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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
BOGHT ROAD/COLUMBIA STREET AREA GEIS  
TRAFFIC STUDY 2008 UPDATE  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above entitled  
proceeding BY NANCY STRANG-VANDEBOGART commencing on  
March 24, 2009 at 7:08 p.m. at the Public Operations Center  
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
ELENA VAIDA  
MICHAEL SULLIVAN  
THOMAS NARDACCI  
GEORGE B. HOLLAND, JR.  
CHARLES J. O'ROURKE  
TIMOTHY LANE  
PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

Joseph LaCivita, Director, Planning and Economic Development  
Joseph Grasso, Clough Harbour & Associates  
Mark Sargent, Creighton Manning Engineering  
Mike Lyons, Planning & Economic Development

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1                   CHAIRPERSON DONOVAN: On January 20<sup>th</sup> we held a  
2 public hearing to review the Boght Road/Columbia Street  
3 area GEIS traffic study. At that time board members had  
4 many questions and we gave a 30 day period in which  
5 time the public could present questions to the board  
6 that they didn't present that evening. That time period  
7 has completed and we have asked for Creighton Manning  
8 Representatives and Joe Grasso, who is the Town  
9 Designated Engineer from Clough Harbour, to come and  
10 give us an overview of the study and to address the  
11 comments that were made at the public hearing and by  
12 residents.

13                   Joe?

14                   MR. GRASSO: Do you mind if I make these comments  
15 available to the public?

16                   CHAIRPERSON DONOVAN: Not at all.

17                   MR. GRASSO: Just to follow up with the  
18 introduction, I'm Joe Grasso from CHA. As Jean noted,  
19 I'm one of the Town Designated Engineers.

20                   Our firm was also responsible for the original  
21 preparation of the Boght Road/Columbia Street GEIS back  
22 in 1989. That study was updated in 2005 as well as what  
23 we're going to refer to tonight as the 2008 update. It  
24 was updated by Creighton Manning Engineering.

25                   To my right is Mark Sargent from Creighton

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1 Manning.

2 Over the past month or so, collectively, we've  
3 been responding to comments that were made not only at  
4 the last public informational meeting, but also  
5 comments that were received throughout the 30 day  
6 public comment period. What we passed out is our  
7 response to all the comments that were made.

8 There were a number of comments and what we tried  
9 to do when we formulated this response was to condense  
10 them. I think that there was about 25 comments. A lot  
11 of the comments could be lumped together and were  
12 really asking the same thing. Some of the responses are  
13 answers to questions as well as additional information  
14 just to provide clarification to the points that were  
15 made.

16 The public hearing is closed on this but I would  
17 like to get comments from the board. What I would like  
18 to do is give us the opportunity to go through all of  
19 the comments and responses that we've prepared only  
20 because some of the questions that you may have may be  
21 answered in follow-up responses. So, it's going to take  
22 some time to go through them, but I think that it's  
23 worthy that we go through each and every one of them.  
24 Following that, obviously, if you've got initial  
25 questions or comments, we'd be happy to try to answer

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1           them tonight. Obviously, there is a lot of information  
2           here and I think that it's probably going to take some  
3           time for the board members to synthesize. We've also  
4           brought some exhibit maps that we may have to refer to  
5           regarding specific responses or if additional questions  
6           came up. So that's why those boards are there around  
7           the room. We'll pull those forward as we need to refer  
8           to each one.

9                       We've grouped the comments into about five  
10           categories. The first one being land use and traffic  
11           forecasts, the second is intersection concerns; then  
12           there's Route 9 traffic operations and the last one is  
13           the consideration of other alternatives.

14                      The first comment regarding land use and traffic  
15           forecasts has to do with rezoning of a study area to  
16           change allowable land uses and reduce the level of  
17           development within the study area should be considered.

18                      Our response to that is: Rezoning of the study  
19           area was not evaluated as part of the 2008 update and  
20           would need additional evaluation to determine the  
21           effects on traffic projection. The purpose of the  
22           original 1989 GEIS, the 2005 update and the 2008 update  
23           is to evaluate anticipated impacts and identify  
24           mitigation measures to address the additional traffic  
25           reasonably expected to occur under current land use

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1 laws.

2 Each of the traffic studies have based traffic  
3 projections on specific trends and current zoning. The  
4 currently proposed retail and office uses along  
5 Autopark Drive were permitted uses under the zoning  
6 that existed in 1989, as well as the current zoning.

7 The original 1989 GEIS anticipated approximately  
8 450,000 square feet of office development in the  
9 Autopark Drive area. The 2005 update anticipated a  
10 150,000 square foot auto park with a bunch of car  
11 dealerships and an additional 100,000 square feet of  
12 retail, based on an auto park for which applications  
13 had been submitted and speculative additional  
14 development that was unknown at the time.

15 It's important to note that these development  
16 scenarios may not have represented the maximum  
17 development potential of these properties with respect  
18 to traffic generation. Nor is it prudent planning to  
19 assume that maximum build-out will occur during a  
20 planning period, as it generally results in  
21 over-building of infrastructure.

22 When reviewing PM peak hour trip generation, the  
23 traffic associated with the currently proposed Wal-Mart  
24 on Autopark Drive equates to approximately 535,000  
25 square feet of office space. Based on the density of

1 office development in the area of approximately 25,000  
2 square feet per acre - that's about the max in terms of  
3 the development density that we ever see in office  
4 space in the Town of Colonie. It is estimated that the  
5 area proposed for the Wal-Mart could be developed with  
6 approximately 550,000 square feet of office space. This  
7 land use would be permitted under current zoning.

8 Rezoning of the study area would likely result in  
9 less additional traffic in the study area and would  
10 likely delay the need for additional improvements.  
11 Background growth, however, will continue to degrade  
12 levels of service. The purpose of the GEIS and the  
13 traffic updates is to identify the necessary  
14 improvements and provide a fair share mechanism to fund  
15 traffic improvements that will accommodate both new  
16 developments within the study area as well as  
17 background growth in the region.

18 The second is comment.

19 Using the Wal-Mart in Halfmoon as a basis of  
20 projected volumes in Latham is flawed due to  
21 differences between the two areas.

22 There are two comment approaches to determining  
23 traffic projections from national retailers such as  
24 Wal-Mart. One is to use national average trip  
25 generations, the second is to use trip generation from

1 a comparable local store.

2 National average trip generation is 4.5 trips per  
3 1,000 square feet of floor area. The PM peak hour  
4 counts at the Wal-Mart in Halfmoon showed that the  
5 store was generating 4.61 trips per 1,000 square feet.  
6 Because this rate was slightly higher than the national  
7 average, that's what was used for the trip generation  
8 for the Wal-Mart on Autopark Drive. Any difference  
9 between the two areas is not expected to generate  
10 appreciable differences in trip generation from the  
11 town stores such that it would affect the results of  
12 the 2008 update.

13 A similar comment was to establish a Wal-Mart  
14 traffic count. The engineer must study Latham Farms on  
15 a Saturday morning at I-87 Exit 6 and study Route 9 on  
16 a Friday.

17 The Latham Farms Wal-Mart was not used for trip  
18 generation forecasting because it does not include a  
19 grocery component which would be proposed for the one  
20 on Autopark Drive and therefore the trip generation  
21 data is expected to be less on a square foot basis.

22 Although the peak traffic times for a Wal-Mart  
23 are typically Saturday afternoons, the peak traffic  
24 times of the Route 9 corridor are weekday afternoons  
25 during typical commuting periods. As such, this

1 represents the time of greatest potential traffic  
2 impact on current traffic conditions. When  
3 transportation improvements are designed to address  
4 traffic from specific land uses, both weekday PM peak  
5 hour and Saturday afternoon peak hour trip generation  
6 estimates are used to account for both peak periods.  
7 It's important to note that both week PM peak hour and  
8 Saturday afternoon peak hour trip generation estimates  
9 are used to account for both peak periods.

10 The 2005 traffic update underestimated traffic  
11 projections by approximately 40% and it was questioned  
12 why and how this occurred.

13 Although trip generation estimates for certain  
14 areas studied in each traffic update did change, each  
15 update was based on the ten current development  
16 projections. This information came from conversations  
17 with land owners, town planners and through evaluation  
18 of historical development patterns. Wherever possible,  
19 trip generations from specific development applications  
20 with known land uses were used, which is what has been  
21 done in certain areas of the current 2008 update.

22 It is important to note that the traffic volumes  
23 analyzed in the 20-year build-out projections of the  
24 original 989 GEIS are consistent in many ways with the  
25 traffic projections of the 2008 update. The 2005 update

1           documented much less traffic than originally  
2           anticipated due to slower than expected growth in the  
3           study area from 1989 to 2005.

4                     There is concern because the town did not  
5           implement some of the recommendations that were  
6           previously identified in the original 1989 GEIS.

7                     Our response: Only some of the improvements have  
8           been made as originally anticipated due to changes in  
9           development from what was projected. In addition, the  
10          implementation of the traffic improvements are subject  
11          to the availability of funds, a significant portion of  
12          which come from new development within the study area  
13          through the assessment of mitigation fees. If the 2008  
14          update is accepted, new mitigation fees for the  
15          short-term and long-term improvements will be  
16          established and assessed to current and future  
17          development applications.

18                    The next comment: The Boght Road/Columbia Street  
19          GEIS study area should be expanded to Sparrowbush Road  
20          on the south and the Mohawk River on the north.

21                    Our response: Expansion of the GEIS study area is  
22          beyond the scope of the current traffic update. Because  
23          the original GEIS was prepared in 1989 and evaluated  
24          build-out over a 20 year planning period, and because  
25          there are expected to be development applications that

***Nancy Strang-VanDeBogart***  
518-542-7699  
518-374-1061

1 are outside of the study area that could have similar  
2 implications on the town, one of the recommendations in  
3 the update is for the town to consider completing a  
4 supplemental GEIS, or a new GEIS that comprehensively  
5 addresses more issues than just traffic.

6 Next comment: What is the projected trip  
7 generation from the proposed Wal-Mart during the PM  
8 peak hour and per day?

9 The proposed Wal-Mart is expected to generate  
10 approximately 680 new trips during the PM peak hour and  
11 7,800 new trips over the course of a weekday, which is  
12 measured over a 24 hour period because they're  
13 obviously opened 24 hours and 9,400 new trips over the  
14 course of a Saturday, also over a 24 hour period. Many  
15 of these trips are expected to be the same trips that  
16 currently go to the Latham Farms Wal-Mart. Although  
17 that's not really taken into consideration because from  
18 a traffic engineering standpoint, we always assume that  
19 the space that they vacate is going to be reused by  
20 another similar use. That wasn't taken into  
21 consideration for the traffic. Everything is looked at  
22 as a new trip in terms of the analysis.

23 The next comment: What day of the week were the  
24 timings verified and questioned if this day was the  
25 highest count day? What will happen when there are

1 incidents on the Northway?

2 Intersection turning movement counts and signal  
3 timings were conducted on a Tuesday. Field data  
4 collected mid-week is a generally accepted practice.  
5 When traffic improvements implemented, they are based  
6 on peak hour periods that are expected to occur on most  
7 days of the week on a consistent basis, whether it be a  
8 weekday PM peak hour or Saturday afternoon peak hour,  
9 and are not used on just one day of the week, such as a  
10 Friday afternoon, or during times when there are  
11 incidents on regional highways such as the Northway.

12 So no specific analysis was done regarding  
13 incidents when they occur on the Northway.

14 The next comment: It was noted that the old  
15 Starlite Theater parcel is currently undeveloped and is  
16 unknown. This could become a large generator of traffic  
17 at the Old Loudon Road/9R intersection as well as at  
18 Johnson Road.

19 Creighton Manning noted that as part of the GEIS,  
20 an estimate was made as to what might get built based  
21 on existing zoning. If all parcels were to be built to  
22 potential, improvements above and beyond what have been  
23 identified in the study area would be needed.

24 The next group of comments is regarding  
25 intersection concerns and the corridor.

1                   Is it critical to further analyze and create  
2                   recommendations for the Dunsbach Ferry Road/Route 9  
3                   intersection and the Route 9R/Old Loudon Road  
4                   intersection?

5                   Our response: There are no short term  
6                   improvements proposed for the Dunsbach Ferry Road/Route  
7                   9 intersection that would be required to mitigate  
8                   traffic impacts due to currently proposed development  
9                   applications. As development within the corridor  
10                  continues to occur, traffic operations should be  
11                  monitored to determine the appropriate time that the  
12                  long-term improvements should be implemented. These  
13                  include the potential realignment of the Dunsbach Ferry  
14                  Road, pedestrian improvement and potential turning  
15                  movement restrictions.

16                  For the Route 9R/Old Loudon Road intersection,  
17                  there are short-term improvements proposed which  
18                  include pedestrian improvements, signal coordination  
19                  and new exclusive turn lanes. Additional long-term  
20                  improvements are anticipated, particularly as may be  
21                  required to mitigate additional traffic from Parcel 28  
22                  which is currently speculated for up to 900,000 square  
23                  feet of commercial development.

24                  Has the effect of the proposed cross-walks and  
25                  pedestrian activity been taken into consideration in

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1 the modeling of the Route 9/Autopark Drive/Old Loudon  
2 Road intersection?

3 The effectiveness of running concurrent traffic  
4 signal phases was questioned noting that pedestrian  
5 phasing can cause increased traffic delay.

6 Our response: Although pedestrian improvements  
7 are proposed at the Route 9/Autopark Drive/Old Loudon  
8 Road intersection to improve pedestrian safety, high  
9 pedestrian volumes are not anticipated. As such, there  
10 isn't expected to be significant signal time devoted to  
11 pedestrian crossings and additional degradation is not  
12 anticipated.

13 Next comment: Concern was expressed regarding the  
14 proposed improvements to the Route 9R/Old Loudon Road  
15 intersection and their resultant impact on nearby site  
16 access.

17 The proposed short-term improvements should  
18 reduce the extent of delays and queuing at this  
19 intersection. Modifications to some of the current  
20 access arrangements may be warranted as part of the  
21 scope of work to further improve traffic conditions.  
22 Detailed access evaluations would be completed during  
23 the design phase of the improvements.

24 Next comment: Concern was expressed converting  
25 Old Loudon Road into a two-way roadway and the

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518-542-7699  
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1           resultant increase in traffic that would use Old Loudon  
2           Road.

3                       The increased traffic on Old Loudon Road will  
4           make it more difficult on residential side streets and  
5           will negatively affect the intersection of  
6           Cobbee Road/Old Loudon Road. Old Loudon Road was noted  
7           as previously being converted to a one-way street  
8           because of a high speed accident. One resident  
9           supported reverting Old Loudon Road back to a two-way  
10          roadway.

11                      Our response: It is proposed to install a traffic  
12          signal and turn lanes at the Route 9/Autopark Drive/Old  
13          Loudon Road intersection, and to realign Old Loudon  
14          Road to intersect Route 9 at an approximate 90 degree  
15          angel. These improvements would provide improved access  
16          to Autopark Drive by providing dedicated signal phases  
17          for the Autopark Drive/Old Loudon Road approaches, and  
18          would also allow southbound traffic on Route 9 the  
19          ability to use Old Loudon Road and avoid the  
20          Route 9/Route 9R intersection, which is the most  
21          critical intersection in the corridor. This would  
22          reduce the delay for traffic heading further south on  
23          Old Loudon Road and east on Route 9R which currently  
24          moves through the Route 9/Route 9R intersection.

25                      However, it is noted that relocating turning

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518-542-7699  
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1 movement traffic from the Route 9/Route 9R intersection  
2 will increase overall intersection delay from  
3 approximately 21 seconds to 35 seconds at the  
4 Route 9R/Old Loudon Road intersection. The expected  
5 additional traffic heading south through the  
6 Route 9R/Old Loudon Road intersection is 34 vehicles,  
7 which represents an increase of 15% over existing  
8 conditions.

9 The overall traffic increase on Old Loudon Road  
10 is expected to be 11%. That includes traffic going in  
11 both directions. Due to the existing traffic volumes on  
12 Old Loudon Road south of Route 9R, this is not expected  
13 to have a significant impact on traffic operations or  
14 the character of traffic through the area. The decrease  
15 in turning movements at the Route 9/Route 9R  
16 intersection should also allow more commercial and  
17 commuter traffic to stay on Route 9 through the study  
18 area.

19 Based on the current excessive delay situation a  
20 the Route 9/Route 9R intersection, this access  
21 modification will mitigate traffic increases from both  
22 within the Boght Road/Columbia Street GEIS study area,  
23 as well as background growth that continues to occur.  
24 Without any improvements, overall delays will increase  
25 from approximately 21 seconds per vehicle to over 7

1 minutes per vehicle at the Route 9R/Old Loudon Road  
2 intersection with build-out of the study area.

3 Next comment: Are sidewalks warranted on Old  
4 Loudon Road and Route 9?

5 Our response: There are currently no pedestrian  
6 accommodations on Old Loudon Road or Route 9. Due to  
7 anticipated development in the area, there is expected  
8 to be increased demand for pedestrian accommodations,  
9 as well a transit service. Although these demands are  
10 not expected to be significant initially, demand is  
11 expected to grow over time as more multi-modal methods  
12 of travel are made available. It is currently New York  
13 State DOT's and CDTC's policy that multi-modal  
14 facilities get incorporated into any transportation  
15 capital improvement project where demand is expected  
16 under current or near further conditions. If  
17 development on Autopark Drive is of retail or office  
18 use, pedestrian improvements that extend down Autopark  
19 Drive will also be warranted. Pedestrian improvements  
20 are currently proposed - at least proposed as part of  
21 this update - at all signals to be modified on Old  
22 Loudon Road between Route 9 and Route 9R, on Autopark  
23 Drive and on Century Hill Drive. Pedestrian  
24 improvements can consist of sidewalks, expanded  
25 shoulders, ADA compliant crosswalks, ramps with

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518-542-7699  
518-374-1061

1 detectable warnings, push button crossing signal  
2 controls and countdown timers.

3 Next comment: Some of the signal timings that  
4 were used within the study were questioned and it was  
5 asked if they were from the model or directly from  
6 field data.

7 Our response: Signal timing data used in the  
8 model was field verified.

9 We're more than half way. Hopefully, I can say  
10 that we're wrapping up soon.

11 Route 9 traffic operations.

12 The first comment: Was accident history reviewed  
13 as part of the 2008 update?

14 Our response: An updated accident history  
15 assessment was not completed as part of the 2008 update  
16 and was not raised as a concern warranting additional  
17 evaluation during the scoping process with the town,  
18 New York State DOT and CDTC. An accident history  
19 analysis was, however, completed during the 2005  
20 update.

21 Next comment: Route 9 is only difficult to drive  
22 between Latham Farms and a half mile north of the new  
23 Route 7 interchange. If another light is added a  
24 quarter mile north, more traffic issues will occur.

25 Our response: The study documents increased

1 delays on Route 9 that result in a reduction of average  
2 speeds from zero to four miles per hour depending on  
3 the direction of travel. The benefit of improved  
4 traffic operations at the Route 9/Route 9R intersection  
5 is offset by the installation of the traffic signal at  
6 the Route 9/Autopark Drive/Old Loudon Road  
7 intersection. However, from a transportation planning  
8 standpoint, more linkages and more connections are  
9 preferred methods of traffic mitigation as it allows  
10 trip dispersal over a greater network of streets,  
11 thereby reducing congestion and delays at critical  
12 intersections. Appropriately spaced signalized  
13 intersections provide access to arterials and  
14 connectors from secondary side streets. In addition,  
15 state and federal transportation programs now recognize  
16 that traffic improvements, such as signalization of  
17 intersections and roadways improvements, should be  
18 multi-modal and include pedestrian and transit  
19 accommodations.

20 Next comment: CDTA transit service is virtually  
21 non-existent in the area.

22 Our response: The CDTA currently provides one bus  
23 route along Route 9 in the study area, which is known  
24 as Route 29. This line currently provides full-time  
25 service from Albany to Cohoes via Old Loudon Road to

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518-542-7699  
518-374-1061

1 Route 9R and part-time service via Route 9 to Boght  
2 Road. If development on Autopark Drive continues as  
3 proposed, CDTA is considering a new service to connect  
4 Wal-Mart and Century Hill Drive with Latham Farms. This  
5 will provide service to Wal-Mart and connect it with  
6 CDTA's transit center in Latham Farms and give  
7 customers opportunities to transfer to busses that  
8 extend to Troy, Watervliet, Schenectady and Albany.  
9 This service would operate 7 days a week on a 12 hour  
10 platform.

11 The CDTA has been an active participant in the  
12 2008 traffic update which supports their recommendation  
13 that increased transit service should be provided to  
14 serve new developments in the Autopark Drive/Century  
15 Hill Drive area.

16 Regarding consideration of other alternatives,  
17 the comment was: Adding additional through lanes on  
18 Route 9 would help the traffic situation and should be  
19 investigated further.

20 Our response: There were many various  
21 alternatives seriously considered to address the  
22 impacts due to projected development within the study  
23 area, as well as that attributed to background growth.  
24 Adding additional through lanes on Route 9 was  
25 considered. This alternative would further reduce

**Nancy Strang-VanDeBogart**  
518-542-7699  
518-374-1061

1 access to properties along the Route 9 corridor, would  
2 continue to reduce pedestrian mobility in the area,  
3 would likely lead to increased travel speeds through  
4 the corridor and would substantially increase the cost  
5 of necessary improvements. New York State DOT and CDTC  
6 have indicated that continuing to add more lanes to  
7 Route 9 is contrary to regional transportation policy  
8 which favors more alternatives for travel and better  
9 connectedness of an overall street network.

10 Next comment: A center median or center barrier  
11 along Route 9 should be considered.

12 Our response: Maintaining a two-way left turn  
13 lane can provide reasonable and safe access for  
14 developments along Route 9. A two-way left turn lane  
15 helps dissipate traffic between signalized  
16 intersections by removing potential U-turns associated  
17 with a raised center median that become necessary at  
18 upstream and downstream traffic signals. In addition,  
19 use of a center median or center barrier may result in  
20 increased vehicle speed through the corridor. As more  
21 curb cuts for commercial properties get consolidated  
22 through access management techniques, the viability of  
23 installation of a center median along portions of the  
24 Route 9 corridor will increase and can be considered in  
25 the future.

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518-542-7699  
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1                   Next comment: A new flyover across the Northway  
2                   that linked Route 9 with Sparrowbush Road should be  
3                   considered. A back way out of the Wal-Mart complex is  
4                   required. A two-way bridge between the Route 7 ramps  
5                   and the new National Grid substation could be  
6                   considered. In addition, no curb cuts should be allowed  
7                   on the road on the west side of the Northway until it  
8                   ends.

9                   The idea for a new bridge over the Northway has  
10                  been considered and was identified in the Delphus Kill  
11                  Transportation Assessment prepared by CDTC in January  
12                  2004. It is not considered feasible in the short-term  
13                  due to funding, Federal Highway Administration  
14                  involvement and environmental concerns. A new bridge  
15                  and road extension is expected to cost in excess of  
16                  \$20 million, and would be subject to full environmental  
17                  study to ultimately determine feasibility. Traffic  
18                  changes in the Delphus Kill neighborhoods would be  
19                  expected to be significant. Evaluation of this  
20                  alternative would need to be part of a much larger  
21                  comprehensive study and has been determined not  
22                  required to address traffic impacts within the  
23                  Boght Road/Columbia Street study area.

24                  Next comment: It was noted that two alternative  
25                  connector roads between Pollock Road and Dunsbach Ferry

1 Road were rejected by the town due to potential impacts  
2 on nearby residential neighborhoods.

3 A resident would like to applaud the town for  
4 rejecting the two connector roads that would divert  
5 onto Pollock Road or Dunsbach Ferry Road.

6 A resident noted that the town rejected two  
7 alternatives because they were affecting residential  
8 areas; however, the alternative that is currently being  
9 recommended also negatively affects a residential area.

10 I think that they're referring to converting Old  
11 Loudon Road to two-way.

12 Our response: Old Loudon Road used to function as  
13 a two-way road. Converting the road back to its  
14 existing condition and the resultant 15% increase in  
15 traffic due to projected build-out and background  
16 growth is not expected to significantly change the  
17 character of the area. Although a connection between  
18 Century Hill Drive and Pollock Road or Dunsbach Ferry  
19 Road is supported from an interconnected street network  
20 standpoint, the connections provide marginal benefits  
21 to the operation of the area's signals and roadway  
22 segments. Due to the potential changes in commercial  
23 vehicle traffic along Pollock Road, these connections  
24 are not recommended for implementation a part of the  
25 2008 Traffic update and can be considered at a later

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1 date.

2 Next comment: A total moratorium on development  
3 in the Boght Road GEIS study area for a minimum of  
4 twelve months is recommended. The moratorium would  
5 allow the town to commission, complete and review the  
6 recommended GEIS update and other relevant studies and  
7 act upon these findings.

8 The purpose of the 2008 update was to address  
9 traffic from currently proposed projects in the study  
10 area as well as that which is expected to occur  
11 throughout the planning period, through 2020, and to  
12 determine what improvements would be required to  
13 address these impacts. A moratorium on development and  
14 completion of an expanded or new GEIS is something that  
15 the town could consider commensurate with, or after  
16 taking action on the applications that have been  
17 appropriately evaluated as part of the current GEIS.

18 Next comment: There should be less traffic  
19 signals along Route 9; a service road should be created  
20 behind the auto park in order for vehicles to exit to  
21 fewer traffic lights and to exit to the I-87 northbound  
22 ramp, and an elevated pedestrian walkway across Route 9  
23 should be created.

24 Recommendations from the GEIS include pedestrian  
25 improvements on Route 9. However, an elevated

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1 pedestrian walkway was not recommended due to the  
2 anticipated relatively low level of pedestrian  
3 activity. One of the recommended improvements is to  
4 provide a service road that connects Autopark Drive  
5 with Century Hill Drive, and to provide a service road  
6 connecting to some of the commercial properties that  
7 currently only have private access connections to  
8 Route 9.

9 The last comment: The developer for the proposed  
10 Wal-Mart should be encouraged to rehabilitate Latham  
11 Circle Mall with a Wal-Mart.

12 Our response: An application for site plan  
13 approval for a Wal-Mart has been made on 4 and 6  
14 Autopark Drive, and as such, the Planning Board must  
15 make a determination on that application. The viability  
16 of the same use on any other property within the town  
17 is not under the purview of the Planning Board and  
18 should not be considered in its decisions. We are not  
19 aware of any discussions or plans to propose the  
20 Wal-Mart on any parcel other than that for which it is  
21 currently proposed.

22 We tried to compile a list of all the individuals  
23 that we received comments from during the public  
24 comment period, as well as those noted from the  
25 transcript taken from the January 20<sup>th</sup> meeting.

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1                   On the back of the last are the next steps for  
2                   consideration by the Planning Board, assuming that the  
3                   board decides to move forward.

4                   Some of these steps could be done at the same  
5                   time. They don't necessarily need to go in sequential  
6                   order. Obviously some steps could be pushed off to a  
7                   later date. These are just some things for the board to  
8                   consider.

9                   The first one is a public distribution of  
10                  response to comments, which I see that we've done here  
11                  tonight. Maybe there are other avenues for us to get  
12                  the comments out to the public like posting them on the  
13                  website or making them available at the Planning  
14                  Department.

15                  The second would be to calculate the construction  
16                  costs for both short-term and long-term traffic  
17                  improvements. The traffic update identifies the  
18                  necessary improvements but we haven't gone through the  
19                  exercise to actually figure out what those costs would  
20                  be.

21                  MR. SARGENT: We have started it.

22                  MR. GRASSO: We have started it but it hasn't  
23                  been completed. I would expect that would probably take  
24                  us about a week or two to wrap up.

25                  The third one would be using those costs to

1 develop the fair share of mitigation fees for  
2 development applications and then build those into a  
3 draft amendment to the current statement of findings.

4 The current statement of findings has specific  
5 mitigation fees based on a square footage basis. The  
6 method that we're using as part of the update is to  
7 assess costs for each improvement that we have  
8 identified on that photo map and as a project comes in,  
9 determine how much capacity of each of those  
10 improvements it would use up and then figure out the  
11 cost that way, which is consistent with the way that  
12 the town has done it in the airport area GEIS. We feel  
13 that is a more equitable system for establishing  
14 mitigation fees.

15 The next one would be potentially passing a  
16 resolution as follows: One would be to accept the 2008  
17 update and the second being to make a SEQRA  
18 determination amending the statement of findings for  
19 the Boght Road/Columbia Street area GEIS. The Planning  
20 Board is one involved agency out of many involved  
21 agencies of the original Boght Road/Columbia Street  
22 GEIS study area.

23 The way it works is that every involved agency  
24 needs to adopt their own statement of findings.  
25 Currently when it was done in 1989, all the involved

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1 agencies adopted the same statement of findings. The  
2 Planning Board would be the first agency to adopt if  
3 they so chose to adopt an amended statement of  
4 findings. Then, that statement of findings goes to each  
5 of the other involved agencies and they can choose to  
6 either adopt it as drafted by the Planning Board or  
7 make any changes that they want, based on their own  
8 findings.

9 CHAIRPERSON DONOVAN: That would be DOT?

10 MR. GRASSO: DOT, CDTA and CDTC and the Town  
11 Board because the Town Board is responsible for partial  
12 funding of some of the potential improvements.

13 The next one is to distribute the amended  
14 statement of findings to other involved agencies for  
15 adoption, which I just went into.

16 After that, it's important to calculate the costs  
17 for the short-term improvements necessary to support  
18 current development applications and get financial  
19 commitments from respective applicants.

20 I just want to expand on this because it gets a  
21 little confusing here. When we establish what the fair  
22 share mitigation fees are for each development - so  
23 that we can take a project and run it through the model  
24 and say, okay, this is what your fair share of  
25 mitigation cost is going to be, sometimes when large

1 development applications come in during the early  
2 stages after a study is done there are certain  
3 improvements that need to get put in place to  
4 adequately mitigate their own traffic. Sometimes the  
5 cost of those improvements exceeds what their fair  
6 share mitigation is. So, as a board, what you typically  
7 do is that you require them to fund those short-term  
8 improvements and those improvements were identified on  
9 that map marked in the orange boxes. So, all of those  
10 orange boxes are short-term improvements that would be  
11 necessary to mitigate development on Autopark Drive as  
12 currently proposed, which includes the Wal-Mart and  
13 office development. I think that there is a little bit  
14 of retail development and the hotel by First Columbia.  
15 The cost of doing all those orange boxes is expected to  
16 be more than what the fair share of mitigation costs is  
17 for those developments.

18 Because they are triggering the need for those  
19 improvements, the town should look for a financial  
20 commitment that they are willing to pay the cost of  
21 those short-term improvements and agree to be willing  
22 to wait for payback until mitigation fees are assessed  
23 at additional development within that corridor. They  
24 will have to get paid back over time as the town  
25 collects those fees. If they are willing to do that,

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1 the town would need to work with them to come up with  
2 some other funding mechanism to make sure that those  
3 short-term improvements could get done when those  
4 projects come in because we've been able to demonstrate  
5 that things will fail if nothing gets done out there  
6 and those projects are approved as is.

7 CHAIRPERSON DONOVAN: Excuse me, is Bob Mitchell  
8 here?

9 ***(There was no response.)***

10 CHAIRPERSON DONOVAN: There is something that was  
11 just done with Macy's I believe.

12 MR. O'ROURKE: Bob isn't here?

13 CHAIRPERSON DONOVAN: No.

14 MR. GRASSO: No, he's not but I have talked to  
15 him about this issue. This is consistent with what has  
16 been done in the airport area GEIS as well, when these  
17 short-term improvements are required - to handle the  
18 impacts of a few large development applications early  
19 on after a study gets done.

20 The next one would be for the board to take  
21 action on current development applications before the  
22 Planning Board and then obviously, you have the ability  
23 to continue discussions with the Town Board on the  
24 merits of additional studies that have been discussed.

25 So that's our response to the comments from the

1 public comment period.

2 CHAIRPERSON DONOVAN: Do any board members have  
3 any comments that they would like to deliver to Mark or  
4 to Joe at this time?

5 MR. O'ROURKE: Joe, I know that I certainly  
6 appreciate this. This is the most thorough thing since  
7 I've been on this board that's actually been handed to  
8 us so that we can intelligently look at town growth for  
9 the interest of the citizens. So, I certainly  
10 appreciate the work that went into this.

11 I have additional concerns in terms of legality.  
12 With the mitigating fees I know that setting these up  
13 going forward - I just want to make sure that legally  
14 there is some precedent so that the town, as we move  
15 forward, and we act as a board don't hold the town  
16 indemnable in any fashion with any project that we may  
17 approve or deny.

18 MR. STUTO: Can I tell you what I know?

19 MR. O'ROURKE: Yes.

20 MR. STUTO: The town has three GEIS areas in  
21 which they are charging mitigation fees. The airport is  
22 one, this one and on Lishakill. I think that the town  
23 created the first GEIS area to charge mitigation fees  
24 in the state if I'm not mistaken. There are number  
25 municipalities that have adopted the same approach and

1 throughout the state. I don't know if you have any idea  
2 how many.

3 MR. LYONS: I don't but I know that most of them  
4 have been through the SEQRA process.

5 MR. STUTO: Right, through the GEIS process. The  
6 airport area has been converted through the methodology  
7 that is being proposed here which seems to be more  
8 equitable and is based directly on an engineering study  
9 of traffic. I don't know about the Lishakill one.

10 MR. LYONS: That's the same as the airport.

11 MR. STUTO: So this will be the third one.

12 MR. LYONS: Actually, they weren't converted.

13 This is their proportionate share.

14 MR. STUTO: As far as I know they've been in  
15 existence for probably at least 10 years and I don't  
16 know of any significant court challenges.

17 So, it's based on language in the SEQRA  
18 regulations that allows mitigation of environmental  
19 impacts. That's the language that it's based upon. I  
20 don't want to use the word widespread because I'm not  
21 sure precisely how widespread it is, but it's a  
22 practice that's been adopted in other municipalities  
23 besides Colonie. As far as I know it hasn't been  
24 contested in court.

25 MR. O'ROURKE: Again, I only bring this up

1           because in my opinion we, as a town, have failed by not  
2           updating since 1989 that GEIS study area. So, if I'm a  
3           developer and I am purchasing this project to put up X  
4           amount of retail space, are we going to be legally able  
5           to say, hey, our mitigating fees haven't been updated  
6           and we're going to assign you the proportionate share  
7           of these short-term fees up front and this is something  
8           that we as a town - - I know that I certainly will live  
9           with it.

10                   MR. STUTO: Just so I understand your problem: Is  
11           it the short-term fees up front?

12                   MR. O'ROURKE: It's the overall changing of the  
13           mitigating fees in this area in terms of making  
14           sure - - if Wal-Mart goes ahead with this project, that  
15           we're going to make them pay up front those short-term  
16           fees. I don't want five years from now Wal-Mart with  
17           their legal department to come back and sue the Town of  
18           Colonie, as they have been known to do across the  
19           country, for reimbursement of those fees in that tax  
20           base.

21                   MR. STUTO: I would suggest that we get something  
22           in writing.

23                   MR. O'ROURKE: That's all I'm saying. I think  
24           that legally, we really have to look at now we're  
25           taking this GEIS area - - even though we have two

1 others operating the same, I think that we have to have  
2 some legal standing to say, this is where we are as a  
3 town and make sure that we're on firm legal standing  
4 before we go ahead with anything.

5 MR. STUTO: I'll work on that with the attorneys  
6 for the developer and if we can we'll try to reduce  
7 that to writing.

8 MR. O'ROURKE: Or do we know, in fact, whether  
9 Wal-Mart is okay with it?

10 MR. LYONS: In my discussions with them, I  
11 believe that the attorneys are okay with it.

12 CHAIRPERSON DONOVAN: We also told Mr. Sipperly  
13 with the Canterbury Crossings and Mr. Bette.

14 MR. STUTO: They agreed on the record that they  
15 would pay mitigation fees.

16 MR. O'ROURKE: Again, I just want to be on the  
17 record as being fair in saying that we, as a town,  
18 since 1989 have not updated this GEIS. We're 100% at  
19 fault. Now we've got a situation where we have to get  
20 some kind of mitigating fees and not put it on the back  
21 of the taxpayers to fix this area that wasn't done  
22 properly for a good number of years. I mean, we updated  
23 the traffic which again, I'm not going to beat a dead  
24 horse but we update the traffic in 2005 and 2008 and  
25 nobody pays attention to the GEIS area. That, to me, is

1           amazing but it happened. This is where we are and I  
2           really think that legally we have to know as a board  
3           that we're not going to end up holding the town and the  
4           taxpayers responsible for fees that we'll end up having  
5           to pay back because that doesn't make any sense. If I  
6           could get answers to that, it would certainly help.

7                     Joe, you hit it on the head. It's not only this  
8           but it's Starlite. There are parcels here that make a  
9           huge amount of difference in this area and if I was a  
10          resident on Old Loudon Road, I'd be very concerned.

11                    So, those are the beginning of my comments. I'm  
12          sure I'll have more.

13                    CHAIRPERSON DONOVAN: Mike?

14                    MR. SULLIVAN: I have some comments for Joe.  
15          They're actually questions for Joe.

16                    Specifically dealing with the response on Comment  
17          13, it deals with the 9R and Old Loudon Road  
18          intersection. Halfway through the response it states  
19          that the expected additional traffic heading south  
20          through 9R/Old Loudon Road intersection is 34 vehicles.  
21          That would be heading southbound straight down Old  
22          Loudon Road?

23                    MR. GRASSO: Yes.

24                    MR. SULLIVAN: Where does that number come from?  
25          Is that 2008?

1                   MR. GRASSO: Mark brought a chart over here and  
2 Mark will refer to that. We know that there is a  
3 section regarding this issue so that we can explain at  
4 least where the data comes from that's on the chart.  
5 Maybe that will clarify things.

6                   MR. SARGENT: To answer your question straight  
7 out: We worked with the Regional Planning Agency and  
8 then forecasted the additional traffic on Old Loudon  
9 Road. This chart (Indicating) essentially reflects the  
10 result of the modeling efforts. This bar (Indicating)  
11 is northbound traffic on Old Loudon Road. This  
12 (Indicating) is southbound traffic and this is the sum  
13 of both directions (Indicating). The blue is the total  
14 existing traffic volume. So northbound in the PM peak  
15 hour is about 500 people per hour on Old Loudon Road,  
16 just south of 9R. Southbound at that intersection are  
17 221 vehicles per hour. The total in both directions is  
18 about 720 vehicles per hour. The increase is shown here  
19 (Indicating) in three different colors.

20                   Through the modeling efforts you can see  
21 additional background traffic is showing yellow - seven  
22 additional trips southbound; ten trips to Wal-Mart and  
23 24 trips to the conversion of Old Loudon Road to  
24 two-way traffic. That's what their model predicted; 24  
25 additional southbound trips -

1 MR. SULLIVAN: From 9 south -

2 MR. SARGENT: By converting it from one-way to  
3 two-way.

4 MR. SULLIVAN: Now this is for 2010. Do we have  
5 any totals for 2020, anticipating Parcel 28 with an  
6 additional 900,000 square feet? How much would that add  
7 to the 15% that's listed here? I would imagine that  
8 would be considerably higher. That's my concern.

9 MR. SARGENT: I don't have it, but it goes up.  
10 Everything goes up.

11 MR. SULLIVAN: Right but 15% was 500,000; for  
12 Wal-Mart was an additional - what was on Route 9  
13 southbound is now bypassing using Old Loudon Road as a  
14 bypass. I'd like to know what we can expect from the  
15 2020 Parcel 28 build-out. I have a feeling that would  
16 increase that substantially.

17 MR. SARGENT: I guess I would make the point that  
18 Parcel 28 would have conceptual access to 9R and it  
19 wouldn't impact the volume on Old Loudon Road south of  
20 9R. The issue of making it one-way versus two-way  
21 wouldn't change. The project will have an impact,  
22 regardless.

23 MR. SULLIVAN: But it will effect the percentage  
24 of traffic increase heading down south on Old Loudon  
25 Road.

1                   In the same response, it stated that the increase  
2                   from - if nothing is done and assuming the full  
3                   build-out, which I believe would include the Parcel 28?

4                   MR. SARGENT:    Yes.

5                   MR. SULLIVAN:   We would increase the delay from  
6                   21 seconds per vehicle to over 7 minutes per vehicle.  
7                   Now that is keeping the intersection in its current  
8                   state with no turning lanes or any improvements?

9                   MR. SARGENT:    That's correct.

10                  MR. SULLIVAN:   But if we do go to the two-way Old  
11                  Loudon Road and make all the improvements, we're still  
12                  at level of service F, right?

13                  MR. SARGENT:    That's correct.

14                  MR. SULLIVAN:   So we're still at the worse  
15                  possible case of excessive delays - over per minute  
16                  delay per vehicle; even with all the improvements.

17                  MR. SARGENT:    That's correct.

18                  MR. SULLIVAN:   I want that stated as well.

19                  The other question which also deals with this is  
20                  the calculation of the construction costs for  
21                  short-term and long-term. Would the short-term be 2010?  
22                  Would that be assuming the 500,000 square foot  
23                  development? And then long-term would be Parcel 28 and  
24                  Wal-Mart?

25                  MR. SARGENT:    There are a total of 32 potential

1 and speculative developments in the long-term there are  
2 about 5 developments in the short-term. 2010 is the  
3 time horizon that we assigned to the five developments.

4 MR. SULLIVAN: My main concern is that these two  
5 intersections here - the 9 and 9R and the Old Loudon  
6 Road/9R intersections and the Wal-Mart and the Parcel  
7 28 would directly impact those.

8 MR. GRASSO: Wal-Mart is short-term, Parcel 28  
9 was long-term.

10 MR. SULLIVAN: Would you be able to provide  
11 construction costs for both within that two week time  
12 period or would it just be the short-term costs to  
13 provide an estimate of construction costs of  
14 improvements at those intersections? I'd just like to  
15 know what the long-term includes.

16 MR. GRASSO: You bring up a good point. There  
17 will be construction costs for the long-term. Just know  
18 that because the development on Parcel 28 is so  
19 speculative and there may be additional improvements  
20 that project triggers, obviously we don't know what  
21 those improvements are and what the cost is going to  
22 be.

23 MR. SULLIVAN: Right, but we're basing the  
24 decision that this conversion to two-way traffic  
25 required for this development. Therefore, we should

1 know what the cost would be of that development.

2 MR. SARGENT: I would clarify that the conversion  
3 of the Old Loudon Road to two-way is required for these  
4 existing developments, not Parcel 28.

5 MR. SULLIVAN: Parcel 28 would still benefit from  
6 having access. Right now there is no signal heading  
7 north one-way on the existing on Old Loudon Road.

8 MR. O'ROURKE: It's only required by DOT and  
9 because it makes sense.

10 MR. GRASSO: It's required because it's a way to  
11 mitigate the traffic impacts.

12 MR. O'ROURKE: Right, and so is a Jersey barrier  
13 right down the middle of the road.

14 CHAIRPERSON DONOVAN: He loves that barrier.

15 MR. GRASSO: But don't just say that it's  
16 required because of DOT. I think that what we're trying  
17 to do is say, these are improvements that we support.

18 MR. O'ROURKE: Right, but DOT wouldn't sign off  
19 unless there is a light at that Route 9 intersection  
20 and if DOT doesn't sign off, Wal-Mart is not building;  
21 right? Is that a fair statement?

22 MR. GRASSO: Right.

23 MR. SULLIVAN: I think that's all I had.

24 CHAIRPERSON DONOVAN: George?

25 MR. HOLLAND: No.

1 CHAIRPERSON DONOVAN: Elena?

2 MS. VAIDA: I don't really have any questions.

3 There was a lot to absorb between this morning and your  
4 reading tonight.

5 On comment 20 - I'm originally from New Jersey so  
6 it always gets my attention when I hear about the  
7 barrier down the middle of Route 17.

8 Your comment says an increase may result in  
9 increased vehicle speeds through the corridor if there  
10 is a center median or similar barrier.

11 I was just wondering why that is.

12 MR. GRASSO: Well, right now you have a two-way  
13 left turn lane out there, which is often used by  
14 vehicles to access the adjacent commercial properties.  
15 Basically, when you install that center barrier, they  
16 know that there is going to be no other vehicles coming  
17 across their path so they basically they feel that they  
18 have a free stretch of road. You normally see the  
19 increase in speeds from intersection to intersection.

20 MR. SARGENT: I would like to add that DOT  
21 said - and it's documented in the update here - that  
22 they would entertain the idea of reducing the speed  
23 limits in this section based on the increased  
24 development.

25 MS. VAIDA: How important or not important, do

1           you think, - your comment 16 talked about the fact that  
2           there wasn't an updated accident history done. How  
3           relevant would that be to the traffic study?

4                   MR. SARGENT: It did show some crash rates above  
5           the statewide average in this area. We also looked at a  
6           recent study from the Wal-Mart project which showed  
7           crash rates to be lower than the statewide average. My  
8           conclusion from that is that the crash data is not  
9           going to change the recommendation to the study. There  
10          isn't enough evidence to say that there is a  
11          significant accident history or problem out here that  
12          points to something differently than what we might  
13          otherwise have.

14                   MS. VAIDA: That's based on 2005 data, right?

15                   MR. GRASSO: Yes, but I think what you would look  
16          for is if there are changes in the way the streets are  
17          laid out or a signalization from 2005 to now that would  
18          warrant an update. Because all we have had is normal  
19          background growth in the area, we wouldn't expect an  
20          analysis to reveal anything differently.

21                   MS. VAIDA: I think my other questions have  
22          actually been addressed.

23                   CHAIRPERSON DONOVAN: Tim?

24                   MR. LANE: I just want to say that I really  
25          appreciate the input regarding multi-model. I think

1           that's very forward-looking, I think in consideration  
2           to the sidewalks and other opportunities to  
3           transportation that should be considered down the road  
4           so I thought that was important to put in there.

5                     I have a question in regard to comment 2  
6           regarding the trips per square footage. When I looked  
7           at that you had peak hours; 4.61 trips per 1,000 square  
8           foot. Now, I calculated that - tell me if I'm  
9           wrong - to 2,300 trips during the peak hours. That's  
10          the Halfmoon Wal-Mart. You didn't put the figure in but  
11          I calculated it and I could be wrong, but that's what I  
12          came to. You had as the peak hours for the proposed  
13          Wal-Mart only 680 trips which is significantly less  
14          than if you were using the same figure. I don't know  
15          what's been proposed or what we talked about but is it  
16          significantly smaller? I know that they're not going to  
17          have the grocery store -

18                    MR. SARGENT: I think that there's an error with  
19          your math. The square footage of the Wal-Mart is about  
20          200,000 square feet.

21                    MR. LANE: Oh, I thought it was 500,000 square  
22          feet.

23                    MR. SARGENT: No. that's an equivalency to office  
24          space. So, we're still looking at 200,000 square feet.

25                    MR. LANE: Okay.

1                   MR. SARGENT: The other piece that comes out of  
2 that is the pass-by traffic that comes to a 25%  
3 reduction. So, if you're familiar with that issue -

4                   MR. LANE: Okay.

5                   CHAIRPERSON DONOVAN: Tom?

6                   MR. NARDACCI: Actually, I would like to echo  
7 other peoples' sentiments. I think that it's important  
8 that this is a thorough review and I appreciate the  
9 time that was spent on this and the subsequent  
10 meetings. As I've said before, we have one shot to do  
11 this right.

12                   Michael said it. What we're looking at here is  
13 even with these short-term improvements, it's an F  
14 level of service. Waiting for a minute or two minutes  
15 is a long time to sit and wait for a turn. So, I think  
16 that we really need to do all due diligence when it  
17 comes to this traffic area.

18                   I have a specific comment on 10 with regards to  
19 Dunsbach Ferry. It's something that I brought up at the  
20 last meeting. I guess that this is a criticism. I don't  
21 think that it's enough. I don't think that we're giving  
22 enough of a solution here. There is no solution.

23                   The solution to 10 is let's kick the can down the  
24 road and let's see next time. If I live on Dunsbach  
25 Ferry Road and someone says in the study that we could

1           potentially make no left-turns off for the northbound  
2           traffic, I would be very concerned about that. You're  
3           telling me that I can't take a left turn off Route 9  
4           now? I think that we need to come up with a solution.

5                     MR. O'ROURKE: So it may as well be a Jersey  
6           barrier.

7                     MR. NARDACCI: I went down there over the weekend  
8           to look. This is like a Saturday morning. Whatever time  
9           I was there wasn't that busy and still the cars are  
10          flying. You've got to take all due care in taking a  
11          left and right now we're saying that the potential is  
12          that we may never be able to take this left. I think  
13          that we really need to come up with solutions here and  
14          not down the road. Why should we pass the buck to the  
15          next Planning Board, or to the next TDE's? I think that  
16          we should come up with some answers. I think that the  
17          residents there would want that. So, that's something  
18          that I wasn't that satisfied with.

19                    MR. GRASSO: What you're saying is that we may  
20          want to look at the timing of any improvements for that  
21          intersection and not necessarily push it off down the  
22          road until the impacts are there and something is  
23          forced to be done. Know what it's going to be and then  
24          figure out the right timing whether it's done by  
25          short-term improvements or sometime after that.

1                   MR. NARDACCI: That's exactly right. As part of  
2 the study, we talked about Dunsbach and we should at  
3 least lay out the ideas. That's one of the things that  
4 I think is part of this. I jotted down questions when I  
5 first got this.

6                   What about the flyover? I was glad that was  
7 addressed because we should talk about that. These are  
8 not two million dollar solutions, but what's the  
9 80,000,000 dollar solution? Then let's say, well, it's  
10 not feasible. I mean if we say 20 million is not  
11 feasible for short-term and pushing traffic onto  
12 Sparrowbush, we should at least look at all the  
13 answers. What are the answers?

14                   I thought that the answer to creating three lanes  
15 for Route 9 was a little shaky. Regional transportation  
16 policy - we don't think that we should make it another  
17 lane. I think that we should look at that a little  
18 more. What are the costs? What are the impacts on our  
19 property owners? What are the exact speeds and speed  
20 impacts? We might find ourselves with a solution that  
21 we didn't anticipate just because we kind of wrote it  
22 off and said, well, it doesn't really fit with regional  
23 policy.

24                   MR. SARGENT: I would like to respond to that and  
25 say, it was more than the fact that it doesn't fit with

1 regional policy. The agencies with responsibly over  
2 that road were saying that they wouldn't accept that  
3 alternative. We did analyze the alternative from an  
4 analysis standpoint. We didn't actually solve the  
5 problem. The alternative that we have on the table does  
6 a better job overall distributing traffic and handling  
7 traffic, minimizing delays and minimizing omissions.  
8 Not all of the traffic is north/south through traffic.  
9 There are other predominant turns at the intersection  
10 that need to be accommodated.

11 CHAIRPERSON DONOVAN: At one time was it the '89  
12 or the 2005 study that there was a recommendation for  
13 three lanes?

14 MR. SARGENT: The '89 and the '05 update both  
15 identified that as a long-term need based on the  
16 build-out of the area.

17 CHAIRPERSON DONOVAN: Okay, but now in 2008, all  
18 the sudden we're not going to look at that anymore, is  
19 that correct?

20 MR. SARGENT: There has been a change in  
21 thinking.

22 CHAIRPERSON DONOVAN: At DOT?

23 MR GRASSO: Yes and it's important that since the  
24 January 20<sup>th</sup> meeting, we've had meetings with the  
25 agencies again to bring back the concerns that were

1 raised and the questions that were raised.

2 So, know that when we talk about these responses,  
3 it's not just coming from traffic engineers, it's  
4 coming from the people who actually operate these  
5 highways and own the highways and sometimes have the  
6 final say regarding what gets done out there. And we  
7 didn't want to just dismiss and say: You know what? DOT  
8 wasn't going to approve it so we don't need to look at  
9 it. We looked at it assuming that DOT was going to  
10 approve it. Is it a viable option? Is it going to solve  
11 the problem?

12 CHAIRPERSON DONOVAN: Pete Stuto and Joe LaCivita  
13 and I have actually met with DOT and they have told us  
14 that is no longer a viable alternative.

15 MR. NARDACCI: I think that's part of the  
16 discussion and I think that it's important to have them  
17 understand because I'm concerned like everyone else.  
18 It's not just that section of roadway study area but  
19 it's everything downstream. I mean, how is every  
20 neighborhood and every resident going to be involved in  
21 it by this increase? I think that it's a 30,000 or  
22 50,000 but really this is a time that I think that for  
23 the next 20 years that's what we're trying to come up  
24 with. Not just this is what's going to happen. Let's  
25 project it but it's on us to do the best that we can do

1 to fix it.

2 MR. GRASSO: It's important to note that when we  
3 talk about the 2008 update, it doesn't throw out the  
4 update that was done in 2005; nor does it throw out the  
5 original 1989 GEIS update. It really builds off of  
6 that. So, even though the 2008 update, we're able to  
7 focus on one small corridor. There is still a lot of  
8 study and evaluation and improvements identified for  
9 the rest of the study area.

10 Tom, you talked about the Dunsbach Ferry Road  
11 intersection. There were improvements identified back  
12 in 1989 and mitigation fees are being collected and  
13 have been collected over the past 20 years now to fund  
14 those improvements. So, they haven't been forgotten.  
15 All we're saying is that with the specific applications  
16 that the town is facing right now, they wouldn't need  
17 to be done right now to mitigate those traffic impacts;  
18 that's all. That's not to say that they should get  
19 pushed back.

20 MR. NARDACCI: That's all I have.

21 CHAIRPERSON DONOVAN: Peter, do you have any  
22 comments?

23 MR. STUTO: No, at the end I might.

24 MR. O'ROURKE: I have two other quick things.

25 CHAIRPERSON DONOVAN: Sure.

1                   MR. O'ROURKE: One thing in terms of the  
2 pedestrian: I really would like to know how many  
3 municipalities have pedestrian crossings of an 80 foot  
4 road at the speed limit that's there. I just don't  
5 think that it's viable. I think that it's the craziest  
6 thing that I've ever heard of. How would somebody  
7 handicapped get across that road? I'm pretty healthy  
8 and I wouldn't go across that road. I'd like to know  
9 the answer to that.

10                   I also would just like to put on the record  
11 Mr. Bette's comments that we also, as a town, don't  
12 want to hurt the developer because people are using  
13 Route 9 as a way to get to Saratoga County. It was a  
14 very important point that he said. I really think - and  
15 I know that DOT is against it - somehow we have to find  
16 a way to streamline that traffic north. People think  
17 that I'm crazy with the Jersey barrier but we have to  
18 streamline that traffic north because it's only  
19 affecting us morning and afternoon.

20                   If you put that Wal-Mart in there, it's going to  
21 be a disaster.

22                   MR. GRASSO: C.J., don't forget what we say about  
23 the Jersey barrier. It's not to say that it should  
24 never be considered. All we're saying is that it  
25 doesn't need to be done right now. As development

1 progresses and we get these curb cuts consolidated, and  
2 we get signals that are spaced appropriately -

3 MR. O'ROURKE: Right, but Joe, look, two left  
4 turn lanes, right? Now if you look at that from  
5 Neimith's property to the light at 9R, who in their  
6 right mind that lives in this town is going to try to  
7 go into that Hess station or even go into Kirker's  
8 making that left turn? No one. Who is going to go into  
9 that Rite Aid? No one.

10 MR. GRASSO: I disagree. If we can get the  
11 signals up and coordinated, people should be able to  
12 adequately make those movements. It's similar to what  
13 we have on Wolf Road when you talk about a similar road  
14 that has pedestrian crossings. If you look at what  
15 we've done over the past 10 years with Wolf Road and  
16 how much more pedestrian friendly we've made it -

17 MR. O'ROURKE: That's a totally different  
18 roadway. It's 100% totally different. It's not a  
19 regional arterial.

20 MR. GRASSO: It maybe what Route 9 becomes down  
21 the road. We may get closer to Wolf Road.

22 MR. O'ROURKE: But Wolf Road begins at an  
23 arterial and ends at 87; an arterial. It's a totally  
24 different thing, Joe. It's totally different. It's not  
25 45 miles an hour right?

1                   MR. GRASSO: Well, it's 40 miles an hour. But it  
2 has similar traffic volumes than what we have out here.

3                   MR. SARGENT: We should push for the speed  
4 reduction as part of this. It's a comprehensive  
5 approach. There are a lot of different things that we  
6 can do that can help things out along this Route 9  
7 corridor.

8                   MR. O'ROURKE: One more thing: What Tom said, I  
9 think also has to be noted. Right off there is one of  
10 our elementary schools. So here we're talking about a  
11 plan that says well, down the road that we may not be  
12 able to make a left turn and we have busses with our  
13 kids on there.

14                  MR. SARGENT: That's why we say yes, we have to  
15 be sensitive. If you're talking about putting up a  
16 Jersey barrier, we have to be sensitive to what the  
17 impacts are to doing those types of changes because it  
18 can change the character of traffic through the area.

19                  MR. SULLIVAN: I do want to mention that when you  
20 do add the pedestrian accommodations and you do the  
21 changes like they did on Wolf Road - - DOT had done a  
22 project a few years ago in Menands where they narrowed  
23 two lanes down to one lane, they widened the sidewalks,  
24 they added snow storage and it does make a lot more  
25 pedestrian friendly and people do slow down. It's a

1 psychological thing to some extent but it does have a  
2 significance difference.

3 CHAIRPERSON DONOVAN: As C.J. keeps talking about  
4 the Jersey barriers, we talked also talked about the  
5 land use development in the town and I know that we've  
6 got an HCOR done that extends from, I believe,  
7 Mr. Neimith's property all the way down to Sparrowbush  
8 Road and then west. The only other HCOR zone in the  
9 town is Wolf Road and that is completely developed.

10 I think what I would like to do, if we can at  
11 some time - this is not associated with this study or  
12 this application but I think that we have to take a  
13 closer look at the uses allowed in the HCOR zone and  
14 take a closer look at the uses that are allowed in the  
15 Parcel 28. If we know that these intersections that  
16 we're talking about are going to be at a level F, which  
17 is not suitable, the only way that we can truly address  
18 them, I think, is not only this process that we're  
19 going through now but taking a look at our land use law  
20 and consider some of the possibility of some rezoning  
21 in that area.

22 MR. O'ROURKE: Or at least limiting uses within  
23 the zone.

24 CHAIRPERSON DONOVAN: Right, and we can take a  
25 look at the uses that are allowed in the different

1 zones.

2 MR. O'ROURKE: Because it's my understanding that  
3 big box - when they were talking about the land use law  
4 big box, at one point, was off the table in this area.

5 CHAIRPERSON DONOVAN: That could be. I don't  
6 know.

7 MR. O'ROURKE: That's my understanding.

8 CHAIRPERSON DONOVAN: That very well could be.  
9 But we know that it's there now and it's something that  
10 the applicant has a right to come in front of us and we  
11 have to consider.

12 In the long run, if we're really going to do  
13 justice to the residents living in this area and also  
14 to developers, we have to take a close look at our land  
15 use law.

16 Maybe Pete, we could talk to the Town Attorney  
17 and see how we can begin that process, okay?

18 MR. STUTO: Okay.

19 CHAIRPERSON DONOVAN: Thank you.

20 Peter, you want to give us guidance now?

21 MR. STUTO: I didn't know if you had anything  
22 else -

23 CHAIRPERSON DONOVAN: Does anybody else on the  
24 board have any other comments?

25 *(There were no other comments.)*

1                   CHAIRPERSON DONOVAN: Okay, Peter, please step in  
2                   and guide us now.

3                   MR. STUTO: The only comment that I would make is  
4                   that the next logical step for the board is to perhaps  
5                   update the SEQRA findings and that includes reiterating  
6                   some of the stuff that Joe Grasso said. That is  
7                   continuing to calculate construction costs for  
8                   short-term and long-term traffic, calculate the  
9                   mitigation of the new more modern and equitable  
10                  methodology and then maybe we could look at some SEQRA  
11                  findings for consideration by the board; if the board  
12                  wants to go in that direction. Even if we don't do  
13                  that, we still have to consider the applications that  
14                  are coming to the board.

15                  CHAIRPERSON DONOVAN: And as we look at them,  
16                  we're not held to passing them. We have the option once  
17                  all of these facts are put in front of us.

18                  MR. STUTO: Correct.

19                  Joe, I don't know if you want to speak about  
20                  future changes. Tweaks need to be made to this later.  
21                  Do you want to speak to that?

22                  MR. GRASSO: No. Only that the board has a lot of  
23                  options. It can choose to adopt this traffic update as  
24                  an amendment to the statement of findings. It can do  
25                  future amendments whenever they deem that they're

1 required. It can go back and change the scope of the  
2 GEIS and either do a supplemental or a new GEIS; expand  
3 the boundary, look at other issues or whatever. It can  
4 do that at any point now or in the future. So, there  
5 are a lot of options available to the board.

6 CHAIRPERSON DONOVAN: Peter, is it your  
7 recommendation that based on this hearing and based on  
8 the information that we have that a findings be  
9 drafted?

10 MR. STUTO: I think that's a good idea. For the  
11 board's consideration, it's still a draft.

12 CHAIRPERSON DONOVAN: Could I ask that the  
13 transcript from today's hearing be transcribed and  
14 given to both Mr. Grasso and Mr. Sargent and they can  
15 take a review of it and look to see if there are any  
16 other comments that have been brought up tonight that  
17 they want to address?

18 Is that fair, Mark?

19 MR. SARGENT: Yes.

20 CHAIRPERSON DONOVAN: It will take you awhile to  
21 do the transcription?

22 THE TRANSCRIPTIONIST: When would you like it,  
23 ma'am?

24 CHAIRPERSON DONOVAN: Can we have it in a week?

25 THE TRANSCRIPTIONIST: That will be fine.

1                   CHAIRPERSON DONOVAN: Do you think that you can  
2 get it to these gentlemen?

3                   THE TRANSCRIPTIONIST: Absolutely.

4                   CHAIRPERSON DONOVAN: Joe, you people can review  
5 it and get back to us.

6                   MR. GRASSO: Seeing that we just gave it to the  
7 board members tonight, we can give them a week to get  
8 us comments, as well. Just give them to the Planning  
9 Department and then they can consolidate them and give  
10 them to us. It's important that the public comment  
11 period is closed so that we're only dealing with  
12 Planning Board comments from this point forward.

13                   CHAIRPERSON DONOVAN: That's right.

14                   So within a week, board members, we can get back  
15 to these gentlemen. Well, we can go through Joe to you.

16                   Joe and Mark, thank you for such a good job.

17

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19                   *(Whereas the proceeding concerning the above*

20                   *entitled matter was adjourned at 8:21 p.m.)*

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## CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Notary Public in  
and for the State of New York, hereby CERTIFY that the  
record taped and transcribed 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.

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NANCY STRANG-VANDEBOGART

Dated March 26, 2009

***Nancy Strang-VanDeBogart***  
518-542-7699  
518-374-1061