. CHAFEY: I'm Bill Chafey with Waterwalk. On
25 the gold side for the extended stay side we have an

1 average stay of 83 days.

2 MS. STEINER: Yes, significantly longer.

3 MR. SHAMLIAN: That was your gold guest?

4 MR. CHAFEY: Yes and our silver guests are
5 semi-furnished. Right now we're looking at an average
6 stay of six months.

7 MR. LACIVITA: Brian, I think that when we
8 first spoke with Bill when he came to the Town to talk
9 with us - this is not for someone driving down the
10 road and seeing a hotel, coming up to stay like a
11 Home2 would be. This is, again, specific to corporate
12 designations that they go after and they have their
13 stay that way. It's not open for the day to day
14 traffic.

15 MR. AUSTIN: So, is there a maid service or
16 anything like that?

17 MS. STEINER: Yes, there actually is. We do
18 have that on the gold side. It is weekly
19 housekeeping. We do offer, which is one of my favorite
20 amenities, twice a week, trash pick-up for all of the
21 units. So, we do get into the units and we pick up
22 the trash and we gather that for them. You have the
23 folks that are on-site there - the office staff. We
24 don't have a typical front desk because we're not a
25 hotel that way. We don't want our guests to feel like

1 they're checking into a hotel. We want them to feel
2 at home. So, we have that. We have housekeeping and
3 we have maintenance, Director of Sales, management and
4 of course, one of the benefits that we offer is that
5 we do have 24-hour concierge. There is always
6 someone on-site 24 hours a day. Shuttle service is
7 offered as part of the amenity package.

8 MR. AUSTIN: What is the size of one of these
9 suites?

10 MS. STEINER: They vary in size from one
11 bedroom, two bedroom and three bedroom.

12 MR. CHAFEY: The square footages vary. For
13 instance, the one bedroom is a little over 300 square
14 feet all the way up to 900 square feet.

15 MS. DALTON: What are the price points?

16 MS. STEINER: The price points for this
17 particular unit -- a monthly stay for a one-bedroom
18 would run about \$2,500.00 to \$3,000.00 on the gold
19 side.

20 MS. DALTON: Can you talk a little bit more
21 about the difference of the gold side versus the
22 others?

23 MR. CHAFEY: The gold side is the extended stay
24 hotel. It's all furnished and it's completely there -

25 MS. DALTON: So, it's like a corporate

1 apartment.

2 MR. CHAFEY: Exactly. A corporate living
3 facility. You can demonstrate the whole entity in
4 that when we're going to stay at the Home2, you're
5 going to make breakfast and we're going to go
6 downstairs and have that. In our units, we deliver to
7 the unit. On your phone there is an app and you order
8 what you want every week. You put it in the
9 refrigerator, we take out the old stuff and you have
10 your own breakfast in your own room. You pick your
11 own menu items. That's typical where we are.

12 The two-bedroom unit will approach \$3,000.00
13 and the three-bedroom unit could push \$4,000.00 a
14 month in this market. These are permanent people -

15 MS. DALTON: I understand that.

16 MR. CHAFEY: It's almost like, these people are
17 worker bees and they have their own contracts and
18 they're transitioning. They're looking for a nice
19 clean, higher level facility to stay in.

20 MS. DALTON: I get that. That's your gold
21 side. What's your other side?

22 MR. CHAFEY: The silver side is the same
23 facility and the same rooms, washer, dryer,
24 refrigerator, stove, full kitchen. Some of these
25 people come and we found out the hard way that they

1 want to bring their own stuff. They want to rent
2 their furniture because they are going to stay the
3 three to six months and here's the key issue. On the
4 gold side they'll put down the corporate credit card.
5 On the silver side, it's their money.

6 MS. DALTON: So, what is the price point for
7 that?

8 MR. CHAFEY: A one-bedroom could probably be in
9 the \$1,350.00 to \$1,400.00 range. The two bedroom is
10 a little higher and the three-bedroom is going to push
11 \$1,800.00 a month.

12 MS. DALTON: So, it's not that corporate.

13 MS. STEINER: Right.

14 MR. LANE: Where else do you operator,
15 currently?

16 MS. STEINER: The prototype was built in
17 Wichita, Kansas. We currently have development in 10
18 other cities, I believe, at least.

19 MR. LANE: So, Wichita is currently the only
20 one operating.

21 MS. STEINER: Yes, it is.

22 MR. AUSTIN: Obviously, in your research in
23 this area you're seeing this as a very proactive area
24 to come in and potentially locate here. We were just
25 discussing the amount of hotels that are coming in.

1 There are a lot of residential -- whether it's
2 transient or whatever -- on that particular corridor
3 it's getting quite busy with all of the things that
4 we've seen before us.

5 MR. CHAFEY: That's a good question, but here
6 is the difference. The reason that we're in Albany is
7 because there is a lack of our amenity. This is a
8 corporate amenity. If you work for Lear or if you
9 work for the airlines, or if you work for someday
10 else, this is the kind of amenity that you don't
11 normally see. It's designed specifically toward that
12 corporate traveler or the long-term corporate traveler
13 and not the short stay. In our entity in Wichita, the
14 silver side filled up in 45 days and the gold side
15 filled up in 90 days. This thing really works and
16 Wichita is a much smaller market than Albany.

17 I'm only going to give you the 10 second
18 version. We have the most sophisticated site model
19 ever developed in the hotel business. Jack Devore
20 found that the Residence Inn, Kendallwood Suites,
21 Sommerville Suites -- they've been working on this for
22 a long time. He's had this idea for over 10 years and
23 the corporate analysis that we do, Albany has a really
24 strong need for this corporate entity that we're going
25 to provide. It's not a typical hotel and you'll find

1 that it fills up very quickly and stays full and
2 provides a service that you can offer to corporations.
3 I'm having people in Florida and people in Charlotte
4 know that we're coming and have been to meetings and
5 I've had corporate executives already calling the
6 office in Wichita saying how soon can they rent these
7 rooms and get leases for them.

8 MR. LANE: What are the opportunities for this
9 design for underground parking?

10 MS. STEINER: We have a very high water table
11 on this particular one.

12 MR. CHAFEY: If we had to re-engineer a whole
13 different foundation, I can't imagine how expensive it
14 would be to create those pylons like we're staring
15 down the face of in Dallas on clay. The water is
16 close.

17 I don't think that it's economically feasible
18 to approach that, do you Joe?

19 MR. LACIVITA: No, I agree with you.

20 MR. LANE: I was just asking because you look
21 at the parking and so on -

22 MS. STEINER: In extremely restricted urban
23 areas, it's been talked about. I think that it's
24 going to have to be really creative. This is more
25 ideal for the model. We like the fact that you do have

1 that courtyard area on the ground level that creates
2 that community.

3 MR. LANE: And this is the layout from Wichita
4 here, right?

5 MS. STEINER: No, this is your layout. Wichita
6 is very similar though.

7 CHAIRMAN STUTO: You might consider covered
8 parking with the snow that we usually get here. Do
9 you have any comment on that?

10 MR. CHAFEY: No, we would consider parking, but
11 it would be up to the commission and the staff whether
12 we could put those covered parking units out there.
13 We do have covered parking and/or storage in our
14 plans. We would consider it if they would allow us to
15 do it. We just came into this Town and we originally
16 thought that no, they don't want that out there. They
17 want greenspace.

18 CHAIRMAN STUTO: I'm not saying the greenspace.
19 I'm saying where the asphalt is.

20 MS. BAKNER: There was originally covered
21 parking in because of the footprint of the two
22 buildings, which is currently at 30,000 square feet.
23 Because of the fact that we needed to come in and
24 apply for the area variance for the density. We felt
25 that it wasn't a wise use of the -

1 CHAIRMAN STUTO: You might be oversizing the
2 building. I'll give my opinion on that.

3 MR. SHAMLIAN: Or maybe raising the building.

4 CHAIRMAN STUTO: They're already getting a
5 variance to raise it 50%.

6 MR. SHAMLIAN: Are you considered a hotel -
7 some of the same regulations - do they apply to you?
8 Do your residents pay a hotel tax and all that?

9 MS. STEINER: Yes.

10 MR. SHAMLIAN: I was just curious about that.

11 MS. BAKNER: We were also very careful when we
12 came in to talk to the Building Department and also to
13 get the opinion of the Town Attorney that we fell
14 within the extended stay hotel category.

15 CHAIRMAN STUTO: Is that what the 360 days is
16 all about or no?

17 MS. BAKNER: No. It really had to do with
18 Peter, and as you know, they just adopted a Local Law
19 and what an extended stay hotel is. So, we wanted to
20 make sure that we conformed to their understanding of
21 what that was. So, we tried to do our homework. We
22 had a bit of a hiccup on the density issue so that's
23 why it's taken us a little bit longer to get here than
24 we had hoped. From the perspective of this being a
25 commercial use and being an extended stay hotel, I

1 think that everybody at the Town has been very
2 consistent in saying that's what it is.

3 On the density issue - just to be clear, the
4 density is 18,000 per square foot, per acre and we are
5 asking for just an additional 11,000 per acre. That's
6 what our request is currently.

7 CHAIRMAN STUTO: Right, that's a 50% increase,
8 but that's for the Zoning Board.

9 MS. BAKNER: I understand, but I just wanted to
10 make sure I gave you the numbers correctly.

11 CHAIRMAN STUTO: I know that it's a technical
12 question, but the driveway that goes through the left
13 end of the project or whatever you want to call that -
14 here it says proposed access easement. It appears to
15 be paved on the aerial that we have. What is the
16 current status of that whole thing?

17 MR. HERSHBERG: We just left it white because
18 the gray indicates new pavement - the pavement of
19 Metro Park and Aviation Road are white and that's why
20 because it's currently paved.

21 CHAIRMAN STUTO: What's its legal status? It
22 says proposed easement.

23 MS. STEINER: We'll own that and then we're
24 going to give the easement back.

25 MR. HERSHBERG: The applicant is going on Town

1 property and granting an easement back to the seller.

2 CHAIRMAN STUTO: Why is it there now? Why is
3 it paved now?

4 MR. HERSHBERG: Because the same owner was
5 involved with both the Wolf Road Park and this - the
6 Beltrone family.

7 CHAIRMAN STUTO: There's no easement on it now?

8 MR. HERSHBERG: They own the property. They
9 don't have to grant themselves an easement, but right
10 now they're selling the property so we'll have to
11 retain an easement for that driveway to go into the
12 Shopper's Park.

13 MR. MION: Also Peter, it's the only way out to
14 a light from the shopping center.

15 CHAIRMAN STUTO: On the aerial that we have
16 there is a strip of land which would probably be on
17 the lower part -- the lower part of your drawing going
18 from the driveway that I was just talking about --

19 MR. HERSHBERG: National Grid owns the property
20 from here to here (Indicating).

21 CHAIRMAN STUTO: Even though nothing is on it;
22 right?

23 MS. BAKNER: There is.

24 MR. HERSHBERG: There are power lines on it.

25 CHAIRMAN STUTO: It doesn't show it on this

1 drawing that we have.

2 MR. HERSHBERG: Our drawing actually shows the
3 location of the tower. There is a tower here
4 (Indicating) They are very substantial power
5 corridor.

6 CHAIRMAN STUTO: Okay, I couldn't see it on my
7 drawing.

8 MR. HERSHBERG: National Grid also or Niagara
9 Mohawk, a subsidiary of National Grid also owns the
10 land on the other side here (Indicating). So, we're
11 surrounded by National Grid, Metro Park and Aviation
12 Road. That's the boundaries of our site.

13 CHAIRMAN STUTO: Joe, do you want to give us
14 your opinion and help us with the environmental steps
15 that we would be taking?

16 MR. GRASSO: From a site plan perspective we
17 don't see any really significant issues that can't
18 typically be addressed through a detailed site plan
19 review process.

20 In terms of the environmental review and what
21 Terresa was speaking about in terms of SEQRA, it is a
22 little bit unique because it is a Type I action
23 because it's over 100,000 square feet of what is
24 considered commercial building. So, it triggers the
25 need for a Type I and coordinated review. There are

1 two involved agencies. There is the ZBA and the
2 Planning Board. Because of all of the planning
3 considerations relative to the project, it's our
4 recommendation that the Planning Board accept lead
5 agency status and you can do that tonight. The ZBA -
6 it's been in front of them already and the ZBA has
7 deferred lead agency designation to the Planning
8 Board. Before the Zoning Board of Appeals can make a
9 final determination on the variance application, a
10 SEQRA determination needs to be made. So, if the
11 Planning Board does accept lead agency status tonight,
12 additional environmental review will need to be done
13 by the Planning Board so that you can make a SEQRA
14 determination before the ZBA makes their decision on
15 the variance application.

16 As Dan and Terresa both spoke, they did provide
17 a lot of information with their initial application
18 materials. We have initiated a review of that, but I
19 would suggest that if that is something that the
20 Planning Board is desirous of moving forward with the
21 review of the project, that we get into that
22 environmental review in subsequent meetings after
23 tonight and you'll be getting a review of that
24 information. Like I said, we have initiated that
25 review as well, just as we do with all projects. We

1 don't see significant environmental impacts and this
2 is within the airport area GIS, so cumulative impacts
3 are addressed through the applicant's payment of fair
4 share mitigation fees.

5 There are some sidewalks and other connections
6 that help mitigate the impacts of the project as well.
7 This project site is tributary to the Wolf Road pump
8 station which as you can recall from past projects in
9 the immediate vicinity that pump station has had some
10 capacity issues in the past. They did provide some
11 engineering analysis with the application. We're
12 reviewing that and we're also reviewing it with the
13 town's department of pure waters. In a nutshell, that
14 station is operating at approximately 85% capacity as
15 of right now. The project across the street, the
16 Crossings Apartments that got approved by the Planning
17 Board a few months back and they are doing some minor
18 upgrades to the pump station that after that project
19 is built and those improvements are made, the station
20 will be running on about 84% capacity. When you add
21 on the flows from this project, we think that the
22 capacity is going to be up around 87%. So, that is
23 something that we're going to have to drill into with
24 Pure Waters and see if that additional flow warrants
25 any improvements at this time to accommodate a project

1 like this.

2 I will say that the Town has already embarked
3 on a long-range planning study for improvements to the
4 Wolf Road pump station. When we come back in front of
5 the Planning Board reviewing this project I hope to
6 have better information regarding the Town's plans for
7 possible or planned upgrades to that station so that
8 we can factor that into how it factors into these
9 development plans.

10 In terms of the waivers, they are pretty
11 consistent with other projects that we have seen in
12 the study area. So, I don't see any significant issue
13 there. Like I said, there are some minor site plan
14 comments that we will continue to make as it goes
15 through the site plan review process.

16 That's about all I've got, so far.

17 CHAIRMAN STUTO: I think that you're asking us
18 to accept lead agency status on this. And I talked to
19 you before the meeting as well today. My personal
20 feeling and so far the largest identified problem is
21 the sewer capacity at the sewer plant. I personally
22 have no objection in accepting lead agency status. I
23 don't want any representations to be made that we are
24 going to resolve the SEQRA review by the next meeting.
25 We haven't gotten any of the reports that have been

1 referenced. I think that for myself, some real
2 analysis and answers on the sewer plan issue will be
3 very important.

4 MR. GRASSO: One other issue that we would look
5 for additional information is - Dan mentioned a
6 clearing that is proposed on the south east corner of
7 the project site. We don't have a lot of information
8 regarding the quality of the vegetation or the size or
9 species that are there. I think that information
10 would be helpful for the Planning Board to make any
11 decisions regarding anything that may be there that's
12 worthy of saving or replacement.

13 CHAIRMAN STUTO: Anything else from the Board?

14 (There was no response.)

15 Do we have a motion to accept lead agency
16 status for environmental review purposes?

17 MR. LANE: Motion.

18 MR. MION: Second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 All those in favor say aye.

22 (Ayes were recited.)

23 All those opposed say nay.

24 (There were none opposed.)

25 The ayes have it.

1 MR. LACIVITA: Daniel, before you leave. You
2 had another applicant that was on the agenda for this
3 evening and it was pulled off in the last hours of the
4 agenda being posted. That was the student living
5 community on Fuller Road. Can you give us information
6 as to why the applicant asked for that?

7 MR. HERSHBERG: We were concerned with the
8 recommendation from the TDE that the project be pos
9 dec and sent for an Environmental Impact Statement.
10 That would invoke a cost to the client for both
11 preparing an Environmental Impact Statement as well as
12 reviewing an Environmental Impact Statement.

13 The second issue had to do with the timing.
14 This project came on board assuming that they would
15 start accepting students at a certain time and we
16 think that delaying that - what we think would be
17 almost a full year to doing the environmental impact
18 statement process might be critical for the applicant.
19 What we are doing now is regrouping and determining
20 whether or not the project should go forward at all
21 and if it does, how we would handle it.

22 CHAIRMAN STUTO: Thank you for that
23 explanation. That's a fairly thorough explanation,
24 but wouldn't you wanted to have discussed those issues
25 at the meeting? The meeting was noticed and so forth.

1 MR. HERSHBERG: That may be true but, again, I
2 think that we were seeking advice from the attorney
3 who is Donald Zee and they were concerned regarding
4 everything as whether or not it should be a Type I
5 action at all. There were no triggers met with the
6 Type I action. It's really 182 apartments up to 590
7 students and the only trigger that we thought somebody
8 may have talked about was the 250 units of residential
9 housing being the trigger. We did not see any of the
10 normal triggers for a Type I action being met. We are
11 going back to determine whether or not the Type I was
12 the correct determination.

13 CHAIRMAN STUTO: I'm not here to argue it now
14 because you asked for it to be pulled from the agenda,
15 but our department gets pressure to put things on the
16 agenda. Things get posted and noticed and so forth.
17 I'm only suggesting that is an inconvenience for us
18 and the public and a waste of resources. Also, if
19 that's the issue, shouldn't we discuss it in public?

20 MR. HERSHBERG: The one concern was that we
21 didn't get that pos dec recommendation. I got it by
22 email on December 9th. That's the day that I think
23 that it came by email to me. We didn't have a lot of
24 time to make this decision. That decision was made at
25 a conference call Sunday afternoon at 4:30 and by 5:00

1 I sent a letter out.

2 CHAIRMAN STUTO: Thank you for discussing that.

3 MR. LACIVITA: Thanks, Dan.

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6 (Whereas the above proceeding was concluded at

7 7:56 p.m.)

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CERTIFICATION

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I, NANCY STRANG, 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

Dated _____

