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## Memorandum

July 12, 2018

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To Michael Tengeler  
Town of Colonie  
347 Old Nishayuna Road  
Latham, NY 12210

Project **Texas Roadhouse – Colonie, NY**  
105 Wolf Road  
Albany, NY 12205

From Dawn M. Schaffran – GreenbergFarrow

Copies File

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Dear Mr. Tengeler,

Texas Roadhouse would like to present the following resolution to address the undue hardship, which was identified by Mr. Drew Allen, the Manager of the 99 Restaurant, the evening of March 20, 2018 during the Town of Colonie – Planning Board Meeting.

Mr. Allen stated that it has become a regular occurrence for Texas Roadhouse patrons to utilize 12 to 15 neighboring parking spaces on a nightly basis. It is the understanding of Mr. Allen that the Texas Roadhouse patrons are parking in the 99 Restaurant lot, walking across the existing 10 FT side yard buffer, which currently separates the two lots, and dining at the Texas Roadhouse restaurant.

In efforts to resolve this matter, Mr. Jerry DiCroce, Market Partner for the Texas Roadhouse, has contacted Mr. John Buntich, the Operations Director, New York for 99 Restaurant, to find an amicable way to resolve this matter between operators and more importantly as neighbors.

Please see attached e-mail correspondence between the parties, which identifies the outcome of their discussions. In short, the two neighbors have agreed to install additional planting materials creating a denser buffer between the two lots.

After further review of the existing conditions, Texas Roadhouse is proposing to install a 36" tall wooden split double rail fence between the existing 99 Restaurant and the Texas Roadhouse.

The new fence will be located on the side of the Texas Roadhouse, 2' east of the shared boundary within the existing 30' wide drainage easement.

The proposed fence will provide sufficient clearance (12' minimum) from the existing storm line, and limits encroachment into the easement to less than 3'. The existing storm line in this area is less than 5' below grade and it is our professional opinion that this fence will have negligible impact to the easement's use.

The new fence location is shown on the revised Civil Plans, more specifically Sheet C3.0-Site Plan and Sheet C5.1-Construction Details has been updated to reflect the fence (location and details). The areas that have been revised are highlighted by revision clouds.

Texas Roadhouse feels that these measures, along with their request for approval of (23) additional parking spaces will provide both operations with an amenable solution to the matter.

Thank you for your assistance in the processing of our request and we hope that the Town will consider approval of this application at their next Planning Board Meeting.

Sincerely,



**Dawn M. Schaffran**

**Associate Principal**

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