

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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JOE'S CRAB SHACK  
579 TROY SCHENECTADY ROAD  
SKETCH PLAN  
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THE STENOGRAPHIC MINUTES of the above entitled  
public hearing BY NANCY STRANG-VANDEBOGART, a  
Shorthand Reporter, commencing on  
December 6, 2011 at 7:02 p.m. at the Public  
Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, Chairman
- LOUIS MION
- KATHY DALTON
- BRIAN AUSTIN
- TIM LANE
- PAUL ROSANO
- ELENA VAIDA, ESQ., Counsel to the Planning Board

Also present:

- Michael Tengeler, Planning and Economic  
Development
- Robert Sweeney, Esq.
- Todd Huntington, GPD Group
- Joe Grasso, PE, Clough Harbour and Associates

1           CHAIRMAN STUTO: The first item on the  
2 agenda is Joe's Crab Shack,  
3 579 Troy Schenectady Road. This is a sketch  
4 plan.

5           A sketch plan is sort of an informal  
6 presentation by the applicant and a look by  
7 the Planning Board and some discussion about  
8 the general idea of it. They're not asking for  
9 any approvals. We're just trying to get a  
10 dialogue going. It's a good way for us to get  
11 a first look and see, and it's a good way for  
12 the applicant to get a feel for how the Board  
13 feels.

14           It looks like the applicants are in front  
15 of me. I see Mr. Sweeney here, also.

16           MR. HUNTINGTON: My name is Todd  
17 Huntington for the applicant.

18           CHAIRMAN STUTO: Please speak into the  
19 microphone so we all can hear you.

20           MR. SWEENEY: Thank you, Mr. Chairman,  
21 I'm Bob Sweeney and I'm an attorney. I'm here  
22 on behalf of the applicant which is Ignite  
23 Restaurants. The restaurant here is Joe's Crab  
24 Shack.

25           This is Todd Huntington from GPD

1           Engineering. He is the project engineer.

2                     I'd like to express the regrets of Ed  
3 McGraw, my client principal, who wanted to be  
4 here tonight but couldn't. He certainly will  
5 be though as we move forward.

6                     I'll let Todd do the particulars of the  
7 site plans.

8                     As the Chairman said, this is sketch  
9 plan, but we have a fairly well developed plan  
10 here. We have been to the DCC and have their  
11 comments. You should have in front of you a  
12 site plan and a rendering and a project  
13 narrative.

14                    The location of the site is Route 2 at  
15 the corner of Latham Farms Shopping Center  
16 where the now closed Dakota Restaurant sits.  
17 The project is to redevelop that site,  
18 sticking tightly to the existing location  
19 within the curb line of the existing building.  
20 Todd will give you the square footages and so  
21 forth. Except for some upgrades, the site will  
22 remain the same. The parking lot will remain  
23 the same. We're going to take down the  
24 building and replace it with a Joe's Crab  
25 Shack.

1 Joe's Crab Shack is a very popular  
2 product. There are 117 in them in the country.  
3 They are just coming into the northeast so  
4 you're going to have one of the first looks at  
5 them. They've been just outside of Buffalo and  
6 just outside of Rochester. This is the first  
7 in this area. I tried one in Florida a couple  
8 of weeks ago. It's a fun place with great  
9 food. I'm recommending it.

10 Let me get Todd to give you the  
11 particulars of the site and then we'll answer  
12 any questions.

13 CHAIRMAN STUTO: Before Todd goes, Mike,  
14 did you have anything to say? Normally, I  
15 start with you.

16 MR. TENGELER: Everyone pretty much  
17 covered it. It's the former Dakota site in the  
18 Latham Farms.

19 CHAIRMAN STUTO: Okay, thanks.

20 MR. HUNTINGTON: Once again, my name is  
21 Todd Huntington. I'm an engineer for Ignite  
22 Restaurant Group.

23 As Bob mentioned, this is the  
24 redevelopment of the Dakota site. We're  
25 staying within the curb lines of what they

1           have. We're not really doing anything with the  
2           parking lot other than some minor upgrades.  
3           We're restriping the lot and adding a right of  
4           way connection onto the sidewalk.

5                     You can see the building location and the  
6           sidewalks around the building, making it ADA  
7           compliant.

8                     The main façade is facing State Route 2  
9           and the patio -- you can see in the elevations  
10          that we provided in the package, it's  
11          basically the first page. There is a front  
12          elevation and there is a side elevation on  
13          those color renderings. The front elevation is  
14          going to be facing State Route 2. The right  
15          side elevation would face Erin Street. The  
16          front is the main entrance where you see the  
17          best view area as you walk in. That's the main  
18          entrance to the building; the hostess area.  
19          The dining sits both in the middle of the  
20          restaurant. Any kind of mechanical equipment  
21          there is towards the back of the restaurant  
22          and not facing the main road. It's not  
23          directly viewable from vehicles traveling on  
24          that road.

25                    From Erin Street you see the right side

1 elevation. That is the patio (Indicating). The  
2 actual building square footage is 6,900 square  
3 feet. It's very similar to the existing  
4 footprint of the restaurant. There are  
5 approximately 190 seats on the interior of the  
6 restaurant of the interior dining. The patio  
7 itself seats an additional 102 customers.

8 CHAIRMAN STUTO: Your site plan says  
9 8,180.

10 MR. HUNTINGTON: Yes, 6,980 for the  
11 interior and then 1,200 for the patio. That's  
12 a total of 8,180 square feet.

13 The patio itself is called a four-season  
14 patio. There are retractable doors.

15 CHAIRMAN STUTO: Is that in the corner?  
16 Can you show us the outline of the patio?

17 MR. HUNTINGTON: This box that kind of  
18 projects out is the patio. The main façade  
19 sits here (Indicating) and then the patio is  
20 this rectangle here.

21 What you see back here is actually a  
22 playground.

23 The main building that is the 6,980  
24 square feet - there are 191 seats in the  
25 dining room. There are doors that exit out

1 onto the patio and that have 102 seats. That  
2 is 1,200 square feet. That's what faces Erin.

3 On the right side elevation you can see  
4 all the windows and the roof - that is  
5 actually their retractable doors. In the  
6 summertime, they can have them open and in the  
7 wintertime, they can close them. It's  
8 ventilated and has HVAC. It's an enclosed  
9 space that's heated. It's comfortable.

10 MR. LANE: I was going to ask because of  
11 the way that it's set up. It's not going to  
12 have take out or anything like that?

13 MR. HUNTINGTON: No. There is no direct  
14 access to that patio. You have to come in the  
15 main building to get seated out there by the  
16 hostess. There is no pick-up.

17 As I mentioned, the rear part of the  
18 building that faces the back of the  
19 Walmart - that is where the dumpster pick-up  
20 is. The freezer, coolers, kitchen - all of  
21 that faces the back toward the Walmart.

22 The dumpster enclosure itself - it's not  
23 a separate dumpster enclosure. It's actually  
24 attached to the back of the building. If you  
25 go to the second page of those elevations that

1 I provided, it's a rear elevation. That is  
2 where you see the overhead door. That's where  
3 they pick up the trash.

4 MR. ROSANO: You're going to use the same  
5 technique that Dakota uses, right? It's going  
6 to blend right in and you're not even going to  
7 notice it.

8 MR. HUNTINGTON: Essentially, yes. This  
9 will be tight in the back (Indicating).  
10 Attached to the building, it has vinyl siding.  
11 It has a roof over the top. It's not going to  
12 stick out. That's how they operate the pick  
13 up.

14 The final is to the left side; it's  
15 pretty well landscaped over there. The intent  
16 here is to keep as many of the trees on the  
17 site as possible. We're not going to be  
18 removing those trees. They are mature trees  
19 that we will be keeping. It will be a pretty  
20 good screen from the road, as it is. Being  
21 that there is a mechanical room and an  
22 electrical room on that side of the building  
23 where all the maintenance and operations and  
24 utilities are located, it's pretty much hidden  
25 from the public right of way. So, it's not

1 easily seen.

2 As I said, as far as the layout of the  
3 site, it's really kept in the curb line of the  
4 existing Dakota. We're really removing the  
5 existing building and putting this back in the  
6 same location.

7 CHAIRMAN STUTO: We're glad to see a  
8 redevelopment. I'll give the Town Designated  
9 Engineer an opportunity to offer his comments  
10 and then we can interact with the Board and  
11 see what they have to say.

12 MR. GRASSO: We don't issue a letter at  
13 sketch plan, typically. We haven't for this  
14 plan. Bob and Todd did a good job describing  
15 the project and answered some of the questions  
16 that we had. I'm just going to touch on a few.

17 In terms of the greenspace, I think that  
18 this plan represents a calculation on the  
19 greenspace as to the leased parcel. The zoning  
20 looks at greenspace as it relates to the  
21 overall parent parcel. As part of your concept  
22 application, please include what the  
23 greenspace is for the parent parcel and what  
24 the change is. I know right now you're showing  
25 33.2 percent but you don't show if it's going

1 up or down. That's going to be important. Not  
2 that we care about the lease parcel so much,  
3 but the minimum greenspace percentage in the  
4 zone is 35 percent. I hope that's met on the  
5 parent parcel. If not, I hope that it's  
6 documented through a previous Planning Board  
7 action as to what the allowable greenspace is.

8 CHAIRMAN STUTO: But with the  
9 redevelopment, they get some latitude.

10 MR. GRASSO: They do get latitude, but we  
11 just need to know if this project is going to  
12 impact it at all and get the data.

13 CHAIRMAN STUTO: So, if they don't  
14 decrease the greenspace, they won't have any  
15 problem.

16 MR. GRASSO: Right. And even if they are,  
17 there are provisions in the Code to allow that  
18 to be addressed through other zoning  
19 provisions. We just need to know what the  
20 right course is.

21 Regarding the parking - because I think  
22 that could become a critical item too - how  
23 it's calculated based on the zoning -- I know  
24 that on your plan you represent that there is  
25 258 seats proposed, but the letter said 293.

1 It said 191 inside and 102 outside.

2 MR. HUNTINGTON: That's actually the bar  
3 area, which is a separate calculation. Those  
4 seats are taken out of that 293. So, the 293  
5 is the total and the 258 is actually what was  
6 used for the calculation in the restaurant.  
7 That's the dining plus the patio.

8 MR. GRASSO: I think that you've done it  
9 correctly, based on the seats and not counting  
10 the bar. The zoning has a certain number of  
11 seats -- based on a number of parking spaces  
12 based on the number of seats, as well as a  
13 certain number of parking spaces based on the  
14 linear footage of bars. I think that you have  
15 done that calculation correctly. You're  
16 showing that per the zoning, 147 would be  
17 required and you're currently showing 151.

18 MR. HUNTINGTON: That's correct.

19 MR. GRASSO: So, they're basically  
20 meeting that part of the zoning there.

21 This project had gone through the DCC and  
22 most of the comments from the various  
23 departments were extremely straight forward. I  
24 assume that will be easily addressed as the  
25 project goes through the final plan. I'll just

1 touch on a couple.

2 One came from the Planning Department  
3 from Mike Lyons. He indicated:

4 "While not a condition of June 24, 2003,  
5 final site plan approval of the Appleby's  
6 restaurant located basically adjacent to the  
7 site, the Planning Board strongly encouraged  
8 the applicant to work toward the unrestricted  
9 driveway connection with the Dakota restaurant  
10 parking lot. We recommended that a driveway  
11 connection be completed at this time between  
12 the two parking lots."

13 That came from the Planning Department.

14 Based on our review we also support a  
15 cross connection between these properties.  
16 Both properties right now have access to  
17 signals. This site can access the signal out  
18 at Erin Drive - the Appleby's which is just  
19 adjacent which can access through the former  
20 Krispy Kreme site and out to that signal at  
21 Sunset Drive. There are benefits to having a  
22 cross connection because this intersection at  
23 Erin Drive does queue up past this access  
24 point and it would facilitate access out to  
25 Route 2 if that cross connection is made. We

1 don't know of either site having any cross  
2 access arrangements currently in place.  
3 Obviously, we're dealing with two restaurants.

4 CHAIRMAN STUTO: Can we stop and address  
5 that at this point? I think that some Board  
6 members that have visited the site had some  
7 questions as well.

8 Do you have any comment on that?

9 MR. HUNTINGTON: To our knowledge at this  
10 point there is no cross access agreement  
11 between Appleby's and the existing Dakota; in  
12 this case, Latham Farms, the owner of the  
13 property. The concern that we have with the  
14 cross access in this case is Sunset Drive  
15 connects through behind the Starbucks plaza  
16 and also behind the applicant's. If this is  
17 going to be utilized as a cut-through from  
18 Erin Street to Sunset Drive, you're going to  
19 have people trying to avoid a light and get  
20 out to Sunset Drive and avoid this  
21 intersection. The customers are going to be  
22 exiting out of the building and going to the  
23 parking lot and back and you're going to have  
24 cars cutting through there. In our opinion,  
25 it's a safety issue to have this. It's

1 basically a private drive behind there going  
2 through the parking lot of Joe's Crab Shack.  
3 We understand the means of providing the  
4 access to Sunset Drive, but there is a general  
5 nature of it being a private access drive that  
6 goes directly through the parking lot behind  
7 the back of the building. So, for the safety  
8 of the customers and how it works out, losing  
9 some additional parking spaces and getting  
10 this to work - just how everything lines up on  
11 the site with the building and the parking in  
12 the back, in our opinion, I'm not sure how  
13 applicable it really is to this location.

14 CHAIRMAN STUTO: We'll let the Board  
15 Members address that idea. You want to talk  
16 about it now, while we're on it?

17 MR. MION: Might as well.

18 CHAIRMAN STUTO: Go ahead.

19 MR. MION: I didn't think about that.  
20 It's a good point about safety. If you did a  
21 cut-through, how many parking spots do you  
22 think it would cost?

23 MR. HUNTINGTON: With a 24-foot access  
24 drive plus some landscaped items on each side,  
25 you're looking at probably losing five spaces.

1 The way that it lines up, if you can see the  
2 dashed line directly right here (Indicating),  
3 that's the line of where that actually is.  
4 Cars would have to come through here  
5 (Indicating) and you're really losing about  
6 five or six spaces.

7 MR. MION: The access road that exists  
8 there is not completely straight as it is.

9 MR. HUNTINGTON: Right, it winds around.

10 MR. MION: I think that a good point has  
11 been made of safety.

12 MR. ROSANO: I think that the other  
13 access road around Walmart, which is going to  
14 give you Route 9 - there are a lot of  
15 different ways of getting out of that parking  
16 lot. You don't have to be queued up and  
17 delayed over here. I don't think that it's a  
18 game changer. We have to ask these questions.

19 CHAIRMAN STUTO: I'm going to let Joe  
20 address that. I've sat through these meetings  
21 and the engineers tell us how good cross  
22 connectivity is.

23 MR. GRASSO: There are always trade-offs  
24 with these types of cross connections. We  
25 understand the issues here. Understanding the

1 possible cut-through traffic, which we don't  
2 think would be substantial - we still think  
3 that it's beneficial to have a cross  
4 connection. I also understand that there are  
5 no legal mechanisms currently in place,  
6 especially on the Appleby's piece. They're not  
7 an applicant before us and all we can deal  
8 with is this current parcel. We could require  
9 a cross connection or a cross access easement  
10 on this parcel, and then take that and go work  
11 with the adjacent land owner and see if they  
12 would reciprocate. We're not in a position  
13 that we could force that third party to come  
14 to the table. We can't hold this project up if  
15 that other land owner seeks not to join the  
16 discussion or reciprocate the cross access  
17 easement. Obviously, I think that it would be  
18 unfair to have an impact on this property  
19 without a similar type of cross access  
20 easement being provided on the adjacent  
21 parcel.

22 CHAIRMAN STUTO: Okay, so we'll highlight  
23 that as an issue to resolve at a future time.

24 MR. LANE: The other item is that if you  
25 don't support those five parking spaces, it

1 puts them right on the cusp of needing spaces.  
2 You only have a surplus of four right now;  
3 correct?

4 MR. HUNTINGTON: Yes.

5 CHAIRMAN STUTO: We'll keep looking at  
6 that.

7 MR. GRASSO: We sketched out the cross  
8 access connection and we thought that it would  
9 be four spaces that would be lost.

10 CHAIRMAN STUTO: Did you want to continue  
11 your comments?

12 MR. GRASSO: The only other comments from  
13 the Planning Department were preserving the  
14 mature landscaping as much as you can. We saw  
15 that, too, when we were out at the site. We  
16 would hope that is something that you could  
17 continue to demonstrate on the final plans.

18 All the other comments from the  
19 departments are pretty straight forward.  
20 You're really not impacting the existing  
21 infrastructure onsite.

22 Regarding the SEQRA recommendation from  
23 the Town Attorney's office, it is to be an  
24 unlisted SEQRA action and would require  
25 preparation of a short form, and we support

1           that recommendation. There could be a  
2           discussion as to whether or not it would be a  
3           Type II, whether or not it qualifies as a  
4           replacement in-kind from an existing facility,  
5           but we don't think that it meets that  
6           definition.

7                     CHAIRMAN STUTO: We'll let the attorneys  
8           work that out.

9                     MR. GRASSO: That's all we got.

10                    CHAIRMAN STUTO: Any more comments or  
11           questions from the Board?

12                    MS. DALTON: I had a couple.

13                    First of all, I was wondering if this was  
14           a corporate designed building.

15                    MR. HUNTINGTON: It's a prototype and we  
16           try to stick with that prototype. This is  
17           actually a mirror building. The standard  
18           building doesn't actually have the patio in  
19           this direction (Indicating), but to better  
20           face the corner, as it is right now, they  
21           rotated the patio to the other side of the  
22           building so it's facing Erin Street and the  
23           front faces Troy so you're not looking at the  
24           mechanical equipment and coolers.

25                    MS. DALTON: That was my next question,

1           actually. So, on this site, from Erin Street,  
2           it does look like some of the mechanical  
3           equipment might be visible.

4           MR. HUNTINGTON: When I say mechanical  
5           equipment, I was referring to the mechanical  
6           room and electric room where there are no  
7           windows. It's service equipment. That would be  
8           an exhaust pan or an RTU where if it's 18 feet  
9           high - this is an elevation view (Indicating).

10          MS. DALTON: So, some of the tops of the  
11          mechanical equipment might be visible.

12          MR. HUNTINGTON: Yes.

13          MS. DALTON: Signage by others -- what  
14          does that mean?

15          MR. HUNTINGTON: That means that the sign  
16          vendors will provide the signage. So, we'll  
17          have a vendor come in and introduce the signs  
18          and install them.

19          MS. DALTON: Could you explain how the  
20          seasonal doors work? Are they just kind of  
21          roll up and back?

22          MR. HUNTINGTON: Essentially, yes. The  
23          windows are glass. It's not a Plexiglas or  
24          anything that looks cheap. It would roll up  
25          over the seating high on the ceiling and it

1 would be open. It would come down in the  
2 wintertime.

3 MS. DALTON: So, the glass part I wasn't  
4 worried so much about, but that bottom part  
5 looks like in reality, it could look like a  
6 little icky.

7 MR. HUNTINGTON: Are you talking about  
8 the railing at the bottom?

9 MS. DALTON: Yes.

10 MR. HUNTINGTON: That's the bottom part.  
11 You can see where the playground area is.  
12 That's basically this area right here that  
13 sits behind the patio (Indicating). The  
14 railing would be around there. That continues  
15 on the bottom of that patio.

16 MS. DALTON: The last is not really a  
17 question, but a comment. The thought of having  
18 both a bar and a playground seem a little  
19 antithetical to me. Do you do that on all your  
20 sites?

21 MR. HUNTINGTON: Yes.

22 MS. DALTON: I'm going to sit here and  
23 drink and the go outside and play.

24 MR. HUNTINGTON: It's a family  
25 restaurant. People bring their families and

1 kids. The bar area - I wouldn't say that it's  
2 a destination bar. There is a bar and a  
3 waiting area.

4 MS. DALTON: You do that in other places?  
5 It just seems honestly like it might be  
6 sticky.

7 MR. HUNTINGTON: They've done it. They  
8 have over 100 stores and this is something  
9 that they've been doing over the past four or  
10 five years. People enjoy it. There are some  
11 benches outside where parents can watch their  
12 kids and they've had success and good feedback  
13 from the customers about having it.

14 MS. DALTON: Thank you.

15 CHAIRMAN STUTO: Lou?

16 MR. MION: Nothing.

17 CHAIRMAN STUTO: Brian?

18 MR. AUSTIN: I guess the question that I  
19 have was: Why it was changed the way that the  
20 Dakota is to facing Troy-Schenectady which is  
21 a much busier road and entering on the busy  
22 side of the restaurant versus the not so busy  
23 side.

24 MR. HUNTINGTON: As far as the  
25 orientation - how it works out, starting from

1 a prototype building and based on the interior  
2 layout and how this works, as it sits, the  
3 main entrance is facing Troy-Schenectady. As  
4 you walk in with the waiting area and as you  
5 go to the left, that's the patio. If it were  
6 oriented the other way, I just see the front  
7 side of the building that's facing Erin  
8 Street. The way that it sits on  
9 Troy-Schenectady - that's actually more hidden  
10 from the road, in a sense.

11 MR. AUSTIN: You mentioned that this was  
12 a mirror image. If you were to flip the mirror  
13 again, the patio would be facing that. Do you  
14 see what I'm saying? The front of the  
15 restaurant would be facing Erin and the patio  
16 would be facing Troy-Schenectady.

17 MR. HUNTINGTON: So, you're saying that  
18 if the patio is on that side of the building  
19 as it was before and rotated it - as it's  
20 sitting right now, if you're looking at it  
21 that way, based on how it sits, it's kind of  
22 rectangular in nature as to how it fits on the  
23 site. It's a longer building with the trash in  
24 the back. If it were that way, the trash would  
25 be facing toward the Appleby's.

1 MR. AUSTIN: It was just a question.

2 CHAIRMAN STUTO: Tim?

3 MR. LANE: I like it. It's a great  
4 project. My main question was going to be in  
5 regard to that connector. I looked at it and I  
6 wasn't really sure how it worked, myself. They  
7 brought up some good points.

8 Within the comments that were made, were  
9 there any that there were concerns with or  
10 were you pretty on board with most of the  
11 comments?

12 MR. HUNTINGTON: The comments were pretty  
13 straight forward. It was a very positive  
14 meeting. We got good feedback and comments  
15 that we could address and get into the plan  
16 now. Some of them were adding bike racks and  
17 benches and things that we could put into the  
18 plan.

19 MR. LANE: So, everybody is pretty much  
20 on the same page.

21 MR. HUNTINGTON: Yes. I don't see any  
22 issues moving forward in addressing the  
23 comments. I guess with the exception of the  
24 access drive. Our concerns were with the  
25 safety of having vehicles cutting through.

1 That's really the only thing.

2 CHAIRMAN STUTO: Paul?

3 MR. ROSANO: No, I'm all set.

4 CHAIRMAN STUTO: Thank you, very much. I  
5 think that we look forward to the  
6 redevelopment of the site. There are a couple  
7 of outstanding issues that I think that we can  
8 work out with the attorneys and the engineers.  
9 We look forward to seeing you next time.

10 MR. HUNTINGTON: Thank you, very much.

11

12 ***(Whereas the proceeding concerning the above***

13 ***entitled matter was concluded at***

14 ***7:45 p.m.)***

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**CERTIFICATION**

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4            ***I, NANCY STRANG-VANDEBOGART, Shorthand***  
5            ***Reporter, and Notary Public in and for the***  
6            ***State of New York, hereby CERTIFY that the***  
7            ***record taken by me at the time and place***  
8            ***noted in the heading hereof is a true and***  
9            ***accurate transcript of same, to the best of***  
10           ***my ability and belief.***

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14            -----  
15            ***NANCY STRANG-VANDEBOGART***

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18            ***Dated December 28, 2011***