

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 MCDONALD'S RESTAURANT
 5 106 WOLF ROAD
 6 APPLICATION FOR SEQRA DETERMINATION
 7 AND FINAL SITE PLAN APPROVAL
 8 *****

9 THE STENOGRAPHIC MINUTES of the above
 10 entitled matter by NANCY STRANG-VANDEBOGART, a
 11 Shorthand Reporter, commencing on May 21, 2013 at
 12 8:39 p.m. at The Public Operations Center, 347 Old
 13 Niskayuna Road, Latham, New York

14 BOARD MEMBERS:
 15 PETER STUTO, CHAIRMAN
 16 LOU MION
 17 KAREN GOMEZ
 18 BRIAN AUSTIN
 19 TIMOTHY LANE
 20 SUSAN MILSTEIN
 21 KATHY DALTON

22 ALSO PRESENT:

23 Elena Vaida, Esq., Counsel to the Planning Board
 24 Joe LaCivita, Director, Planning and Economic Development
 25 Rob Osterhoudt, PE, Bohler Engineering
 Chris Boyea, Bohler Engineering
 Francis Essien, McDonald's Corporation
 Danielle Williams, McDonald's

1 CHAIRMAN STUTO: McDonald's, 106 Wolf Road,
2 application for SEQRA determination, final site plan
3 approval. This is razing existing restaurant and
4 replace with a new 5,200 square foot restaurant.

5 Joe, do you have any introduction?

6 MR. LACIVITA: No, we can go right to Rob and let
7 him do his presentation.

8 MR. OSTERHOUDT: Good evening. I'm Rob Osterhoudt
9 from Bohler Engineering and I'm representing McDonald's
10 Corporation with their application of 106 Wolf Road. I
11 have with me tonight Frank Essian from McDonald's. He
12 came in from the Boston office for the hearing tonight
13 and also Chris Boyea from my office, as well.

14 Since we last met back in March we have been
15 working diligently with Town staff, Clough Harbour
16 to work through the items that we have outstanding
17 on the project. We've made a ton of progress and
18 a lot of approvals in place in the project. Those
19 approvals include the sign approvals. We've
20 gotten concept approval from this Board in march.
21 We have the SHPPO approvals in place. The FAA
22 approvals just came through yesterday. Because of
23 the time lines on this project and the urgency of
24 the project, we've actually initiated the building
25 permit application through the Town Building

1 Department with those plans under review.

2 So, this evening we're here for final
3 approval and as part of that, we're looking for
4 the approval of waivers. We have three waivers
5 for the project. Those waivers were identified in
6 the recent Clough Harbour correspondence that
7 include the front yard setback waiver, maximum
8 setback waiver of 20 feet waiver. It's exceeded
9 because of the fact that we're redeveloping this
10 site. Also, everything is driven by the
11 redevelopment of the waivers. We have parking
12 spaces within the front yard. We have a portion
13 of seven spaces that have been moved to the front
14 yard, and we also have parking spaces within the
15 10-foot side yard setbacks. So, we'll need a
16 waiver for those. Again, that's an existing
17 condition. We're not changing the curb lines or
18 the pavement along the side property. So, that's
19 driven by the existing development of the site.

20 With that, we have made a lot of progress.
21 We appreciate the Town's support and we appreciate
22 Clough Harbour working with us to get to where we
23 are. We feel that we're in a good position and at
24 this point I'll open it up to the Board with any
25 questions or comments.

1 CHAIRMAN STUTO: Okay, we'll hear from our Town
2 Designated Engineer, Joe Grasso, from Clough Harbour.

3 MR. GRASSO: We do have a comment letter on the
4 final plans. Like Rob said, this plan has gone through
5 a number of iterations. By the time that we got to our
6 May 6th comment letter, the applicant had really
7 addressed our technical items in our comment letter.

8 A couple of things in terms of SEQRA. This
9 is an unlisted action pursuant to SEQRA and the
10 Town Attorney's office has recommended the
11 preparation of a short EAF. The Town Attorney's
12 office also drafted a negative declaration and
13 completed the short EAF for consideration by the
14 Planning Board. I believe that is included in
15 your packets at the end of the packet.

16 In terms of the waivers, as Rob had said
17 there are three waivers. The applicant has
18 provided justification for each of those in the
19 project narrative and based on our review, it
20 appears that the waivers are justified due to the
21 buildings being set back consistent with the other
22 buildings along the Wolf Road corridor. The
23 building is actually closer to Wolf Road than the
24 existing building. If you look at the waivers
25 that this former site or the existing site would

1 need, they actually reduced the waivers that they
2 could have through the redevelopment of the site.
3 We think that they have done a good job trying to
4 reduce the extent of the waivers.

5 The parking in the front yard is really n to
6 that much parking. If you're looking across the
7 front of the building, there is only a slight
8 extension of the parking that actually occurs in
9 the front yard. The majority of it is to the side
10 and the rear of the site, which is what is
11 supported in the design standards. The last one
12 is the parking up against the side property line,
13 which is also an existing condition. Obviously,
14 the site is a very narrow lot. They haven't made
15 that encroachment the way that it exists today.

16 Included in your packet, we've drafted a
17 Resolution for the wavier findings. If they are
18 agreeable to the Planning Board, I can read those
19 into the record later.

20 That's about all we have.

21 CHAIRMAN STUTO: A couple of questions came up.
22 The GEIS - I see a sheet here that's generated. It
23 says zero for traffic. They have a double drive-thru
24 window situation. Doesn't that generate more traffic?

25 MR. GRASSO: CDTC did a look at it and they took

1 into consideration both the building is actually larger
2 than the existing use, and obviously it has a double
3 drive-thru, but they didn't think that it was going to
4 result in an appreciable increase in the amount of
5 traffic to the site.

6 CHAIRMAN STUTO: Do you agree with that?

7 MR. GRASSO: We do agree. Could there be some
8 additional traffic? Yes, but we don't think that's
9 going to be appreciable.

10 CHAIRMAN STUTO: Is there a definition of
11 appreciable in this context? I'm not being facetious,
12 but why are they doing a double drive thru if they
13 don't want to increase traffic?

14 MR. GRASSO: They do but is it something that you
15 could easily quantify? By increase, the way that you
16 go through the traffic models is you need to do it
17 based on trip generation, based on historical data.
18 There are standards and based on this type of fast food
19 type of establishment, it's got a certain trip
20 generation. So, even though they add two drive thru
21 lanes, you're not going to be able to extrapolate any
22 calculatable data and say there is going to be an
23 additional 20 trips.

24 CHAIRMAN STUTO: I have a little trouble with
25 that, to be honest with you. The people that do the

1 after dollar volumes are people that are from the
2 drive-thru business. Second, they are increasing it
3 for a reason. It doesn't hold water with me.

4 MR. GRASSO: No question. The way that they look
5 at it is the use of the site changes over time. So,
6 the site today being a 30-year old facility may be
7 seeing 700 cars during the day. When they redevelop
8 the site and go up to 800 or 900 vehicles a day, that
9 maybe the traffic generation when the site was
10 originally developed. So, there are a lot of factors
11 that go into this.

12 CHAIRMAN STUTO: Well, that's a hypothetical.

13 MR. GRASSO: Will there be an increase? Yes.
14 From today, there will be an increase, but it's nothing
15 that we can establish.

16 MR. AUSTIN: There is also an efficiency issue,
17 too. You're not going to see that stacking that you're
18 going to see with a typical drive-thru that's backed
19 all the way around the building.

20 CHAIRMAN STUTO: The quicker that you get them
21 through, the more you get.

22 MR. AUSTIN: Of course.

23 MR. GRASSO: There are other factors that go into
24 the traffic model in terms of the amount of pass-by
25 trips. Those are trips that are already out on the

1 roadway network that are just being sucked into the
2 site. They're not actually new trips. Those types of
3 trips don't actually get assessed with traffic
4 mitigation fees.

5 CHAIRMAN STUTO: You mean the Big Mac attacks?

6 MR. GRASSO: That's exactly it. There are a lot
7 of factors that go into CDTC's evaluation. We reviewed
8 it and we don't have a problem with it.

9 There are some other mitigation fees that the
10 project is going to have to incur because of the
11 size of the facility.

12 CHAIRMAN STUTO: Are there any members of the
13 public that want to be heard on this one?

14 MS. WILLIAMS: I'm the store manager at the store
15 on Wolf Road.

16 CHAIRMAN STUTO: What is your name?

17 MS. WILLIAMS: Danielle Williams.

18 CHAIRMAN STUTO: Could you get on the microphone?
19 It makes it easier for everyone to hear.

20 MS. WILLIAMS: I was listening to the double
21 drive-thru issue. It's a proven fact that once you
22 open up two speakers for drive-thru that we do push
23 more cars through, which actually makes the flow of
24 traffic go smoother. As you know, the Wolf Road
25 McDonald's drive-thru is very long. We have issues

1 during lunchtime actually pushing the cars through
2 because we only have one speaker and the distance
3 between the windows is too short. We can only put one
4 car thorough. The goal of the double drive-thru is
5 basically to push more cars through and make more sales
6 and make more money. At the same time, it helps us
7 with customer counts and everything else.

8 CHAIRMAN STUTO: Thank you.

9 We'll open it up to the Board Members for
10 comments and questions.

11 MS. DALTON: I had one question. With regard to
12 the letter from DOT, the third comment. "The plan
13 shows a proposed waterline connect -- "

14 MR. OSTERHOUDT: Yes, that was earlier on in the
15 process. We since changed the connection for the
16 water. What we are doing is we are not going into the
17 pavement at all. There is an existing hydrant that
18 comes into the site off of the pavement. We are
19 extending the service into the site, reconfiguring the
20 hydrant. We've already worked though that and
21 everybody is on board with that approach. So, we're
22 able to eliminate that issue and that concern of
23 getting out into the Wolf Road pavement.

24 MS. DALTON: Thank you.

25 CHAIRMAN STUTO: Anybody else?

1 MR. AUSTIN: I think that it's a very nice
2 aesthetic improvement. You kept the golden arches.

3 CHAIRMAN STUTO: Let's talk about SEQRA, Joe. Can
4 you guide us through the environmental review?

5 MR. GRASSO: Sure. Included in your packet is a
6 short EAF. Part I is project information which is
7 filled out by the applicant. The second page is a
8 SEQRA recommendation that's filled out by the Town
9 Attorney's office classifying this as an unlisted
10 action pursuant to SEQRA with a recommendation based on
11 the attached EAF that the Board would determine that
12 the action would not have a significant effect on the
13 environment.

14 Going back further in your packet is Part II
15 of the short EAF form. There is a series of
16 questions there that the Planning Board and the
17 lead agency goes through to evaluate the
18 environmental impacts associated with the project.

19 "Does the action exceed any Type I threshold?
20 No, no coordinated review is required. Will the
21 action receive any coordinated review as provided
22 for unlisted action? No, there are no triggers of
23 any thresholds that would require any coordinated
24 review by other involved agencies."

25 A coordinated review can have a SEQRA meaning

1 and then have another meaning. Obviously, all the
2 involved agencies that have the ability to approve
3 the project were coordinated during the review of
4 the project. There wasn't the SEQRA coordinated
5 review where we actually have to go through and
6 solicit agency status with them.

7 "Can the action require any adverse effects
8 associated with the following: Impacts to air
9 quality, surface or groundwater quality, noise
10 levels, traffic patterns, solid waste, erosion,
11 drainage, flooding? No, no such impacts are
12 expected to occur. The project involves the
13 construction of a new 5,200 square foot building
14 to replace the McDonald's that currently exists on
15 the site."

16 The second item under C2 is: "Impacts related
17 to aesthetic, agricultural, archeological and
18 historic, other natural or cultural resources or
19 community or neighborhood character? The project
20 is not expected to have any impact on those
21 resources. The project is deemed consistent with
22 the existing commercial use of the parcel.

23 Are there expected to be any impacts
24 regarding vegetation or fauna, fish, shellfish or
25 wildlife species, significant habitats or

1 endangered species? No, no such impacts are
2 anticipated.

3 Communities existing plans or goals or change
4 in use or intensity of the site? No, the project
5 is consistent with the existing commercial use of
6 the parcel.

7 Is the growth or subsequent development
8 activities likely to be induced by proposed
9 action. No, no such impacts are expected to
10 occur.

11 Long term/short term cumulative or other
12 effects not identified above. No, no impacts are
13 expected to occur.

14 Other impacts including changes in either the
15 use or quantity or type of energy: No, no such
16 impacts are expected to occur.

17 Will the project have an impact on the
18 environmental characteristics that caused the
19 establishment of a CEA, which is a critical
20 environmental area? No, there are no CEAs in the
21 vicinity of the project site.

22 Is there or is there likely to be controversy
23 related to the potential impacts? No, there has
24 been no public controversy on the project to
25 date."

1 The last page is the determination of
2 significance.

3 "Based on the information analysis above and
4 any supportive documentation, the proposed action
5 will not result in any significant adverse
6 environmental impacts and provide attachments that
7 are necessary and the reasons supporting this
8 information."

9 We've included a negative declaration
10 determination of no significant impact on the
11 environment.

12 CHAIRMAN STUTO: And the negative declaration is
13 on the back side of that and it concludes that: "The
14 lead agency has reviewed the application site plans,
15 project description and supporting documentation and
16 concluded such further investigation of the project and
17 its environmental effects as the lead agency has deemed
18 appropriate. Based on this review, lead agency has
19 determined that the action left no significant effect
20 on the environment."

21 Any comments or questions on that?

22 (There was no response.)

23 CHAIRMAN STUTO: You've basically gone through the
24 whole thing and I agree with all the conclusions that
25 are in there.

1 Do we have a motion on the negative
2 declaration?

3 MS. DALTON: I'll make a motion.

4 MR. LANE: I'll second.

5 CHAIRMAN STUTO: Any comments or questions?

6 (There was no response.)

7 CHAIRMAN STUTO: All those in favor say aye.

8 (Ayes were recited.)

9 CHAIRMAN STUTO: All those opposed say nay.

10 (There were none opposed.)

11 CHAIRMAN STUTO: The ayes have it.

12 We have in front of us a Land Use Law waiver
13 findings which we have discussed the waivers
14 already. You want to recite what's under the
15 "Resolves"? We'll enter this Resolution in its
16 entirety into the record with the stenographer.

17 MR. GRASSO: Be it resolved that the Board hereby
18 finds that the extent of the requested waivers is not
19 considered substantial;

20 And be it further resolved that the Board
21 finds the applicant has established that there are
22 no practical alternatives to the proposed waiver
23 that would conform to the standard and that the
24 waiver is necessary in order to secure reasonable
25 development of the project site;

1 And be it further resolved that the Board
2 hereby issues a waiver from the maximum front
3 building setback of 20 feet;

4 Be it further resolved that the Board hereby
5 issues a waiver from the minimum side yard parking
6 lot setback of 10 feet;

7 And be it further resolved that the Board
8 hereby issues a waiver from parking in the front
9 yard;

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

15 CHAIRMAN STUTO: Any comments or questions on the
16 waiver Resolution?

17 (there was no response.)

18 CHAIRMAN STUTO: Do we have a motion on that?

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

20 MR. AUSTIN: Second.

21 CHAIRMAN STUTO: Any discussion?

22 (there was no response.)

23 CHAIRMAN STUTO: All those in favor say aye.

24 (Ayes were recited.)

25 CHAIRMAN STUTO: All those opposed say nay.

1 (There were none opposed.)

2 CHAIRMAN STUTO: The ayes have it.

3 On the main question before the Board which
4 is for final site plan approval of the project,
5 contingent upon meeting all the requirements of
6 the Town Designated Engineer of this Board as
7 recited in this meeting as well as the Town
8 comments. Do we have such a motion?

9 MR. AUSTIN: I'll make that motion.

10 MS. MILSTEIN: Second.

11 CHAIRMAN STUTO: All those in favor say aye.

12 (Ayes were recited.)

13 CHAIRMAN STUTO: All those opposed say nay.

14 (There were none opposed.)

15 CHAIRMAN STUTO: The ayes have it.

16 Congratulations.

17 MR. OSTERHOUDT: Thank you to everybody for your
18 time and effort and for working through the process
19 with us. The project should be under construction
20 shortly.

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22 (Whereas the above proceeding was concluded
23 at 8:57 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 May 30, 2013

