

Town of Clifton Park Planning Board
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PLANNING BOARD

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Eric Ophardt
Heather Fariello
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
February 8th, 2022

Those present at the February 8th, 2022 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, H. Fariello, A. Neubauer, E. Ophardt, K. Martin

Those absent were: J. Gleason – Alternate Member

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
N. Weiner, Counsel
P. Cooper, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the minutes of the January 25th, 2022 Planning Board meeting as written. The motion was carried 6-0, with Ms. Fariello abstaining from the vote.

Public Hearings:

None

Old Business:**2021-007 Northeast HVAC Solutions Expansion**

Applicant proposes a 3,500 SF building expansion to their existing office. The addition will consist of a 3 bay garage and 1,500 SF office space on the second floor. Applicant proposes utilizing an existing unused curb cut on NYS Route 146 and abandon the existing shared access with the adjacent property. The parking lot will be expanded with 14 additional spaces. The project will be connected to public water and sewer, 898 Rt 146, Zoned: B-1, Status: PB – Preliminary Review w/ possible determination

SBL: 271.-4-20

To be reviewed by: MJE

Consultant: EDP Applicant: Ferguson Group, LLC **Last Seen on: 12-14-21**

Consultant/Applicant Presentation:

Jacob Brickstein – EDP – Mr. Brickstein stated that he has been in contact with the Saratoga County Sewer and Clifton Park Water Authority, as well as DOT for a curb cut permit with paperwork already submitted. He stated that the lot line has been approved and that variances needed for this application have been granted. He stated that this application is for an addition to the existing building for a total of 6,500 sf. Mr. Brickstein stated that there will be one new curb cut for the property and that the 29 parking spaces will be maintained as well as the existing buffer on the side and front of the property. He stated that a lighting plan will be provided, plumbing from the old building will be carried to the addition, the septic will be abandoned, and the building will be hooked up to public sewer. Mr. Brickstein stated that there is a vegetative depression on the site that will be utilized for stormwater management and the application does not call for a full SWPPP but a full water analysis was done. He stated that the application is within 100ft of a hydrant and that the hose length can reach '150' as required. Mr. Brickstein showed to all in attendance the renderings of the building proposal and stated it would keep the residential feel of the existing building.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 1/26/22 stating:

- EDP is incorrect in their assessment of the need for a turnaround. It is required.
- EDP's discussion of the hydrant location is not relevant since the requirement for a hydrant within '100' is when there is a fire department connection which there is not since the building is not sprinklered.
- The '150' discussed for distance to a hydrant is actually '400' per NYSFC 507.5
- I believe all the required variances; including those for parking setbacks were approved.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Provide NYSFC compliant turn around for fire apparatus.

Scott Reese, Stormwater Management Technician issued a memo dated 1/27/22 with the following comments:

1. No stormwater comments at this time.

The Environmental Conservation Commission held a meeting on 2/1/22 and issued a memo recommending:

1. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should replace the removed existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. Per 208-33 C Landscaping: Landscaping shall be in accordance with that similar associated with residential buildings, i.e., lawn areas trees and shrubs and other plantings to maintain a residential character. The ECC suggests that the applicant add some taller trees consistent with other properties in the 146 corridors.

Jennifer Viggiani, Open Space Coordinator:

Pedestrian Context: As the Planning Board may be aware, there are existing concrete sidewalks along the south side of NY Route 146 along the entire frontage of this property, from US Route 9 all the way to the intersection of NY Rt. 146 & NY Rt 146A & Vischer Ferry Road. The Town of Clifton Park maintains the concrete sidewalk along the state road.

This building addition, with its addition of a new vehicular access to NY Route 146 should also include a pedestrian access from NY Rt. 146 to the front door of the building. Is there a front door on NY 146? It appears that the front door is actually at the rear of the building.

There appears to be an existing concrete sidewalk along the south side (rear) and the east side of the building where the front door is currently located, and appears to remain to be located. This existing concrete sidewalk could be extended to the existing sidewalks along NY Rt. 146. The distance appears to be about 80 feet of new sidewalks. Otherwise a sidewalk could connect along the proposed new driveway; although it looks there is no extra room between the proposed pavement and new building addition.

The sidewalk could be placed to avoid the front and side trees and the front landscaping planter with the company sign.

John Scavo, Director of Planning issued a letter dated 2/3/22 with recommendations he made:

1. The Saratoga Co. Planning Board issued a recommendation noting that the project would have no significant county-wide or inter-community impacts.
2. It is the applicant's responsibility to ensure that they have permission for the offsite improvements shown to remove the existing driveway connection to 900 NYS Route 146.
3. I appreciate the applicant adding a planting plan warranty note to page 7 of 10, Titled: Planting Plan.
4. I have no additional comments and appreciate the applicant's written response letter to all prior comments offered at the December 14, 2021, Planning Board Meeting.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/4/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No comments at this time.

SITE PLAN

2. The plans need to indicate how roof drainage from the new building expansion will be collected and conveyed to the on-site stormwater management system.
3. The site plan provides little in the form of pedestrian linkages to and from the public right-of-way. The applicant needs to coordinate potential linkages from the site to exterior routes with the Town.
4. The striping detail shown on Sheet 9 is not consistent with striping shown on Sheet 4. Show the appropriate ADA accessible symbol within the two existing accessible parking spaces.
5. Provide location of the relocated parking lot light pole. Provide a lighting plan to delineate the type of fixture to be used and subsequent lighting pattern per Section 208-115(C) of the Town Code.
6. The fire apparatus access road on the concept plan appears greater than 150 feet in length so a turnaround will be required to meet Section 503.2.5 of the IFC. The proposed driveway shall comply with the 2020 Fire Code of New York State. Written acceptance of the fire access shall be provided by the Fire Chief.
7. Any action on the application should be conditioned upon receipt of plan approval from NYSDOT, CPWA and SCSD#1. . A copy of each a permit/approval shall be provided to the Town.

Public Comments:

No public comment.

Planning Board Review:

Mr. Ferraro stated that fire access is a concern via the comments made by Mr. Myers and MJE, and that there seems to be a disagreement with the turnaround. Mr. Brickstein stated that he can contact Mr. Myers and work out the discrepancies. Mr. Ferraro stated that if the Board chooses to take action tonight on this application, and it is found that a turnaround is needed, the applicant may need to come back to the Planning Board for the change to the Site Plan. Mr. Scavo stated that he has spoken to Mr. Joe Dannible and that Mr. Dannible stated that he feels that the application is meeting the necessary requirements.

Mr. Ophardt asked if the application would have a pedestrian connection. Mr. Brickstein stated that they do not have one, but he can speak to the client and see if one can be provided, but it would be difficult as the main entrance of the building would be in the rear. Mr. Scavo stated that no customers are coming to the property, but only employees, so the pedestrian path could go either way. Mr. Neubauer stated that he is on the fence as well as there is no entrance at the front of the building and currently, no sidewalk exists.

Ms. Bagramian asked if there is a door in the front at all. Mr. Brickstein stated that there is not one, just in the rear of the building and another for egress on the side of the building. Mr. Ferraro stated that he believes that the comment made by Ms. Viggiani about the pedestrian path is for the roadside to the building. Mr. Andarawis asked if there could be a walkway from the driveway to avoid the parking lot.

Ms. Bagramian stated that she does not see it as necessary if there are no people walking there and only the company's employees coming in and out of the property.

Mr. Neubauer stated that if a walk is to be put in, it should be now as the building is changing. He stated that he could have one or not, but if one is decided on, he believes it would be better on the east side of the entrance

Ms. Fariello stated that the location of the business is not convenient for an employee to walk to get lunch and that she could be for or against it as well, she stated that she questions why the applicant should add more impervious surfaces as well if it is not necessary.

Mr. Ferraro stated that the applicant could extend the existing sidewalk for the building to the parking lot and not to 146 as Mr. Andarawis had suggested. Mr. Joe Dannible – EDP - stated that if this was done, the walkway would cross an overhead door access and there are no customers on the site. Mr. Dannible stated that he works next door to this application and has not seen a lot of foot traffic to the property.

Ms. Bagramian asked if there was a plan for access to the east side entrance. Mr. Brickstein stated that a sidewalk already exists at that location. Mr. Andarawis asked if that is connected to the east side of the building. Mr. Brickstein stated that it is an office and a walkway leading from

it that is more of a landscape feature and leads to the parking lot and is not necessarily an actual sidewalk. Mr. Dannible stated that the east side entrance is the owner's office and strictly for emergency purposes.

Mr. Ophardt asked Mr. Scavo what Ms. Viggiani was looking for with this application. Mr. Scavo stated that she is looking for possible connectivity, and if it can be done, she asked why not include it.

Mr. Andarawis stated that an option would be to stripe the side of the driveway as pedestrian access up the west side. Mr. Neubauer stated this would be underutilized and that he would not like to see striping on the drive. Mr. Neubauer stated that, he would like to see it on the east side if access is needed.

Ms. Bagramian stated that she feels that this access may not be necessary and that she is in favor of striping the drive and that the Board should not guess if a future owner would need pedestrian access. Ms. Fariello stated that she agrees that the Board should be looking at what is needed today.

Mr. Ophardt stated that he is ok with no pedestrian access but feels the need for the Board to justify.

Mr. Scavo stated that if this was a concern that it should have been offered sooner rather than during final consideration of the application. He stated that if the property in the future would change the type of use, it would have to come back to the Board anyway and a decision could be based on that application's need.

Mr. Ferraro stated that this application may be an exception to the rule, and he is ok with not pushing for a walkway. Mr. Ferraro asked the applicant about the ECC comment about trees being moved closer to the roadside and what the applicant's plan is. Mr. Bricksatein stated that the landscaping would be extended and duplicated from the existing landscape at the road front.

Mr. Neubauer stated that adding more trees would take away from the façade and feels that the current landscaping is sufficient if the applicant duplicates it.

Ms. Bagramian moved, second by Mr. Martin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ophardt moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of Northeast HVAC Solutions Expansion, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning

Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Prior to stamping the final plan, the applicant will reconcile the outstanding concerns regarding the fire access with Steve Myers, Director of Building & Development. If the plan has any substantial changes to meet the fire access requirements, the project will be remanded back to the Planning Board for additional review.

Ayes: 7

Noes: 0

The motion is carried.

Old Business:

2020-051 Panera Bread Drive-thru

Applicant proposes construction of a stand-alone 4,200 sf restaurant with Drive-thru lanes to replace the existing Panera Bread location. The proposal includes a new drive-thru lane to the existing building to accommodate a potential drive thru window. Sidewalks will be reconfigured to allow continued pedestrian connection to the adjacent plaza to the southeast of the site, 20/22 Maxwell Dr, Zoned: TC3, Status: PB Final Review

reviewed by: MJE Consultant: EDP Applicant: DCG SBL: 271.16-1-3 To be
Last Seen on: 11-19-21 (TAC)

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that he is here presenting tonight with Mr. Donald McElroy with DCG and Mr. Bill Duffy, the District Manager for Panera. Mr. Dannible went over the existing conditions on the site stating that there is another restaurant on the property, and the building is about 15 years old. Mr. Dannible showed to all in attendance the original plan for the site from 2020 and stated that now with TAC guidance, the plan has changed and a new building would be constructed. Mr. Dannible stated that there would be construction of a new building and demolition to a portion of the old building to add a drive thru. Mr. Dannible stated in February of 2021 it was brought to the TAC as a new stand-alone building with a double drive-thru with an escape lane, a single-window was presented, and an outdoor dining area. In September 2021, elevation and façade updates were brought to the TAC. Mr. Dannible stated that in November 2021, the project went back to the TAC with changes such as brick and water bars added to the building and a second corner entrance. Mr. Dannible stated that rooftop screening was added for mechanicals, and an outdoor dining area was also added. Mr. Dannible

stated that he has met with MJE to flush out any engineering comments before coming back to the Planning Board as well.

Mr. Dannible stated that there is now an exit-only lane going to Maxwell Drive that will be a right turn only to the light at Route 146. He said that there will also be a sidewalk connection with a crosswalk to the new Panera building and then to the existing building that would still be partially demolished and have access to the adjacent buildings. Mr. Dannible stated that there would be a decrease of 5.3% in impervious areas with this new proposal. He stated that the Mexican restaurant would have an expanded outdoor dining area. A future connector street has also been designated to go from Maxwell Drive to the Village Plaza, and there would be lights and trees on the property. Mr. Dannible stated that the new patios and outdoor dining would fit into the more walkable Town Center and help reduce the dependence on vehicles and push for a more walkable area. Mr. Dannible stated that the lighting plan is attached to the new plan and that there are 2 routes of emergency access and he feels others are not needed as stated by Code Enforcement Officer. Mr. Dannible stated that the new building would be sprinklered and conditioned upon the applicant meeting the requirements of the NYS Fire Code, including the fire apparatus access section.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 1/26/22 stating:

- All drive aisles are required to be 26' wide per NYSFC not 24' as shown
- The angled parking lot should be eliminated since the total width of the drive thru is required to be 26' and the ability to see oncoming traffic is restricted.
- No turning analysis provided as stated in #12
- Parking spaces at southwest end of existing building conflict with proposed drive thru lane and will force traffic to either drive against each other or go thru drive thru lane. Their current location will force them to back into drive thru lane
- Four (4) parking spaces at northwest corner of property should be eliminated due to conflict with traffic coming out of the drive thru lane.
- No overhead lines will be allowed in area of building
- Fire department connection not shown.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Drive aisles are required to be 26' wide per NYSFC
2. Specify your fire apparatus access to the rear portion of the building

Scott Reese, Stormwater Management Technician issued a memo dated 1/27/22 with the following comments:

1. The under drain of the permeable paver section should be placed above the reservoir in order for it to perform as a partial infiltration practice.

The Environmental Conservation Commission held a meeting on 2/1/22 and issued a memo recommending:

1. The ECC is concerned about the density and the flow of traffic on this congested site. Specifically, the flow exiting the proposed drive-thru of the existing building and the drive-thru inflow of the proposed new Panera Building are examples of this congestion. In addition to traffic trying to exit and enter those two driveways there is a proposed dumpster area and parking spaces which will further complicate the traffic pattern.
2. The ECC supports Jen Viggiani's comments regarding The pedestrian circulation in this Town Center Area connecting two commercial properties with lots of small businesses that can mutually benefit from this proximity – appears to go from a reasonable, well-landscaped pedestrian experience that exists today, to a much more functional, required connection – but that does not create the same type of connection from a user experience.
3. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should replace the removed existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. (Note: The applicant is removing several large trees as part of the proposed plan and the ECC urges replacement of this vegetation.)
4. The ECC notes that the sidewalk width should be 10' minimum.
5. The standard access width is 12' per the TC3 and this plan does not reflect this.

Jennifer Viggiani, Open Space Coordinator:

Pedestrian Context: As the Planning Board may be aware, the NYS DOT recently improved crosswalks at NY Rt 146 and Maxwell Drive, adding two (2) more crosswalks and pedestrian-activated signals to create a complete network of crosswalks at all four crossings of the full intersection. Additionally, please know the Town of Clifton Park is working on a new sidewalk connection along the north side of Rt 146 from Northcrest to Maxwell Drive, to close the gaps in the pedestrian circulation along NY 146 with grant funds from NYS DEC.

This project site, located at the southeast intersection of Rt 146 and Maxwell Drive, is flanked by existing concrete sidewalks along the east side of Maxwell Drive and along the south side of Rt 146. The Town of Clifton Park has a management agreement to maintain these sidewalks on the town road and the state road. Recognizing the current NYS DOT large stormwater drainage features parallel to the south side of NY Rt 146, as an impediment and considerable challenge to a direct pedestrian connection to NY Rt 146, the applicant's provision of a direct connection to Maxwell Drive nearer to the NY Rt 146 intersection is important, and it appears that the applicant has clearly addressed this concept.

The inclusion of a future street from the Town Center Master Plan and Zoning – is noted and appreciated for the demonstration of how future vehicular and pedestrian circulation could be

enhanced in the future to connect the site with a mid-point access from Maxwell Drive easterly through the site to connect to the commercial properties to the east – in a logical concept.

One small area that could be improved, potentially, is the second drive-thru location proposed for the proposed rehabilitated existing Panera building space. While the proposed reduction in the building footprint (duly noted) allows for a “smoother” fit of a two-lane drive through, the plan also shows the addition of five (5) parking spaces in this tight corner of the parcel, that would require the demolition of the existing outdoor seating area; removal of two (2) trees, removal of existing shrub vegetation, and the overall loss of character of the gathering space, and the relocation of the sidewalk from a relatively smooth, layout, to one that has three (3) right angle turns and places the pedestrian experience to be significantly closer to the rear of two adjacent dumpsters on separate commercial property to the east; and creates a sidewalk with a straight view of walking towards the new dumpster location on the project site. The pedestrian circulation in this Town Center Area connecting two commercial properties with lots of small businesses that can mutually benefit from this proximity – appears to go from a reasonable, well-landscaped pedestrian experience that exists today, to a much more functional, required connection – but that does not create the same type of connection from a user experience. Could there be some additional consideration in this corner of the project site to potentially reduce the pavement needs for the cars, and to improve the pedestrian connection to maintain the quality that now exists? Could there just be perhaps two pull-off, parallel spots, and not five, pull-in diagonal spots? This would ease the need for the sharpness of the sidewalk layout and allow for leaving a bit more actual green space.

PEDESTRIAN WALKWAY LIGHTING: Will there be adequate pedestrian walkway lighting, at the height required by Town Code, placed in this rear corner small parking area/drive-thru area along the existing building, as well, to address the light poles that are slated to be removed?

PEDESTRIAN AMENITIES: Per the Town Form-Based Code, all new development or redevelopment projects shall provide common pedestrian amenities, such as benches and bicycle racks, commensurate in quantity to the size of the project, as directed by the Planning Department.

For the new building, the applicant appears to be providing a significant amount of outdoor seating for the proposed restaurant building.

It is recommended that **bike racks** be placed within this overall commercial plaza – at least one bike rack per each building to handle bike parking for at least 2 to 4 bikes, at a convenient location that gives ample room for bike parking.

ELECTRIC VEHICLES AND E-BIKES. Will this project supply infrastructure for electric vehicles, or electric bikes to charge their batteries while visitors are patronizing these establishments?

Is there a need for two lanes for the drive-through associated with the renovated existing Panera building? Is there an absolute need for 2-driving lanes plus the parking here? Would it be feasible to retain some more of the greenspace/ and smooth out the sidewalk connection through the greenspace? Could this small parking area be further reduced to allow for more greenspace and an improved pedestrian connection in the Town Center area of Clifton Park?

Mr. Scavo stated in the meeting that there is a transformer obstacle for the pedestrian path. He stated that he is ok with waiting until the time of construction to determine the exact location of the path.

John Scavo, Director of Planning issued a letter dated 2/2/22 with recommendations he made:

Site Plan for Panera Bread, 304 Clifton Park Center Road

Request to construct a 3,100 square-foot restaurant for Panera Bread with a drive-thru at 22 Maxwell Drive. The parcel lies within the TC-3 General Zoning District, allowing for a restaurant with a drive-thru as a permitted use subject to Site Plan approval by the Planning Board. The existing Panera Bread store location will be retrofitted to contain a drive-thru with modifications to an outdoor dining area.

Site Description

The subject property is located at 22 Maxwell Drive, bounded by two frontages along Maxwell Road to the West and Route 146 to the North, with a mixed-use commercial strip mall to the East and South. The existing built environment was built under the B-4 Highway Business Zoning Regulations.

Site Location Map

See Mr. Scavo's letter

Preliminary Plan Set Proposed Conditions

The existing 2.27+/-Acre project is proposed for redevelopment. Proposed is:

1. Within the existing building 2-Restaurant Uses
 - a. 6,200 sq.ft. (Restaurant 1)
 - b. 3,100 sq.ft. (Restaurant 2, with Drive-thru)

2. New free standing in-fill building approximately 4,200 sq.ft., a drive-thru w/bypass lane, and 1,500 sq.ft. outdoor patio to be constructed primarily within existing surface parking area of the site
3. Outdoor parking area, 114 spaces provided
4. Outdoor dining area with permeable pavers
5. On-site stormwater management systems
6. New utility service hook-ups to public water & sewer at the new building
7. Landscaping
8. Existing curb-cut onto Maxwell Drive with the addition of an exit only curb-cut onto Maxwell Drive to decrease conflicts in the parking area with existing drive thru traffic from Panera with dine-in vehicles and patrons

The project proposes to disturb less than 1 acre. Existing impervious coverage within the project site will be reduced from 82.3% to 77.00%, resulting in a 5.3% decrease in impervious surface. The project design engineer does not anticipate a change to the stormwater drainage characteristics of the property as a result of the proposed improvements.

Review Process to Date

A conceptual review meeting was held with the Planning Board on November 10th, 2020, to review the applicant's initial concept drawings and discuss the process, site concerns, and challenges for the applicant to consider. A Town Center Technical Advisory Committee (TAC) then proceeded to meet with the applicant on three separate occasions to perfect a site plan that best meets the vision, goals and objectives of the form based code. The meeting dates for those TAC meetings were:

-March 17, 2021

-September 29, 2021

-November 19, 2021

The Saratoga Co. Planning Board (SCPB) offered a recommendation that the project would have no significant county-wide or inter-community impact.

Conformance to the Master Plan

The property is located in Clifton Park's Town Center. The Master Plan recognized the Town Center should evolve to function as a mixed-use environment with civic, commercial, and residential uses. The Master Plan focuses considerable attention on the Town Center's evolution towards a sustainable, economically healthy, pedestrian-oriented, and well commented Town Center to be the commercial and civic heart of the community. To achieve this goal, the Master plan allowed the introduction of mixed-use tenancy, including residential, integrated within the Town Center, and created a more compact development pattern promoting pedestrian connections.

The Master Plan included urban design recommendations for the town center, encouraging busy shopping streets with pedestrian activity. The Master Plan seeks to site buildings closer to the roadway with vibrant façades, entrances, landscaping, dining areas, and storefronts that enliven the streetscape with sidewalk and public amenities.

Town Staff believes the application substantially conforms with those recommendations. The proposed building is located adjacent to Route 146 and provides pedestrian access to the private businesses to and from the public right of way. The applicant proposes enhanced landscaping and is increasing outdoor seating opportunities for the new and existing buildings for patron use, increasing lively streetscape appeal. There are windows and other architectural design elements consistent with the form-based code design standards shown for the new Panera Building. The applicant also developed a redesign with the potential for a future through street or private street from Maxwell Drive connecting to the adjacent property to the East of this project site.

The applicant, a national restaurant chain, has made a serious effort to design a building that will be integrated into an active town center that is walkable and connected.

Recommendation for Next Steps

In accordance with the Design Development Review Process promulgated by the Clifton Park Town Center Zoning Code, the Site Plan application has been prepared for consideration of a final decision by the Planning Board to Approve, Approve with Changes, or Deny the request.

Mr. Scavo stated that there is a conflict with the Staples shared entry and circulation, and he stated that he feels that the one way out to Route 146 would be the best option. He stated that McDonald's is very similar to the proposal.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/4/22 had the following comments:

SHORT ENVIRONMENTAL ASSESSMENT FORM

1. Please provide an updated SEAF reflecting the proposed new facility, the original scope of work was to include a drive thru to the existing Panera restaurant.

SITE PLANS

2. If the Planning Board allows the angled parking along the bypass lane of the drive thru addition, the proposed 60-degree angled parking spaces would require an 18 foot aisle width per Section 208-26. The aisle width could be reduced if the angled parking was at 30-degrees.

3. Any action on the application should be conditioned upon receipt of plan approval from CPWA and SCSD#1. A copy of each approval shall be provided to the Town.
4. The proposed fire apparatus road shall comply with the 2020 Fire Code of New York State. Written acceptance of the fire access shall be provided by the Fire Chief.
5. Provide the HydroCAD input data for the permeable pavers section. It is suggested to provide a 12-inch reservoir thickness with the under drain at top to encourage infiltration.

Public Comments:

Anthony LaFleche - 21 Wheeler Drive – Mr. LaFleche asked if the access to Maxwell Drive that is being proposed would be a one way. Mr. Dannible stated that it would be a one way out and that traffic would have enough room to merge into the left hand only turning lane as well. Mr. Dannible stated that there may be some traffic conflict but the Town feels this is best as most of the time it would not be a problem and there would be no traffic entering from that location. Mr. LaFleche asked where the location of the future street would be. Mr. Ferraro stated that the street is a concept and location is still to be determined and that he felt the applicant did a good job on the conceptual review for the future of the space.

Planning Board Review:

Ms. Bagramian stated that she feels that from the first TAC meeting to today, the site plan looks better and that she likes the exit-only road to help with pedestrian safety and traffic flow. She stated that she feels the freestanding building would also improve the area and asked how much of the old building would be demolished. Mr. Dannible stated that about 50% of the old Panera would be removed to allow room for a drive-thru. Mr. Duffy stated that the projected date for the new building to be occupied is about March 2023.

Mr. Ophardt stated that he is struggling with site access from the shared entrance. Mr. Dannible stated that Staples, Panera, and the old Ruby Tuesdays were all approved together, and the entrance was decided on at that time. He stated that to relocate this entrance now would be extensive and break tenant commitments. Mr. Ophardt stated that he saw about 38 parking spots occupied tonight and that the current parking is about 150. He stated he has concerns with parking with the proposal being 90. Mr. McElroy stated that the drive-thru design is being used to cut down on parking. Mr. Duffy stated that according to corporate 50% of sales are now through drive-thru and thus decreasing parking.

Mr. Neubauer stated that Mr. Ophardt is correct but feels that the future roadway that was discussed in the TAC meeting will benefit and that 2 curb cuts are not a good idea. Mr. McElroy stated that changing the current curb cut would entail getting Staples to agree and this is not just this property's decision.

Mr. Ophardt stated that he feels there may be conflict in movement in and out of the drive thru as it is busy at lunchtime and that he does not want to see backups. Mr. Dannible stated that the setup is 2 lanes that merge into one and the drive-thru lanes can stack 6-8 vehicles. Mr. Dannible stated that there is the potential for overflow dependent on the tenant for the older building with a drive-thru as well. Mr. Ophardt stated that peak p.m. hours can get very busy and stated that he has seen the Panera on Wolf Road back up to the road and he has concerns with the parking next to the drive-thru on the old building. Mr. Dannible stated that the slanted parking by the drive thru would be for employees most of the time but is not designated specifically for them.

Mr. Ferraro stated that he shares the same concerns for the slanted parking at the old building's proposed drive-thru. Mr. Dannible stated that this drive thru would be a single lane with an escape lane or a back-out lane, this drive-thru does not have 2 lanes like the new building. Mr. Duffy stated that the new building drive-thru would go from an order lane and a rapid pickup and merge to a one lane drive-thru with an escape lane. Mr. Scavo stated that the order ahead would bypass a queue and go right to a window for pickup. Mr. Duffy stated that this layout is similar to the Panera in Latham and that you can get through in under a minute. Mr. Dannible stated that Panera has a team that evaluates every aspect of every site and if they feel something is not feasible, they will not back the project.

Mr. Ophardt stated that he likes the layout and concept of the building but still has concerns about the drive-thru and parking with the existing building. Mr. Ophardt asked if Mr. Lippmann had concerns. Mr. Lippmann stated that he has no concerns other than he feels that the parking needs to be more angled or the escape lane widened for safer backing out of the parking spots. Mr. Lippmann stated that the right turn only out of the new building is 100' from the light, so it is within code. Mr. Dannible stated that if Panera is successful, the future tenant of the old Panera would change use. Mr. Duffy stated that there are only 4-5 minutes per week based on the Malta location that the drive-thru is backed up. Mr. Scavo stated that true walkability of the area would need to increase as residency increases, and vehicular traffic would decrease. Mr. Dannible stated that the Town Center intends to build increased density of the area.

Mr. Neubauer stated that this proposal is preferred to be done with incremental changes. Mr. Ferraro stated that potential conflicts with the existing building and the drive-thru could be decreased if the parking was designated as employee parking. He stated that there could also be other conflicts with a tenant unknown, so he would like to see this drive-thru stay a single lane. Mr. Dannible stated that what this proposal shows is what will be developed.

Mr. Neubauer asked when the angled parking adjacent to the old building was proposed. Mr. Dannible stated it was first proposed at the February 2021 meeting and then at the September 2021 meeting and both times there were no concerns from the TAC committee. Mr. Neubauer asked how imperative the parking is. Mr. Dannible stated that it is important and that they will

designate it as employee parking and will add it to the plan. Mr. McElroy stated that he agrees and will make it designated employee parking.

Mr. Andarawis stated that he feels that it is a safety issue as if the employees are backing into an escape lane; it is more likely that a person in a rush is to be driving on it while they are trying to back out. Mr. McElroy stated that he is willing to cut back the building a little or add 5 more feet in the lane to accommodate the concerns of the Board.

Mr. Ferraro asked about the comment made by Mr. Scavo and the removal of landscaping that it proposed. Mr. Dannible stated that the plan calls for 5 trees to be removed and 11 to be planted. Mr. Ferraro suggested that the Board may be able to approve the new building without the changes to the existing building included. Mr. McElroy stated that this project is a whole and that he would like them approved or not together. Mr. Scavo stated that he is comfortable with the applicant working with him and MJE and showing the TAC any changes.

Mr. Neubauer stated that he feels that Mr. Dannible did a good job on the project and that changes to date are improvements to the original plan and creative thinking was used. He stated that he feels the architecture looks nice and meets the formed based code and feels the incremental change is acceptable here. Mr. Neubauer stated that he has confidence in MJE and the Planning staff to mitigate what needs to be adjusted. Mr. Martin agreed with Mr. Neubauer's comment.

Mr. Andarawis asked if there are any significant changes would the application be remitted back to the Planning Board. Mr. McElroy stated that any national or local tenant would evaluate the site to see if it accommodates them. He stated that a new tenant would not be until a year or so down the road. Mr. Andarawis stated that he feels that the applicant has the opportunity for lower plantings in the patio area to help block headlights from the parking lot. Mr. Dannible stated that the plantings on the plan are a minimum and that more may be added as the site is developed to make the site more appealing.

Mr. Ferraro thanked the TAC for assisting in this application. He stated that he would like to see a bike rack added to the plan and Mr. Dannible stated it can be, and Mr. Ferraro added that the trail does not need to be 10' as it will be a pedestrian path.

Mr. Martin asked for EV parking to be added to the site. Mr. Dannible stated conduits can be added.

Mr. Ophardt moved, second by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Neubauer moved, second by Mr. Martin, to waive the final hearing for this application for the site plan review of the Panera Bread Drive-thru , and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Developer meets with MJE and Planning Department to reconcile the proposed drive-thru issues for the existing building.
2. Ensure the fire apparatus access is per NYSFC requirements and obtain a sign off from Steve Myers.

Ayes: 7

Noes: 0

The motion is carried.

New Business:

None

Discussion Items:

None

Mr. Neubauer moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:10 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 23rd, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary