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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

PANERA

601 TROY SCHENECTADY ROAD

APPLICATION FOR APPROVAL OF WAIVER

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on May 8, 2018 at 8:59 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- CRAIG SHAMLIAN
- SUSAN MILSTEIN
- STEVEN HEIDER

ALSO PRESENT:

- Michael C. Magguilli, Esq., Town Attorney
- Michael Tengeler, Planning and Economic Development
Department
- Josh Sewald, PE., Dynamic Engineering

1 CHAIRMAN STUTO: The next and final item on the
2 agenda is Panera, 601 Troy Schenectady Road, application
3 for approval of waiver.

4 MR. TENGELER: This is an administrative
5 project. We've been working with Panera over the last
6 couple of months. They are looking to redeveloped the
7 former Pizzeria Uno site. It's adjacent to Latham Farms
8 and has frontage on Troy Schenectady Road. We are
9 currently reviewing in-house the last batch of comments.
10 Everything seems to be going well and we should have DPW
11 compliance within the next couple of days.

12 We have Dynamic Engineering here to present
13 and talk about the site plan in general and discussed
14 two waivers that are being requested tonight.

15 MR. SEWALD: Good evening everybody. My name is
16 Josh Sewald and I am with Dynamic Engineering. We are
17 the civil site firm that prepared the survey and site
18 plan drawings and everything we are about to present
19 tonight. We are here on behalf of the applicant, Panera
20 Bread, LLC.

21 Panera as you may be aware, is currently an
22 in-line facility within the existing shopping center
23 next to the Staples and Chuck E. Cheese. When the
24 opportunity arose, and we were working with the
25 landlords at the former Chicago Uno pizzeria which

1 has been vacant for a little bit of time.

2 Their new model and program actually has a
3 drive-thru facility. So, they are going to move from
4 the in-line space. That will then turn vacant and the
5 landlord will bring in another tenant through a
6 building permit process. Hopefully after approval
7 tonight and in working with your departments, we can
8 move towards the former Chicago Uno former facility.

9 So, real quick the exhibit that I have for
10 you right now is the aerial exhibit. North is to the
11 top of the board, east is to the right and west to
12 the left and south to the bottom.

13 Real quick, this is just overall existing
14 conditions. As you can see the majority of the 9.9
15 acre site is fully developed with parking, various
16 structures. Again as Mike mentioned, the existing
17 facility is along Route 2 right next to Erin Street
18 as well as Interstate 87.

19 The next exhibit is an aerial photo and we
20 superimposed what the proposed condition will look
21 like if we were approved tonight. As you can see, the
22 majority of the difference is adding a drive-thru
23 area. So, the building is staying the same - the
24 retrofitting and the façade on the inside will be
25 more with Panera Bread standards. The existing

1 parking facility to the southeast corner, closer to
2 Erin street intersection - that is all staying the
3 same.

4 The main board that we want to focus on this
5 evening are those two drive-thru lanes that come
6 around the building. One is an actual drive-thru
7 facility where people pick up food. The second is a
8 bypass lane for safety and fire circulation and if
9 somebody decides to go sit inside the restaurant,
10 they can circulate around the building.

11 The last exhibit I would like to touch on is
12 a more zoomed in version. This is the site plan of
13 your sheet or the landscaped plan. The lighter orange
14 hatch is the building again. It is 6,500 square feet.
15 There will be a bump-out for the drive-thru window.
16 The façade elevations will all be updated again with
17 the current standards. They will have some outdoor
18 seating along with a concrete sidewalk, just as they
19 do in today's current addition to that in-line
20 facility next to the Chuck E. Cheese area. We do have
21 84 parking spaces on site which complies with your
22 parking ordinance and standard. So, that's great
23 there.

24 There is some existing vegetation throughout
25 the property. They want to enhance it even further so

1 we do have an 150 additional plantings approximately
2 that will be going around the building, in the
3 landscape islands.

4 There are few comments from your
5 professionals asking for additional fencing and some
6 landscaping along Route 2. We are more than happy to
7 comply with that. There are no comments within any of
8 the review letters that we received from the
9 department that we can't comply with. We are working
10 with them and I'm pretty sure we have everything
11 addressed.

12 Overall, Panera has been very excited to move
13 to this location to provide this drive-thru facility.

14 I am happy to answer any questions regarding
15 their operations and the overall minor site plan that
16 we are here to discuss.

17 CHAIRMAN STUTO: Do we have any traffic
18 generation numbers?

19 MR. SEWALD: We do not. Because the building is
20 6,500 square feet, we anticipate a very slight increase
21 or decrease in traffic. Obviously, the Chicago Pizzeria
22 Uno probably had a higher demand during the dinner hours
23 and maybe on the weekend. Panera also has a decent
24 breakfast crowd so the traffic is blended over the day.
25 It would take the IT trip generation from 6,500 to 6,500

1 and technically the accounts are the same. In actuality,
2 what you're going to see is a little more traffic in the
3 morning and a little less traffic and night.

4 CHAIRMAN STUTO: I'm not sure about that.

5 Does the Town Department agree with that?

6 MR. TENGELER: Yes. It's a restaurant use to a
7 restaurant use. You are adding a drive-thru which I
8 think from a practicality standpoint the sediment is
9 that there is probably going to be an increase in
10 traffic that is negligible because the use is a
11 use-to-use regarding food.

12 CHAIRMAN STUTO: Does the Board have any
13 comments?

14 MR. SHAMLIAN: Yes, I'm not sure I agree with
15 that. I have the concern about that intersection at Erin
16 Street. I envision cars coming in from Troy Schenectady
17 Road looking to make a left into Panera and that entire
18 lane - both those lanes get backed up at times. People
19 are trying to get out of the shopping center as it is.
20 If you approve something across the way, it's not going
21 to help that situation.

22 MR. SEWALD: If you take a look at the second
23 exhibit that I provided which is that proposed condition
24 overlaid onto the existing aerial that we have, there is
25 a dedicated left turn lane that allows cars to stack -

1 MR. SHAMLIAN: Three cars.

2 MR. SEWALD: Absolutely.

3 MR. SHAMLIAN: That's only three cars.

4 MR. SEWALD: It does provide that stacking
5 capability for someone to make a left turn in. Again,
6 the amount of development that is on here - the traffic
7 is switching from a restaurant to a restaurant use. We
8 were giving IT numbers. It won't be the exact same.

9 MR. SHAMLIAN: Panera is going to generate much
10 more traffic than Pizzeria Uno did. First of all, their
11 restaurants do more in sales and their average ticket is
12 considerably less than Uno's. By default, if you do the
13 math, they have to generate much more traffic.

14 MR. SEWALD: You may be correct about that,
15 sir. I'm here to talk to about and provide as much
16 engineering knowledge. The way that a traffic engineer
17 would run through this, they would have to utilize that
18 IT trip manual. I do appreciate the practicality. I do
19 agree with you that during the morning hours he was
20 certainly see more people at the site. Also during the
21 morning hours, nobody's going to Chuck E. Cheese and
22 Staples in the West Marine -- maybe the West Marine shop
23 to pick up their bait and tackle. You're right, there
24 may be some additional traffic and that morning peak
25 rush, but the rest of the center is very quiet. Maybe

1 later in the afternoons with a have a higher lunch crowd
2 and breakfast crowd at Panera - where Chicago pizza had
3 a higher dinner crowd and you won't have as much traffic
4 here. Those 84 spaces are also about 30 spaces more than
5 Panera's corporate requirement. When we look at sites
6 for various areas, they ask us to have a minimum of 50.
7 There's a bunch of great parking on the site. The 84
8 spaces is just around this Panera (Indicating). There is
9 plenty of parking that's pretty much underutilized due
10 to the downturn in retail associated with the staples,
11 for example. You can even see that today on this
12 aerial -

13 MR. SHAMLIAN: I'm not concerned about the
14 number of parking spaces. I'm concerned about you
15 filling them. I'm not concerned about you not having
16 enough parking spaces. I'm concerned about that
17 intersection and being able to get through it in every
18 configuration. That is my concern.

19 MR. SEWALD: Another thing the traffic
20 engineers look at is let's say those cars are stacked
21 waiting to make a left turn in, they're not going to
22 start jamming up behind it just to get an immediate
23 left. If it's inconvenient, they will continue along
24 Erin Street and make the next left into the site. Once
25 they become accustomed to it after the first time, they

1 will circulate throughout here. It's also nice that you
2 have a development area along Erin Street with the
3 various different big-box buildings, you get shared
4 trips that are associated with it. We always talk about
5 obviously destination trips associated with Panera
6 Bread. You want to go get your coffee or your bread.
7 Someone who maybe comes to Sam's Club or Home Depot -
8 they may come down Erin Street and actually come here.
9 You are correct in that probably the biggest concern is
10 making the left turn into the site off of the state
11 highway. You will get other shared trips based on the
12 fact that this interchange has multiple commercial
13 development. So, you will have a better spread of
14 traffic. There's plenty of stacking as well for the
15 drive-thru lane that they anticipate for cars.

16 CHAIRMAN STUTO: Is there any other way out
17 that property?

18 MR. SEWALD: No, the two existing curb cuts are
19 both out of Erin Street. There are no curb cuts along
20 the state highways.

21 CHAIRMAN STUTO: I will throw this out. What if
22 you restricted it to right and/right out?

23 MR. SEWALD: you would then exacerbate this
24 driveway. This whole movement access road right here
25 provides - this building is 6,500 square feet. You have

1 well over - close to 100,000 square feet. So, if you
2 were to run ship generations for hundred thousand square
3 feet of retail and you were to choke it to just one full
4 movement driveway, you would potentially fail this
5 driveway. Right now you have two points for traffic to
6 make lefts and rights. To restrict this to
7 right-in/right-out would be significant to the rest of
8 Erin Street.

9 MR. TENGELER: It would also be a hardship, I
10 think, to the property next door as well.

11 MR. SEWALD: The other aspect is this is
12 actually not our property.

13 MR. TENGELER: By restricting that movement
14 there are also putting that other property at hardship.

15 MR. SEWALD: I do understand and appreciate
16 your concern about traffic. When we look at sites --
17 Panera doesn't want the site to fail either. If it
18 becomes inconvenient and it doesn't work, their sales
19 come down and they aren't successful. So, they want to
20 make sure that they have adequate stacking and the
21 minimum parking standards that they require for their
22 own corporate approval, plus we meet the town's
23 requirements which is another great benefit. I do
24 understand the concern of the successful business coming
25 here and probably generating more traffic than what's

1 out there today, which is zero. If this were a
2 completely separate brand, you might have different
3 traffic and other off-peak hours.

4 MR. SHAMLIAN: I'm not going to speak for the
5 Board. I started off by saying that I had concerns about
6 that intersection. I appreciate everything that you have
7 said. I still have the same concerns. I would love to
8 see Panera there. I think that intersection is going to
9 be a problem. We proved a project just across the way.

10 MR. SEWALD: You're talking about the Brick
11 House?

12 MR. SHAMLIAN: No, adjacent to the Field and
13 Stream and Dicks. Quite frankly, I have some level of
14 concern about traffic and what it was going to do to
15 traffic there and this is just going to make it worse.
16 Again, I'm not speaking for the Board and I'm not
17 necessarily saying that you need a traffic study. I'm
18 not in favor of the project the way it is right now.

19 MR. SEWALD: Just based on the traffic. You're
20 okay with the layout, the circulation, the parking, the
21 landscaping?

22 MR. SHAMLIAN: Yes, absolutely. I have no issue
23 with that. I'm just concerned about that intersection.
24 The intersection is a problem now. Even with Unos
25 closed, it's a problem now.

1 MR. LACIVITA: Craig, the question would be:
2 How do we control the access point of somebody else's
3 parcel? The other side of it is that Panera is moving
4 from up top to over here so we have a vacant parcel here
5 (Indicating). Do we see how this operates and then put
6 the condition on any traffic improvements on the next
7 restaurant that moves in? It's kicking the can down the
8 road but we have to see it operate. Again, ultimately,
9 control of that intersection is not here. It's the
10 Latham Farms over there.

11 MR. SHAMLIAN: I understand that the
12 intersection is not on their property. We look at
13 projects and what they do to traffic and not just on the
14 property but off the property.

15 MR. SEWALD: We always look at off-site
16 traffic. That's one of our jobs is the engineer the
17 project. Is it because it is a Panera bread or another
18 restaurant that has been off-line a while and we are now
19 turning it back on?

20 MR. LACIVITA: No, I think it's the overall
21 movements when you come off of the highway system that's
22 pretty well traveled and into the site. It impacts a
23 short distance brought from the highway system.

24 MR. SEWALD: Of course.

25 MR. HEIDER: Panera's success is what is the

1 driving concern.

2 MR. S HAMLIAN: The drive-thru only makes it
3 worse. I'm not opposed to the drive-thru. The nature of
4 a drive-thru is that you want to be in the drive-thru
5 lane coming in.

6 MR. SEWALD: I respectfully disagree that
7 actually drive-thru's make the traffic worse. It
8 actually improves the traffic on site. Your allowing the
9 business to take cars out of the circulation, get their
10 food and exit.

11 CHAIRMAN STUTO: I disagree with that. They
12 don't put in drive-thrus so they have the same amount of
13 business. They do it so they can have more cars to the
14 site.

15 MR. SEWALD: If I misspoke, I apologize. I'm
16 not saying they're going to do less business with the
17 drive-thru. What I'm stipulating is that it is able to
18 handle the traffic on site. I will bring up an example.

19 MR. MION: I don't think that's the issue. It's
20 coming off the site in getting into the site.

21 MR. SHAMLIAN: It's not on-site. What you have
22 on site is fine. You have plenty of parking and plenty
23 of circulation. How cars get there and get out is the
24 concern.

25 MR. SEWALD: I just want to confirm. There is

1 an existing facility out there today. If Joe's pizza
2 comes in, that same building is there with the same
3 parking. Your time hopefully the success to the business
4 to a potential traffic -- I agree that there is plenty
5 of traffic -

6 MR. SHAMLIAN: If Joe's pizza was coming in and
7 putting a drive-thru and, I would probably have the same
8 concerns.

9 MR. SEWALD: So, what is the drive-thru and not
10 so much -

11 MR. SHAMLIAN: Well because the drive-thru
12 drives more traffic.

13 MR. SEWALD: So, I will play devil's advocate.
14 I do appreciate the Board's concern. I'm just trying to
15 explain and tell you that we have investigated this.
16 This is a very successful sit down restaurant that
17 generates a lot of traffic during different peak hours
18 and Panera. It does not have a drive-thru. It is the
19 same situation as this potential restaurant across the
20 way. They have full movement access. They need less back
21 out because they know everybody's going to the
22 signalized intersection. What would be the difference
23 between a sit down successful casual business versus a
24 Panera which is a smaller footprint even though it does
25 have the drive-thru in it?

1 CHAIRMAN STUTO: I would like to have a TDE
2 look at this.

3 MR. TENGELER: I have to say that I am
4 disappointed that Joe Grasso left.

5 CHAIRMAN STUTO: I don't want instant answers.
6 I want to give some thought analysis to it.

7 MR. LACIVITA: What are the hours of operation?

8 MR. SEWALD: That's 6:00 a.m. to 10:00 p.m.
9 Monday through Saturday and then one hour later and
10 earlier on Sunday; so 7:00 a.m. to 9:00 p.m.

11 MR. TENGELER: It's a restaurant use to a
12 restaurant use.

13 MR. LACIVITA: But they do stay open later.
14 Let's get a traffic study on this.

15 CHAIRMAN STUTO: Or put a TDE on it and have
16 them make a recommendation.

17 How does the Board feel about that? I would
18 like to have an engineer on our side look at it.

19 (All Board Members agreed.)

20 We will have you back soon.

21 MR. LACIVITA: It will only be specific to the
22 traffic.

23 CHAIRMAN STUTO: Egress and ingress traffic,
24 yes.

25 MR. SEWALD: Are there any questions for me;

1 landscaping, lighting, fence or architectural? It
2 sounds like coming back for supplemental traffic report
3 analysis, but are there any other questions from the
4 Board that I can answer for you this evening?

5 CHAIRMAN STUTO: Well, you are here for a
6 waiver. The waiver relates to traffic. I don't know how
7 much I want to get into the architecture and stuff right
8 now.

9 MR. TENGELER: It seems like until this issue
10 is resolved, it really shouldn't be moved forward.

11 MR. LACIVITA: The TDE is probably going to
12 want to traffic study done by Creighton Manning or
13 something like that. They will have to provide a study
14 on the over all impact there and then come and present
15 on behalf of the applicant. We could do it that way so
16 we get a full traffic review.

17 MR. SEWALD: Are you saying to represent the
18 Board or represent the applicant?

19 MR. LACIVITA: Represent the Board.

20 CHAIRMAN STUTO: I think they allow you to
21 provide the numbers and then they will review it.

22 MR. SEWALD: I just want to clarify that the
23 two waivers that we are here for tonight is the slight
24 increase in impervious and the second is the drive-thru
25 location. It's not specifically the traffic tied to the

1 drive-thru. The drive-thru is the fact that it is
2 located within a front yard. That is the waiver that we
3 are asking from you tonight

4 MR. TENGELER: That's correct - and the green
5 space.

6 MR. SEWALD: I just want to put that in the
7 record.

8 CHAIRMAN STUTO: That's fine. So, are we
9 suggesting that they generate traffic numbers? We will
10 have Creighton Manning, if they are available for us to
11 hire, communicate with them about what type of numbers
12 they are looking for. You can provide them and then we
13 will have them analyze it. They are a local traffic
14 engineering company.

15 MR. SEWALD: I just want to clarify because
16 there are two kinds of traffic reports. One traffic
17 report is memo style; what's an existing building and
18 used tied to it and then the proposed building and used
19 tied to it. It is an IT trip generation memo.

20 The second traffic study -

21 MR. SHAMLIAN: No, it's got to be about Panera
22 and it's gotta be about Panera drive-thru.

23 MR. LACIVITA: That's correct.

24 MR. SHAMLIAN: Otherwise, it's not
25 representative of what's going to happen.

1 MR. SEWALD: And this is why I wanted to
2 clarify before we wrap up tonight. ITE does not go into
3 specific brands. They do it based on classifications of
4 restaurants. What we could do is take the use based on a
5 national -

6 CHAIRMAN STUTO: No, we prefer more specific.
7 We are always advised by our engineers that if you have
8 history, we want to use the data from the history. We
9 will have our traffic engineers communicate -

10 MR. SEWALD: I would be more than happy to
11 provide to you traffic studies at other Panera
12 locations. It always ends up going down a rabbit hole.
13 I'm being completely open and honest. There is always
14 separate factors. Every site is a little unique and
15 different.

16 CHAIRMAN STUTO: It won't be a rabbit hole. You
17 can trust us.

18 MR. SEWALD: A traffic memo by any traffic
19 engineer was just going to take the IT book, take the
20 existing proposed and drop it on there. There is also
21 another level -

22 CHAIRMAN STUTO: We are not traffic engineers.
23 Our traffic engineer will communicate and work that all
24 out.

25 MR. SEWALD: Just one last thing. I'm sorry I'm

1 taking more of your time.

2 Your comment was about this off-site
3 intersection. In order to analyze that, you have to
4 do offsite intersection analysis. You have to
5 determine how this is analyzed -- you're not just
6 looking at the Panera distribution. You're looking at
7 every development within a certain -- I mean, that's
8 a significant amount of work from a restaurant to
9 restaurant. I really do appreciate where the Board is
10 coming from. Taking a look at an off-site
11 intersection is significant no matter what. It's the
12 same way that you would look at Erin Street and Route
13 7.

14 CHAIRMAN STUTO: Can you talk to our traffic
15 engineer about that?

16 MR. LACIVITA: Clough actually reviewed the
17 Core Life that's going in there. You're going to have an
18 understanding of that area.

19 CHAIRMAN STUTO: They already have the data?

20 MR. LACIVITA: They should have the data that
21 they got from VHB. So, let's have them look at it.

22 MR. SEWALD: I have one more wrinkle. I am so
23 sorry. I'm going through all this in my had. When you
24 model a shopping center, there is even a separate IT
25 lien use code that says instead of coming to the Board

1 for each separate tenant that comes in with an overall
2 shopping center, they model the entire site based on a
3 basic floor area so that it has a balance between the
4 different tenants. They don't make you model it because
5 this acts like an overall shopping center. It's 10
6 acres. It's 100,000 square feet. We're not looking at
7 6,000 square feet or even less than 4,000 that Panera
8 currently is. The traffic generation that is associated
9 with someone who is under 10% of the overall trip
10 generation for 100,000 square feet retail shopping
11 center wouldn't trigger any kind of DOT permitting. I
12 know what you're looking for to make sure everything is
13 going to operate safely and efficiently and I can speak
14 with your traffic engineer and hopefully they can relay
15 the same thing to you so you can feel more comfortable.
16 *What you're looking for doesn't exist in the national
17 standard. I think the traffic report that I'm going to
18 generate for you is going to say that there is an
19 existing restaurant out there that generates X. Here's
20 this new restaurant with a drive-thru generates Y which
21 will be a little bit smaller. In the essence of what is
22 really going on in the site, it's going to be a
23 diminimus increase. I can certainly provide it for you
24 but I just want you to be aware of the various
25 iterations that we are going to provide to you.

1 MR. TENGELER: I think what the Board is
2 looking for is exactly that. It is an engineer that they
3 are familiar with and that can corroborate it.

4 MR. SEWALD: Am I allowed to ask the next
5 available agenda to come back?

6 MR. TENGELER: As soon as possible. As soon as
7 we can get this information and will put you right back
8 on.

9 MR. SEWALD: So, we're not going to do any
10 waivers. We're going to come back and present that
11 traffic information.

12 MR. TENGELER: Yes

13 CHAIRMAN STUTO: Thank you.

14 (Where's the above entitled proceeding was
15 concluded at 9:22 p.m.)

16
17 (Whereas the above entitled proceeding was
18 concluded at 7:50 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
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