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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

TEXAS ROADHOUSE
105 WOLF ROAD

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
September 11, 2018 at 7:56 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham, New
York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- CRAIG SHAMLIAN
- BRIAN AUSTIN
- KATHLEEN DALTON
- SUSAN MILSTEIN
- LOU MION
- CRAIG SHAMLIAN
- STEVEN HEIDER

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Joseph LaCivita, Director, Planning and Economic Development
- Michael Tengeler, Planning and Economic Development
- Andre Pimentel, PE, Greenberg Farrow

1 CHAIRMAN STUTO: The next and final item on the
2 agenda is Texas Roadhouse, 105 Wolf Road, application
3 for parking waiver and incentive zoning request, new
4 proposed parking within front yard building setback,
5 incentive zoning request. This is also presented by the
6 Town Department.

7 Mike, is this yours?

8 MR. TENGELER: This is mine.

9 CHAIRMAN STUTO: Do you have any introduction?

10 MR. TENGELER: Very briefly. The Board will
11 remember that on March 20, 2018 the Texas Roadhouse
12 appeared before us for the same request. The Board heard
13 the history of the site and heard the merit of the
14 request. The Board didn't have any fundamental issues at
15 that time. Just before the Board was ready to vote, the
16 neighboring - I believe it was the Assistant Manager of
17 the 99 Restaurant that made a comment about parking that
18 was occurring on their side and the patrons were
19 actually for the Texas Roadhouse. The Board wanted to
20 table it at that time to facilitated discussion between
21 the Texas Roadhouse and the 99 to come to an agreement
22 as to an acceptable buffer and mediation measures to
23 eliminate the 99's concern.

24 I passed out email correspondence between the
25 99 and the Texas Roadhouse. Essentially, this

1 memorializes that they've have agreed that the methods
2 of buffer are acceptable to both parties. So, the
3 Roadhouse is here tonight to officially request that
4 waiver again and also show how they have addressed the
5 previous issue. I will hand it over to Andre to do a
6 brief presentation on the site.

7 MR. PIMENTEL: My name is Andre and I am with
8 Greenberg Farrow. As Mike indicated, we were here in
9 March and there was an issue raised by one of the
10 managers at 99 with concerns that there was some parking
11 on the 99 Restaurant parking lot and then the patrons
12 were walking into the Texas Roadhouse.

13 Since then, we've talked with the 99 and we
14 have agreed to kind of take care of that issue by
15 having some landscaping along this portion, which is
16 the portion that was identified as the problem area.
17 It's probably because it's in the back of the
18 restaurant. It is also in close proximity to the Texas
19 Roadhouse restaurant.

20 CHAIRMAN STUTO: So, what is the solution they
21 agreed to?

22 MR. PIMENTEL: We are going to basically
23 install landscape fencing along the section between the
24 two parcels.

25 CHAIRMAN STUTO: Can you go over what the

1 original application is for? What are you proposing that
2 we grant?

3 MR. PIMENTEL: We are looking for a waiver from
4 Article 190.40.

5 MR. TENGELER: It is in regards to parking in
6 the front yard setback. You will see that there are 23
7 new parking spaces that are being proposed to the
8 frontages of Sand Creek Road. Now, the Board will
9 remember during the inception of the site initially,
10 that was initially planned as a third pad site. I
11 believe there was a bait shop there back in the day. The
12 necessity of additional parking for the Texas Roadhouse
13 is really driven -- the Texas Roadhouse purchased the
14 portion that was going to originally be a pad site to
15 facilitate new parking. As such, because it is within
16 the front yard setback of Sand Creek Road - this is a
17 corner lot and it requires a parking waiver. Also, just
18 to note - the temporary measures that were put in place
19 as far as the frontage are all going to be upgraded to
20 what the Board usually prefers to see - stone pillars
21 with the black ornamental fencing, new landscaping in
22 the front and really brought up to the design standards
23 that the Board is always looking for with these
24 sensitive projects in a commercial district.

25 CHAIRMAN STUTO: Were there members of the

1 public looking to speak on this?

2 (There was no response.)

3 Okay, we will open it up to the Board.

4 MR. SHAMLIAN: I knew you said there would be
5 landscaping - what will go there?

6 MR. PIMENTEL: Split rail fencing. It will be
7 aligned with the existing fence on the side.

8 MR. TENGELER: It is going to require a hold
9 harmless agreement with our DPW Department. I have
10 discussed it with Jack Cunningham, the DPW Commissioner.
11 He is comfortable with it and he has vetted it through
12 the departments, but it is going to require a hold
13 harmless agreement because technically there is an
14 easement that runs down there. That hold harmless
15 agreement will incorporate the landscaping and the split
16 rail fence.

17 CHAIRMAN STUTO: Any other questions?

18 MR. HEIDER: The dumpster - the salt?

19 MR. TENGELER: Yes, I would like to have a
20 discussion on that, if we can.

21 Previously there was -- I have the minutes
22 here, Chief. Actually, you brought it up specifically.

23 "I want to bring up one point on the lower
24 left - it actually becomes your salt shed. The salt
25 shed is down there. I think it should be screened. It

1 is almost 12 months a year that there is equipment
2 stored there. So, I think before any approval or any
3 vote takes place, something to memorialize at this
4 meeting as to the intent of the salt shed and what
5 screening mitigation measures -"

6 MR. HEIDER: This goes back to the original
7 approval. That salt shed takes up two parking spots. So,
8 how does that affect the overall parking?

9 Also it has advertising on it. So, I don't
10 know if a sign permit should be approved.

11 I like the way the screen works for the
12 condos. You can see them. They are beautiful
13 buildings. Here we have no screening for the salt
14 shed. I'm not too sure it was ever approved by the
15 Board.

16 MR. TENGELER: It definitely wasn't. A
17 discussion is definitely warranted. The sign has to go,
18 regardless. You are exactly right. It is a sign that
19 would be required to have approval by the Sign Review
20 Board, which I doubt that they would receive if they
21 formally requested it. I think if screening were to take
22 place there that -

23 MR. LACIVITA: I think we have to finalize what
24 the intent is because if the salt shed is going to be a
25 year-round structure, then it needs to be in the site

1 plan. Then, it has to be screened for sure. It's not
2 going to stay as it is, especially in the front yard. I
3 think we have to find it with the intent - if it's just
4 going to be for your plowing season and that it gets
5 removed, or if it becomes a year-round structure.

6 CHAIRMAN STUTO: We are looking for an answer
7 now, or at least some kind of reaction.

8 MR. PIMENTEL: I think screening would be
9 appropriate and we will take care of the issue of the
10 sign. We did propose some screening by default.

11 MR. HEIDER: One tree

12 MR. PIMENTEL: Yes, one tree with everything
13 else. If this is an issue, we could be more aggressive
14 with the screening. Keep in mind that the properties
15 here have 8 to 12 foot vinyl fencing. So, this is not
16 something that they can see from their property. The
17 issue would be visibility from the street. Some of that
18 visibility is going to be mitigated with the landscaping
19 proposed, in addition to the fence. We would not object
20 to replacing these with something more solid.

21 MR. LACIVITA: I think that one of the things
22 that we definitely need to do here and now is we need to
23 have something codified on this project because we don't
24 want it to become throughout the Town of Colonie as the
25 new norm. I think the Chief raises a great point and I

1 think we need screening on both sides to block it.

2 MR. PIMENTEL: Both sides, yes.

3 MR. LACIVITA: I think we have to be much more
4 aggressive because we don't want this to be a problem
5 throughout the Town.

6 MR. PIMENTEL: We would not object to that as a
7 condition of approval.

8 CHAIRMAN STUTO: So, you're going to have to
9 redo your drawings to show this. You may not have to
10 come back to us, but you're going to have to come back
11 to the department.

12 MR. TENGELER: A solid arborvitae row is
13 usually what the Planning Board likes to see.

14 MR. PIMENTEL: To the satisfaction of the Town
15 Planning Department.

16 MR. HEIDER: With the other trees still
17 remaining.

18 MR. PIMENTEL: I'm going to leave that up to
19 the landscape architect. He will know what to do with
20 the trees. A tree might need to be relocated.

21 MR. HEIDER: Yes, little bit towards the road.

22 MR. PIMENTEL: Yes.

23 CHAIRMAN STUTO: Any other comments or
24 questions?

25 (There was no response.)

1 We have in front of us a Planning Board
2 Findings Land Use Law Design Standard Waiver
3 Resolution 4105 Wolf Road, Texas Roadhouse.

4 I will ask the stenographer to put the entire
5 Resolution into the record. We will mention the new
6 conditions at the end.

7 Can you read the now therefore be it
8 resolved?

9 MR. TENGELER: Now therefore be it resolved,
10 the Board hereby recognizes the improvements proposed to
11 the site will not overload municipal sewer, water or
12 school districts; and be it further resolved, the Board
13 hereby recognizes the granting of the above referenced
14 waiver does not hinder the Town's objectives to protect
15 its important natural resources; conserve farmland;
16 create recreational or wildlife trail corridors; the
17 preservation of historic resources; or protected view
18 sheds nor scenic roadway; and be it further resolved,
19 the Board hereby finds the waiver request reasonable to
20 allow the further development of the site and grants the
21 waiver request to allow for 23 new parking spaces within
22 the front yard building setback, and be it further
23 resolved the Board hereby finds the incentive zoning
24 request, equating to a payment of \$13,650 due to the
25 reduction of green space on the site, resulting in a

1 final green space statistic of 34.1% is reasonable, and
2 be it further resolved, the waiver findings be kept in
3 the project file in the office of the Planning and
4 Economic Development Department.

5 CHAIRMAN STUTO: Subject to the condition just
6 discussed.

7 Chief, can you describe what you understand
8 the proposal to be with respect to landscaping?

9 MR. HEIDER: I think what they're going to do
10 is put arborvitae's on the two sides that face the
11 residences and the one that faces Sand Creek Road.

12 MR. LACIVITA: The north and south side.

13 MR. HEIDER: Yes, the north and south side.

14 CHAIRMAN STUTO: And that will have to be put
15 on a drawing, subject to approval of the Town
16 Departments.

17 That's the south and east side, for the
18 record.

19 With that condition, do you have a motion on
20 this Resolution?

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

22 MR. AUSTIN: Second.

23 CHAIRMAN STUTO: Lou makes the motion, seconded
24 by Brian.

25 All those in favor, say aye.

1 (Ayes were recited.)
2 All those opposed, say nay.
3 (There were none opposed.)
4 The ayes have it. Thank you.

5
6 (Whereas the above entitled proceeding was
7 concluded at 8:11 p.m.)

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CERTIFICATION

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

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

