



**TOWN OF WILTON**  
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MICHAEL G. DOBIS  
Planning Board Chairman

LUCY B. HARLOW  
Executive Secretary



**PLANNING BOARD MEETING**

**TOWN OF WILTON**

Wednesday, January 16, 2013

A meeting of the Wilton Planning Board occurred on Wednesday, January 16, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York. Chairman Dobis called the meeting to order at 6:31 p.m.

**PLEDGE OF ALLEGIANCE**

**I. REGULAR MEETING**

**PRESENT:** Chairman Michael Dobis, Vice Chairman Harold VanEarden, Donald Needham, Ron Slone, Sue Peterson, Erinn Kolligian and David Gabay, Alternate. Also present were Ryan Riper, P.E., Director of Planning and Engineering and Mark Schachner, Esq., Planning Board Attorney.

**ABSENT:** William Rice, Tony Mangini, Alternate.

**APPROVE PENDING MINUTES:** Chairman Dobis asks for questions or comments regarding the unapproved minutes from the meeting held on December 19, 2012. There were none; Chairman Dobis asks for a motion and a second to approve the minutes. On a motion introduced by Donald Needham, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** that the minutes from the Planning Board meeting of December 19, 2012 are approved. The resolution was seconded Ron Slone and duly put to vote, all in favor, on this day, January 16, 2013.

**CORRESPONDENCE:** *Capital Commons Quarterly*, Issue No. 4, Vol. 6, December 2012; Notification from National Grid re: Important Natural Gas Safety Information received 1/15/13; Memorandum from Town Clerk re: Various Items dated 1/15/13; Notification of Acceptance of Roads, Subdivision: Floral Estates, Primrose Circle and Daffodil Drive, dated 1/4/13; Transmittal from Saratoga County Clerk's Office re: maps filed, received 1/3/13; *Rural Futures*, Winter 2012 Issue, NYS Legislative Commission on Rural Resources received 1/2/13; Transmittal letter from Creighton Manning re: Mixed Use Building Site Plan – Gordon Residential Development dated 1/15/13; Letter from Creighton Manning re: Panera Bread & Bakery dated 1/2/13; Letter from Saratoga County Planning Board re: Panera LLC, dated 1/7/13.

## II. APPLICATIONS

### PANERA BREAD AND BAKERY:

The amended site plan application is being presented by Craig Tripp of the Chazen Companies for Panera Bread for a conceptual discussion. The entrance to the drive-thru will be on Lowes Drive. A site plan has been submitted to add a drive-thru component to the existing building adjacent to Panera Bread and Bakery located at the intersection of Lowes Drive and Route 50. Since the last meeting, some signage has been added to the plans: a sign at the straight-across point from the exit of the drive-thru lane will designate a parking space as a pull-in location where a customer can wait for a large order or has some delay in order to keep things moving in the drive-thru lane.

In response to a comment by Mr. Riper and the Saratoga County Planning Board, it was decided to add a right-turn-only arrow to address the internal traffic circulation at the proposed new intersection created by the drive-thru lane into the existing parking area. A notation has been added to the plans that if something should arise after the drive-thru is constructed, specifically internal traffic circulation issues or back-up from drive-thru lane, the applicant agrees to come back to the Planning Board and have the issue addressed. Applicant asks what would be determined at such a meeting. Mr. VanEarden states that the County has recommended to this Planning Board a six month review/report by the applicant to address any issues that should arise as a result of increased traffic. Mr. Riper has questioned how that could be kept track of or monitored. Once the Building Department issues a Certificate of Occupancy the six month time frame could begin at that time. Chairman Dobis' concern is that the problem could arise after the six month period. He asks for comments. Mark Schachner, Esq., states it will be hard to impose a condition, whether it's on a plan or not, that says if an issue arises, come back to the Planning Board. That is too general. If the Board wants to do something it needs to be "objectively verifiable" – a six month review, or some kind of condition that is legally enforceable. Because a condition of approval that says return to the Planning Board if a traffic issue arises doesn't have any legal meaning. Who makes the determination of what constitutes a traffic issue. The issue would be if traffic backed up onto Lowes Drive and interrupted traffic flow. What recourse does the Town have? Unless there is other code provision, the Town would need the option of making a determination regarding the traffic concern. So the language should include: "if the Town determines there is a traffic problem."

Mr. Riper states all the comments in his review letter of December 10, 2012 have been addressed. He doesn't believe that requiring a 6 month review/report as recommended by Saratoga County is necessary as long as there is a note on the plans as previously discussed. On a motion introduced by Harold VanEarden, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the application by Panera Bread & Bakery for an amended site plan to expand their business by adding a drive-thru and to install signage to direct traffic circulation is approved with the addition of a note required on the site plan that states: if the Town of Wilton determines there is a traffic problem on Lowes Drive, the applicant agrees come back before the Planning Board to address the problem. The resolution is seconded by

Erinn Kolligian, and duly put to vote, all in favor, on this day 16<sup>th</sup> day of January, 2013.

It has been determined that this is a Type II action under SEQR and no review is necessary.

### III. ZBA REFERRAL

After a discussion of the status of the Crest Inn Suites & Cottages renovation project it was determined that the parking for the limousines would not impact the number of required parking spaces for the site. There are two designated spaces for the limousines.

Ron Slone moves for a positive recommendation to the ZBA regarding Appeal No. 13-01 for an area variance requesting relief of 32,692 SF for existing businesses and Appeal No. 13-02, for a special permit to operate a limousine business at the property located at 776 Route 9 with the additional recommendation that the ZBA include in its variance decision a condition that there be no more than two (2) limousines as shown on the amended site plan dated 1/4/13. Donald Needham seconds the motion which passed with all board members in favor.

**ADJOURNMENT:** At 7:14 p.m., Harold VanEarden moves to adjourn the meeting. Donald Needham seconds the motion and all board members are in favor on this day, January 16, 2013.

Approved: February 20, 2013



Executive Secretary