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PLANNING BOARD COUNTY OF ALBANY TOWN
OF COLONIE

TEXAS ROADHOUSE
105 WOLF ROAD AND 449 AND 455 SAND CREEK ROAD
APPLICATION FOR FINAL SITE PLAN

THE STENOGRAPHIC MINUTES of the above entitled
matter BY NANCY STRANG VANDEBOGART, a Shorthand
Reporter, commencing on November 13, 2012 at 8:00
p.m. at the Public Operations Center, 347 Old
Niskayuna Road, Latham, New York 12110.

BOARD MEMBERS:

MICHAEL SULLIVAN, ACTING CHAIRMAN
LOU MION
TIMOTHY LANE
KATHY DALTON

Also present:

Elena Vaida, Esq., Counsel to the Planning Board
Michael Tengeler, Planning and Economic.
Joe LaCivita, Director, Planning and Economic
Development
Joe Grasso, PE, Clough Harbour and Associates
Peter Lynch, Esq.
Frank DeLong

1 ACTING CHAIRMAN SULLIVAN: Next on the
2 agenda is Texas Roadhouse, 105 Wolf Road and
3 449 and 455 Sand Creek Road. This is an
4 application for final site plan. This is
5 presented by Creighton Manning Engineering.

6 Mr. Lynch?

7 MR. LYNCH: Since we were here last, I
8 know that Pat Mitchell has had the opportunity
9 to work with Joe Grasso at a couple of
10 sessions. Joe was very helpful in addressing
11 the issues. It's our understanding that Pat
12 has revised the plans to meet all of the detail
13 or criteria from an engineering perspective.

14 We did get some comments back from the
15 Building Department for the building elevation
16 issues; primarily with respect to the entrance
17 doors. The gist of the comments were that you had
18 to have more of an overhang over the doorway, so
19 that snow would not build up right at the entrance
20 of the door.

21 On this diagram here you can see right now
22 that this is a view of the rear of the building.
23 What you're looking at here is that this is facing
24 Sand Creek Road (Indicating). This is facing
25 south. The roof, if you will, over the entrance

1 to the doorway has been extended out to this
2 point, primarily just to be an overhand over the
3 doorway to keep the snow from building up.

4 The same thing was done with respect to the
5 roof of the open doorway leading to the garbage
6 area, if you will. An overhang was added there.

7 Essentially, that was the only design change
8 on the building, itself. I know that Texas
9 Roadhouse has filed an application with the Sign
10 Review Board, which I believe is going to be
11 scheduled in early December for the signage.

12 At this point, since the last meeting, some
13 of the comments that were in Joe's TDE letter was
14 to submit a proposed deed where we would take the
15 two existing lots that Mr. Burke currently owns.
16 Once Mr. Burke acquires the property at 449 Sand
17 Creek, he will assemble them into a single lot.
18 We have submitted to Joe LaCivita's office and a
19 copy to Joe Grasso's office the consolidation
20 deed. Of course, we can't do that until we
21 actually acquire the other side, but we agree that
22 it's a condition in the event that you approve
23 this plan.

24 The other thing that we had proposed was we
25 submitted the proposed resolution relative to the

1 grant of waivers. We requested waivers to allow
2 us to park in what would otherwise be a front yard
3 between the entrance. This is the elevation that
4 if you look at the front door, you're looking at
5 Sand Creek Road and of course we're going to have
6 parking between Sand Creek and the building.
7 Ordinarily, you can't park in the front yard.

8 You may recall that we had a concept plan
9 where there is going to be a third use on the site
10 close to Sand Creek Road. So, essentially the
11 parking that is considered front yard parking now,
12 would actually be part of the parking internal to
13 the overall site with the last building closest to
14 Sand Creek Road being between that parking. So,
15 we're asking for wavers with respect to the front
16 yard parking.

17 Other than that, I know that you're very
18 familiar with this plan and if you have any
19 questions, we'd be happy to entertain them. Of
20 course, any engineering questions, I'll have Pat
21 Mitchell address. Thank you.

22 ACTING CHAIRMAN SULLIVAN: We'll hear from
23 the TDE; Joe Grasso.

24 MR. GRASSO: This project, as Pete said,
25 it's up for consideration of final site plan

1 approval. Before the Board acts on that, it
2 would need to make a SEQRA determination and
3 take action on the waiver that he was referring
4 to.

5 Included in your packet is our latest letter
6 from CHA dated November 1st. In there we identify
7 one outstanding comment and we say:

8 "We continue to remain concerned with the
9 drainage proposed through the proposed berm along
10 the southeast property line. The invert
11 elevations provided for the six-inch underdrain
12 are below the proposed top of curb elevation. It
13 appears that the curb elevation should be lowered
14 to allow for the underdrains to discharge onto the
15 pavement area."

16 It's a relatively minor comment. Since we've
17 issued the letter, I've had conversations with Pat
18 Mitchell, the design engineer for the project and
19 are confident that they can make that minor
20 revision when they submit the plans, following
21 action by the Planning Board and prior to final
22 plan stamping.

23 Although that was our last letter, there have
24 been numerous comment letters that our office has
25 provided during the progression of design for the

1 project. They've primarily been related to the
2 stormwater management approval and the use of
3 porous pavement on the site which is extensively
4 proposed. There are some issues regarding the
5 circulation and a lot of comments regarding the
6 landscape approach.

7 We do commend the applicant and their
8 engineer for working with us diligently and being
9 able to accommodate numerous requests regarding
10 the design of the project.

11 Included in your packet are some comments
12 from the Town departments. The departmental
13 comments that we've seen that would result in
14 material changes to the project site.

15 MR. LANE: What about the October 22nd
16 letter from Mike Lyons regarding the hydrants?

17 MR. GRASSO: Was it Mike Lyon's comment?
18 I think that it was a letter to Mike Lyons. I
19 think that it was Joe Bisognano from Fire
20 Services.

21 Actually there is an existing hydrant out at
22 Sand Creek Road and actually the intent is that
23 when the site comes up for additional development
24 of that possible third building along Sand Creek
25 Road --, at that time our office and Latham Water

1 District will support a relocation of that
2 hydrant. He thought that work would need to be
3 done now. There is an existing hydrant out there,
4 so he is satisfied with the curent plan and that
5 there wouldn't need to be a relocation of that
6 hydrant. When that third building comes in and
7 the access road goes out to Sand Creek Road, maybe
8 it may need to be relocated at a future date.

9 MR. LANE: Would it be easier to do it
10 now?

11 MR. GRASSO: If we move it now, we might
12 have to move it again because you don't know
13 exactly where that access road is going to go
14 in for that third building. Although the
15 applicant has provided us a sketch plan of what
16 that future development may look like, I think
17 that the plans are unknown until he lines up a
18 known tenant. It's going to come back before
19 this Board. At that time, we'll make a final
20 determination where that hydrant should be and
21 make sure that we work with Latham Water and
22 Fire services Department.

23 In your packet is a draft resolution for the
24 one waiver that is required. As Pete mentioned,
25 he actually provided a draft of the resolution as

1 well. There was a slight change and the change
2 between what we had provided the Board and what
3 Pete had provided was just regarding the
4 nomenclature used for that master plan. It should
5 be known that the future development plan is
6 currently unknown. The reason why we are
7 supportive of the waiver to allow the parking on
8 the Sand Creek Road side of the Texas Roadhouse is
9 because we understand that there is a possible
10 plan for a third building to go in there. When
11 that building is developed, it theoretically will
12 put the parking more internal to the project site,
13 thereby complying with the Town's Land Use Law.
14 We have a resolution regarding a waiver of the
15 Land Use Law in your packet. If you want, I can
16 read it now or I can wait until later.

17 ACTING CHAIRMAN SULLIVAN: You can do it
18 now.

19 MR. GRASSO: I am going to paraphrase just
20 for the sake of time.

21 Whereas the applicant is requesting a waiver
22 from the Town of Colonie's Land Use Law related to
23 parking being prohibited within the front yard,
24 with the front yard being defined as between the
25 front building line and front lot line.

1 Whereas the Colonie Planning Board may waive
2 these standards to the extent that it deems
3 necessary in order to secure reasonable
4 development of the site.

5 Whereas the proposed layout and building
6 placement was developed to accommodate future
7 development on the site; and.

8 Whereas the possible future master plan for
9 the site shows the future building being situated
10 along Sand Creek Road, thereby making the majority
11 of the on-site parking internal to the site
12 between the various establishments.

13 Now therefore it be resolved that the Board
14 hereby finds that the extent of the request of the
15 waiver is not considered substantial.

16 Be it further resolved that the Board finds
17 that the applicant has established that there is
18 no practical alternatives to the proposed waiver
19 that would conform to the standard and that the
20 waiver is necessary in order to secure reasonable
21 development of the project site.

22 Be it further resolved that the Board hereby
23 issues a waiver from the prohibition of the
24 parking within the front yard; and

25 Be it further resolved that these waiver

1 findings be a condition of site plan approval of
2 the application and be kept in the file of the
3 office of Planning and Economic Development
4 Department.

5 Lastly, I'd just like to speak to the SEQRA
6 determination. The project is an unlisted action
7 pursuant to SEQRA and has been classified as such
8 by the Town Attorney's office. The applicant had
9 provided a short environmental assessment form
10 describing the proposed project and the
11 environmental setting of the site. We have drafted
12 the completion of the short environmental
13 assessment form to classify the action as an
14 unlisted action and issuance of a negative
15 declaration stating that the project is not
16 expected to result in significant environmental
17 impact. That is in your packet for consideration.

18 Before the Planning Board takes action on the
19 final site plan, it should first make a
20 determination regarding the SEQRA.

21 ACTING CHAIRMAN SULLIVAN: Thank you.

22 Anyone in the audience who would like to
23 comment on this project?

24 MR. DELONG: I think that this is a great
25 thing for the neighborhood. I think that it's

1 a nice thing that they're doing.

2 I live at 4 Kenlyn Drive. I'm right behind
3 this.

4 ACTING CHAIRMAN SULLIVAN: Thank you.

5 Any members of the Board have any questions?

6 MR. LANE: I don't have any questions. I
7 think that it's a great project, too. I think
8 that they've done a good job and it will be
9 interesting to see how the final project shakes
10 out. I think that hopefully you can find
11 someone that fits there well. My only concern
12 is how it's going to effect Texas Roadhouse in
13 terms of visibility. Is that going to be an
14 issue there? I guess it will depend on who you
15 find.

16 I just had the one question about the fire
17 hydrants.

18 ACTING CHAIRMAN SULLIVAN: Lou?

19 MR. MION: I have no questions. It looks
20 like a job well done.

21 MS. DALTON: I have no questions, but I
22 just want you to take note of the letters from
23 the neighbors who are concerned about the
24 disruption of the construction and ask you to
25 be mindful of their concerns and continue to be

1 a good neighbor.

2 MR. LYNCH: I know that Mr. Burke has made
3 that very clear to the contractor.

4 MS. DALTON: Great; thank you.

5 ACTING CHAIRMAN SULLIVAN: Thank you. I
6 don't have any questions but I, too, wish to
7 commend you on your coordinating and explaining
8 the project and the phases. I have found it to
9 be very helpful.

10 Elena, do you have anything about SEQRA to
11 add?

12 MS. VAIDA: No. Everyone has it in their
13 packet. I hope you've had a chance to read
14 through it.

15 MR. LANE: I'd like to make a motion to
16 make a finding of a negative declaration.

17 MS. DALTON: I'll second.

18 ACTING CHAIRMAN SULLIVAN: All those in
19 favor?

20 (Ayes were recited.)

21 ACTING CHAIRMAN SULLIVAN: Do we have to
22 accept the waiver?

23 MR. GRASSO: Yes.

24 MR. MION: I'll make a motion that we
25 accept the waiver.

1 MR. GRASSO: I would just state as read
2 into the record only because there was a slight
3 change from that which I provided.

4 MR. MION: As read into the record.

5 MS. DALTON: I'll second.

6 ACTING CHAIRMAN SULLIVAN: All in favor?

7 (Ayes were recited.)

8 ACTING CHAIRMAN SULLIVAN: NOW we need an
9 approval -- are there any outstanding issue?

10 MR. GRASSO: Just addressing any
11 outstanding comments from the TDE and Town
12 departments.

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

14 MS. DALTON: I'll second.

15 ACTING CHAIRMAN SULLIVAN: All those in
16 favor?

17 (Ayes were recited.)

18 ACTING CHAIRMAN SULLIVAN: Thank you, very
19 much.

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21 (Whereas the above entitled proceedings were
22 concluded at 8:19 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 November 21, 2012

