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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

TOWN PLACE SUITES 676 TROY-SCHENECTADY ROAD
REVIEW AND ACTION ON CONCEPT ACCEPTANCE

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
April 28, 2009 at 7:05 p.m. at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- JEAN DONOVAN, CHAIRPERSON
- ELENA VAIDA
- MICHAEL SULLIVAN
- THOMAS NARDACCI
- GEORGE B. HOLLAND, JR.
- CHARLES J. O'ROURKE
- TIMOTHY LANE
- PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Kevin DeLaughter, Planning and Economic Development
- Brad Grant, Barton & Loguidice
- Don Fletcher, Barton & Loguidice
- Nick Costa, Sipperly & Associates

1 CHAIRPERSON DONOVAN: First item on the agenda
2 this evening is Town Place Suites at
3 676 Troy-Schenectady Road. It's review and action on
4 concept acceptance and this is for a hotel.

5 Kevin, do you want to give us a briefing on this?

6 Brad, I guess you're here from Barton &
7 Loguidice. This is your project; is that correct?

8 MR. GRANT: Correct.

9 MR. DELAUGHTER: Briefly this site is located at
10 676 Troy-Schenectady Road. The proposal is for a 102
11 room hotel. The plans have been referred to various
12 town departments and outside agencies. Comments have
13 been provided to the board with comments and
14 regulations from those departments.

15 The application is before the Planning Board
16 tonight for concept review. If the board does agree to
17 concept acceptance, then the applicant would prepare
18 detailed final plans and go through a technical review
19 with the town departments and the town designated
20 engineer and hopefully come back to the Planning Board
21 for a final plan review.

22 CHAIRPERSON DONOVAN: Kevin, I noticed in the
23 comments - and I'll hand this over to Brad - that came
24 from the Planning Department. It said:

25 Should the board accept this concept written

1 findings stating the extent and justification of the
2 following waivers.

3 And then there's a list of five waivers. Does
4 that have to be done before the concept is approved or
5 is that part of the concept approval process?

6 MR. DELAUGHTER: It can be done, I would say,
7 concurrently with action on concept acceptance, but the
8 board does have to make specific findings as to how the
9 waivers are justified.

10 CHAIRPERSON DONOVAN: Okay, thank you.

11 MR. LACIVITA: Jean, actually during the course
12 of review with the engineers and prior to Nick taking
13 over, we talked to Frank Fazio. The parking in the
14 front yard is one of the waivers that is prohibited. We
15 talked about a design that they could do like a canopy
16 to bring that building front forward. Nick has talked
17 to the developer and if he wants to do that, that would
18 actually be knocked off.

19 CHAIRPERSON DONOVAN: Okay. Brad?

20 MR. GRANT: As it's been noted this is a concept
21 review. We generated a letter on April 17th and it was
22 provided to the town. The document that we reviewed was
23 an engineer's project narrative from November.

24 Stormwater feasibility analysis was also prepared
25 by Sipperly and Associates. There were various plans

1 last revised January 27th and preliminary elevation and
2 the floor plan.

3 To start off with our general comments, the front
4 yard would be the major issue with regard to the
5 variance. It exceeds the maximum setback distance of
6 that particular zone by 29 feet. There are some
7 considerations because of the nature of the business
8 being a hotel and having a porter and trying to provide
9 handicap access, parking out front for people to come
10 in and checking room rates and whatnot. They are going
11 to have to require a variance from the Land Use Law
12 based on the building.

13 The Town Code also refers to adequate buffers,
14 open space and landscaping. I didn't see a lot on the
15 plans, so far as landscaping. I would assume that some
16 could be provided in addition to some pedestrian
17 amenities. There are some easements called out on the
18 drawings. I guess the most significant one was the
19 temporary easement called out for DOT. Understand that
20 DOT has some work on Route 9 that's associated with
21 that. That's a 2009 project.

22 MR. COSTA: Excuse me. My name is Nick Costa. I'm
23 with Sipperly and Associates. That work is going on
24 right now.

25 CHAIRPERSON DONOVAN: Nick, I'm sure that you

1 have a copy of the comments so you can address those
2 when we get done.

3 MR. GRANT: Design standard review. Section
4 190.40 of the commercial office residential, COR zone.
5 The access drive and the parking in the front is
6 generally prohibited. There is a need for front yard
7 parking, but they will have to go to a variance
8 procedure for the granting of the waiver. We talked
9 about the exceedance on the maximum setback. Minimum
10 four-foot wide landscaping buffer should be provided
11 between the sidewalk and the street. There is no
12 current buffer for the sidewalk. Understand that the
13 state is working there.

14 The town may require some samples of the building
15 materials. The elevations look good but the submission
16 of materials is probably in order. They actually want
17 to see the materials themselves.

18 Some additional requirements to be noted for the
19 final plans - - we generally try to do this in our
20 comment letters to provide the plans for future phases.
21 Not necessarily things that you would see at concept
22 level. Proper landscaping for parking, sidewalks,
23 lighting, scale and visibility - which we have the
24 various sections of the Town Code to look at. It is
25 recommended for public spaces.

1 Window covering requirements and awnings must be
2 canvas. Minimum parking width is 24 feet and in some
3 areas they have some narrower pavements. However,
4 traffic flows are one directional so it's probably not
5 an issue.

6 In the back parking lot, there is not a
7 designated path for pedestrians from the rear to get to
8 the building. There probably should be some delineation
9 of a pedestrian lane for coordination of pedestrian
10 traffic.

11 One fire hydrant is called for. The Town Fire
12 Chief went down to take a look at that to see if the
13 project has a requirement.

14 CHAIRPERSON DONOVAN: Did Pete Lattanzio look at
15 these plans, Kevin, with the one hydrant?

16 MR. DELAUGHTER: I don't recall the reference to
17 the hydrant. He was only concerned with accessibility.

18 MR. GRANT: The major site plan reviews are
19 acceptable. Section F.3 calls for photographs of the
20 site and we don't have those yet.

21 Additional requirements to be noted - we talked
22 about landscaping and in Section C.5, preservation of
23 wetlands and environmental quality. I believe that the
24 wetlands are off in the corner of the site, beyond
25 what's going to be developed.

1 A grading permit is something that will be
2 obtained typically in the later phase.

3 All the requirements for final site plans and the
4 stormwater feasibility - from the looks of it, they're
5 looking at an underground chamber.

6 CHAIRPERSON DONOVAN: I noticed that we have a
7 comment from Diane Davies who is on the Conservation
8 Advisory Council and she was talking about the larger
9 oaks on the site. Maybe you can address that when you
10 do your presentation in front of us. She also asked
11 that the use of non-toxic products used as property
12 drainage naturally occurs south into the wetlands.

13 Mr. Lattanzio, who is our Fire Chief in the town
14 and he is concerned that the tracking will not
15 accommodate the ladder trucks. So, I'm hoping that you
16 would have addressed that in your comments.

17 Kevin, can you think of anything else for Brad
18 before Nick gets up and gives us his presentation?

19 MR. DELAUGHTER: No.

20 CHAIRPERSON DONOVAN: Okay. I'd just like to note
21 that I received a memo from Bob Mitchell and he's
22 talking about Town Place Suites at 5 Forts Ferry Road
23 which I'm assuming is the same as this project.

24 MR. LACIVITA: Actually that's a different
25 project and I think that name has changed, too.

1 CHAIRPERSON DONOVAN: Okay, thank you.

2 MR. COSTA: Again, my name is Nick Costa. I'm
3 with Sipperly and Associates. We're the engineers for
4 the site; Town Suites located on Troy-Schenectady Road.

5 The parcel is about 3.1 acres of land. It's
6 currently vacant. The only improvement being the
7 driveway that is shared with the adjacent development,
8 which is the Dunkin Donuts and the Verizon store.

9 The topography of the site generally slopes
10 toward the south into the wetland areas. It has been
11 located with the Corp of Engineers.

12 CHAIRPERSON DONOVAN: Can you show us where the
13 wetland areas are? Everything south of that?

14 MR. COSTA: Yes. We're not developing back here.

15 The site does have utilities. There is telephone
16 along Troy-Schenectady Road and there is telephone
17 here.

18 There will not be another driveway from the site
19 to Troy-Schenectady Road. The current driveway will
20 serve as the access. The proposal is to develop the
21 site with a four-story hotel that will have about 102
22 rooms and the rest of the site will be developed with
23 the parking required for those 102 rooms, plus 9
24 employees; the maximum shift.

25 The site layout is currently that the building

1 will face Route 7 so the front will be towards Route 7
2 and we have provided for a one-way access road from the
3 front for fire emergency vehicles. The rest of the
4 parking will be provided here (Indicating).

5 Water, again, will be connected to the existing
6 water main on Troy-Schenectady Road. The sanitary sewer
7 will be on the rear of the property.

8 Stormwater will be done underground and will have
9 underground chambers and also a filtering system; a
10 sand filter that will receive the water as per the New
11 York State DEC stormwater regulations requirement.

12 This island right here (Indicating) will be
13 removed once the DOT makes the improvement that they're
14 in the process of making in the middle of Route 7. This
15 island that Chief Lattanzio is concerned with will be
16 removed because right now this island is for the
17 purpose of having right-in and right-outs.

18 What DOT is going to be constructing is a center
19 median that will be a raised center median so people
20 will not be able to make lefts and vehicles will not be
21 able to come into the site anywhere along this portion
22 of Route 7. If they're heading west on Route 7, they
23 will not be able to make that turn. They will have to
24 go to the light and come back from eastbound.

25 CHAIRPERSON DONOVAN: What is the relationship

1 between the completion of this project and DOT's
2 improvements on Route 7?

3 MR. COSTA: These improvements are being made as
4 we speak. The current work is that they're shifting the
5 lanes over to the north and they're preparing to pave
6 the southern part and unless they repave the southerly
7 part, they'll replace the pavement that's on the north
8 side. So, they'll move the traffic over to the south
9 and you can remove the north lanes.

10 CHAIRPERSON DONOVAN: So the town will be able to
11 get its fire apparatus in?

12 MR. COSTA: Yes, once this island is removed,
13 they'll be able to do that.

14 With regards to saving vegetation: A lot of the
15 vegetation that existed here was heavily damaged in the
16 ice storms that we've had. In addition to that, a lot
17 of that has been taken out by the construction.
18 Everything in the back here (Indicating) on the south
19 side will be saved. Everything here (Indicating) will
20 remain as it is. We're not going to do anything here.

21 CHAIRPERSON DONOVAN: So, you're not going to
22 move anything on the front of the site.

23 MR. COSTA: In here (Indicating), yes. Along here
24 (Indicating), if there is something that's worth
25 saving, we'll look at that as we go through the

1 detailed plans. There is really not much left in the
2 area because the DOT has the temporary construction
3 easements.

4 CHAIRPERSON DONOVAN: Can you tell me what the
5 distance is from the edge of pavement to your property
6 line?

7 MR. COSTA: The nearest place here (Indicating)
8 is about four feet.

9 CHAIRPERSON DONOVAN: I'm sorry. I mean from
10 Troy-Schenectady Road to your property line.

11 MR. COSTA: It's about 15 feet.

12 CHAIRPERSON DONOVAN: At the closest point?

13 MR. COSTA: And to the west, it would be
14 substantial.

15 CHAIRPERSON DONOVAN: Michael?

16 MR. SULLIVAN: Yes, I had a question on the
17 driveway, the exit. Is it shared with the property to
18 the east? Is that where the Dunkin Donuts and the
19 Verizon are?

20 MR. COSTA: Yes.

21 MR. SULLIVAN: Do they have any other outlet to
22 their lot or is it shared for both parcels?

23 MR. COSTA: It's gradual to the center of the
24 property here (Indicating).

25 MR. SULLIVAN: Have there been any study which

1 accounts for both parcels contributing traffic for
2 that? I'm interested in how it would function. I know
3 that you can only take a right turn out of there but in
4 the morning, say, everyone is going for their coffee
5 and they're trying to check out of the hotel. They're
6 all going to be using that same exit. Will it back up
7 such that you can't get out of either property?

8 Also, was there a mention of a proposed second
9 exit out to the west?

10 MR. COSTA: This egress terminates right here. If
11 it continued, it would have to go across the wetlands.

12 MR. SULLIVAN: I thought that there was some
13 proposal to say that there was a future consideration
14 to connect to this -

15 MR. COSTA: There's a recommendation to connect
16 to this spot here.

17 MR. LACIVITA: There had been discussion, Mike,
18 to take that down further to Wade Road but there was
19 some concern with National Grid.

20 MR. SULLIVAN: So it's not feasible then?

21 MR. LACIVITA: I'd actually have to defer to
22 Kevin for that because I know that it goes back some
23 time. I understood because an easement was a
24 possibility. I know that the gentleman that has the
25 plaza has that one space and was hoping that would go

1 through to Wade Road.

2 MR. DELAUGHTER: I think that we had hoped that
3 in the long-term some work out or some sort of
4 arrangement to get connection out of there so that the
5 users of all these facilities have a back door, if you
6 will, and are not restricted and have that right-in
7 and right-out movement and to get out to Wade Road and
8 come back up to Route 7 and have access to the signal.

9 MR. SULLIVAN: You didn't have to take it all the
10 way to Wade Road. I was thinking that it would be
11 beneficial to have another exit just because right now
12 you have two parcels with only one exit. I would think
13 that would be a problem in the morning.

14 MR. COSTA: This connection here between this -

15 MR. SULLIVAN: That will be made?

16 MR. COSTA: Up to our area here (Indicating).

17 CHAIRPERSON DONOVAN: Kevin, that was one of your
18 recommendations, wasn't it?

19 MR. DELAUGHTER: I believe that it was one of the
20 recommendations, yes, that it be made up to the
21 property line.

22 MR. SULLIVAN: And that island will be removed
23 before the building is built? DOT will have this work
24 done before then?

25 MR. COSTA: Yes.

1 CHAIRPERSON DONOVAN: That will have to be done,
2 Mike, based on Peter Lattanzio's comments.

3 MR. SULLIVAN: Because of the fire, yes, that was
4 my concern.

5 Thank you.

6 CHAIRPERSON DONOVAN: C.J.?

7 MR. O'ROURKE: The truck movement routes - it
8 still looks like there are problems to me. Pete was
9 talking about the sides - this entrance. I just don't
10 want another abhorision like Lowes. If you look at the
11 truck plan and the parking lot is full and they're
12 building a hotel to probably have it full - it looks to
13 me like the track doesn't make it around. Again, it
14 goes back to one of the difficulties that we have when
15 we get the departmental comments is that unless we call
16 them, again I took it to mean that there was problems
17 around the building anywhere it was 20 feet. At some
18 point it's 18 feet. So, again, it just brings back
19 memories of the Lowes.

20 MR. COSTA: The only place where it's 18 feet is
21 this right here (Indicating).

22 MR. O'ROURKE: You're not 18 feet here
23 (Indicating)?

24 MR. COSTA: No, this is 24. Wherever there is
25 two-way traffic, it's 24. The truck that's depicted on

1 here stays within the dark lines. You won't have
2 problems with vehicles here.

3 MR. O'ROURKE: That's what I mean. I'd like
4 clarification on that from Mr. Lattanzio.

5 MR. COSTA: He didn't want the trucks over here
6 because there were signs.

7 MR. O'ROURKE: Right and that was actually in an
8 earlier letter. There is actually two in our packet
9 from Mr. Lattanzio.

10 Again, I was just wondering what has transpired
11 since the first memo of October 8, 2008. To me, it's not
12 rectified. Maybe it is.

13 MR. COSTA: I think one of the things was that it
14 was 16 or 18 feet wide and we actually increased it to
15 20 feet in response to the October 8th letter.

16 CHAIRPERSON DONOVAN: Kevin, has he reviewed
17 these plans since they've been revised, do you know?

18 MR. DELAUGHER: I think that the October 8th
19 document that C.J. is referring to is the summary of
20 the development coordination planning meeting. And that
21 predates the submittal of the concept plan. The concept
22 plans were revised to address these comments presumably
23 and Mr. Lattanzio's April 10, 2009 memo is based on the
24 current concept.

25 MR. O'ROURKE: Again, without taking a whole lot

1 of the board's time, the whole tree thing doesn't make
2 sense to me either.

3 The first memo in here goes back to 10/7/08;
4 Mr. Frank LaGott from Paradise Tree. Yet, as early as
5 March 19 2009, the trees are still there. So, did
6 Dunkin Donuts take the tress down? Are the trees there?
7 Aren't they there?

8 MR. LACIVITA: Actually some of those trees came
9 down during the course of DOT's construction.

10 MR. O'ROURKE: Some of them did. Some of them
11 came down with Dunkin Donuts.

12 MR. LACIVITA: Actually Mr. Magguilli and I met
13 with the property owner that had submissions because
14 during the course of the state's work, they did invade
15 into some property down through this, unbeknownst to
16 the project. Unfortunately, some of them were taken
17 out.

18 CHAIRPERSON DONOVAN: The state did that?

19 MR. LACIVITA: The state did that.

20 MR. O'ROURKE: Again, I'd just like to make sure
21 that we call it the state or Dunkin Donuts and not the
22 ice storm.

23 CHAIRPERSON DONOVAN: The ice storm covers a lot.
24 It's a broad term.

25 MR. O'ROURKE: People will be throwing that ice

1 storm around for four years, I think, on this board. We
2 see the Sisters of Carondelet, the Mohawk River
3 projects and some of the projects that we've seen have
4 outstanding looks to the buildings. To me, this is the
5 cheapest looking building that I may have seen in my
6 tenure on this board. I think that aesthetically or in
7 terms of building material, I think that it's just done
8 cheap.

9 CHAIRPERSON DONOVAN: Surprisingly because it is
10 a Marriott also - - maybe Frank, you want to address
11 that?

12 MR. COSTA: That has multiple materials. That
13 gives them optimum color contrast.

14 MR. O'ROURKE: It's cement board and are they
15 cedar battens, or they pine battens? What are they?

16 MR. COSTA: We can develop that in the details.

17 MR. O'ROURKE: Again, in my opinion, sitting on
18 the board, there is a lot of work to be done. From the
19 look of this building and being one of the main
20 entrances into our town, I don't think that it's
21 appropriate.

22 CHAIRPERSON DONOVAN: I think that was one of the
23 suggestions that Brad had.

24 MR. O'ROURKE: And I think that Brad's is nicer
25 than I'm going to be and more politically correct,

1 probably. I think that it's a hideous building - the
2 look of it. I'm not telling them who to get as an
3 architect, but I would fire this guy.

4 That's all I have.

5 CHAIRPERSON DONOVAN: Thank you, C.J.

6 George, that's a tough act to follow. Go ahead.

7 MR. HOLLAND: I have no further questions.

8 CHAIRPERSON DONOVAN: Elena?

9 MS. VAIDA: I just have a couple of questions. In
10 reviewing the papers, there were a couple of things
11 that I was a little confused about. It may not even be
12 significant but in the original application, in the
13 project narrative from November 12th, which was revised
14 January 8, 2009 in discussing the water main, it talks
15 about a 12-inch water main to be installed along the
16 south side of Troy-Schenectady Road. Then the water
17 department in their comments from this month talk about
18 an 8-inch water main that is to be installed.

19 MR. COSTA: That was in the DOT plans to show the
20 12-inch water main and that's where we got that
21 information from was from DOT.

22 MS. VAIDA: That seems fairly significant to me
23 in terms of size of a water main. Does that impact any
24 of the findings that you've submitted?

25 MR. COSTA: We still say that it's sufficient to

1 serve our site. We would come off that 8-inch with a
2 6-inch.

3 MS. VAIDA: There was also in the original
4 comments an issue of whether or not there was any
5 archeological impact. There was a checklist. It says
6 that this site is on the state map of archeological
7 significant areas. It said that an assessment would be
8 required. Has that been done?

9 MR. COSTA: No, that hasn't been done.

10 MS. VAIDA: Did you get any feedback about the
11 wetlands?

12 MR. COSTA: The Corp of Engineers was out there
13 this week confirming the delineation.

14 MS. VAIDA: And there were no problems with that?

15 MR. COSTA: No, they agreed with that. We're in
16 the process of hopefully getting a letter from the Corp
17 of Engineers confirming that delineation.

18 MS. VAIDA: You don't have any problems with the
19 run-off from the parking lots to the wetland?

20 MR. COSTA: That's where it currently goes, so we
21 would keep it going to that area. Like I said, we would
22 hold it and pass it through a filter to help clean some
23 of the sediments.

24 CHAIRPERSON DONOVAN: That would be your
25 underground stormwater.

1 MS. VAIDA: The issues raised in the Planning
2 Board's letter of April 14th - have you discussed and
3 addressed all of those issues yet?

4 MR. COSTA: We just received it.

5 MS. VAIDA: The parking issue. I understand that
6 is not going to be an issue anymore?

7 MR. COSTA: If the applicant chooses to put this
8 in front, that would allow us to meet the setback
9 requirements.

10 MR. DELAUGHTER: Can that be done without
11 interfering with the fire apparatus access?

12 MR. COSTA: That's a good point. We'll have to
13 take a look at that. The pavement here is only 20 feet.

14 MS. VAIDA: We don't know for sure if the parking
15 waiver is going to be needed or not but you're going to
16 need the 25-foot yard setback waiver and parking in the
17 front yard - you may need that. The drive through
18 access, the 15 foot in front of the property line and
19 the pavement within 10 feet of the side properly
20 line - - you're going to need all those waivers and in
21 order for us to do that, we have to have written
22 findings to justify that.

23 Can you explain why those waivers are needed and
24 why you can't accommodate the building code and the
25 Land Use Law?

1 MR. COSTA: Again, the use of the building - we
2 can build and face Route 7. The use of the property as
3 being a hotel, there should be emergency vehicle access
4 to all the sides of the facility. The only way that you
5 can get that is to have this 20-foot wide access point.
6 The 20 foot wide is for the purpose of fire access and
7 also for the convenience of customers to check in.

8 CHAIRPERSON DONOVAN: It just doesn't seem very
9 realistic to apply some of that to a hotel property.

10 MS. VAIDA: In terms of the other issues that
11 were raised like the landscaping and making it more
12 pedestrian friendly, you're going to address all those
13 issues?

14 MR. COSTA: Yes, with the development of detailed
15 drawings of the site.

16 MS. VAIDA: On the archeological request, are you
17 just waiting for a response? Has that been requested?

18 MR. COSTA: No, we have to engage someone to look
19 at that.

20 CHAIRPERSON DONOVAN: Kevin, based on the fact
21 that we don't have the findings or any statements from
22 an archeological firm, is it feasible to draft without
23 the SEQRA this evening, as recommended?

24 MR. DELAUGHTER: I think it could, contingent on
25 the study being completed. The option here would be

1 possibly a consideration of a negative declaration.

2 CHAIRPERSON DONOVAN: How long is it going to be
3 for the study to be complete? Do you have any idea?

4 MR. COSTA: It will be several weeks.

5 Was there anything with the adjacent site?

6 MR. DELAUGHTER: I don't know if anything was
7 done with it. I would expect so. It was in the same
8 circumstances within the area of concern. I imagine
9 that it was done.

10 CHAIRPERSON DONOVAN: Nothing occurred on the
11 adjacent site, Kevin? It was all right?

12 MR. DELAUGHTER: As far as I know.

13 MS. VAIDA: The only other comment that I would
14 like to make regarding that is that I would like to
15 point out that the October 8, 2008 Planning Board, I
16 guess, there was a checklist of areas of concern that
17 did specify that was a concern. It seems like there was
18 some detail about needing a report and needing it as
19 soon as possible and saying that it must be included
20 with the concept plan submission.

21 CHAIRPERSON DONOVAN: So when was this report
22 filed for? Do you have any idea? The archeological
23 report?

24 MR. COSTA: It falls within what the state has
25 done -

1 CHAIRPERSON DONOVAN: What I'm asking is when did
2 you actually go to them and ask for a report to be
3 filed so that this board could take action on the
4 plans?

5 MR. COSTA: We engaged the archeological firm in
6 mid-March.

7 CHAIRPERSON DONOVAN: Okay, because I think as
8 Elena said, this request came back in October.

9 C.J., is there something else?

10 MR. O'ROURKE: Yes. I just wanted to make sure of
11 one other thing on the record.

12 In terms of the site plan application, actually
13 it says that the area that they are developing is 3.1
14 acres. When, in fact, it's of a bigger 12.54, which has
15 not yet been subdivided and is still on the town tax
16 rolls at an assessed value under \$500,000 for this
17 property. So, all this comes in before they even
18 separate the property and I just want to make sure.

19 I look at this site application and it's not
20 true. It's not 3.1 acres right now. It's a portion of
21 that bigger parcel that's being subdivided.

22 CHAIRPERSON DONOVAN: Kevin, you said that they
23 were in the process of getting subdivision approval.

24 MR. DELAUGHTER: We do have an application in
25 progress that says that the review has been pretty much

1 completed. Typically, the subdivision approval would
2 have to precede a final site plan approval.

3 MR. O'ROURKE: Right. I just want to go on record
4 that this is part of a bigger parcel being subdivided
5 by the same owner.

6 MR. COSTA: That's correct. That application was
7 made to be subdivided.

8 CHAIRPERSON DONOVAN: Tim?

9 MR. LANE: In creating this plan were there any
10 other positions that the hotel itself could have been
11 placed in that might have been - - was this to increase
12 access to parking? Was there any other ideas of putting
13 it to the rear?

14 MR. COSTA: Putting the building in the rear?

15 MR. LANE: Yeah, putting it horizontal?

16 MR. COSTA: In doing that, you also create a view
17 shed and the parking would have to go to the side. It
18 wouldn't necessarily be as attractive.

19 MR. LANE: Is there a fire hydrant to the rear?
20 Pete mentioned the fire hydrant to be placed in front
21 of the building, but is there anything to the back of
22 the building?

23 MR. COSTA: There isn't anything in the back.

24 CHAIRPERSON DONOVAN: We could get clarification,
25 Joe, if you wouldn't mind, to see if there is a

1 possibility of a second hydrant on the site.

2 MR. DELAUGHTER: It doesn't appear on the
3 comments for concept and I'm assuming that for whatever
4 reason, he reviewed the concept plan and is satisfied
5 with it.

6 CHAIRPERSON DONOVAN: Could you check on that?

7 MR. LACIVITA: Sure.

8 MR. LANE: Because I can't imagine hanging those
9 lines to the back of the building.

10 What about snow storage? Where would you have
11 your snow storage? Is that in the wetland area?

12 MR. COSTA: It would be in the area here
13 (Indicating). There is an area here before the
14 wetlands.

15 MR. LANE: Considering that there is going to be
16 requested waivers, there were a lot of other comments.
17 There were pedestrian accommodations that Elena
18 mentioned and so on, so I really would like to see the
19 developer address these other issues. We're providing
20 waivers on these things so some of the other
21 accommodations made to the other side would be fairly
22 reasonable in addressing the other comments that were
23 made.

24 MR. COSTA: We're looking at that. We're working
25 to address many of the comments as possible.

1 MR. LANE: And then we'll see a revised -

2 MR. COSTA: Yes.

3 CHAIRPERSON DONOVAN: Tom?

4 MR. NARDACCI: A few of my questions were
5 answered so I don't want to rehash anything that we
6 talked about like fire safety, but I feel like we have
7 a lot of work to do here and I don't see how we can
8 address it tonight.

9 It's my opinion that without knowing for sure if
10 your client is going to be willing to make adjustments
11 to the setback - I mean, that's the big red flag that
12 both the Planning Department and the TDD have raised
13 here so I really think that we need to see what's the
14 decision and what's the revision to the plan.

15 In relation to that issue of setbacks, pavement
16 on each side - the greenspace exceeds the 35%. It's at
17 51%, but I'm curious as to how much of that 51% is
18 delineated wetlands and is to the rear of the site. Of
19 that 51%.

20 MR. COSTA: I would say that probably two-thirds
21 is the wetlands.

22 MR. NARDACCI: The landscaping is very important;
23 particularly if you're going to have cookie-cutter type
24 architectural design. I mean, we want to see some green
25 in the front of the building. We'd like to see some

1 trees and not just have the requirements all in the
2 back of the site.

3 MR. COSTA: Like I said before, this area in the
4 front of the site right along the front of the road
5 will be landscaped.

6 MR. NARDACCI: So two-thirds is the delineated
7 wetland area.

8 That's all I have.

9 CHAIRPERSON DONOVAN: I'm going to get to the
10 public in a second but I have a question for Brad in
11 relation to the SEQRA.

12 Based on the fact that we're waiting for their
13 archeological report, do you feel that it's appropriate
14 if the board decides to go through with the SEQRA this
15 evening? Is that an appropriate way to go?

16 MR. GRANT: I think that the receipt and review
17 of the archeological study is important and is a
18 condition for the concept approval. Whether or not it's
19 tied to SEQRA, sometimes it is and sometimes it isn't.
20 You need to take this in context with all the issues.
21 There are a number of waiver requests. I think that it
22 could be a condition of the approval. I think that its
23 three weeks away. It's an important one when going
24 forward.

25 CHAIRPERSON DONOVAN: My concern is and I'll ask

1 both of you, Kevin, to review this - based on the
2 archeological report, we don't know what that says and
3 we will assume that it's going to be all right to do
4 that but as soon as I assume that, something bad will
5 happen. So, does that mean that we should wait until we
6 get that report because it could change the whole SEQRA
7 that's adopted and the whole process of adopting the
8 SEQRA or how we adopt it?

9 MR. DELAUGHTER: Again, as Brad said, it could be
10 handled as a condition of the acceptance of concept
11 that the board would come back. If it does turn up
12 anything significant that would warrant a revision of
13 the plan, then concept would have to be revised
14 accordingly.

15 CHAIRPERSON DONOVAN: Concept and SEQRA would
16 have to be revised accordingly.

17 MR. STUTO: You could have it as a neg dec. You
18 can rescind a neg dec.

19 CHAIRPERSON DONOVAN: I didn't want to do it as a
20 conditional neg dec. I just assumed if possible to put
21 it as part of the concept process rather than a
22 conditional neg dec.

23 I think that one of the issues that you brought
24 up, Brad, that's improvement if this project continues
25 to move along, is the architectural elements of the

1 building. You obviously are feeling as though there is
2 something lacking and the board members feel the same.
3 So, that's going to be an important.

4 MR. STUTO: Do you have any ideas of what could
5 be done to improve it?

6 MR. GRANT: I'm not an architect, but the actual
7 handling of the materials that are proposed for
8 construction is important. We've seen architecture in
9 various forms and when you see it in person, that's
10 what's most important - what this would look like from
11 the road.

12 CHAIRPERSON DONOVAN: Are all Marriott Town
13 Suites built alike? Do they all look the same,
14 nationwide?

15 MR. COSTA: They have a similar look.

16 CHAIRPERSON DONOVAN: Does that mean that the
17 materials are used at all the Marriott Hotels are the
18 same?

19 MR. COSTA: Not necessarily.

20 CHAIRPERSON DONOVAN: That's why we need to see
21 that, also.

22 Anybody else from the board?

23 Brad?

24 MR. COSTA: If there is a similar building not
25 far away somebody could visit and see a picture of that

1 facility and those materials and you'll get the idea of
2 what it's going to look like.

3 MR. FLETCHER: If I may? I'm Don Fletcher from
4 Barton & Loguidice. I think that they start with a
5 baseline list of materials. I think pending local
6 review, they can upscale -

7 CHAIRPERSON DONOVAN: Okay, I'm ready to upscale.

8 MR. O'ROURKE: This is America. If they want the
9 waivers, we want the upscale.

10 CHAIRPERSON DONOVAN: Anybody from the audience
11 have any questions, comments or input?

12 You look like you were interested in this.

13 MR. THOMPSON: I am interested. My name is Tom
14 Thompson and I live off of Forts Ferry Road up on
15 Alpine Drive.

16 About five or six years ago there was a proposal
17 for a hotel on this site before the Dunkin Donuts and
18 Verizon was built. That proposal oriented the building
19 vertically, perpendicular to the highway. It was a much
20 more aesthetically pleasing orientation, from my
21 standpoint.

22 I think that there is room here to strongly
23 consider what's going to happen along this piece of
24 Route 7. Right now, going westbound from the Exit 6 you
25 have the Mobil station, you have an obsolete house that

1 is going to be replaced with further development. You
2 have the Verizon and Dunkin Donuts. You have this, you
3 have the old office building because there is open
4 space in front of Niagara Mohawk's substation. You have
5 the obsolete medical building that will be replaced
6 with new development, you've got Sipperly, CMA and
7 Troop G which will go in there.

8 If this is oriented in this way, it will
9 contribute to closing in the entire view shed along
10 that stretch of Route 7. I think that the board may
11 want to consider how much closure you want from that
12 view shed. Granted, the parking lots aren't the nicest
13 thing to view from the highway. I think that in this
14 case, if you oriented the building perpendicular to the
15 highway toward the west side property line and used
16 strategic plantings to screen the parking lots which
17 would be more to the eastside of the building, that you
18 might have a better result from an open space view
19 without closing out the view with this four-story
20 building. This sits about eight feet above the travel
21 lane of Route 7 so you've got four stories plus eight
22 feet of height to play with from the road. I know that
23 it's not a small amount of work to do. I'm fully in
24 agreement with Tim and his concern about the
25 orientation of the building and I think that there are

1 ways that you could fit the building and still leave
2 some openness along that corridor. I realize that my
3 comments go beyond properties that are being discussed
4 tonight, but I think that the board needs to consider
5 that in the context of what it wants to see in that
6 area. Thank you.

7 CHAIRPERSON DONOVAN: John?

8 MR. FAHEY: John Fahey, 46 Perry Avenue.

9 Right from the get-go I've got a comment on the
10 earlier question about the project on Forts Ferry Road.

11 Concept acceptance expired last June; if you want
12 to see the minutes.

13 I don't know why you picked this piece of
14 property. I really don't. I have a couple of concerns.

15 First, you have one entrance, one main entrance.

16 MR. COSTA: That's all DOT would allow us to
17 have.

18 MR. FAHEY: This board has typically held
19 developers straight to the fire for at least two
20 entrances for the emergency vehicle access.

21 MR. COSTA: That's all DOT would allow us to
22 have. They have control over that.

23 MR. FAHEY: You're in the Latham Fire District.
24 The nearest fire house is three-quarters of a mile to
25 the east. You also have to take that same U-turn on

1 Route 7 to come back and enter your property. That's in
2 case of an emergency that applies to police and EMS.
3 The bulk of the town is to the east and south. They
4 wouldn't use the Northway, Route 7, Route 9 or Route 2.
5 The nearest Fire Department in the other direction,
6 Verdoy, does not have a ladder truck, they have no room
7 for a ladder truck and no plans to buy one. I'd be
8 afraid to stay there. I think that this is serious
9 concern about the access. Especially that nobody is
10 going to get in from the east or from the south or from
11 the north.

12 Again, as this gentleman said, the orientation of
13 that building - if you turn it 90 degrees, we might be
14 able to see some of that greenspace as we drive by.
15 That's the purpose of greenspace, as I understand it
16 from these meetings. I have a real serious concern
17 about the right-in and right-out stuff. If I had a
18 hotel room and I had to drive up to Troop G and had to
19 take a U-turn, I would get a ticket for one thing or
20 with a medical parking lot, they're going to love that
21 traffic - or a turn down Wade Road. There's no way in
22 there and there should be some way in the back.

23 Albany RV has got a project back there. They only
24 have one way in and that's on Rensselaer Street. You
25 get a serious incident at that Mobil station or on

1 Route 7, your customers are going nowhere and they may
2 even be at risk.

3 On the subject of height of the building - as
4 this gentleman pointed out, have you cleared this with
5 the FAA at all? You're less than a quarter of a mile
6 from the center line of the approach.

7 MR. COSTA: That's been cleared.

8 MR. FAHEY: When planes crash, they don't usually
9 go on the roadway. They usually go one way or the
10 other.

11 MR. COSTA: This has been cleared with the FAA.

12 MR. FAHEY: I remember the water tower. I could
13 not approve this if I was sitting on that board because
14 of the whole traffic matter. That's all I have to say.

15 MR. LACIVITA: I think that I'll bring
16 Mr. Fahey's points to Pete Lattanzio. I think that a
17 building of this size, if it had a call, would go to
18 mutual aid, based on the fact that Verdoy doesn't have
19 a fire truck and I would tend to believe that based on
20 accessibility to Exit 7 that the Fire Department would
21 probably be coming the opposite way to fight that fire.
22 I could be totally wrong as far as access goes. But I
23 will talk to Pete Lattanzio to get clarification as to
24 how the access points will be entered.

25 CHAIRPERSON DONOVAN: They've always wanted two

1 forms of ingress and egress to a site. I understand
2 that last week we had a similar site on Route 5 that
3 has a problem. DOT says they have one curb cut and
4 that's what you get.

5 MR. DELAUGHTER: Actually in commercial
6 development where the buildings are fairly close to the
7 road, you've got one building after another so that you
8 can access one building from the parking lot of the one
9 next to it, we typically look for fewer curb cuts. It's
10 the corridor access management philosophy that the more
11 curb cuts that you have, the more conflicts that you
12 have in term of traffic and the more that you effect
13 the operation of the highway.

14 CHAIRPERSON DONOVAN: I agree with that, Kevin,
15 but I would just like to be clear with Pete Lattanzio
16 to make certain.

17 This gentleman brings up a good point. If you
18 could go back and just - - I don't want to cost you a
19 lot of money or cost you a lot of grief, but it would
20 be interesting to see if you could do something else
21 with the building on this site other than keeping it
22 flush to Route 7.

23 MR. COSTA: If we turn it, it would then require
24 another waiver.

25 CHAIRPERSON DONOVAN: That's okay. We're dealing

1 with waivers anyway so it would be interesting to see
2 what you could do to turn the building for aesthetic
3 purposes.

4 Anybody else?

5 ***(There was no response.)***

6 CHAIRPERSON DONOVAN: Peter, when do you think
7 that we should -

8 MR. STUTO: That's up to the board. If they want
9 these issues addressed before they deal with the
10 concept acceptance, that's fine.

11 CHAIRPERSON DONOVAN: I think that we probably
12 should get these issues cleared up first.

13 I don't know what your schedule is like or what
14 ours is like for May.

15 MR. LACIVITA: There is room on the May 12th
16 meeting and there is also room on the May 26th.

17 CHAIRPERSON DONOVAN: On May 12th we're dealing
18 with the traffic of Route 9. Is the 12th too early for
19 you or would you prefer going to the May 26th?

20 MR. COSTA: I think that we can schedule it for
21 the 12th.

22 CHAIRPERSON DONOVAN: Again, we're still waiting
23 for the archeological.

24 CHAIRPERSON DONOVAN: Okay, why don't adjourn
25 until the 26th and then come back and see what they come

1 up with?

2 Do I have a motion to adjourn the hearing until
3 the 26th, George?

4 MR. O'ROURKE: I'll make the appropriate motion.

5 CHAIRPERSON DONOVAN: Second?

6 MR. HOLLAND: I'll second.

7 CHAIRPERSON DONOVAN: All those in favor?

8 ***(Ayes were recited.)***

9 CHAIRPERSON DONOVAN: Opposed?

10 ***(There were none opposed.)***

11 CHAIRPERSON DONOVAN: Okay, we'll see you on the
12 26th. Thank you.

13

14

15 ***(Whereas the proceeding concerning the above***

16 ***entitled matter was concluded at 7:59 p.m.)***

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CERTIFICATION

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*I, NANCY STRANG-VANDEBOGART, Notary Public in
and for the State of New York, hereby CERTIFY that the
record taped and transcribed by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.*

NANCY STRANG-VANDEBOGART

Dated May 26, 2009