

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
TRAFFIC STUDY UPDATE AS IT RELATES  
TO THE PROPOSED  
WAL-MART SUPERCENTER AT 1 AUTOPARK DRIVE.  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on June 22, 2010 at 8:14 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, CHAIRMAN  
MICHAEL SULLIVAN  
TOM NARDACCI  
TIMOTHY LANE  
PAUL ROSANO  
PETER GANNON  
ELENA VAIDA  
PETER STUTO, Esq.,  
Attorney to the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic  
Development

Lindsey Zefting, Bergmann & Associates  
Tom Baird, Barton & Loguidice

William Serafin, Boght Area Neighborhood  
Association

Michael Magguilli, Esq., Town Attorney  
Bob Sweeney, Esq.  
Susan Smith  
Gerald Hausler  
Tabor Ward  
Jenna Sema  
Tom Thompson

1                   CHAIRMAN O'ROURKE:    Last on the agenda  
2                   this evening we have a review of the  
3                   findings on the Wal-Mart traffic with Barton  
4                   and Loguidice and the Bergmann traffic  
5                   study.

6                   Who is presenting from Bergmann this  
7                   evening?

8                   MS. ZEFTING:    We're just here to  
9                   respond to any questions that the board  
10                  might have.

11                  CHAIRMAN O'ROURKE:    Okay, very good.

12                  Tom, would you like to bring us up to  
13                  speed on what Barton and Loguidice, acting  
14                  as the town designated engineer, has found  
15                  with the traffic study?

16                  MR. BAIRD:    Thank you, Mr. Chairman and  
17                  the board.

18                  Over the course of the last six months  
19                  or so we have reviewed a number of analyses  
20                  and concepts that have been prepared by  
21                  Bergmann and Associates on behalf of the  
22                  applicant, Wal-Mart. In going through these  
23                  reviews, amendments, memorandums and comment  
24                  letters and such, we have come to the  
25                  conclusion that based on the latest

1 documentation received that we have verified  
2 through that document that all revisions and  
3 comments that we have made up to this point  
4 are included in the final traffic impact  
5 study which is six on your list there from  
6 June 2010.

7 CHAIRMAN O'ROURKE: And that's the  
8 document that the board received this  
9 evening.

10 MR. BAIRD: Yes, from the applicant. We  
11 had received pieces of that in the process  
12 and have reviewed it in sections up to this  
13 point and Bergmann formally submitted the  
14 entire package to the town as recent as  
15 today. We have reviewed everything.

16 CHAIRMAN O'ROURKE: I have June 18<sup>th</sup>.

17 MR. BAIRD: Yes, that's correct.

18 Our findings are that the measures and  
19 analyst results have been proposed by  
20 Bergmann and Associates - the measures to  
21 the intersection and corridor will all be  
22 necessary to accomplish the building  
23 mitigation conditions as presented in the  
24 final traffic impact study.

25 One question that I have come up in the

1 past was comparing the Saturday to the p.m.  
2 peak traffic results. We did review the  
3 traffic information presented by Bergmann  
4 and do conclude and concur with previous  
5 findings that the traffic impact on the p.m.  
6 peak traffic period is greater than the  
7 Saturday peak. So, we're going with the p.m.  
8 peak traffic period as a design period.

9 What we have done is create a list here  
10 going intersection by intersection, which  
11 outlines the mitigation proposed by the  
12 applicant and the results and what those  
13 mitigation elements do for each  
14 intersection. We have kind of a rough  
15 outline here of the corridor and what we  
16 plan to do tonight is kind of go through  
17 each intersection and compare the no-build  
18 condition with the build-up mitigation  
19 condition and just highlight some of the  
20 main points that are the biggest concern for  
21 the town.

22 Dan is one of the engineers at Barton  
23 and Loguidice. He'll come up with the slides  
24 and we'll go through each intersection as  
25 quickly as possible.

1           The first intersection is A on your  
2           sheet, which is on page 2. The mitigation  
3           proposed here is that the cycle length which  
4           is the overall traffic signal cycle length  
5           will be reduced from 155 seconds to  
6           100 seconds and that signal will be  
7           coordinated with the adjacent signals. This  
8           intersection also includes the addition of a  
9           westbound through lane and a westbound right  
10          turn lane as noted by the arrows on the  
11          plans. Thirty seconds of green time has been  
12          removed from the westbound phase. What that  
13          means is that when you're traveling down 9R  
14          approaching the intersection - that light  
15          that stays on very long for the green, much  
16          to my benefit, on my way in during the  
17          morning - we'll have 30 seconds removed from  
18          it. This is due to the additional through  
19          lane that's going to be provided so you'll  
20          have more vehicles through the intersection  
21          in a quicker amount of time. Therefore, that  
22          extra green time will be put to other phases  
23          of the intersection.

24                 A minor point, but the yellow clearance  
25          time has been reduced from four seconds to

1 three seconds. What that means is that the  
2 time that the yellow light is on.

3 Also there will be a restriping of the  
4 southbound left turn lane of Route 9 to 9R  
5 with an additional 100 feet of storage. So,  
6 Route 9 southbound making a left to 9R  
7 towards Cohoes will be 100 more feet in that  
8 turn lane. The results from this is a drop  
9 of level of service for the northbound  
10 Route 9 approach. It will go from level of  
11 service E to level of service F. This drop  
12 in level of service is necessary to make the  
13 signal work and have the overall operations  
14 work together. One of these legs needed to  
15 be kind of like a sacrificial leg. That was  
16 either going to be the Route 7 ramp which  
17 would be the ramps to east bound 9R, or the  
18 Route 9 northbound approach. Even though  
19 we're dropping to level of service E to  
20 level of service F, it is an overall change  
21 of approximately 23 seconds. So overall the  
22 intersection is going to stay an F and it  
23 will be an F, whether we do the no-build or  
24 we do the build with mitigation. Only the  
25 northbound approach would suffer the slight

1 increase in delay.

2 The preliminary concept for the  
3 widening Route 9 appears feasible. This is a  
4 question that has come up. We have a number  
5 of lane additions approaching Route 9. The  
6 concept plan shows no right of way  
7 encroachments, although the widening will  
8 bring Route 9R within five feet of the right  
9 of way with the Rite Aid Pharmacy. The need  
10 for grading retaining walls, snow storage,  
11 etcetera may require some right of way  
12 taking in this area.

13 I want to try to explain that a little  
14 bit. Using typical construction procedures  
15 you may have a slight right of way taking at  
16 this location (Indicating). However if you  
17 get into a more expensive type of design or  
18 expensive mitigation to eliminate that right  
19 of way impact, it can feasibly be done  
20 within that five feet. As you mentioned  
21 earlier, you can do it - it's just how much  
22 do you want to pay for it? If a right of way  
23 is available from Rite Aid there, I don't  
24 see an issue of building it a little less  
25 expensive. If it's not available, there are

1 things that they can do to stay within that  
2 right of way. We're okay for that proposed  
3 mitigation on that approach.

4 Moving on to the next intersection -

5 MR. NARDACCI: Tom, I don't mean to  
6 interrupt. I don't mean to extend this out a  
7 long way, but because I haven't had the  
8 chance to fully review this information  
9 before coming here tonight, is it okay if I  
10 just ask you a couple of questions?

11 MR. BAIRD: Absolutely. That's why  
12 we're here.

13 MR. NARDACCI: Can you go back a slide?  
14 Do you have the existing conditions for  
15 levels of service prior to build-out and  
16 prior to development?

17 MR. BAIRD: No, we didn't look at that.  
18 We projected ahead to the no-build  
19 condition.

20 MR. NARDACCI: So looking at this with  
21 no-build or with three F level of service  
22 intersections, right? We have mitigation and  
23 we still have three F's right?

24 MR. BAIRD: We have existing or  
25 no-build, we have two approaches, level of



1 service F and one will stay at F. The other  
2 will go to D. It will improve by two levels  
3 of service to D on 9R. Overall the  
4 intersection will remain F. The way that the  
5 analysis works is that you combine all of  
6 the movements and all of the delay. Some of  
7 them may go up and some may go down. So, in  
8 order to make this work in the coordinated  
9 system, one of the legs had to be  
10 sacrificial. Route 9 north has the most  
11 amount of storage available. This is  
12 something that has come up with corridor  
13 studies and is a concern with the Department  
14 of Transportation. Mark Kennedy has  
15 mentioned it before.

16 MR. NARDACCI: It's a very complicated  
17 issue. We've been talking about it for a  
18 number of months now. Like I said, this was  
19 all given to us tonight. It was sitting here  
20 on our desks when we walked in.

21 MR. BAIRD: The letter?

22 MR. NARDACCI: Yes, the letter. The  
23 issue is I haven't had a chance to compare  
24 what other traffic analyses have said. So, I  
25 think that it would be helpful if we know

1           that there is a study there, and Creighton  
2           Manning has done that, and what the existing  
3           conditions are.

4                   MR. BAIRD: The no-build is actually  
5           the same or worse than those existing  
6           conditions because it's projected into the  
7           future. Over the last few years we've had a  
8           negative, but overall, it's been  
9           approximately 1.5% growth. That's what the  
10          no-build is projected on for the existing  
11          counts.

12                   MR. NARDACCI: Those are projections,  
13          but I mean like today. What is the existing  
14          current? Am I not understanding correctly  
15          how this works?

16                   MR. BAIRD: No. We have existing  
17          conditions and we have moved them up into  
18          the build condition for Wal-Mart, which all  
19          this traffic would appear on day one. The  
20          study brought those existing projections up  
21          a few years into the Wal-Mart build period.  
22          The levels and the traffic study for the  
23          no-build are very, very close to existing;  
24          too close to call actually for those  
25          projections. So they can be considered

1 existing.

2 MR. NARDACCI: So no-build can be  
3 considered existing.

4 MR. BAIRD: It's only a few years off.

5 MR. NARDACCI: I'm just trying to  
6 understand that.

7 CHAIRMAN O'ROURKE: Tom, how did the  
8 letter just get into the board tonight?

9 MR. LACIVITA: That's my question,  
10 C.J., because that was e-mailed to the  
11 board.

12 CHAIRMAN O'ROURKE: Yes, I had it via  
13 e-mail.

14 MR. LACIVITA: What I asked Lindsey to  
15 do was give me a hard copy in case anybody  
16 couldn't print it for their records. All of  
17 this information was given to everybody via  
18 e-mail.

19 CHAIRMAN O'ROURKE: Because June 16<sup>th</sup>  
20 is the date on mine that I printed.

21 MR. LACIVITA: Because this document is  
22 like 140 pages long, I asked her to supply  
23 print documents so that everybody would have  
24 them in case they didn't print them.

25 MR. NARDACCI: Well then I apologize. I

1 must have missed that e-mail.

2 CHAIRMAN O'ROURKE: No problem. I just  
3 wanted to clarify.

4 MR. LANE: That's okay, Tom. I did too.

5 MS. VAIDA: I think that maybe in the  
6 future that may be they should be printed  
7 out ahead of time. If you don't want to have  
8 them delivered, at least have them available  
9 for pick up.

10 MR. NARDACCI: I would ask that in the  
11 future that they be included in our packets.  
12 We are given our packets and we knew that  
13 this was coming up.

14 MR. LACIVITA: It wasn't ready at the  
15 time that the packets went out.

16 MR. NARDACCI: I would say next time,  
17 make it ready. That's all I'm asking.

18 CHAIRMAN O'ROURKE: In that defense,  
19 there has been some issues with Bergmann  
20 meeting deadlines. We've had to move this on  
21 a couple of different occasions.

22 How many Tom?

23 MR. BAIRD: A couple; two.

24 CHAIRMAN O'ROURKE: Sufficed to say a  
25 couple. I guess, Joe, what the board members

1 are asking -- in the future we'll take them  
2 off. If it's not ready by the deadline, then  
3 just pull the applicant off and hopefully  
4 the applicant will realize that we're not  
5 fooling around.

6 MR. BAIRD: I want to apologize. I know  
7 that these were e-mailed out and then mailed  
8 out the day after the packets were due. I  
9 think that it was the following evening. It  
10 was 1:00 or 2:00 in the afternoon that the  
11 packets were done and by 5:00 they were  
12 e-mailed that same day. In the future what  
13 we may want to do is we can send them all  
14 printed together, one for everybody and just  
15 put a name on it.

16 MR. NARDACCI: I don't want to belabor  
17 it, but it's a very important issue and  
18 we've all spent a lot of time on it. I'm  
19 pretty diligent about correspondence. I  
20 apologize for missing it. I think that we  
21 could have it in advance - it was a day  
22 after, I realize.

23 MR. BAIRD: Part of the way that we set  
24 this up was to try to have a visual for  
25 going through each intersection. Hopefully

1           it's reasonable to follow. If anybody has  
2           any questions in the middle, just stop me  
3           and we'll go over it.

4                     Just to reiterate a little bit, the  
5           intersection stays at a level of service of  
6           F. Route 9 northbound being the sacrificial  
7           leg of the intersection. They have  
8           improvements on 9 south, and 9R westbound.  
9           The eastbound movement to the intersection  
10          from Route 7 would remain at level of  
11          service F.

12                    The second intersection that we're  
13          concerned with is the one with the new  
14          signal at Auto Park Drive that's been  
15          proposed by the applicant. In this location  
16          here (Indicating), the signal installation  
17          would control the northbound, the  
18          southbound, and the eastbound approaches to  
19          the intersection and would be coordinated  
20          with the other Route 9 signals. The  
21          northbound left turn lane would be striped  
22          by the two way left turn lane. Based on the  
23          queuing lengths required, this would extend  
24          down to a little bit past the first drive at  
25          the former Kirker's steakhouse into the

1 median area. So it would not cut off the  
2 most southern access point of that parcel.  
3 Old Loudon Road would operate as a one way  
4 northbound with only a right turn movement  
5 allowed under a channelized yield condition  
6 which would basically be forced and turned  
7 to go north on Route 9. Motor vehicle and  
8 traffic law says that you can't have a  
9 traffic signal and a traffic control device  
10 such as a stop sign or a yield. So, the  
11 applicant wouldn't be allowed to bring Old  
12 Loudon into the intersection to be  
13 controlled. So in order to have that free  
14 northbound right turn movement, we'd have to  
15 have it channelized and be more of a small  
16 acceleration-type lane there. What that does  
17 is the overall intersection would operate at  
18 a level of service C. Route 9  
19 northbound/southbound improvements would  
20 operate at B and C respectively. So without  
21 an intersection there right now, we really  
22 don't have anything to compare it to - any  
23 kind of an existing or no-build condition.

24 CHAIRMAN O'ROURKE: Tom, did I miss it?  
25 Did you go through the half signal?

1 MR. BAIRD: I'm saving that for the  
2 end. That's an extra special one. Sorry  
3 about that.

4 CHAIRMAN O'ROURKE: No problem.

5 MR. BAIRD: The next one is New York  
6 Route 9R and Old Loudon Road. Here we have  
7 some cycle length reduced to 100 seconds and  
8 this signal would coordinated with the  
9 Route 9 signals. The other clearance and red  
10 times reduced to 3.6 seconds and 1.4  
11 seconds. That level of accuracy is a result  
12 of the model developing the optimum  
13 mathematical solution. I just think that  
14 would be 3.5 and 1.5. So that's what's in  
15 the report.

16 The addition of northbound and  
17 southbound left turn lanes at Old Loudon  
18 Road -- so when you're approaching the  
19 intersection, you're coming up and the  
20 dollar store is on your right and there will  
21 be a left turn lane, a through lane, and the  
22 right turn lane there (Indicating).

23 Some of the right of way lines on here  
24 show that crossing over - I believe that  
25 line may be incorrect. I know that there is



1 a lane there right now and the right of way  
2 is there for that road. So, that's just how  
3 it's presented on the plans, but I  
4 anticipate that's an error so if anybody  
5 caught that, that's what that is. Also,  
6 there is a reduction in the storage length  
7 of the eastbound left turn lane to  
8 accommodate the Route 9 intersection  
9 improvements. So, with that, the left turn  
10 lanes would be shortened and it really won't  
11 have much of an impact with the other turn  
12 lanes added to the intersection.

13 Also, there is a removal of the  
14 protected portion of the eastbound and  
15 westbound left turn phases. There is a  
16 protected portion where you have just a  
17 green arrow and that would have to be  
18 removed, but it does work in the analysis.

19 The results are there is a drop in the  
20 levels of service for the southbound  
21 approach from C to D. That is our leg that  
22 will have a few more seconds of delay and I  
23 believe that it's two seconds. There are  
24 thresholds for levels of service, A, B, C,  
25 D, and F and you got to cut it somewhere.

1           What happens is that leg will experience  
2           theoretically two more seconds of delay, but  
3           that crosses over into the next letter so  
4           realistically there will be no change there.  
5           This is the same for the eastbound approach  
6           which is going -- I'm sorry, the westbound  
7           approach from B to A. The improvement of  
8           level of service for eastbound is going to  
9           go from C to A, which would be a significant  
10          improvement at that intersection as it backs  
11          up today.

12                    The preliminary concept plan of  
13           improvements show minimal right of way  
14           encroachments at the strip plaza. I talked  
15           about that. These can probably be taken care  
16           of without much issue, if the right of way  
17           lines are exactly correct, according to the  
18           deeds. So, we don't see that as that big of  
19           an encroachment that it needs to be an issue  
20           at this time.

21                    MR. GANNON: Tom, you just made an  
22           interesting point about the southbound.  
23           Instead of two seconds difference causing a  
24           letter switch -- to just go back to A, can  
25           you compare X?

1 MR. BAIRD: Yes.

2 MR. GANNON: The build versus  
3 no-build - is the blue F better or worse  
4 than the yellow F from level A?

5 MR. ROURKE: They show an improvement  
6 from 282 seconds of delay, and what is  
7 proposed is 160 seconds.

8 MR. GANNON: That seems like a drastic  
9 improvement, but not enough to bring it to a  
10 level of D.

11 MR. BARID: D is 90 I think.

12 CHAIRMAN O'ROURKE: 85 to 90.

13 MR. BAIRD: So, you're looking at 85 to  
14 90 to be a D, but we have a significant  
15 improvement there. We're still in the F  
16 range.

17 Moving on to US Route 9 and  
18 Century Hill Drive, the cycle could be  
19 reduced to 100 seconds and the signal would  
20 have to be coordinated with the Route 9  
21 signals to the south. There are no geometric  
22 improvements proposed for this intersection,  
23 which we agree with and are not required at  
24 this time. The result is a drop in the level  
25 of service for the northbound approach from

1 C to D and the southbound approach from B to  
2 C from the no-build conditions. We've got  
3 12 seconds and 12 seconds again - we're  
4 right on that threshold. It just has to do  
5 with the timings and the coordination that's  
6 required with the other signals.

7 Drop in levels of service for the  
8 northbound approach - the overall  
9 intersection from E to D -- so we do get an  
10 improvement overall in the intersection by  
11 making these changes. We've gone through the  
12 models that were done by Bergmann and we've  
13 run through them and analyzed them and picked  
14 them apart and we do concur with the  
15 analysis. We've worked back and forth  
16 together and I do have to commend Bergmann  
17 on the conversations that we've had in the  
18 back and forth in addressing comments and  
19 concerns that we've had with the model. It's  
20 been a very productive process to get to  
21 this point.

22 The Route 9 corridor, overall, really  
23 is in New York State DOT's hands, but the  
24 mitigation proposed for the corridor is that  
25 the traffic signals between 9R and Century

1 Hill Drive would be coordinated with a  
2 common cycle lane via a time based  
3 coordination.

4 Also, the establishment of special  
5 timing patterns is going to be pursued for  
6 managing traffic loads during I87 incidents.  
7 What this means is that special timing  
8 patterns could be set up at the Albany  
9 traffic control center for when we have an  
10 incident on the Northway to address and try  
11 to get things moving quicker northbound on  
12 route 9. I think that we've all experienced  
13 that at one point.

14 The results of this coordination in the  
15 corridor would be the average northbound  
16 speed - you'll see a slight decrease in one  
17 mile per hour average to the corridor.  
18 Southbound speeds will increase about four  
19 miles per hour over the build. Again, this  
20 is more of a DOT corridor-wide issue and it  
21 really won't effect the operations of the  
22 intersections that are adjacent on the town  
23 roads.

24 We have a couple of recommendations for  
25 this and one is the study recommending the

1 time base coordination. It's our suggestion  
2 that the signal equipment be modified for a  
3 wireless or a hard wide coordination instead  
4 of a time base. This allows it to react to  
5 abnormal conditions and things that cannot  
6 be predicted by having a time base  
7 coordination.

8 Also, the study - one thing that it  
9 didn't do is identify who would be  
10 responsible for this mitigation. Special  
11 signal timings, pursuing the linking of the  
12 signals, and then the actual coordination of  
13 the signal systems needs to be identified.  
14 who is going to take care of that and who is  
15 going to pay for that? That's one thing that  
16 doesn't effect our findings statement here.  
17 But it is something that will be dealt with  
18 under New York State DOT and they will  
19 handle that as part of the submission that  
20 we're going to recommend that Bergmann  
21 submit to New York State DOT as a result of  
22 this.

23 MR. GANNON: Tom, these timing altering  
24 devices - they seem to indicate that they  
25 can be used in an emergency situation - an

1 accident or one day of repaving or something  
2 like that.

3 Say the twin bridges are going to be  
4 replaced and they are reduced to one lane a  
5 piece. What other alternatives are there to  
6 manage that traffic flow - the excess  
7 traffic flow that you can get coming off of  
8 87 onto Route 9?

9 MR. BAIRD: It would be a significant  
10 back up. The plan for that kind of accident  
11 management or delay management is really  
12 handled corridor-wide by DOT with rerouting.  
13 What they can do and what will be done is to  
14 create this management plan that would  
15 analyze or use the traffic modeling similar  
16 to what was done here for the intersections  
17 effected by Wal-Mart to come up with the  
18 best case scenario, given the traffic  
19 volumes that they have on the Northway.  
20 There are counters and they get data every  
21 day on that. That would work into a model,  
22 depending on the situation and then you  
23 could only get so much out of each  
24 intersection. If there is something major  
25 like where we have to shutdown the Northway,

1 all bets are really off. There is no timing  
2 or any changes really that could be done to  
3 really handle that. We just wrap it up and  
4 deal with it. There is just that much  
5 traffic.

6 MR. GANNON: And this project affects  
7 that. Are we looking at the same situation  
8 if they decide to reduce the twin bridges  
9 tomorrow, versus 10 years from now if this  
10 project goes bad? Or does this make it  
11 worse?

12 MR. BAIRD: This project itself, the  
13 build-out will be - the traffic will be  
14 pretty much right away. We won't have any  
15 gradual progression into it. Wal-Mart will  
16 open its doors and boom, you have all the  
17 extra traffic. Background traffic growth  
18 addressed in the DEIS study does add a  
19 certain percentage of traffic. I don't know  
20 what the final numbers are. It's probably in  
21 the range of 1.3%. It's a 1% to 2% per year.  
22 Dealing with that is something that has to  
23 be looked at corridor-wide. I know that DOT  
24 and Tom Johnson, who is also with us, has a  
25 Route 9 corridor study that's being



1 initiated right now to look into things like  
2 that. So, we don't have that answer right  
3 now, but I know that it's being handled on a  
4 state level.

5 The applicant should formally submit  
6 their analysis results and recommendation to  
7 New York State DOT for their review.

8 From a Route 9 corridor-wide  
9 standpoint, the total delay increases, and  
10 the average speed increases slightly overall  
11 for the build condition when compared to the  
12 no-build condition.

13 With that, we end our analysis and I  
14 open it up for any questions.

15 CHAIRMAN O'ROURKE: In your letter,  
16 Tom, you talk about the cross connection.

17 MR. BAIRD: Yes.

18 CHAIRMAN O'ROURKE: As a mitigation and  
19 you're concurring with the mitigation. There  
20 is already a connection between Plaza Drive  
21 which connects Auto Park and Century Hill.  
22 That's privately owned.

23 MR. BAIRD: And the impacts mention the  
24 cross connection and part of their  
25 mitigation is to create a connection between

1 Latham Auto Park Drive and Century Hill  
2 Drive. That's word for word. Yes, it does  
3 exist. It's private. Their basis is that it  
4 should be set up to facilitate traffic flow  
5 and between the Wal-Mart and office  
6 developments - now I don't know how you'll  
7 accomplish that since it's a private road,  
8 but certainly an agreement to provide an  
9 alternate route for both roadways in case  
10 there is an emergency or there is a road  
11 closure is something that we would be for.  
12 If in fact a public use of that roadway is  
13 something that the applicant is suggesting,  
14 then we do agree with that. However, the  
15 cross connection usage was not a part of the  
16 analyses and is not required to mitigate the  
17 traffic impacts for Wal-Mart, based on the  
18 study. That was not analyzed. There are no  
19 vehicles being rerouted to that access road.

20 CHAIRMAN O'ROURKE: Okay, so it's not  
21 part of your findings.

22 MR. BAIRD: It's not part of our  
23 findings, no.

24 CHAIRMAN O'ROURKE: Okay, I just wanted  
25 to clarify that for the record.

1 Paul?

2 MR. ROSANO: No, thank you.

3 CHAIRMAN O'ROURKE: Tom?

4 MR. NARDACCI: No thank you.

5 CHAIRMAN O'ROURKE: Elena?

6 MS. VAIDA: You may have answered this  
7 and I apologize if you did. The traffic trip  
8 generations - what was used -- because I  
9 remember that we had a problem with the use  
10 of the Wal-Mart traffic trip generation  
11 study. We didn't feel that was accurate.

12 MR. BAIRD: The trip generations  
13 used - the ITE manual - and Mr. Hershberg  
14 mentioned it earlier - used a particular  
15 number and I don't recall exactly what it  
16 is, but then there was also the study done  
17 for the Halfmoon store, which had a slightly  
18 higher number. That number was used in the  
19 analyses.

20 MS. VAIDA: Okay, so all of these  
21 options are based on the higher number.

22 CHAIRMAN O'ROURKE: It's about 900.

23 MR. BAIRD: Yes, 600 and 300; that was  
24 the split.

25 MS. VAIDA: I don't have any other

1 questions at this point.

2 CHAIRMAN O'ROURKE: Tim?

3 MR. LANE: No, I don't have any  
4 questions. I apologize that I didn't see the  
5 e-mail, otherwise I would have had the  
6 opportunity to absorb this. I'm sure that  
7 I'll have another opportunity down the road.

8 CHAIRMAN O'ROURKE: Mike?

9 MR. SULLIVAN: Has DOT had a chance to  
10 review this? Specifically the half signal  
11 intersection?

12 MR. BAIRD: The half signal - I meant  
13 to get back to that.

14 Not to my knowledge. It has not been  
15 submitted yet. There was some discussion at  
16 one of the previous meetings. I believe that  
17 it was the one before the last snow  
18 removal - the viability of such an  
19 intersection in this part of the country. It  
20 didn't seem to get a warm fuzzy feeling out  
21 of it. We did look at it because it was in  
22 the traffic impact study. We do have  
23 comments on it. If it's worth going through,  
24 I can certainly discuss it.

25 MR. SULLIVAN: I'd like to hear them.

1           MR. BAIRD: The mitigation for this  
2 half-signal - we do have a slide of it, too.  
3 It's at the end. We did include it here just  
4 in case.

5           There would be a signal installation  
6 controlling northbound left turns and the  
7 south bound approach and the eastbound  
8 approach. So we're looking at Old Loudon  
9 Road, southbound and northbound left turns.  
10 For those who aren't familiar with this, the  
11 northbound movement on Route 9 would have a  
12 reflowing pattern. There would be no  
13 stopping for northbound Route 9. The  
14 northbound left turn lane would be striped  
15 in the existing two way left turn lane, much  
16 the same as the full signal option, and not  
17 impacting the most southern driveway of the  
18 old Kirker's restaurant. There would be a  
19 curbed median installed on Route 9 to  
20 channelize traffic coming out of Auto Park  
21 Drive to make a left and travel northbound  
22 with a median on their right and northbound  
23 traffic on the right. They would then merge  
24 into northbound in the area between say,  
25 Kirkers and Century Hill. Old Loudon Road

1 would still operate as a one way northbound  
2 with only right turn movement allowed under  
3 a channelized stop condition, which we have  
4 right now.

5 The results of this is that the overall  
6 intersection will operate at a level of  
7 service D with northbound left turns  
8 operating at level of service E and  
9 westbound right turns at F with very long  
10 delays. There is no delay for the northbound  
11 through movement. So corridor-wise,  
12 northbound, it really speeds things up  
13 through the corridor much the same really  
14 the existing way it is right now. It won't  
15 have an impact on northbound, but the  
16 feasibility of this kind of intersection  
17 working in this type of climate here comes  
18 into question. We're not convinced as TDE  
19 that it's really a viable alternative at  
20 this intersection. That's really all I can  
21 say on it.

22 MR. SULLIVAN: We'd still have a  
23 situation where the center turning lane  
24 would become an acceleration lane for the  
25 northbound turns and they'd be basically

1 moving head-on against the southbound  
2 traffic with no barrier in between them.

3 MR. BAIRD: Correct.

4 MR. SULLIVAN: And they would be  
5 accelerating trying to merge into other  
6 traffic coming up northbound.

7 MR. BAIRD: Another thing that comes up  
8 is the access - the left turns into the car  
9 dealership between Century House and Old  
10 Loudon Road. They would lose their access  
11 road for turning left and having lefts  
12 coming out, as well. So those are some  
13 things that need to be addressed. That's why  
14 we didn't go very deep into that review. I  
15 think that it needs to go to DOT and the  
16 town could render an opinion on it. We would  
17 recommend against it at this point, but  
18 that's our feeling as TDE. That's where we  
19 would go right now. We don't have any other  
20 information that proves that this is a  
21 variable for this area.

22 MR. SULLIVAN: I still have serious  
23 concern about the safety of that  
24 configuration.

25 MR. BAIRD: Exactly, and that's what

1 drives it.

2 MR. SULLIVAN: Does anyone have an  
3 estimate of what these mitigation measures  
4 would cost; the improvements at 9R and Old  
5 Loudon Road and the additional through lane  
6 at 9R westbound? Is there any estimate on  
7 what that would cost? There are those  
8 retaining walls that would have to be put in  
9 along the Rite Aid property. I was just  
10 wondering if we had a number to know what  
11 this would cost with these proposed  
12 mitigation measures.

13 MR. BAIRD: We haven't come up with  
14 one. Bergmann is here today.

15 Do you have an estimate for those  
16 improvements for the concepts?

17 MS. ZEFTING: We have one, but we don't  
18 have one finalized.

19 MR. SULLIVAN: I'd like to know a total  
20 for what this option would be - the total  
21 mitigation.

22 The last question that I had, I think  
23 that you answered already. That's about the  
24 retaining walls. Is it physically possible  
25 to fit those improvements on Old Loudon Road



1 southbound? There is a retaining wall at the  
2 back of the Rite Aid property and there is a  
3 large sign structure for the Route 9 and 9R  
4 intersection that would probably be moved  
5 for that additional through lane.

6 MR. BAIRD: Yes, that would definitely  
7 have to be moved over. Yes, there is a way  
8 to do it. Again, it's how much they want to  
9 pay. They would need some type of structural  
10 element to hold back the lane and it's to  
11 accommodate the sign. There are a number of  
12 different ways to do it, but they're all  
13 expensive.

14 MR. SULLIVAN: You mentioned that the  
15 left turn movement into the car dealership  
16 would be effected. Would the movements in  
17 and out of Latham Ford be effected if we  
18 have a left turn southbound on Old Loudon  
19 onto 9R? Will that back up and prevent  
20 people from either coming up Old Loudon  
21 northbound trying to turn into the Rite Aid?  
22 If you're in the Ford dealer and you want to  
23 get out, can you get out to go straight down  
24 Old Loudon and not have to take a left?  
25 Would you be blocked by the left turn

1 movements in storage?

2 MR. BAIRD: What would happen is when  
3 the signals release, you get those gaps so  
4 the signal would clear and the route would  
5 be open. The queues in the peak time would  
6 likely block that, but when the signal  
7 released then it would open up and they  
8 would have those areas. If we had a  
9 roundabout there, it may be more difficult  
10 because traffic keeps going. That's one of  
11 the things to look at with roundabouts. In a  
12 signal with the gaps that you get from the  
13 signals, they would be able to move out. At  
14 peak time, they may have a little bit more  
15 delay. I think that it's reasonable to  
16 expect that.

17 MR. SULLIVAN: I thank you. You did a  
18 very thorough review and I thank you for  
19 that. I have no other questions.

20 CHAIRMAN O'ROURKE: Thanks, Mike.  
21 Peter?

22 MR. GANNON: I continually interrupted,  
23 Tom. I'm done with my questions.

24 MS. VAIDA: Do we have copies of the  
25 analysis somewhere?

1 MR. BAIRD: You will. We can get them  
2 to you.

3 MS. VAIDA: Okay, that would be  
4 helpful, if you can.

5 MR. NARDACCI: When you pull these  
6 aerials off, is this a live shot?

7 MR. BAIRD: No, I wish. It's 2007.

8 MR. LACIVITA: C.J., before you start,  
9 I just have one question.

10 Dan, could we go back a couple where  
11 you're going towards the right of way that  
12 you showed the expansion? We talked before  
13 that you haven't figured out the calculation  
14 or if it could be done. But with adding  
15 those extra lanes in there, can the signals  
16 be actually be carried that far across the  
17 road?

18 MR. BAIRD: We asked Bergmann that.  
19 They did the analysis for the span on that  
20 and they said that it's feasible to do.

21 MS. ZEFTING: You could increase the  
22 span lane a little bit longer. We haven't  
23 done surveys as to whether or not a new  
24 signal needs to be installed.

25 MR. BAIRD: I looked at it. We would

1 need taller poles and deeper foundations for  
2 it. We looked at it a little bit. It is  
3 feasible. There are poles and designs  
4 available that can carry that span.

5 CHAIRMAN O'ROURKE: I had a couple of  
6 things. I know that at one point when we  
7 weren't sure of the ROW on 9R, it just  
8 looked like the intersection itself was a  
9 little bit kiltered. Was there realignment  
10 that had to be done?

11 MR. BAIRD: Yes. We worked with  
12 Bergmann on that alignment and now we're  
13 coming in straight with no curvature at all.  
14 What is shown here is something that we  
15 worked together on coming up with that as a  
16 feasible alignment for approaching Route 9.

17 CHAIRMAN O'ROURKE: Okay, so that's  
18 worked out.

19 MR. BAIRD: That's all gone away.

20 CHAIRMAN O'ROURKE: As part of the  
21 findings, with the light at Auto Park, there  
22 is nothing about the possible connector road  
23 that has been discussed, correct?

24 MR. BAIRD: Correct.

25 CHAIRMAN O'ROURKE: This mitigation has

1           been done without that connector road.

2           MR. BAIRD: The complete analysis and  
3 mitigation results and mitigation proposed  
4 and our analysis of that indicates that the  
5 connector road is not included in this  
6 analysis at all and it's not necessary for  
7 the improvements proposed by Wal-Mart.

8           CHAIRMAN O'ROURKE: And the cost, we  
9 could expect at what point?

10          MR. BAIRD: The cost of the  
11 improvements?

12          CHAIRMAN O'ROURKE: Yes.

13          MR. BAIRD: We can put that together in  
14 a couple of days. If Bergmann is still  
15 working on them, we'd like to get them from  
16 Bergmann and review them.

17          CHAIRMAN O'ROURKE: And as the town  
18 designated engineer, are you of the opinion  
19 that if the Wal-Mart project were to go  
20 forward, all these mitigating improvements  
21 would have to be done to handle that  
22 traffic?

23          MR. BAIRD: Yes.

24          CHAIRMAN O'ROURKE: Before CO.

25          MR. BAIRD: Oh yes, absolutely. In our

1 first page, we state that the mitigation  
2 measures at the intersections of the  
3 corridor will all be necessary in order to  
4 accomplish the building mitigation  
5 conditions as presented in the final traffic  
6 study. So, yes, all of these mitigation  
7 elements would need to be in place before  
8 the opening of the Wal-Mart. As I said, the  
9 traffic will hit immediately. It's not a  
10 gradual build-out.

11 CHAIRMAN O'ROURKE: I just wanted to  
12 get that down on the record because Wal-Mart  
13 is going to be coming in for concept now  
14 that obviously the findings and this board  
15 is going to accept the findings. The traffic  
16 has been mitigated to the point that they  
17 could proceed with a concept to come before  
18 this board.

19 MR. BAIRD: Yes, I agree.

20 CHAIRMAN O'ROURKE: And that's your  
21 opinion.

22 MR. BAIRD: And that's our opinion as  
23 TDE, yes.

24 CHAIRMAN O'ROURKE: Now whether or not  
25 DOT allows some of the mitigating issues in

1 the corridor, that would be -

2 MR. BAIRD: That's out of our control,  
3 really.

4 MR. NARDACCI: So with regards to the  
5 signal at Auto Park and Route 9 - without  
6 the connector road, we'd have a four-way,  
7 and that's something that will be part of  
8 DOT's analysis when they get this study.

9 MR. BAIRD: Yes, if they concur that  
10 there must be a four-way intersection at  
11 Auto Park, as they said in the past, that  
12 will be their conclusion. Our opinion is  
13 that the traffic has been mitigated through  
14 this analysis and mitigation plan. So, we  
15 might differ on that, but DOT will also look  
16 at corridor-wide stemming from  
17 Sparrowbush Road up to Boght Road firehouse  
18 and Freihoffer's which is being covered in  
19 the GEIS. We didn't make a comparison of the  
20 corridor that we have here because it's  
21 really apples and oranges. It really stems  
22 from the intersections north and south of  
23 the project area. It is being covered in  
24 another study. So we don't have to duplicate  
25 work and spend useless money on that, we're

1 going to rely on the findings in the GEIS.

2 CHAIRMAN O'ROURKE: At this point we'll  
3 open it up.

4 Anybody in the audience have questions,  
5 comments for any of the engineers present?

6 Yes, sir.

7 MR. SERAFIN: I have a comment.  
8 Actually, I'd like to read a letter. It has  
9 nothing to do about the traffic, but I'm  
10 very concerned about the traffic because I  
11 live on 9R. My concern is what the town is  
12 spending on trying to get this worked out. I  
13 wanted to read a letter that I'm going to  
14 mail to Paula Mahan. I'll give someone a  
15 copy of that and I'd like to read it.

16 CHAIRMAN O'ROURKE: Sure. You may, if  
17 you could for the record, just state your  
18 name.

19 In terms of the town paying for these  
20 studies - it isn't. The applicant, as part  
21 of their process, is. Their traffic engineer  
22 is Bergmann. Our town designated  
23 engineer - the cost for their study is  
24 picked up by the applicant. So the town has  
25 no direct cost in these studies.



1           MR. SERAFIN: Well then maybe my letter  
2 is immaterial.

3           CHAIRMAN O'ROURKE: That said, not to  
4 say that the town hasn't spent money on the  
5 traffic studies within the Boght. We have.

6           MR. SEARFIN: May I pass out the  
7 copies?

8           CHAIRMAN O'ROURKE: Absolutely.

9           MR. SERAFIN: Dear Ms. Mahan: As a  
10 resident of the Boght community, I have  
11 become increasingly upset as I watch the  
12 town spend taxpayer public funds to assist  
13 the development of the destructive Wal-Mart  
14 project on Auto Park Drive.

15           Pursuant to the Freedom of Information  
16 Law, I respectfully request to be provided  
17 with the following information:

18           A list of all meetings attended by town  
19 planning staff and/or the town's retained  
20 engineers with representatives of the  
21 developer of the Wal-Mart Auto Park Drive  
22 project.

23           The amount of compensation paid by the  
24 town to the town's retained engineers for  
25 all work performed related to the Wal-Mart

1 Auto Park Drive project.

2 The number of hours devoted to the  
3 Wal-Mart Auto Park Drive project by town  
4 employees.

5 Thank you in advance for your attention  
6 and cooperation.

7 CHAIRMAN O'ROURKE: Sir, I agree that  
8 this is a difficult concept for the  
9 taxpayers to understand. As we initiate the  
10 town designated engineers, those fees - they  
11 represent the town, but their fees are  
12 actually paid by the applicants.

13 Me, on the other hand and the time that  
14 I've spent, I'm making about \$2 an hour  
15 here.

16 MR. MAGGUILLI: C.J., can I have a copy  
17 of that letter?

18 CHAIRMAN O'ROURKE: Sure, I'll give you  
19 a copy.

20 Again, this is a difficult project.  
21 There are people on both sides of it and we  
22 just want to ensure that before anything can  
23 move forward, the applicant had to ensure  
24 that the traffic impacts could be mitigated  
25 to even move forward into a concept phase.

1           MR. LACIVITA: Mr. Serafin, is this a  
2 newly formed association? The only reason  
3 that I ask is that I was looking at the  
4 Canterbury notification of today's meeting  
5 and also I was looking at a listing of  
6 neighborhood associations and I don't see  
7 Boght Area.

8           MR. SERAFIN: We're not all that  
9 formalized.

10          MR. LACIVITA: If you could give me an  
11 address, I'd like to get you on our  
12 communications list.

13          MR. SEARFIN: Yes, thank you.

14          CHAIRMAN O'ROURKE: Yes, ma'am.

15          MS. SMITH: What about the foot traffic  
16 on Route 9R? A lot of people walk on the  
17 side of that road.

18          CHAIRMAN O'ROURKE: That's a corridor  
19 issue that DOT, in my opinion, is going to  
20 have a lot of difficulty approving  
21 to -- see the difficulty is even though the  
22 road runs through it, we don't own it. It's  
23 owned by the State of New York. For this  
24 project to go forward, there certainly has  
25 to be some pedestrian accommodations. There

1 is going to have to be a lot of decisions  
2 that are going to have to be made that are  
3 going to be outside of this board's realm.  
4 We're not going to have much say.

5 MS. SMITH: People cross the road there  
6 all the time and they walk up and down it.

7 CHAIRMAN O'ROURKE: What's the width of  
8 it? 84 feet?

9 MR. BAIRD: I think it's 90, actually.

10 CHAIRMAN O'ROURKE: So it's 90 feet.  
11 For that signal to go in if the project goes  
12 through, there would have to be, which isn't  
13 taking into account in the traffic  
14 numbers - there will have to be pedestrian  
15 crossing which will certainly skew the  
16 numbers that have been presented this  
17 evening. It's a legitimate point and well  
18 taken by this board.

19 Yes, sir.

20 MR. HAUSLER: A point of interest that  
21 you didn't bring up, and I think that it  
22 would be relevant here, is the pedestrian  
23 walkway across Route 9 right opposite  
24 Century Hill Drive. Here is another issue.  
25 With an acceleration or a lane going north

1 on 9 at the variability of someone opening  
2 and closing that light, it could make it  
3 very difficult; especially if there is  
4 another turning lane going into the Century  
5 Hill.

6 MR. BAIRD: I think that the concept  
7 that you're referring to with that  
8 acceleration lane would be what's called the  
9 half signal option. That would have  
10 continuous northbound flow and the  
11 acceleration lane coming from Autopark  
12 Drive, northbound. That is something that we  
13 are not recommending, as part of this  
14 project. The full signalized intersection  
15 will work and is viable. That wouldn't  
16 happen with that intersection. We would have  
17 another stopping point to hopefully slow  
18 some of that traffic down approaching  
19 Century Hill.

20 CHAIRMAN O'ROURKE: Again, just so the  
21 audience understands what this is this  
22 evening - for the project to go forward, the  
23 applicant had to prove to the town  
24 designated engineer that the traffic levels  
25 associated with the building of this project

1 can be mitigated in the corridor. It's not  
2 for or against. This is saying that our  
3 representative, our traffic engineer, has  
4 confirmed with the applicant's engineer that  
5 the traffic associated with the development  
6 of a project this size - traffic only, can  
7 be done and mitigated in the corridor.  
8 That's all it says.

9 In terms of the pedestrian crossings,  
10 the light even going in under the mitigated  
11 end, that all has to pass muster with DOT.  
12 After it passes muster, then it can come  
13 back to this board for concept review which  
14 certainly for this type of retail  
15 establishment there are crosswalks that need  
16 to be in place and many other things that  
17 will have to be brought out. So I certainly  
18 appreciate you folks coming out tonight to  
19 educate yourselves in regard to this  
20 project.

21 MS. WARD: This might be outside the  
22 scope, but I was wondering these costs were  
23 covered by the applicant. Do they pay the  
24 bills when the roads start going in?

25 CHAIRMAN O'ROURKE: No, if the

1 applicant was able to go forward, it falls  
2 within what's called the Boght Road GEIS  
3 area. So, to open their doors, they would  
4 have to build these mitigating items. At  
5 that point, they would be assessed a  
6 mitigating fee for the use of the roadways  
7 in terms of traffic. That may or may not  
8 exceed what costs it costs them to build  
9 these mitigating features. It's a difficult  
10 thing to understand, but they may end up  
11 spending a million dollars. A portion of it  
12 may only be \$500,000 which means they would  
13 be credited over time back against those  
14 mitigating fees. Or it could work the  
15 opposite way. They spend a million dollars  
16 and it didn't cover the entirety of the  
17 traffic that they put on the roadways. So,  
18 they may owe more. So until the Boght Road  
19 GEIs is finalized - and again we haven't set  
20 costs to these actual mitigations which I  
21 have asked for this evening - it's a  
22 difficult thing to guess what the cost may  
23 be versus what the mitigating cost for the  
24 project might be.

25 MR. STUTO: But the developers in the

1 entire area pay the lion's share of the  
2 cost.

3 CHAIRMAN O'ROURKE: Right, the lion's  
4 share and it's going to end up between 75%  
5 and 80% of the mitigating costs are going to  
6 be paid by the developers in the Boght Road  
7 GEIS, the other 20% to 25% will be paid by  
8 the taxpayers.

9 MR. BAIRD: All of the developments in  
10 the area together will be pitching in to all  
11 of the improvements in that whole larger  
12 area.

13 CHAIRMAN O'ROURKE: And this Boght Road  
14 GEIS goes all the way to Swatling, to  
15 Route 2, all the way up through just short  
16 of the landfill. I'm not sure what the west  
17 boundary is.

18 MR. BAIRD: Sparrowbush -

19 CHAIRMAN O'ROURKE: No, it's further  
20 into Sparrowbush somewhere. I'm not exactly  
21 sure what the westbound is. I know that the  
22 eastbound goes down quite a bit.

23 Anyone else in the audience?

24 MS. SEMA: I'm not sure as to why a  
25 Wal-Mart - it's good to have one in Clifton



1 Park and there is one up the road. There is  
2 also one in Crossgates. Why a box store? Why  
3 a Wal-Mart?

4 CHAIRMAN O'ROURKE: This forum is just  
5 for the traffic, but certainly at some point  
6 you'll be able to discuss that and we'll  
7 look forward to you speaking on that point  
8 at that meeting.

9 MR. THOMPSON: Do I understand your  
10 comment to mean that there will be other  
11 opportunities to talk about the concept and  
12 how it fits in with the town's master plan  
13 and what we want to see for economic  
14 development in the town?

15 CHAIRMAN O'ROURKE: Absolutely.

16 MR. ROSANO: Can we have your name,  
17 please?

18 MR. THOMPSON: Tom Thompson. I live up  
19 on Alpine Drive and I don't represent anyone  
20 except myself.

21 CHAIRMAN O'ROURKE: Okay, as I was  
22 saying before, Mr. Sweeney, you have passed  
23 muster with the traffic. That's a yeoman's  
24 job that Bergmann has done to mitigate such  
25 a project and we'll look forward to seeing

1           you on concept.

2                   Joe, what date do you have?

3                   MR. LACIVITA: We have July 13<sup>th</sup>.

4                   MR. SWEENEY: Thank you, very much, and  
5 to the board and the consultants and we look  
6 forward to coming back before you.

7

8                               *(Whereas the proceeding concerning the*

9                               *above entitled matter was adjourned at*

10   *9:38 p.m.)*

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**CERTIFICATION**

1  
2  
3  
4            ***I, NANCY STRANG-VANDEBOGART, Notary***  
5            ***Public in and for the State of New York,***  
6            ***hereby CERTIFY that the record taped and***  
7            ***transcribed by me at the time and place***  
8            ***noted in the heading hereof is a true and***  
9            ***accurate transcript of same, to the best of***  
10           ***my ability and belief.***

11  
12  
13  
14            -----  
15            **NANCY STRANG-VANDEBOGART**

16  
17  
18            ***Dated August 10, 2010***