

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
TRAFFIC STUDY AS IT RELATES TO THE PROPOSED  
WAL-MART SUPERCENTER AT 1 AUTOPARK DRIVE.  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on September 22, 2009 at 9:01 p.m. at  
the Public Operations Center 347 Old Niskayuna  
Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
MICHAEL SULLIVAN  
ELENA VAIDA  
TIMOTHY LANE  
C.J. O'ROURKE  
PETER STUTO, Jr. Esq.,  
Attorney to the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic  
Development

Victor Caponera, Esq., Wolford Associates

Frank Dolan, Bergmann Associates

Tom Baird, Barton & Loguidice

Mike Magguilli, Esq., Town Attorney

Peter Giovenco, Bergman & Associates

Bob Sweeney, Esq.

1                   CHAIRPERSON DONOVAN: Next on the  
2 agenda is the traffic presentation for  
3 Wal-Mart. This is the update for the  
4 Planning Board which Mr. Caponera is going  
5 to be the official presenter.

6                   For those of you who are here and have  
7 been watching this process go on, as you  
8 know this particular site where the  
9 Wal-Mart is proposed is part of the Boght  
10 area GEIS which I think took effect back  
11 around 1989.

12                   Is that correct, Joe?

13                   MR. GRASSO: That's right.

14                   CHAIRPERSON DONOVAN: So it's been an  
15 area that obviously needed looking into.  
16 Apparently, an update was being prepared in  
17 2005. I don't know what happened to that  
18 update, but this board has now asked that a  
19 further update be done to discuss impacts on  
20 traffic.

21                   The proposed Wal-Mart site is probably  
22 the largest thing that we've seen in this  
23 area to impact traffic in the Boght.

24                   The State of New York and the Town of  
25 Colonie are now at a stalemate in relation  
to what the state would like us to do to  
resolve traffic impacts and what we feel is  
necessary to resolve traffic impacts. The  
state looks for us to use our town roads as  
access for people when there is a back up on  
the Northway and they want to divert traffic  
to town roads. It's our position that we  
don't want that. A lot of the town roads are  
narrow. In particular, we were looking at  
the one on Old Loudon Road and those that  
are parallel to Route 9 and which ones  
diverted traffic to Old Loudon Road. So,  
this is kind of like the stalemate that  
we're at now. We will still try to proceed  
and negotiate with the state, but we don't  
feel that we should hold up projects based  
on the state's failure to come up with an  
agreement. That's why we are moving forward  
tonight to see, Mr. Caponera, what you have  
to give us tonight.

                  MR. CAPONERA: Thank you, Madam  
Chairman.

1           While they're setting up, I'm going to  
2 take the board and folks in the audience  
3 tonight who are interested on a slight  
4 history of the lands of Mr. Nemith, AKA  
5 Wolford Associates.

6           We're obviously talking about Autopark  
7 Drive. Before Wolford and Otto Oldsmobile  
8 purchased this property, a large portion of  
9 this property was used as an outdoor  
10 theater. I don't know if anyone remembers  
11 this. I don't know if anyone on the board is  
12 old enough to remember this; maybe C.J.  
13 Other than that, I'm not sure. But as we  
14 recall, there was a pretty large outdoor  
15 theater with a big giant screen and it  
16 wasn't in my opinion the most beautiful  
17 environmentally pleasing site to look at.  
18 Regardless, that property was there and it  
19 was used for many years for movie goers and  
20 the like.

21           The site eventually was purchased by  
22 Otto and one of his organizations. They  
23 determined that the water had contamination  
24 in it. They had a large amount of asbestos  
25 in it. So, they had to set out to get rid of  
the screen and take it down. They had to get  
rid of the asbestos.

          In the meantime, Wolford Associates  
came in and started to develop a plan to  
subdivide this rather substantial piece of  
property that I'm going to call  
Autopark Drive.

          Approximately two million dollars later  
of investment between the clean up of the  
site, road widening, engineering and  
development, we now see Autopark Drive. In  
it there are substantial sized lots that  
range anywhere from 15 to 22 acres.

          January 4, 2007, for those of you who  
don't know that date, was a very famous date  
in the Town of Colonie. It is when the town  
enacted a new Land Use Law. On that date,  
every square inch of the town was rezoned,  
including this piece. Prior to that date,  
this property had always been zoned PDD,  
which allowed large retailed sites. After

1 January 4, 2007, it was rezoned to allow the  
2 large retail sites also.

3 Lots 2, 4 and 6 are our proposed  
4 subdivision amendments. Two of them being  
5 the lot on the corner which is the corner of  
6 Route 9 and Autopark Drive; 4 is the next  
7 lot down and 6 is the one down by the  
8 Northway. This is what I consider to be a  
9 true redevelopment of a previously used  
10 site. That is what I refer to as smart  
11 growth. We're using a previously used site  
12 and the asbestos contamination on it is  
13 cleaned up.

14 Now, when Wolford first sought to  
15 operate or create this subdivision, it and  
16 Otto together who owned this property were  
17 asked to consider corridor management.

18 What do I mean by that? There were 10  
19 curb cuts on Route 9 between the north side  
20 of Nemith and 950 New Loudon Road; 10 curb  
21 cuts. Wolford was asked to reduce those curb  
22 cuts for corridor management and it did. It  
23 went from 10 to 6.

24 The location of Autopark Drive, where  
25 it is, wasn't done just haphazardly. It was  
after various meetings with various members  
of the town and DOT. They suggested that  
location be put directly across the street  
from Old Loudon Road so as to create an  
intersection location of where we have this  
now. We located directly across from  
Old Loudon Road.

Obviously in doing so, we have created  
a substandard sized lot of the south side of  
Autopark Drive; if you can visualize Nemith  
Motors to the south of Autopark Drive there  
is one automatic car wash. It's a  
substandard sized lot. Anyway, it was  
created with the intent to utilize the  
properties in the rear which is obviously  
Autopark Drive.

Since 1998 when this property was  
approved as a subdivision, Wolford has had  
this property listed with CB Richard Ellis  
in order to utilize the south side of

1 Autopark Drive; namely 2, 4 and 6 for large  
2 retail uses.

3 Now, we all know that Wal-Mart is  
4 currently located in Latham Farms and we all  
5 know that it's less than a mile from the  
6 site. Wal-Mart basically continues to  
7 reinvest in itself to stay competitive and  
8 to stay viable. Basically if the business  
9 doesn't move in this direction to reinvest  
10 itself, it can't stay competitive.

11 So, with that in mind, I'm going to ask  
12 if we can have Lindsey start this short and  
13 hopefully very understandable traffic  
14 presentation.

15 MR. DOLAN: I'm Frank Dolan and I'm  
16 from Bergmann Associates. Our agenda for  
17 tonight really is to go through all of our  
18 traffic impact study process, detail for you  
19 the study findings and then we'll finish  
20 that up with recommendations and then  
21 entertain questions.

22 Step one is to determine the study  
23 area. Our traffic impact study process that  
24 we used for all of the traffic impact  
25 studies that we do both here in New York and  
26 across the county is to define the study  
27 intersections that would be immediately  
28 impacted by whatever site generated traffic  
29 there would be. We then gather information  
30 and analyze the existing conditions for that  
31 site.

32 Step three, we would determine a build  
33 year for that particular development and  
34 analyze the trip generation and development  
35 for that build year. In doing that, one of  
36 the important things that we need to do is  
37 to determine the background.

38 You start in 2008 and you're projecting  
39 into 2010. You have two years of background  
40 road that could occur on a particular  
41 highway or highways within the study area.  
42 So, we always want to determine what that  
43 background road is and also take into  
44 account any of the developments that we're  
45 aware of within the study area.

1           Step five would be to develop the build  
2 volumes and conditions and then add our trip  
3 generation assignments to those build  
4 volumes.

5           The next step is that we prepare what's  
6 called a no-build. That's as if you were not  
7 going to build this particular development.  
8 What would that be? What would the  
9 conditions be without this development and  
10 then compare that with what the build  
11 conditions would be.

12           The final step here is to analyze any  
13 improvements or mitigations that we might  
14 find necessary for the build conditions.

15           MR. SCHILLINGER: Are there two step  
16 fives?

17           CHAIRPERSON DONOVAN: Are you part of  
18 this presentation, sir?

19           MR. SCHILLINGER: No, I just see that  
20 there are two step fives.

21           CHAIRPERSON DONOVAN: Oh, okay.

22           MR. DOLAN: The step five takes you  
23 back where you do the build and the no-build  
24 conditions.

25           In this particular area, we looked at  
the four major intersections along Route 9  
starting at Dunsbach Ferry on down to  
Route 9 and 9R.

In the particular study area, we used  
some of the existing traffic volumes from  
2008 and 2007 that were conducted by CME  
Engineering. We then actually went out and  
observed the traffic on several occasions in  
this corridor to collect signal timings and  
to just see how the traffic was flowing  
under existing conditions within the  
corridor. We were there in February, June  
and again in September just analyzing  
traffic flow in this particular corridor.

This is an overview of the site  
(Indicating). Again, this just shows that  
the primary access to the site traffic would  
be on Autopark Drive.

So, what did we find? Let's talk first  
about the existing conditions. It's

1 important to look at these volumes that we  
2 have here.

3 The top graph represents the average  
4 daily traffic on Route 9 and that's this  
5 graph right here (Indicating). That shows  
6 that when we start to the south that the  
7 volumes build. This is the intersection  
8 right around I87/Route 7 (Indicating). Then  
9 they drop and they kind of continue all the  
10 way through the corridor of Saratoga County.

11 The bottom graphs are the northbound  
12 and southbound volumes starting right around  
13 Route 2 to Route 7 and continuing up to  
14 Route 236. When you look at these slides  
15 that definitely shows us that this is an  
16 evident north/south commuter route and  
17 essentially what the volume is. There is  
18 about 85% of the traffic that's traveling  
19 through the corridor. So, it's definitely a  
20 commuter corridor.

21 Also, it's important to note that we  
22 looked at the volumes during the peak hours.  
23 The peak hour of traffic is that hour on  
24 that particular road that carries the  
25 highest volumes of traffic. That's important  
when we get into our build/no-build  
conditions. Often you might hear different  
terms, but in this particular corridor  
because it is such a peak commuter corridor,  
it has some different traffic patterns  
during the peak hours. It was important to  
look at what that peak hour would be.

We did that on Friday evening which is  
the peak shopping time for retail type  
development. We also looked at what the peak  
hour of generated traffic would be on a  
Saturday. That is another very high retail  
activity center.

I won't spend a lot of time because  
they're all in our report. What we found  
when we looked at the existing volumes was  
that in a particular instance on  
Autopark Drive on Friday evening we had  
1,476 vehicles going north and that's from  
5:00 to 6:00 p.m. Then we have at the same  
time about 1,272 vehicles coming south. So  
there is a little bit higher northbound

1 traffic. There was some southbound traffic  
2 at the same time and most of that was  
heading to the 9R interchange.

3 One of the definitions that we traffic  
4 folks use to analyze existing conditions is  
something called level of service. That's a  
5 quantitative measure ranging from A, being  
good, up to F; much like a grade system in  
6 school. It's a measure of what's called  
controlled delay. It's different for a  
7 signalized intersection versus unsignalized  
intersection. Controlled delay is the  
8 average delay of a vehicle that once it  
starts to approach a signalized  
9 intersection, it has to decelerate. It might  
get into a queue and then it has to  
10 accelerate and it finally gets the green to  
go and passes through the intersection. So,  
11 that's what the controlled delay is.

That ranges from less than 10 seconds  
12 average per vehicle during the peak hour  
right on up to greater than 80 seconds per  
13 vehicle. That's called the level of service  
F.

14 I wanted to spend some time on that so  
you would have some idea of what this  
15 control delay was. You can see that it's  
different for unsignalized intersections  
16 because it's typically for vehicles on a  
through road that may not stop at all. It's  
17 the side street delay for those vehicles at  
unsignalized intersections.

18 These are the existing conditions from  
5:00 to 6:00 on a Friday evening and 12:15  
19 to 1:15 p.m. on a Saturday. I wanted to  
highlight some of the locations where we  
20 found traffic flow that had levels of  
service F. One of those is the eastbound  
21 left turn coming off of Route 7 at Route 9.

22 What that really means is that if you  
get out and really watch the traffic flow  
23 coming off of that, the drivers approaching  
to go eastbound may wait up to a couple of  
24 signal cycles or perhaps two changes of the  
green for that movement to clear out.  
25 Sometimes they may approach and move out on  
one signal cycle. On average, that's about

1 two cycles there. That intersection runs at  
2 a very long traffic signal cycle. With all  
3 of the movements that occur there with the  
4 east bound/westbound movements and  
5 northbound and southbound left turns and the  
6 through movements -- when you wait a couple  
7 of signal cycles, that puts your delay over  
8 80 seconds. That's why we see a level of  
9 service F there and the approach of level of  
10 service F.

11 Likewise when you look at the existing  
12 traffic conditions or the movements both  
13 east and westbound of Route 9 at  
14 Autopark Drive and Old Loudon Road, those  
15 have levels of service F. That's because of  
16 the high volume of traffic that we have both  
17 northbound and southbound on Route 9 at that  
18 location. Other than those particular  
19 movements and the southbound left turn, most  
20 of the approaches are operating at  
21 acceptable levels of service.

22 Again, I want to stress that this is  
23 the peak hour of traffic. Throughout the  
24 rest of the week and on other times, that  
25 traffic flow runs fairly good out there  
given the traffic that's using it, but it  
does back up during that peak commuter time.

When we look at our background traffic,  
we used a 1.5% growth rate per year for the  
two years because we were using '08 traffic  
volumes and bringing them up to a build year  
of 2010 for this particular project. We also  
included trip generation estimates for  
developments that we knew were occurring in  
the area; Shelter Cove, Canterbury Crossings  
and the Century Hill commercial business  
park. We wanted to make sure that we had  
this traffic built into these no-build  
volumes.

In general, we used a 1.5% growth rate.  
That's a pretty heavy growth rate, but that  
is what we saw in looking at historical  
volumes for this particular corridor and  
this particular area. If anything, we're not  
using that 1.5%. We're probably on the  
conservative side, but we wanted to present

1 a worse case scenario of what could happen  
2 out in this area.

3 So if the development doesn't get  
4 built, what's going to happen in the area  
5 for various levels of service? Well,  
6 certainly the eastbound left turn stays at  
7 an F. The approach stays at an F under  
8 the no-build. The southbound left turn has a  
9 level of service F and overall that whole  
10 intersection has a level of service F.

11 Again, this is the Friday afternoon  
12 p.m. peak at Autopark Drive. This is like we  
13 saw for the existing condition. Certainly  
14 with the no-build those are levels of  
15 service F.

16 We also saw some failures starting to  
17 happen up at Century Hill Drive, especially  
18 with the eastbound left and eastbound right  
19 turn movements. The approach starts to fail.  
20 Again, I want to emphasize all the other  
21 movements other than those movements would  
22 be operating at acceptable levels of  
23 service.

24 When we do the build conditions, we  
25 have to look at what is a trip generation.  
In the past, we have always relied on The  
Institute of Transportation Engineers  
Studies which publishes a document called  
the trip generation manual. It's a  
compilation of data collected throughout the  
country on various types of development and  
how many trips might be expected to be

generated from that particular document.

For this particular study, there was a  
national study that was done by the  
Texas Transportation Institute. It's a very  
well recognized national organization. It  
was an independent study that was done. It  
was a very comprehensive and statistically  
valid study. We can look at the various  
variables and the levels of competence that  
they arrived at. Their study showed that a  
typical supercenter would generate about 4.5  
trips per thousand square feet on a p.m. and  
then 5.63 trips on Saturday. As you can see,  
the Saturday trips are higher than the

1 evening peak on a Friday because Saturday is  
2 much more known for activity for retail.

3 CHAIRPERSON DONOVAN: Excuse me, can I  
4 just ask you one question? Was Wal-Mart  
5 hired to do this study?

6 MR. DOLAN: Yes, they did it for  
7 Wal-Mart, but I have to emphasize that this  
8 study was reviewed and adopted by IDE.

9 CHAIRPERSON DONOVAN: I understand  
10 that.

11 MR. O'ROURKE: But who paid for it?

12 MR. DOLAN: Wal-Mart.

13 CHAIRPERSON DONOVAN: I think that we  
14 talked about this the last time. We talked  
15 about 32 locations. I don't expect you to do  
16 this now, but could we have a reference for  
17 those 32 locations?

18 MR. DOLAN: Certainly. We didn't just  
19 accept these findings. We actually went in  
20 and looked at 10 locations that were done as  
21 part of this study. They were Louisville,  
22 Kentucky; Pasadena, Texas; Cedar Falls,  
23 Iowa; San Antonio, Texas; Colonial Heights,  
24 Virginia and Mary Shield, California. I  
25 looked at things in this study to validate  
these numbers or the generations based upon  
roads that had similar traffic volumes than  
what we had on Route 9. I wanted to make  
sure that we were looking at apples and  
apples here and we did find a very good  
comparison with those numbers with the  
traffic volumes on Route 9.

We also took a look at the generation  
number for the Halfmoon Wal-Mart. You'll see  
that is slightly higher than the 4.5 trips  
that we have for the national study. That  
means that results in about 23 more trips  
during the peak hour. That's a very low  
percentage when you look that the trips are  
both vehicles exiting and entering the site.  
So, that's about 11 vehicles over the peak  
hour difference. That significance would not  
impact any of the results that we studied  
and that very small number would have no  
impact relevant to the results.

1           Now you can say okay we use that 4.5  
2           trips, but what does that mean? When you  
3           look at total trips that a Wal-Mart of this  
4           site would generate, it would be about 882  
5           trips during a peak hour on a Friday and  
6           1,103 on a Saturday. All of those trips are  
7           not new trips on the facility. They are  
8           trips by people who are passing by on  
9           Route 9 and decide to make a stop. It's very  
10          much like when you pass a gas station and  
11          you decide to go in and get gas and then  
12          continue on your way. These are people that  
13          are traveling and commuting through the  
14          corridor and are deciding to make a stop at  
15          the facility and then they're on their way.  
16          The national study shows those pass-by trips  
17          would be about 26% of the total trips that  
18          are generated by the site. That leaves us  
19          with primary trips, both entering and  
20          exiting of a total of about 653 trips. We  
21          looked at some of the estimates that were in  
22          the Boght Road study for this particular  
23          site using the Halfmoon study results. That  
24          generated 678 trips which was very close to  
25          our 654. Again, as I said, it was very close  
26          to the numbers on that. We felt comfortable  
27          that we were right in the ballpark with  
28          these numbers.

16          We then take the traffic and say, well,  
17          where is it going to go? In this particular  
18          case when we looked at how traffic flow  
19          occurs and what the various population  
20          densities are, we have 75% of our trips  
21          going to the south and 25% coming to and  
22          from the north. Again, that's pretty  
23          consistent with other studies that we've  
24          seen done in this particular corridor.

21          We then take those percentages and say  
22          well, how does that result in added trips  
23          onto the highway network? In this case,  
24          during Friday afternoon we have 245 trips  
25          that are going south toward 9R. We have 82  
26          going to the north. We have a significant  
27          number of left turners to look at.  
28          We had 244 coming northbound coming left  
29          into the site. Then those get distracted  
30          down at 9R and through the intersection.

1           Then we say okay we've got all those  
2 new trips that are going through the  
3 corridor being generated by the site. What  
4 are the lines that would result at the study  
5 intersections with this new traffic? These  
6 are the numbers that we have: 546 right  
7 turners and 172 left turners. You have to  
8 understand that these volumes include those  
9 additional developments that we had listed  
10 in the study. So, not all these trips are  
11 just for Wal-Mart. These include some of the  
12 other new developments and also the  
13 background road traffic.

8           We have our build volumes. Now we go  
9 back and say, what are our build conditions?

9           We took a look first at Autopark Drive  
10 and when we look at our build without any  
11 mitigation we see that we still have levels  
12 of service F. We also have levels of service

12           F especially on the eastbound flow of  
13 Saturday and the northbound flow on a  
14 Saturday. We have levels of service that  
15 show a need for improvement. What can we do  
16 to look at those? Then we looked and said,  
17 what do we really need to do?

15           We'll start first at Autopark Drive and  
16 Route 9. We know that intersection needs  
17 both a left turn lane and traffic signal  
18 warrants. When you look at traffic signal  
19 warrants, those are criteria that say, when  
20 do you need to put a traffic signal in? How  
21 will that help the traffic flow? Just  
22 because you have a lot of volume, it doesn't  
23 mean that you need a signal.

20           In this particular case, given the  
21 volumes that you have both for this Wal-Mart  
22 development and any other development that  
23 we build into this particular area, we  
24 certainly have a need for a traffic signal  
25 there. That's based on the high volumes of  
26 traffic that we have north and south on  
27 Route 9. We also look to retime and  
28 coordinating the signals along Route 9. We  
29 found that by doing that we could actually

          impact the cycle lanes.

1           One of our goals was to try to  
2           coordinate and shorten the cycle lanes so  
3           that we could get away from some of  
4           those long cycle lanes and then we then help  
5           to move traffic more frequently. It's a  
6           mitigating measure.

7           We also looked at the degree that we  
8           need to have a westbound through lane on  
9           Route 9R as it approaches Route 9. That  
10          could help to allocate more traffic flow  
11          through that intersection and that helps to  
12          reassign the green time that currently is  
13          given for that westbound movement and some  
14          of the other movements of traffic. That  
15          helps that intersection to operate better.

16          As we look to the build conditions with  
17          proposed mitigation, we actually have  
18          movements that have improved in level of  
19          service. You might say, why does that  
20          happen? Well, it happens because as I just  
21          mentioned we're able to take and reallocate  
22          some of the green time by giving extra lane  
23          capacity to those movements to help speed  
24          the traffic. You can look at 9 and 9R and

25          see that we get some improvements in level  
26          of service E to D and from F to D and D to a  
27          B. That's significant. Likewise we do have  
28          some movements that still have failing  
29          levels of service or poor levels of service.  
30          The reason for that is because we're still  
31          going to be waiting more than one signal  
32          cycle. It will probably be on the range of  
33          two signal cycles to get through that  
34          particular intersection. This is always a  
35          very fine tuning effort. You work with the  
36          traffic signals and you may be there one day  
37          and it's level of service E or D. Traffic  
38          fluctuates on any given day.

39          We are presenting the worse case  
40          conditions that you have here but when you  
41          start to retime the signals and coordinate  
42          them, you're really going to start to really  
43          fine tune and be out there and observing  
44          traffic signals. Perhaps they take four or  
45          five seconds of green time from this

1 movement (Indicating) heading to another  
2 movement and we can try to balance that out.

3 Likewise over at Century Hill and  
4 Route 9, we can get some improved levels of  
5 service.

6 When we got done with all of this data  
7 collection and analyzing all of this data,  
8 what do we come up with?

9 One is that Route 9 can operate with a  
10 satisfactory level of service with this  
11 development and with the proposed  
12 mitigations that I talked about. Route 9 can  
13 operate satisfactory with Old Loudon Road  
14 being one-way or two-ways. That is a  
15 corridor issue that needs to be addressed.  
16 From a level of service standpoint, we can  
17 work with it either way.

18 As we look at all of the previous  
19 studies that have been done from 2007 and  
20 the current study going on in this corridor,  
21 all of our findings are consistent with the  
22 previous studies done by other engineering  
23 firms in this area. We didn't find any  
24 surprises here. The bottom line is that this  
25 corridor with the mitigation and with the  
fine tuning of the traffic signals and based  
upon our experience with looking at this  
corridor as well as other studies that we've  
done throughout New York State and the

country, we can get satisfactory levels of  
service with this development in place and  
that would include the background roads and  
background developments.

So with that, we'll open it up to  
questions.

CHAIRPERSON DONOVAN: The board will  
address this first.

First of all, I thank you very much.  
What we're going to do is have our town  
designated engineer, Barton & Loguidice  
review the study and the comments that you  
made and then report back to this board.  
We'll determine the date sometime tonight.

I'll start with Michael. Do you have  
any questions or comments?

1 MR. SULLIVAN: Yes, I do. I do have  
2 questions on the trip generation portion of  
the presentation.

3 Did you get a chance to see the  
4 Creighton Manning traffic study where they  
5 had accounted for the proposed development  
6 of the Wal-Mart trip numbers; the 4.61?

7 MR. DOLAN: Yes.

8 MR. SULLIVAN: Do you know off-hand how  
9 your numbers compare with that?

10 MR. DOLAN: Yes, I believe that we had  
11 653 trips. If you used the Halfmoon study,  
12 it was 678.

13 MR. SULLIVAN: Was the Halfmoon study  
14 applying the pass-by factor? To me, the 26%  
15 reduction seems incredibly high.

16 MR. DOLAN: I believe that they were  
17 right in tune with us with the 25% or 26%.

18 MR. SULLIVAN: My concern is that these  
19 factors were supplied by Wal-Mart. You're  
20 saying that these trips are due to Wal-Mart.  
21 They are people that are passing by anyway.  
22 I'm wondering if there is some other  
23 national standard or some traffic manual  
24 that supplied a reduction factor for a store  
25 like Wal-Mart. I'd be interested to see if  
it was 26% or something lower. By applying  
that factor, you're saying that those cars  
aren't due to Wal-Mart. They were people  
that were passing by anyway. So, if that  
factor does not apply, then you'd be  
impacting the figures more with this  
development.

MR. DOLAN: I can say that the national  
study that was done by TTI carefully  
measured the pass-by traffic and 25% was an  
acceptable rate. I can also say that in  
previous studies done by the Institute of  
Transportation Engineers that those pass-by  
rates are right in the 25% to 26% area and  
those have been substantiated in many, many  
studies.

MR. SULLIVAN: Are they in a similar  
area though or are they in a more rural area  
where that is the destination and that is  
the reason for going there?

1 MR. DOLAN: Again, I was careful to  
2 look at corridors that were similar to  
3 Route 9 and looked that those numbers were  
4 consistent with the traffic volumes on  
5 Route 9. We've done at least 25 of these  
6 studies throughout New York State and find  
7 consistently that these numbers are valid. I  
8 wouldn't want to sway the numbers either  
9 way. I rely on documented statistical data  
10 that shows what those numbers are and that  
11 the pass-by of about 25% or 26% are valid.

12 MR. SULLIVAN: And you mentioned that  
13 there was a manual? I'm concerned that

14 Wal-Mart is supplying the figures for  
15 Wal-Mart development.

16 MR. DOLAN: You'd have to understand  
17 that this was commissioned by Wal-Mart,  
18 accepted by the Institute of Transportation  
19 Engineers and the data was carefully  
20 reviewed by the review panel. It is now part  
21 of the Institute of Transportation of  
22 Engineer's trip generation manual. Any  
23 credibility factor here would not have been  
24 accepted.

25 MR. SULLIVAN: The other question that  
I had was the recommendations. In item two  
you're saying that it can operate  
satisfactory with two-way, but it would also  
be with one-way. That seems to be omitted  
there.

MR. DOLAN: It can operate either way.  
In our recommendation, we recommended  
one-way on Old Loudon. I did that for a  
particular reason. We could get a better  
level of service for the northbound through  
movement during a Friday p.m. If I go into  
two-way, it doesn't make it a failure level  
of service.

MR. SULLIVAN: Is it possible to get a  
trip generation flow chart for the build  
condition? I just have one here for the  
no-build. It might be somewhere else in the  
manual. I couldn't find a no-build. Then it  
goes into Section C with the 2010 build  
traffic.

1 MR. DOLAN: We can get that for you.

2 MR. BAIRD: I'm Tom Baird from  
3 Barton & Loguidice.

4 Excuse me while I address the board.

5 I did notice some of the levels of  
6 service that you had in your chart didn't  
7 match the ones that I had in the most recent  
8 traffic study. There is an update for that -

9 MR. O'ROURKE: Right, from CME.

10 MR. BAIRD: No, from their study.

11 MR. O'ROURKE: Right, it doesn't match  
12 CME.

13 MR. BAIRD: It doesn't match what is on  
14 the screen and the report that we're  
15 reviewing right now.

16 MR. DOLAN: One movement of the Route 9  
17 northbound right turn movement had a yield  
18 sign. We modeled that as a yield condition.  
19 However it does have its own lane. When you  
20 model it with its own lane, it does show a  
21 better level of service.

22 MR. BAIRD: But it does have a yield  
23 sign.

24 MR. DOLAN: It has its own lane. When I  
25 was out there that was one of the things  
that I was looking at with the  
intersections. That traffic turning right  
does continue on because it's only a single  
lane for the traffic.

MR. BAIRD: The actual analysis done by  
the traffic model has delays and the  
calculations will be different now than what  
I'm reviewing. I need to have that updated  
analysis.

MR. DOLAN: We'll get that to you.

CHAIRPERSON DONOVAN: Anything else,  
Michael?

MR. SULLIVAN: That will then show the  
increase even if it's a level of service F.  
It will show the increase in time that  
you're waiting, if it's level of service F  
in the future.

MR. DOLAN: Yes.

CHAIRPERSON DONOVAN: C.J.?

MR. O'ROURKE: Mr. Caponera, again, you  
are the best. When I'm out on a sunny day

1 and somebody pours a bucket of water over my  
2 head and tries to tell me that it's raining,  
I don't quite get it.

3 So, let me start with an e-mail from  
4 Mark Kennedy to Joe Grasso and Mark Sargent  
dated June 10, 2009. Are you familiar with  
that?

5 MR. CAPONERA: I don't have it; no.

6 MR. O'ROURKE: Let me read it verbatim.

7 MR. CAPONERA: Tell me when that e-mail  
was?

8 MR. O'ROURKE: June 10, 2009. Let me  
read something verbatim.

9 New York State DOT has twice expressed  
10 concern that the installation of a traffic  
11 signal at the intersection of Autopark Drive  
and Route 9 will have significant negative  
12 effects on the operation of Route 9. This  
concern has been clearly confirmed by the  
13 analysis completed by Creighton Manning.

14 Again, that's dated June 10, 2009. It  
was from Mark Kennedy at DOT to both Joe  
15 Grasso and Mark Sargent. It goes on further  
16 too. There are other things in there. Just  
17 to make that point, I would like that in the  
18 record.

19 Mr. Caponera went through diligently to  
explain the history of the project. I just  
20 have a little different idea of the history  
of the project. When it was originally  
21 approved and a curb cut was allowed, it was  
specifically for the volume of an auto park;  
22 is that correct?

23 MR. CAPONERA: No, I don't agree with  
that.

24 MR. O'ROURKE: Well, they wouldn't have  
issued the curb cut because -- there was to  
25 be no traffic signal. Wasn't that expressly  
stated by DOT?

MR. CAPONERA: Wasn't what expressly  
stated?

MR. O'ROURKE: That there would be no  
traffic signal at Autopark Drive; when the  
initial project was.

MR. CAPONERA: The initial project went  
through and it basically stated in the  
letter dated December 13, 1996 that the

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warrants weren't specifying a traffic light yet.

MR. O'ROURKE: Okay, but your client understood that DOT objected to any signal on Route 9 on that intersection -

MR. CAPONERA: At that time.

MR. O'ROURKE: At that time.

MR. CAPONERA: Because the warrants didn't call for it.

MR. O'ROURKE: I would take exception to that in 2006. I don't agree with that.

Again, if our town designated traffic engineer could pull that information together that would be great. In 2007 when we did the update of the traffic for the Boght GEIS, it specifically would have called for that with this type of project. Again, I don't have an engineering degree but I certainly understand that. So, could you check that and make sure that my facts are correct?

MR. CAPONERA: Let me just quote from a letter from DOT, just to make it clear. I'm quoting from a letter dated December 13, 1996. It's paragraph four.

Installation of a traffic signal at this entrance, while meeting the minimum warrant for Phase II is undesirable and will not be approved at this time.

They didn't say that they weren't going to approve it ever.

MR. O'ROURKE: Because traffic was going to get better?

MR. CAPONERA: No, traffic was going to be more.

MR. O'ROURKE: Right, so at this time the traffic warrants were at the point that we don't want a traffic signal. They meant in the continuum, in my understanding.

MR. CAPONERA: I respectfully disagree with that.

MR. O'ROURKE: Okay, that's fine and you can put that in the record, but I'm just telling you that I read verbatim from Mark Kennedy, an e-mail, June 10, 2009.

1 MR. CAPONERA: That e-mail went to  
2 Creighton Manning?

3 MR. O'ROURKE: It went to Joe Grasso  
4 and Mark Sargent.

5 Joe, do you remember receiving that  
6 e-mail?

7 MR. GRASSO: Yes.

8 MR. O'ROURKE: Okay. I happened to come  
9 across a copy of it.

10 MR. CAPONERA: Well, I don't have that.

11 MR. O'ROURKE: We'll make sure that you  
12 do. I'm just going back to the history of  
13 the original parcel. Somebody bought the  
14 property and it was DOT's intension not to  
15 ever have a signal at that intersection.

16 MR. CAPONERA: It's not that it will  
17 never have a signal. You're absolutely wrong  
18 when you say that. I object to you saying  
19 that. Where do you come up with not to ever  
20 have a signal? This says here, quoting, not  
21 yet.

22 MR. O'ROURKE: New York State has twice  
23 expressed concern that the installation of a  
24 traffic signal at the intersection of  
25 Autopark and Route 9 will have significant  
negative effects on the operation of  
Route 9.

That tells me that they don't want a  
light there.

MR. CAPONERA: You're talking about -

MR. O'ROURKE: I'm talking about the  
DOT person who is in charge of running the  
corridor.

MR. CAPONERA: And what you also have  
to understand is that you also heard about  
the traffic. Where is this traffic coming  
from? Eighty-five percent of the traffic  
that is coming up and down there during the  
peak hours - we all know where it's coming  
from. It's coming from the north. Basically  
if you don't have the commuter traffic  
coming from the north, what are you looking  
at? You're looking at 20% of the traffic  
that's on that road; the local people.

1 MR. O'ROURKE: Again, I disagree with  
2 some of the numbers that have been used in  
3 these traffic builds. I will certainly look  
4 to our town designated traffic engineer to  
5 get numbers. Again, I don't have the  
6 engineering degree.

7 MR. CAPONERA: So essentially what  
8 you're saying is no traffic light and  
9 therefore nothing can be built at this  
10 property. My client is completely out of  
11 business from doing anything.

12 MR. O'ROURKE: I didn't buy the  
13 property.

14 MR. CAPONERA: I'm asking you that  
15 question. Basically what you're saying is  
16 that is it.

17 MR. STUTO: Don't put words in his  
18 mouth, Victor. That's not what he said.

19 MR. O'ROURKE: That's not what I said  
20 at all. I said that with this traffic  
21 volume, DOT has expressly stated on two  
22 separate occasions that the traffic signal  
23 there has negative impacts on our main  
24 corridor and your traffic engineer admits  
25 that it's the main through corridor. So,  
that being said, a project of this magnitude  
would only decrease the effectiveness of  
Route 9.

Joe, you can back me up on this.

During Creighton Manning's traffic  
study, the only way that DOT said that they  
will move forward is now with a signal at  
the intersection of Autopark and making  
Old Loudon two-way; is that correct?

MR. CAPONERA: I believe that it is.

MR. O'ROURKE: And now your traffic  
engineer says, all the levels of service for  
a one-way or two-way - - it's not an  
appeasement thing. This is about the main  
corridor through the Town of Colonie and  
what it will do to the citizens and the  
taxpayers that live and work in this town.  
I'm not saying that Wal-Mart should go  
forward or shouldn't. I'm telling you that  
the Land Use Law was a big huge error in

1 this area and the people should not have to  
2 pay for that. That Land Use Law in 2007 was  
erroneous, in my opinion.

3 MR. CAPONERA: In what respect?

4 MR. O'ROURKE: With respect to this  
5 parcel and Starlite. Your traffic engineer  
6 didn't even mention the Starlite project  
7 which I think should definitely be looked at  
8 by our town designated traffic engineer as  
well. That's another huge project with  
900,000 square feet possible.

10 MR. CAPONERA: Approximately 30% of it  
11 is wetlands so it's undevelopable, but  
12 regardless.

13 MR. O'ROURKE: But regardless, it has  
14 the opportunity in the present zoning. I  
15 think that was flawed when it went through  
16 in 2007 after they knew that the traffic  
17 study that was done was undervalued by  
18 almost 30%. You're aware of that?

19 MR. CAPONERA: Yes.

20 MR. O'ROURKE: Creighton Manning  
21 miscalculated the calculations on that  
22 traffic study by 30%. We knew about it and  
23 the town still went forward and passed this  
24 all new zoning as you stated.

25 MR. CAPONERA: They didn't change the  
zoning on this property. It was zoned  
Business E for approximately 40 or 50 years  
before this.

MR. O'ROURKE: When it should have.

MR. CAPONERA: So your opinion is that  
they just should have simply taken that  
property that was zoned for commercial  
purposes for the 50 years and don't rezone  
it.

MR. O'ROURKE: At that city limit only.  
Again, I wasn't here in 2007. I'm just  
saying that as I look at the facts and all  
the information in this, we're going to have  
to rely heavily on that because as a town if  
we screw this up, it's not going to be good.

There are two other things that I had  
in regard to that. I would like this  
explained to me.

1 First, Route 9, Old Loudon Road and  
2 Latham Autopark; that's not really  
3 considered a four-way, presently under the  
4 existing traffic conditions. That's not a  
5 four-way.

6 MR. DOLAN: The intersection has four  
7 approaches to it; so it could be considered  
8 a four-way intersection. You have a  
9 north/south approach, eastbound approach and  
10 a westbound approach.

11 MR. O'ROURKE: There is no way to get  
12 across Route 9.

13 MR. CAPONERA: But it still is a  
14 four-way approach.

15 MR. O'ROURKE: Okay and maybe I'm  
16 reading too far into it.

17 During the peak hour on Old Loudon and  
18 Latham Autopark, both eastbound and  
19 westbound approaches operate at level of  
20 service F. Can you explain that to me?

21 MR. DOLAN: The traffic coming  
22 eastbound out of Autopark Drive - if they  
23 were attempting to turn left or right, there  
24 would be significant delays there and the  
25 gaps in traffic are not there. On the north  
and southbound traffic and also the  
westbound traffic - the right turning  
traffic on Old Loudon has gaps that are  
curved. It's all relative to the operation  
of the signal on Route 9R. So you get some  
breaks in traffic there. When the northbound  
stops and the eastbound left turn movement  
stops, you get some gaps. Because of that,  
it's unimpeded for the most part. There can  
be long delays there, just during the peak  
hours. At other times, it operates okay.

26 MR. O'ROURKE: Out of only Old Loudon.  
27 Not out of Autopark.

28 MR. DOLAN: Yes, out of Old Loudon  
29 westbound.

30 MR. O'ROURKE: Right. Not out of  
31 Autopark, eastbound.

32 MR. DOLAN: Eastbound, also if you  
33 attempt to turn left on Autopark Drive now  
34 you're going to wait for a considerably long  
35 period of time. You'd have to wait for gaps

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in traffic because you have northbound traffic and southbound traffic.

MR. O'ROURKE: There is a left turn both ways. There's a center lane.

MR. DOLAN: You still have to wait for a gap and I believe that it's like 1,200-something vehicles that are southbound. You turn out and then you have to wait for the northbound traffic. Again there are levels of service and delay that show the D and F.

MR. O'ROURKE: Those are the prudent things that I noticed there, but I'm not going to hold up the meeting.

CHAIRPERSON DONOVAN: Thank you, C.J. Elena?

MS. VAIDA: I just had a couple of questions. I think the last time that we were here, we had asked for the locations that were used at the other Wal-Marts and exactly where they were located that were used in the study. The Wal-Mart study that you mentioned where there were 32 locations and you said that they were similar to our area. I think that I asked last time for

those areas listed in the study and indicate where they were. Somebody said that they would provide us with that information. Is that information in here?

MR. DOLAN: I don't believe that it's in the document that you might have. I did mention those through my presentation and we'll make it available.

MS. VAIDA: All 32 of them?

MR. DOLAN: We can show you all 32 locations.

MS. VAIDA: Regarding the mitigation that you came up with: The solutions to this problem are the traffic light and the timing of the signals, correct?

MR. DOLAN: That's correct; and also the additional lane of westbound on 9R.

MS. VAIDA: But it's also my understanding that it's a problem with the

1 state in getting that signal - the state has  
2 to put the signal there, correct?

3 MR. DOLAN: That's correct, yes.

4 MS. VAIDA: And isn't there resistance  
5 to that?

6 MR. DOLAN: It's really a corridor

7 issue. How effective does a corridor operate  
8 and how does a corridor operate best?  
9 Certainly with Old Loudon two-way, there are  
10 some improvements that can be made at 9R and  
11 at 9 because you eliminate some right  
12 turning traffic down at that intersection.  
13 So, it's really a corridor route and really  
14 a corridor issue. With the retiming of the  
15 signal and coordination, you can get some  
16 improvements in those levels of service.  
17 You're not stopping at individual  
18 intersections. You're progressing groups of  
19 traffic through them.

20 MS. VAIDA: And has that issue been  
21 discussed with the state on the timing of  
22 the signals?

23 MR. DOLAN: Certainly that's in our  
24 report and when the state reviews them, I'm  
25 sure that they will consider them.

MS. VAIDA: You haven't gotten any  
feedback on whether they feel that would be  
a good idea and if they would go along with  
that?

MR. DOLAN: I've seen it referenced by  
other engineers who studied this corridor,  
so I'm sure that they are considering it.

MS. VAIDA: Is there any other solution  
or mitigation that could be done other than  
this traffic signal?

MR. DOLAN: Without this traffic signal  
here (Indicating), you'd certainly have a  
very bad safety problem that would occur in  
here. When you try to reassign that traffic,  
some might say to have it go all up to  
Century Hill. Then you start to look at what  
that does that do to the Century Hill  
intersection and you start to create some  
bad levels of service up there. You  
certainly create another kind of a mini

1 Route 9/9R intersection when you look at  
2 volumes.

3 From a traffic standpoint it's always  
4 good to distribute traffic so that you don't  
5 create big areas such as 9 and 9R. So, from  
6 my professional judgment, I think that it's  
7 best to put the signal in at Route 9 at  
8 Autopark Drive and Old Loudon as that helps  
9 to distribute the traffic flow. It helps you  
10 to better coordinate those signals along  
11 Route 9 and that's something that has to be

12 discussed very carefully with the state.

13 CHAIRPERSON DONOVAN: One of the things  
14 that has been through this entire process is  
15 that the State of New York has told us on  
16 numerous occasions that they want two-way to  
17 Old Loudon Road. I always reference Kirker's  
18 Steakhouse. They wanted to do that so that  
19 traffic can flow over Old Loudon Road. It  
20 can go Old Loudon Road all the way to  
21 Route 9 or Watervliet-Shaker Road, if you  
22 continue to go that way. It runs parallel to  
23 Route 9. They claim that the impact is going  
24 to be minor and my question is: If the  
25 impact is going to be minor, then why do you  
need it? I'm not an engineer but I don't  
seem to get a logical answer to that. It's  
the basis for all their decisions and  
they're trying to tell the town and the  
residents and the developer that it's going  
to be just a minor impact. I don't see it  
that way. I think that there will be a  
significant impact on Old Loudon Road based  
on the fact that it's a narrow road. It's a  
two-lane town road that was never really  
constructed to hold heavy commercial traffic  
from a site such as Wal-Mart. That is the  
crux of the problem that we seem to be  
having with the state right now. It's a  
stalemate.

26 I think that we all on this board  
27 believe that if traffic is diverted to  
28 Old Loudon Road, south of 9R, that the  
29 impact is going to be significant for the  
30 residents and for the town. It's a narrow  
31 two-lane road.

1 I live off of Sand Creek Road and I'll  
2 tell you that when I was younger you could  
3 walk along Sand Creek Road. Now, you take  
4 your life in your hands to cross it in  
5 various places. I can see those same things  
6 happening to Old Loudon Road.

7 MR. DOLAN: I can say that from a  
8 distraction of the Wal-Mart traffic onto Old  
9 Loudon, south of 9R, is fairly small in  
10 comparative numbers. Most of the traffic  
11 that you see being generated from this site  
12 would be using 9R heading over to Troy and  
13 points east. There would be some traffic  
14 coming up Old Loudon, but it would be  
15 relatively small in numbers compared to what

16 is coming up and down on Route 9.

17 CHAIRPERSON DONOVAN: It's a parallel  
18 route that has less lights. I always take  
19 it.

20 MR. DOLAN: But in relative numbers  
21 it's very small -

22 CHAIRPERSON DONOVAN: You're saying  
23 that Route 9 can operate at a satisfactory  
24 level of service with Old Loudon Road  
25 two-way and you're not saying one-way. I  
26 would just ask that you add those three  
27 words to that report. I would appreciate  
28 that. Thank you.

29 MR. DOLAN: I would mention that the  
30 numbers on Old Loudon are 20 to 25 vehicles  
31 at peak hour.

32 CHAIRPERSON DONOVAN: If it was 20 or  
33 25 I still think that it would be  
34 significant on a road of that size. It's a  
35 narrow road and windy at points and there  
36 are homes right there that are set back. I  
37 don't think that they are more than 40 or 50  
38 feet from the road. I don't think that it's  
39 quite what the town bargained for. I hate to  
40 say this but I wish that the state would  
41 just go ahead and build four lanes on the  
42 Northway and none of us would have to be  
43 here dealing with this issue.

44 Tim?

45

1           MR. LANE: I just need some  
2 clarification. You projected growth of 1.5%  
3 in 2010?

4           MR. DOLAN: That's correct.

5           MR. LANE: The development that you  
6 mentioned is part of the build-out; Shelter  
7 Cove, Canterbury Crossing and Century Hill.  
8 You did forget the Starlite? I'm sure that's  
9 going to play a role somewhere down the  
10 road. The last census for this town is  
11 80,000. So, probably it's going to be much  
12 closer to 90,000. A good majority of the  
13 growth in the town over the next ten years  
14 is going to be in this area. So, that means  
15 that the impact on this particular area is  
16 going to be much higher possibly than what  
17 you projected. Plus, we have to look at over  
18 10 or 20 years. If it's already projected  
19 out even at 2010, that's a big concern.

20           MR. DOLAN: To answer your question:  
21 Why did we not go beyond 2010? In a typical

22 impact study we always go to the build year  
23 of the particular site that we're working on  
24 and include developments that we know of  
25 that could possibly occur by that middle  
year of 2010. Some may occur after that.

          MR. LANE: These definitely will.

          MR. DOLAN: Typically that is not a  
traffic impact requirement. That usually  
comes down to a town looking at a long  
ranging corridor analysis of what's going on  
in the corridor and what could happen in  
that corridor. They're part of a routine  
traffic impact study. That's a concern and  
perhaps when you're doing your Boght Road  
corridor study, those are taken into account  
into your corridor study so that you can  
look out on a 10 year horizon or maybe a 20  
year horizon to say what could happen in  
this corridor. Again, these are planning  
level studies because a development may or  
may not occur, but they at least give you an  
indication of what the corridor might look  
like.

          MR. MAGGUILLI: Victor, can I ask a  
question? I need some help. If I understand

1           you correctly, the whole theme is this  
2           traffic light at Autopark and Route 9;  
3           correct? That's the key to the whole thing.

4           MR. CAPONERA: Well, it certainly seems  
5           like it's a very important part of this  
6           whole project.

7           MR. MAGGUILLI: And without the light,  
8           your own engineer said that you'll have a  
9           very unsafe intersection on Route 9. The  
10          town can't control whether or not a traffic  
11          signal is going to go at that intersection.  
12          We have nothing to say about it because it's  
13          a state road. What, if anything, have you or  
14          your principals done to negotiate with the  
15          state and come up with a plan to present the  
16          town or the Town Board? To me, it seems like  
17          the state is the key here, but you have to  
18          get something that's acceptable to them and  
19          present it here.

20          MR. GIOVENCO: I'm Peter Giovenco with  
21          Bergmann Associates. We have to remember  
22          that we've been in this process with the  
23          town since 2007 with the first traffic study  
24          being done.

25          I've dealt with Mr. Kennedy on a number  
26          of projects within the Capital District.  
27          Mr. Kennedy is very sensitive as to not  
28          trying to do something that is not supported  
29          by the local municipality. We've been very  
30          respectful of this board's position on this  
31          project since 2007 not to do anything that  
32          is contrary to what this board wants to do.  
33          That's why we're really working here, first,  
34          to try to get a sense of this project.

35          In 2007 before we initiated additional  
36          discussions with New York State DOT to go  
37          and help this board and talk to the state  
38          and build some dialogue there and come back  
39          here. To me, is very contrary to the  
40          principals of this board. You're looking out  
41          for the best interest of your citizens and  
42          the people that use this corridor; therefore  
43          we've been really looking for written  
44          comments from this board whether you support  
45          this project or not. In two years we have  
46          not received one written comment.

1           Mr. O'Rourke, you mentioned this e-mail  
2 that came out in June of 2009. Here we are  
3 in September of 2009 and this is the first  
4 that I'm hearing of this e-mail. We've got  
5 to get some feedback and that's what we're  
6 asking for from this board. We really need  
7 some good feedback.

8           CHAIRPERSON DONOVAN: I think that this  
9 board has made it very, very clear at many  
10 meetings that it will not accept a two-way  
11 intersection on Old Loudon Road if the  
12 traffic is going to go up across 9R and go  
13 down to the southerly portion. I don't know  
14 how much clearer that we can make this. If  
15 you want it in writing, I'll write it and  
16 give it to you. That is what we have said  
17 numerous times.

18           MR. GIOVENCO: And we respected that  
19 petition early on and if you look at the  
20 report, our recommendation is to keep Old  
21 Loudon Road as a one-way road. The work that  
22 was submitted does not talk about Old Loudon  
23 Road as a two-way road because you did say  
24 that early on and we respected that.

25           CHAIRPERSON DONOVAN: And that's been  
our position early on.

          MR. GIOVENCO: And we agreed.

          CHAIRPERSON DONOVAN: And whatever  
solution that you can come up with, we were  
certainly more than willing to look at it.  
But the traffic from there is not going to  
be dumped into the neighborhoods.

          MR. LANE: I've already asked Joe  
LaCivita this question but I just want to  
hear it from you.

          Is there any possibility whatsoever  
that we could have similar to what they have  
at Crossgates? That would be an exit to the  
Northway that would consider the proximity  
to relieve some of the pressure? Is that in  
any way feasible?

          MR. GIOVENCO: The Northway is a  
federal road and there is obviously no break  
in access in the Northway. So, as much as  
we'd love to have a ramp there -

          MR. LANE: That's pretty much the  
answer that Joe gave me.

1           CHAIRPERSON DONOVAN: What we're going  
2 to do is open this up to the public. They've  
3 been sitting here all evening with us. I  
4 would like our engineer to have an  
5 opportunity to review everything that we  
6 have here.

7           I would ask that this portion of the  
8 meeting be transcribed for them to also to  
9 refer to.

10          We're going to look at October 13<sup>th</sup> to  
11 come back. On October 13<sup>th</sup> I believe  
12 Mr. Magguilli was going to do an hour long  
13 presentation to the board, which is part of  
14 our training. We've been discussing and we  
15 are going to meet with the town designated  
16 engineers, Barton & Loguidice, and then  
17 we're going to meet with Clough Harbor to  
18 discuss some procedural alternatives that  
19 the board can adopt.

20          Based on the new study, I was wondering  
21 if the 20<sup>th</sup> of October might be possible.  
22 It's not a scheduled hearing night for it  
23 but we will add a new hearing so that we can  
24 keep this moving along. Is October 20<sup>th</sup>  
25 doable for you?

MR. LACIVITA: October 27 is a regular  
meeting.

CHAIRPERSON DONOVAN: I know. I will  
not be here for that.

Is that doable for everybody? Victor?

MR. CAPONERA: I don't have my  
calendar, but I'm sure that's fine.

CHAIRPERSON DONOVAN: And then we'll  
get the response from Barton & Loguidice and  
then any further questions that the board  
may have can be addressed.

MR. CAPONERA: Can I just say  
something? You talk about the light and my  
question would be: What is the board's  
position regarding a light if there is no  
two-way traffic on Old Loudon Road?

CHAIRPERSON DONOVAN: What is the  
board's position on the light?

1 MR. CAPONERA: I mean, you've made it  
2 pretty clear that the board doesn't want to  
see traffic going into residential areas.

3 CHAIRPERSON DONOVAN: I don't have a  
4 problem. I think that it would be an  
5 interesting scenario. I think that it's a  
6 solution at least from the town's  
7 perspective. That's something that we can  
8 certainly look at.

9 I'd like to give the public an  
10 opportunity to address concerns that you've  
11 heard tonight and the study that you've  
12 heard if anybody would like to.

13 MR. HENKO: My name is Joe Henko. I  
14 live right up Route 9. I would like to see a  
15 chart on the light and the Wal-Mart.

16 CHAIRPERSON DONOVAN: This is what C.J.  
17 was talking about before. We have a western  
18 portion of the town where there is a lot of  
19 undeveloped property. One of the  
20 problems is when you look at a portion of  
21 the town, you have to be very careful of how  
22 you zone that property and the density of  
23 the zoning of that property. I think that is  
24 C.J.'s frustration and it's been my  
25 frustration with the Land Use Law in that we  
knew that there were problems here but yet  
we choose to rezone it almost the same way  
as it was zoned prior to the new law.

The gentleman certainly has a right to  
develop his land as it's zoned and this is  
how it's currently zoned.

MR. CAPONERA: Some very wise member of  
the board commented about this being  
America. If a person owns property they  
should be able to develop it after paying  
taxes on it for 40 or 50 years and I support  
that. That's a very American thing.

MR. O'ROURKE: As long as it doesn't  
detriment the majority of the town.

MR. CAPONERA: Absolutely. I agree  
100%. We're on the same page.

MS. WEISS: Hi, my name is Paula Weiss.  
This family has been a property owner in the  
Town of Colonie for over 100 years.

1 I wanted to ask any of their people  
2 those most frequent times about when there  
3 is an accident on the Northway; it's really  
4 terrible.

5 MR. O'ROURKE: Trust me, that's why DOT  
6 doesn't want that light there because when  
7 that one light goes green at the Northway  
8 entrance and to put another one 300 yards  
9 down the road, you're not clearing enough  
10 traffic. That traffic is going to back up  
11 from Route 9 where it's single-laned. It  
12 already happens.

13 FROM THE FLOOR: Whether this project  
14 goes through or not, are they going to  
15 retime the lights?

16 CHAIRPERSON DONOVAN: The state  
17 probably will.

18 FROM THE FLOOR: The town recommended  
19 that they look at the timing of the lights.

20 MR. MAGGUILLI: We can recommend it.

21 MS. KELLY: Marion Kelly. I live one  
22 block up from Century Hill Drive up Route 9.  
23 This traffic is going to be so bad with the  
24 way those turns are constructed.

25 MR. O'ROURKE: But understand that was  
supposed to be right turn in, right turn  
out.

FROM THE FLOOR: When did you do the  
study in June? Why did you avoid the traffic  
at the busiest time of the year during  
Friday afternoon during July and August?

MR. DOLAN: I stated that we were there  
in February and we were there in June. We  
were there in September also.

FROM THE FLOOR: Right, but why weren't  
you there during the really heavy traffic  
times?

MR. DOLAN: I believe that we were  
there during the really busy traffic times.  
There are days that are typically busier  
than others. That's why we chose to use  
Friday afternoon as the peak hours and we  
did it in February, June and September.

CHAIRPERSON DONOVAN: I think that we  
also get a lot of impacts with the traffic.

1 MR. FAHEY: John Fahey. I have a  
2 question on that shared left turning lane  
3 onto Route 9. What is the effect of the  
4 traffic light that's required to have a lane  
5 dedicated?

6 C.J. might be more familiar with it  
7 than I am. I'm talking about the experiment  
8 with two left turn lanes into Latham Farms  
9 at Exit 6. That was a failed experiment. So,  
10 I'm just wanting to learn from the past  
11 here.

12 MR. BARRETT: If I could just address  
13 that comment for a second.

14 As we're progressing through the  
15 analysis of the Bergmann report, one of our  
16 comments and questions was how long and how  
17 far would the traffic be backed up in these  
18 lanes. We don't know that answer right now  
19 but we need to have that for the board.

20 MR. FAHEY: But they were wrong back  
21 when they did Latham Farms, as anybody who  
22 lives over there can tell you.

23 MR. BRENTON: Bruce Brenton,  
24 367 New Loudon Road. I just want to go on  
25 record that light or no light, I'm  
26 definitely opposed to the project.

27 MS. HERBERT: Mary Jo Herbert. Why  
28 can't they fix up the Latham store? This  
29 project is going to change the whole  
30 neighborhood of the Boght. How many  
31 Wal-Marts do we need? It's just half a mile  
32 away.

33 It used to be that Wal-Mart carried all  
34 of these varieties of products. Now they're  
35 just carrying a few.

36 CHAIRPERSON DONOVAN: One of the  
37 reasons that they can't refurbish the  
38 Wal-Mart in Latham Farms is because they  
39 have an agreement with Hannaford. This new  
40 Wal-Mart is also a grocery store and the  
41 agreement with Hannaford is that there not  
42 be another grocery.

43 Victor, am I right?

44 MR. CAPONERA: Bob Sweeney has  
45 information on that.

1           CHAIRPERSON DONOVAN: That's what you  
2           said before, right?

3           MR. SWEENEY: There is a restriction at  
4           Latham Farms and Mr. Stuto knows about the  
5           use restriction of the store.

6           MS. HERBERT: What about Sam's?

7           MR. SWEENEY: That's a great question.  
8           That's specifically accepted in the language  
9           except for Sam's wholesale.

10          CHAIRPERSON DONOVAN: You have to  
11          understand that the properties are for  
12          certain uses and that's what it's zoned for.  
13          Obviously the applicant has the right to  
14          build it, but there are issues that have to  
15          be addressed and traffic is one of those  
16          issues.

17          MS. HERBERT: Right now you can't go up  
18          and down that road and get home.

19          CHAIRPERSON DONOVAN: It's difficult. A  
20          lot of it is traffic that really comes right  
21          through Colonie from the city and goes up to  
22          Saratoga and we take the brunt of it. That's  
23          why I think that the real solution is to the  
24          addition of lanes on the Northway, which I  
25          think was probably something that at the  
26          time should be proposed and looked at.

27          Maybe we could use some stimulus money.  
28          Anybody else?

29          MR. SHILLINGER: I'm Larry Shillinger.

30          I'm an attorney that is providing pro bono  
31          services to the Boght area neighborhood.

32          I just have a couple of observations  
33          that I'd like to share with the board.

34          I think that he's done a terrific job  
35          for his client but it's important for the  
36          project to be subject to a certain  
37          sensitivity analysis. So, rather than ignore  
38          the fact that the Halfmoon Wal-Mart has a  
39          higher trip generation rate than the Texas  
40          study, there should be asked for a  
41          sensitivity analysis showing what the  
42          traffic impacts are using the Halfmoon  
43          numbers.

44          Beyond that, the underlying rationale  
45          is a little mysterious as to what the

1 relationship is in the real world between  
2 the square footage of the store and the trip  
3 generations. A sensitivity analysis would be  
4 to look at population densities around the  
5 area of the store. That will certainly  
6 relate to trip generation. I think that's  
7 what the board ought to request.

8 Lastly, one thing that Mr. Caponera  
9 mentioned thinking that the use of this

10 property is somehow smart growth. As we  
11 drive through the Town of Colonie right now,  
12 or drive anywhere in the State of New York  
13 and the nation, we see with our own eyes  
14 unbelievable vacant underutilized commercial  
15 properties that have been absolutely  
16 hammered by the recession. Rather than  
17 ripping out a store from Latham Farms and  
18 watching that significant retail structure  
19 built as there is already vacancy in Latham  
20 Farms, I would strongly urge the town and  
21 people in the community to focus on  
22 redeveloping the vacant, unutilized  
23 commercial properties throughout the Town of  
24 Colonie before we start developing in new  
25 areas and just adding to the vacancy.  
I realize that this may be beyond the  
jurisdiction of the Planning Board. Maybe it  
might be more of a problem for the Town  
Board.

CHAIRPERSON DONOVAN: I understand what  
you've said, but we have taken steps to help  
with the redevelopment of those parcels.

Anyone else?  
Mary Alice?

MS. MORGAN: I'm not an engineer but I  
don't understand how you can say that it's  
only a little bit greater than an 80 second  
wait. I live at the corner of Everett Road  
and Albany-Shaker. I don't know what the  
traffic is like but I know it's not the same  
as when we moved there 33 years ago. What  
happens along Albany-Shaker Road is there is  
one intersection there that is four-way.  
Traffic is coming from the city and it just  
blocks all the way to under the traffic

1 light at the intersection of Sand Creek and  
2 the gridlock there is ridiculous. They're  
3 still calling it a level F but I know that I  
4 can't get in or out from 3:30 p.m. 6:15  
5 without taking my life in my own hands.

6 Now with regard to Wal-Mart, when I  
7 shop I tend to want to keep my money in my  
8 community. I go into Walgreen's or Honest  
9 Weight Co-Op and I do business where I know  
10 the owners. There are not too many owners in  
11 Colonie. I think that's something that maybe  
12 you should look at that. I am strongly  
13 against the Town Planning Board to take a  
14 look at that and compare apples to apples.

15 That little spot onto Route 7, I have waited  
16 long, long periods of time to get out. There  
17 is a lot of traffic in this town and we're  
18 asking for more.

19 CHAIRPERSON DONOVAN: Thank you, Mary  
20 Alice.

21 Is there anyone that hasn't spoken yet?

22 FROM THE FLOOR: I just wanted to say  
23 something. I think that we're bringing in  
24 more people into the community and more  
25 traffic and I really think that you guys  
26 should really consider the Land Use Law. I  
27 mean, it's really a pain in the ass to get  
28 out now. It really pisses me off.

29 MR. O'ROURKE: Honestly, that gentleman  
30 has the key. The key is the land use. That  
31 is the key to everything in this town. It  
32 was poorly, poorly done in 2007 and we're  
33 doing some things within the town right now  
34 to effect change on those things that were  
35 poorly done to you taxpayers.

36 CHAIRPERSON DONOVAN: Brad?

37 MR. GRANT: I have two quick items.

38 Parkside Estates is a project off of  
39 Dunsbach Ferry Road. It might have been

40 included in the studies but I'm not sure if  
41 that needs to be of some concern.

42 That national Wal-Mart study was based  
43 on the people that are inclined to turn at  
44 the Wal-Mart. Does the 26% apply to

1 supercenters that are anchors of a larger  
2 mall, like Crossgates on Washington, or is  
3 it a standalone like this?

4 MR. DOLAN: Relative to the 26%, the  
5 study that was done by Texas was careful to  
6 choose sites that were standalone sites so  
7 that variable was carefully mitigated.

8 MR. GRANT: Thank you.

9 CHAIRPERSON DONOVAN: Jack, I'll let  
10 you have the final word.

11 MR. FAHEY: Since the town was rezoned  
12 in 2007, how many parcels have been rezoned  
13 because of mistakes that were made? Let's  
14 take the Land Use Law and find out where the  
15 mistakes were.

16 CHAIRPERSON DONOVAN: There are a lot  
17 of uses in that law that we should analyze  
18 but now we have a project in front of us  
19 where the zoning is allowed. We have to go  
20 forth with it and base our decision on that.

21 But we have traffic which is the situation  
22 that we're trying to resolve.

23 FROM THE FLOOR: What about those  
24 circle things?

25 CHAIRPERSON DONOVAN: A roundabout? Oh  
26 no. I bet the state would love that.

27 What we're going to do is we'll come  
28 back on October 20<sup>th</sup> and we'll get the input  
29 from our engineers.

30 Victor, if they need anything, they can  
31 work through you to get it; is that correct?

32 MR. CAPONERA: Absolutely.

33 CHAIRPERSON DONOVAN: Thank you.

34 ***(Whereas the proceeding concerning the above  
35 entitled matter was adjourned at 10:35 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 September 28, 2009*