

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 RETAIL FOOD SERVICE OUTLET
5 109 WOLF ROAD
6 SKETCH PLAN REVIEW
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 Matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 23, 2015 at 7:46 p.m. at
11 The Public Operations Center, 347 Old Niskayuna Road,
12 Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 KATHY DALTON
17 TIMOTHY LANE
18 BRIAN AUSTIN
19 CRAIG SHAMLIAN

20 ALSO PRESENT:
21
22 Joe LaCivita, Director, Planning and Economic Development
23 Daniel Hershberg, PE, Hershberg & Hershberg
24 Joe Grasso, PE, CHA
25 Kevin Parisi

1 CHAIRMAN STUTO: We will call up the next project;
2 Retail Food Service Outlet, 109 Wolf Road. This is a
3 sketch plan review.

4 Does the department have any introductory remarks
5 on this?

6 MR. LACIVITA: No. Just to acclimate the Board,
7 this is the old Tri State Cleaners that was on Wolf
8 Road. It is here for sketch plan tonight. We'll turn
9 it over to Dan Hershberg and also Kevin Parisi.

10 MR. HERSHBERG: Good evening. My name is Daniel
11 Hershberg of Hershberg and Hershberg. With me is also
12 Kevin Parisi who is also representing the applicant.

13 On this particular site we are not asking for any
14 waivers that I am aware of. The going setback applies
15 with the front setback of the zone. We have no parking
16 in front of that line, so there will be no parking in
17 the front yard. We have sufficient aisles to meet the
18 requirement and we will provide additional frontage to
19 have the 80% of the frontage covered with either
20 building or fence treatment.

21 I think that this complies with the Code, as
22 anticipated. The existing Tri State Laundry building is
23 quite a large building in here and that will be entirely
24 demolished. We had gone through a couple of iterations
25 with trying to reuse a portion of that building. It just

1 didn't work out. It would have required so much
2 rehabilitation.

3 I might point out that this is reserved for future
4 development because on this particular plan we would
5 have about 57% green, so the plan was to propose this
6 and come back with the potential for future development
7 area back here (Indicating).

8 As this project proceeds, and we're going through
9 iterations of different potential tenants on the site,
10 we believe that using this basic layout with the
11 alignment here and parking to the rear - that there are
12 other iterations that can work just as well and I would
13 like to share one with you that we have prepared because
14 the size of the retail food may very well vary over
15 time, so that there are other potential sizes for that.

16 This shows a 5,400 square foot which is a building
17 footprint from another potential tenant and like I said,
18 I can visualize filling some space here and maybe going
19 to as much as 7,000 square feet. As a matter of fact
20 with the number of seats here, if in fact we went up to
21 the 5,400 or the 7,000 rather than have the 61 parking
22 spots, we would have 100 parking spots and we would
23 still be able to meet the Code requirement on the number
24 of parking spots versus seats. In all of these we are
25 maintaining -- there is actually a sewer easement at the

1 rear here (Indicating) and we put the stormwater
2 management area to the rear and we propose to put
3 additional landscaping back there so that we concentrate
4 our 35% adjoining the residential property to our rear,
5 which I think is good.

6 We do have plenty of landscaped islands to meet
7 that. We are talking to everybody. We think that
8 essentially we will have a patio that will wrap the
9 corner or be in front of the building, or it can be on
10 the side of the building. It's an ideal place for some
11 outdoor eating. We think that will work quite well.

12 Any questions by the Board - I'll try to answer
13 them.

14 CHAIRMAN STUTO: We do have a Town Designated
15 Engineer, CHA and I don't think that they've done a full
16 review yet because it's only sketch plan. We have Joe
17 Grasso here from CHA.

18 Joe, do you have any comments?

19 MR. GRASSO: Yes, just a couple. We don't have a
20 formal review letter like you said because we're only at
21 sketch.

22 We did attend a DCC meeting and reviewed the plans
23 that Dan has discussed. It's along the Wolf Road
24 corridor and it's a redevelopment project, so we always
25 commend the applicants for taking on redevelopment

1 projects because we know that they come with a lot of
2 challenges.

3 Do you have any other photos that show the existing
4 conditions?

5 CHAIRMAN STUTO: We have it. Do you want to borrow
6 it?

7 MR. GRASSO: Yes, please.

8 I think that it's important as the planning process
9 unfolds to understand how the site fits in the context
10 of the adjacent properties. It's got the Wolf's 111 to
11 the north side of the site. Then, it's got the 99
12 Restaurant to the south side of the site and then the
13 Chipolte and Texas Roadhouse is even further down. To
14 the back side of the site is Kenlyn Drive which is a
15 residential street.

16 One of the things that we always look for when we
17 are looking at these commercial properties of commercial
18 uses along these busy corridors is the ability to cross
19 connect just like you did on the last application.
20 There is currently no cross access provisions amongst
21 any of these properties. We would hope that this
22 project could either peruse those cross-access
23 connections or if they are not possible because they are
24 competing uses, at least make provisions for a possible
25 cross-access connection in the future. There are a

1 couple of things. There is the layout perspective to
2 make sure that an area could be designated that makes
3 sense, as you look at both sites, as well as the legal
4 provision. Something on the site plan that if the
5 adjacent properties come before the Board and require a
6 certain approval that the Board can then require them to
7 link up with a cross-access connection to this property.
8 I think that it's something that I think that we should
9 continue to look at as we go through the planning
10 process.

11 I will say that we have talked to the planning
12 staff, Wolf's 111 and the 99 and they do not have any
13 cross-access provisions, nor do the Chipolte and Texas
14 Roadhouse piece, but there is a floating easement on
15 that property further down that if the 99 came in and
16 provided a similar cross-access connection, that
17 connection between those properties could be made. It
18 should just be the Planning Board's long-term plan to
19 always look for these cross-accesses.

20 I bring up Kenlyn Drive only because I think that
21 we have to be sensitive to the residential neighborhood
22 behind. You may remember the work that the Planning
23 Board went through with the Texas Roadhouse and the
24 Chipolte trying to make sure that you protect that
25 buffer up against those properties. We'll be looking at

1 the same thing here across the back of this project
2 site. It's a former laundry. Have you done any
3 environmental investigations or Phase I environmental
4 site assessment?

5 MR. HERSHBERG: We actually have done a Phase I and
6 a Phase II. There was some slight petroleum that was
7 found really from -- it was from a delivery drop station
8 so they cleaned out Syracuse. They dropped commercial
9 linens for restaurants. It was just a drop and then
10 they would go to another truck and deliver it locally.
11 They didn't do any cleaning on-site ever. So, it's just
12 from a loading tank for their own trucks that there was
13 a small seepage. It's been cleaned and we have a no
14 further action letter from DEC. That's already been
15 resolved.

16 MR. GRASSO: Okay, that's great.

17 MR. HERSHBERG: If I could just for a second talk
18 about the connectivity. We agree with that and for
19 other projects we agree. Frankly, to the south we
20 really don't even have an issue with doing some type of
21 floating easement where in the future the 99 came in or
22 whatever to replace that if it ever changed. In our
23 opinion and the tenant that we are working with - their
24 opinion - it's sufficiently parked. There is no
25 competition -- it's not so much competition for

1 customers. It's competition for stalls for parking. The
2 neighbor to the north, we think will be a great
3 neighbor. There is, without question, a parking problem
4 for them. If we were to open up an access point, even
5 for just connection through for the ease of access, it's
6 just an impossible situation to police.

7 If you go by this property today, there is probably
8 30 cars parked in that parking lot right now on gravel.
9 The owners are the Town. It's a very difficult
10 situation. We would love to accommodate that, but it's
11 just very difficult on the northern end because the
12 tenant that we're working with - they're just concerned
13 that we have enough parking to satisfy us but we don't
14 have access parking where if 50 cars from there are
15 parking -- and then you get into a policing issue with
16 having to post the property and who is going to deal
17 with that? Nobody wants to be that person that is
18 towing cars. It's their customers, too, on a different
19 day. It's just a very tough situation with that. That
20 restaurant does well and with as a ton of seats and
21 probably is just a little bit of a tight parking
22 situation. Really, the access isn't the issue.

23 MR. GRASSO: There is probably no stormwater
24 management on the existing site. Dan, you've probably
25 been able to confirm that.

1 MR. HERSHBERG: There is none and we're getting
2 Fred Dente out there to do infiltration tests. I
3 believe that we may be able to use infiltration methods
4 for most of it. On adjoining parcels, they are actually
5 collecting stormwater and discharging it to the drainage
6 system out on Wolf Road. It sorts of drains in that
7 direction. We have to go a little bit against the
8 grain. We have about a two foot drop in the other
9 direction where it's trying to drain from this area here
10 (Indicating) so we're going to be going against a little
11 bit back to our stormwater management area. I think
12 that we can do it.

13 Depending on the depth of groundwater at that
14 point, I would push for a compliant 1502 design that
15 does groundwater infiltration. We aren't sure that
16 porous pavement is the way to go. It's difficult with
17 high volume retail places because again, the turning
18 that takes place on the back of every stall, tends to
19 degrade porous pavement much more. Porous pavement is
20 much more useful on commercial sites and residential
21 sites than it is on a high volume retail site.

22 MR. GRASSO: Regarding the layout, we think that
23 it's a good layout, as they have laid it out.
24 Obviously, we can look for those possibly future
25 cross-connections maybe to the south.

1 We like the fact that the building is shifted all
2 the way up to the Wolf Road corridor. It's consistent
3 with the other properties that we have seen redevelop
4 there.

5 We also support the outdoor eating area being
6 pushed up front. It doesn't necessarily need to be in
7 front like the Wolf's 111. We like the way that it's
8 shown. I think that one plan had it towards the front
9 and the other one towards the side. Those are good
10 locations.

11 We like the strong connectivity for pedestrian
12 access up to the Wolf Road corridor, which is important.
13 It almost looks like on the 5,400 square foot plan, the
14 front of the building would actually be oriented towards
15 Wolf Road.

16 MR. HERSHBERG: A lot of these tenants have
17 multiple concepts from layouts and prototypes. That's
18 why we are a little bit vague on the final square
19 footage, but in all cases we are looking to have it
20 where it is physically. I think that likely it will be
21 a center entrance with kind of a situation where it has
22 a false front. The other tenants will put their main
23 entrance in the back. I say that, but then I'm going to
24 eat my words and come in and want to do that. Likely it
25 will be the side or front corner. They want that

1 visibility from the road.

2 MR. GRASSO: I think that is something that would
3 be supported by the Board. We also support the three
4 lane section out to Wolf Road, which is a nice design
5 feature.

6 It's in the Airport Area GEIS, so mitigation fees
7 will apply. That said, it's a redevelopment project so
8 they will get credits off of their trips and water usage
9 based on the previous use because those would be coming
10 off the network even though it's a vacant site today.
11 We'll look for that data so we can evaluate the
12 appropriate mitigation fees at the time of concept.

13 In terms of the departmental comments, you had
14 mentioned waivers.

15 Dan, the only ones that could be would be a parking
16 waiver, if you're not meeting the Code there. Although
17 you said that you thought that you would and the
18 interior island -- 20% rule.

19 MR. HERSHBERG: I think that this layout certainly
20 meets the 20% layout rule.

21 MR. GRASSO: And then the decorative wall or
22 fencing build-out across the frontage 80% is just a
23 design guideline which we would like to see incorporated
24 into the plans.

25 The project right now is tributary to the Wolf Road

1 pump station and we've talked about that being close to
2 capacity.

3 The Town has gone out for an RFP for a condition
4 assessment of the Wolf Road station. We'll have to look
5 at what capacity this project would take up and if it's
6 going to connect there.

7 CHAIRMAN STUTO: They haven't awarded that contract
8 yet?

9 MR. GRASSO: They have not.

10 CHAIRMAN STUTO: Do you know what the timing is on
11 that?

12 MR. GRASSO: The proposals from consultants are
13 supposed to be due this Friday. I think that they
14 pushed it off another two weeks. I think that the
15 intent is to get the study done late 2015. There is
16 another project that's up tonight that is anticipated to
17 do some minor upgrades to the station and that will free
18 up a little bit of the capacity that this project may
19 benefit from. We'll look at that as the project goes
20 through final.

21 That's all we've got.

22 CHAIRMAN STUTO: I'll just make one comment. This
23 is obviously a fluid situation. Connectivity is
24 important, if it can be had, we're going to ask the
25 question again at a future point.

1 The main comment has to do with how much wood you
2 can save toward the neighbors. I know that when we
3 looked at properties to the south, the neighbors had a
4 keen interest in maintaining the wooded area. How much
5 will it be maintained under that drawing?

6 MR. HERSHBERG: The edge of that stormwater
7 management area is about 55 feet from the rear line.
8 There is a substantial layer in there. We would propose
9 to fill it. If in fact we could do another stormwater
10 system out there to not clear so much, we obviously
11 will. Again, at this point here, it's a little hard.
12 We don't have our infiltration tests done. We don't
13 have a good handle on the size of that system. Even if
14 we had to back it up -- one issue that we may decide to
15 use - we have used it on some sites in the past - is
16 depress these islands and make them stone and have them
17 accept stormwater into the islands. That would be
18 taking some of the pavement drainage and handling it
19 internal to those islands and it works quite well.

20 CHAIRMAN STUTO: Any other comments?

21 MS. DALTON: Are there that many hungry people on
22 Wolf Road? Is there a reason that you chose to develop
23 this and solicit another restaurant client rather than
24 something else? I mean, it's a moot point.

25 MR. HERSHBERG: It is, and it isn't. Frankly there

1 are a lot of seats on Wolf Road, but it's probably one
2 of our highest concentration of daytime populations with
3 hotels with office population and near the airport.

4 This is our central business station for all
5 intents and purposes. The restaurants perform very well
6 in the area. Candidly, real estate is very expensive on
7 that market and the performance issue flows with what
8 works from a design standpoint too. The restaurants are
9 a little more flexible from a lot of your traditional
10 soft good retailers. They want a more traditional kind
11 of setback and a whole different layout and concept. We
12 have looked at a lot of plans. It's a very narrow site
13 and very deep so that poses some challenges because when
14 you get back here, if we did this plan and had a Phase
15 II, this is a very different type of tenant that would
16 look for something like that. We have spent almost a
17 year working with different tenants that have different
18 levels of interest and restaurants are really stepping
19 up and moving forward.

20 MS. DALTON: Thank you.

21 CHAIRMAN STUTO: Anything else?

22 (There was no response.)

23 Thank you very much for coming in. We appreciate
24 it.

25 (Whereas the proceeding was concluded at 8:04 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 August 5, 2015

